

# Policy Briefing

## Nepali Women at Risk from Misguided Anti-Trafficking Strategies

There are burgeoning hospitality, entertainment, and wellness industries in Nepal. The label 'Adult Entertainment Sector' ('AES'), used in anti-trafficking efforts, has resulted in stigmatisation of the owners and, mainly female, workers of some businesses in these industries. Labour intermediaries, who help businesses get employees and workers find jobs, are a critical and often misrepresented part of these informal industries. Women are stuck with few options for safe employment in Nepal or foreign labour migration. Supporting the easy registration and monitoring of these businesses and social protection will improve Nepal's economy and enhance working conditions.

### Key messages

- The use of the term 'Adult Entertainment Sector' by the Government of Nepal, international donors, researchers, and anti-trafficking NGOs reinforces stereotypes and stigmatisation of hotels, dance bars, restaurants and spas, as well as those working there.
- Informal labour intermediaries or 'brokers' help people to get jobs in the 'AES' and are often stereotyped as exploitative and unknown human traffickers, even though many of them are friends and relatives, and are also workers or owners themselves.
- Although some enjoy their work as performers, female workers resent sexual harassment, economic exploitation, and pressure to drink alcohol in 'AES' venues. These factors undermine women's right to safe, dignified work.
- The challenges faced by women seeking economic stability are exacerbated by policies that limit women's foreign labour migration.



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Much attention has been given to the trafficking and exploitation of women and girls in Nepal and abroad. Criticism is often directed at informal businesses such as restaurants, folk music bars (known as *dohoris*), dance bars, massage parlours, guesthouses, and hotels – a collection of diverse businesses that, within Nepal, is referred to as the 'Adult Entertainment Sector' ('AES').

Our research objective was to understand the experiences and hopes of urban Nepali 'AES' workers and labour intermediaries, in order to develop more effective policies and interventions to prevent human trafficking and labour and sex exploitation.

We interviewed 57 women and one transgender male, including 19 people who had experience of working outside Nepal. In addition, we interviewed 33 adults who identified themselves or were identified by others as labour intermediaries.

### **The term 'AES' is stigmatising**

'AES' is an ill-defined term used by international donors, the Nepali government, NGOs, and civil society organisations working in the area of anti-trafficking. The 'AES' is not a single sector but a wide variety of businesses and services with different types of customers, including male migrants, tourists, and local residents. One example of a so-called 'AES' venue is *dohori*, a folk music bar where traditional Nepali improvisational sung poetry – a rich musical practice – is performed. *Dohori* performers can be highly professional singers. *Dohori* and other performing arts are part of an underappreciated creative industry in Nepal.

The term 'AES' is stigmatising to the businesses, customers and, especially, female workers who are often sexually harassed, underpaid, and even stereotyped as commercial sex workers. Jurisdiction in Nepal of these venues is under different ministries, none of which has a clear definition of the 'AES'.

Certain areas of cities such as Kathmandu have become labelled by anti-trafficking experts as 'AES hotspots'. But our research

shows these are actually urban areas that contain mixed commercial venues and residential housing. A typical 'hotspot', for example, might include buildings that contain a vegetable market operating during the day, a restaurant in the evening, and a dance bar at night.

Continued use of vague terms such as 'AES' and 'AES hotspot' reduces opportunities for effective policymaking to support legitimate enterprises and safe, dignified work, which would reduce human trafficking and labour abuses. The 'AES' should instead be considered as business and economic activities in the hospitality, entertainment, and wellness industries.

### **The important – and nuanced – roles of informal labour intermediaries**

Labour intermediaries or 'brokers' are individuals that connect a person seeking a job to an employer. In the hospitality, entertainment, and wellness industries, where most businesses operate on an informal basis, most labour intermediaries are informal, and are usually family members, long-term friends, or work acquaintances of the people they help. They have networks and relationships with businesses and their owners, and are often workers and business owners themselves.

Labour intermediaries are not well understood by those working in anti-trafficking. A binary narrative of 'trafficked victims vs traffickers' may suit emotional and political needs to find a culprit for the exploitation that victims suffer, but operating informally does not make labour intermediaries criminals.

*At first people used to come to me and just ask for work. I always liked helping people. You usually start working as a labour intermediary because you have many friends. I have probably worked in every dohori in Kathmandu. I now own a restaurant.*

*(Female labour intermediary, 37 years old)*

Most intermediaries and workers agree that labour intermediaries play a useful role in helping people find jobs. Throughout our interviews with labour intermediaries, we saw a public image of a trusted benefactor or helper who is mostly driven by the desire to help others to have a better life. We recognise that this may be overly positive. But workers we interviewed did not generally consider labour intermediaries to be responsible for the working conditions of the jobs they helped them obtain.

However, the informality of this system and the lack of regulation does cause problems. The benefactor image may downplay abuses of power and perpetuate inequalities for workers who must maintain long-term relationships with friends and family. When work problems arise, workers are less willing to lodge complaints through the legal system about intermediaries who are friends or family.

## Women face gendered constraints and exploitation

Some workers we spoke to wished to pursue creative performance opportunities, and the desire to chart their own paths was noted by several participants.

Regardless of their reasons for seeking employment, study participants had a lot to say about gendered labour constraints, in particular sexual harassment. In *dohori* and dance bars, workers are required to sit with customers and encourage them to buy alcohol.

*I don't feel good about [the] AES. I would love to work on my own rather than working in this sector. I don't like when owners ask us to sit with customers and also to drink with them. They [customers] touch [us] uncomfortably. They even use bad words. (Female waitress, 19 years old)*

Participants also reported harassment from the police and having to hide their jobs from family. Workers perceive that society in general disrespects them and their work.

All workers have a common desire to make a decent living in a safe, dignified

environment. They wish to see salaries paid on time, no sexual harassment or forced drinking, and a safe environment that includes freedom of movement between workplaces.

## Gender pay gaps, sexual harassment, and women's restricted mobility

Many of the workers that we spoke to described a background of poverty, although that is not unique to 'AES' workers. However, the lack of a safety net and the need for a job that requires no specialised training or experience are certainly risk factors for potential exploitation in the hospitality, entertainment, and wellness industries.

Female workers face wage gaps, discrimination, and sexual harassment within Nepal, and legal restrictions on migrating internationally for work. These patriarchal restrictions on labour mobility may have been well-intentioned, aiming to protect women from international trafficking and labour and sexual exploitation, but they appear to be misguided.

We found no clear pathways to human trafficking from the work histories of the 58 individual workers that we studied, and no clear strategic points for targeted anti-trafficking interventions. The workers' labour trajectories appear to be more like a web – individual threads that connect and separate through the type of venue, type of job, location, and type of labour intermediary in informal sections of the labour market.

Restrictions on women's mobility for foreign labour migration, a difficult labour market with lower pay for women, and societal expectations about women's roles make things more difficult. As a result, female workers are obliged to accept either risky working conditions in Nepal or exploitative foreign labour migration. The workers we spoke to were very interested in the government's newly proposed social protection system, and told us that it might result in them making different decisions about taking jobs in the 'AES'.

## Policy recommendations

The Nepali government, donors, researchers, and international NGOs working in anti-trafficking should:

- Avoid the confusing and stigmatising term ‘Adult Entertainment Sector’ in Nepali anti-trafficking efforts. Instead, use neutral wording such as hospitality, entertainment, and wellness industries.
- Support policies to easily register small- and medium-sized businesses, and to support investments, decent work, and quality services, to ensure more stability and sustainability in these industries.
- Set up mechanisms to safely report sexual harassment, trafficking, and forced alcohol consumption.
- Acknowledge that entertainment, whether traditional or modern, is part of a diverse creative industry, which provides work and earnings for millions of low-income households in Asia. Encourage both investment to strengthen small- and medium-sized local businesses in this diverse industry to cater to different tastes and purses, and the inclusive development of talent.
- Support the formalisation of labour intermediaries and their role in the Nepali labour economy, through easy registration, professionalisation, and transparent fixed rates and fees for services.
- Promote initiatives that ensure that workers, labour intermediaries and business owners, especially informal small- and medium-sized enterprises, know their rights and duties and can safely act on this knowledge.
- End Nepali anti-trafficking policies and regulations that restrict women’s mobility for work and that create a demand for rogue migration services that avoid the law and increase vulnerability to exploitation.
- Promote the government’s new social security insurance plan to provide more financial security for workers and protect small businesses. ■

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### Further reading

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Oosterhoff, P.; Snyder, K. and Sharma, N. (2022) *Getting Work: The Role of Labour Intermediaries for Workers in Nepal and the International ‘Adult Entertainment Sector’*, IDS Working Paper 580, Brighton: Institute of Development Studies, DOI: [10.19088/IDS.2022.075](https://doi.org/10.19088/IDS.2022.075)

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Sonobe, T. et al. (eds) (2022) *Creative Economy 2030: Imagining and Delivering a Robust, Creative, Inclusive, and Sustainable Recovery*, Tokyo: Asian Development Bank Institute

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