

TRAFFICKING IN PERSONS ESPECIALLY ON WOMEN
AND CHILDREN IN NEPAL

National Report
2006-2007

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Foreword

Trafficking in persons is the worst form of exploitation of human being. It dehumanizes the trafficked person by reducing the subject into a slave like status. According to *Trafficking in Person (TIP)* report (US Government, 2006) about 8 million people are trafficked across national border annually. Approximately 80 percent of transnational victims are women and most of them are for commercial sexual exploitation. This figure is definitely alarming and need to be addressed with priority in policy, program and action by the world community through their concerted efforts and speedy justice.

Trafficking in persons has long been denounced by international community. From the time of banning of slave trade and declaring it unlawful in international law, a series of international instruments emerged to combat human trafficking. The human rights jurisprudence of modern times from the Universal Declaration of Human Rights 1948 and subsequent Covenants provided further support for legislating on this subject. With the acceptance of globalization and open market economy especially starting from 1990s, the expansion of global labor market has created an upward trend in foreign labor migration and also the increase in the incidence of trafficking of women and children for sex work and other purposes. This problem obviously necessitated new legislating strategies. Though specific and regional treaties, conventions and resolutions such as CEDAW, CRC, UN Security Council Resolution 1325 and SAARC Convention 2002 in Combating Trafficking were concluded to meet the particular type of challenges, there are still severe deficiencies in providing administrative and technical infrastructure for their implementation.

The National Human Rights Commission (NHRC) has been keenly concerned with the problem of trafficking from the very beginning of its inception. Realizing the severity of the problem in our national context, the NHRC has established the Office of the National Rapporteur on Trafficking in Women and Children (ONRT). The NHRC has also included the control and elimination of Trafficking and social integration of victims as a strategic objective in its draft Strategic Plan 2008-2010.

The National Report on Trafficking 2005 was the first Report in the situation of trafficking in Nepal. This Report 2006/07 is the second. The analytical presentation of the Report on the status of trafficking reveals that Nepal is not only country of origin but also the country of destination for neighboring countries. The Report has addressed that although opportunities of foreign employment have positive impact on the economy of the country to bring increasing remittance; it also has increased risk of vulnerability in trafficking. On the other hand, the monitoring of the GOs' and NGOs' initiatives on the implementation of national policy, plans and laws reveals that implementation needs to be made effective enough to deal with the challenges in combating trafficking in persons. Apparently, the way forward has identified areas on implementation interventions that need to be taken care with institutional responsibilities.

The report is based on the primary and secondary information collected from GOs, NGOs and media consultation, workshop, interviews and issue based researches. The report is the outcome of coordinated effort of all concerned partners working for combating trafficking. However, the ONRT takes the responsibility for information and statement made in the Report. I would like to extend my thanks to them for their cooperation and valuable input for the Report.

The Commissioners also deserve appreciation for their support and guidelines to finalize the Report. Thanks also goes to Mr. Bishal Khanal, the Secretary of the NHRC for his contribution to prepare this Report. Ms. Padma Mathema, the National Rapporteur on Trafficking has worked hard to bring this Report in

this form. I duly acknowledge her effort in the preparation of this Report. Special thanks also goes to other staff of NHRC including the staff working in both regional and contact offices of the NHRC for providing their inputs and support to prepare and finalize this report. In addition, thanks also goes to the Capacity Development Project of National Human Rights Commission (CDNHRC) for the financial and technical support extended by them to prepare the report. Dr. Govind Subedi, the consultant for preparing this Report also deserves thanks for preparing and finalizing the Draft Report, and for his hard work and analytical write up.

I hope, this Report will contribute as a valuable reference to the policy makers. Human rights organizations, civil society and experts working for combating trafficking with an objective to ensure the human rights of trafficked vulnerabilities would also be benefited from the knowledge contained in this Report. Furthermore, the Report is also expected to serve as an advocacy tool for the decision makers to prioritize the issue based concern on the areas of the human right at national and international level.

Kedar Nath Upadhyay

Chairperson

National Human Rights Commission

Few Words

Trafficking in persons, more specifically in women and children is very serious human rights problem in Nepal. The studies reveal that among others, the perpetrators often take advantage of poverty and ignorance among young and rural women to compel them to accept menace of trafficking. Available figures show that this menace has been increasing rapidly over the years. The National Human Rights Commission (NHRC) considers this offence as the worst form of human rights violations in contemporary Nepalese society. In the context of gravity of the challenges to ensure human rights of trafficking vulnerable and trafficking survivors, the NHRC has aimed to take up the issues strategically in its policies and plans. In order to address the issue of trafficking, the NHRC has established the Office of the National Rapporteur on Trafficking especially on Women and Children (ONRT).

The Report 2006-2007 presents overall situation of trafficking of women and children in the country with special focus on foreign labor employment and trafficking. Efforts have also been made to monitor the impacts of the initiatives taken in combating trafficking in persons, and recommendations for mitigation of the problem.

I commend Ms Padma Mathema, National Rapporteur on Trafficking, and her team for the accomplishment of this grave task. I would also like to extend my thanks to all those who have contributed for preparing this report. I believe that this report will be useful particularly for those working in the field of combating and mitigation of trafficking in human persons.

Bishal Khanal

Secretary

National Human Rights Commission

Preface

National Human Rights Commission, a constitutional body of Nepal, has the mandatory responsibility to protect and promote the human rights of people in Nepal for justice, equality and dignity. Since trafficking in persons deprives the victim from all forms of human rights and puts the victim in the slavery like situation, it is a serious violation of human right. The depth of the problems and challenges crosses international, regional and national boundaries.

Antidotal information on trafficking in persons especially of women and children in Nepal can be traced back even before the Rana regime. Trafficking in persons in Nepal is basically associated with patriarchal and feudal structure in the country. At the same time, the studies in the situation of trafficking especially on women and children show that the problem of trafficking has extended from rural to urban and from India to other countries in the context of social, political and economic development of Nepal. However, due to its clandestine nature of the crime and lack of effective institutional reporting system, the updated situation of trafficking and impact in combating trafficking from policy, program and judicial efforts have been difficult to monitor and report.

The ONRT has published the first National Report on Trafficking in Person Especially in Women and Children in Nepal in 2005. The Report 2006/07 is the second Report in its effort.

The Report presents the general situation of trafficking in persons in Nepal with its changing dimension by magnitude, profile, route and mode of trafficking. The report deals with foreign labor migration in Nepal in the context of an emerging socio-economic scenario of development in the country and its nexus with trafficking vulnerability of women and men.

Since protection of trafficked survivors is the responsibility of the State, the report presents rescue, repatriation, rehabilitation as a policy issue in combating trafficking in persons. Following the monitoring on the initiatives of anti-trafficking activities of GoN, NGOs, INGOs and also of law enforcement, the report has found that effective implementation stands as the challenge in dealing with policies, plans and programs of anti trafficking activities. The report deals with role of media as contributor to advocate the policy makers to enhance general awareness to fight against trafficking. The Report draws the attention of the policy makers and other stakeholders for need of their commitment to fight against trafficking in persons.

The Report has been finalized under the policy direction of the Hon'ble Chairperson Mr. Kedar Nath Upadhyay. Other Hon'ble Commissioners have contributed to shape the report in this form with their valuable policy direction. We are highly grateful for their inputs and encouragement. And, I would like to thank Mr. Bishal Khanal, the Secretary of the NHRC for facilitating the operation and policy input for the Report.

Mr. Tek Tamrakar, National Program Manager of the Capacity Development of National Human Rights Commission (CDNHRC) project also deserves our

thanks for his support to complete this report. Dr.Govind Subedi, the consultant for the report deserves special thanks for his hard work to prepare the report. We acknowledge his devotion to prepare this report. Thanks also goes to core committee members and members of the technical committee of ONRT for finalizing the report.

The participants from GOs, NGOs, INGOs and donor partners of different consultation meetings in Kathmandu, Butwal and Biratnagar deserve sincere thanks for their contribution to finalize the Report. Ministry of Women Children and Social Welfare deserves special thanks for their cooperation and support to prepare the report. Department of Labor and Employment Promotion, Department of Immigration, Office of the Attorney General, Women Police Cell, Central Child Welfare Board, Social Welfare Council also deserve thanks for their contribution to prepare the report by providing data and information in the respective sectors. I would like to thank all concerned officials from the ministries, departments and offices for their input and information for the report.

Thanks also goes to all staff of the NHRC in Head Office and its Regional and Contact Offices for their contribution and feed back on consultation meetings to finalize the Report. Mr. Kamal Thapa Kshetri, Programme Officer and Mr. Suresh Malla, Promotion Officer of the ONRT deserves special thanks for their untiring work to facilitate, manage, coordinate activities and provide valuable inputs to prepare and finalize this report. Thanks also goes to Mr. Sagar Shrestha, Administrative Assistant for his help in computer work and also to Ms. Radha Dahal, Office Assistant for her services. Finally, I would like to extend hearty thanks to Mr. Dinesh Narayan Suddhakar and Mr. Navin Chandra Gurung, Interpreters/Translators of the CDNHR for extending their generous support on editing this report. Thanks also goes to Conflict Management Project II- EU, 2006 for providing technical support for the Report.

I believe, the report will be of immense value to those working for combating trafficking in the country as well as to the international partners. This report will also serve as advocacy reference to policy makers, legislative body and general public. The efforts are made to minimize the errors at the most. Nevertheless, there is always a room for improvement. Comments and queries from the distinguished readers will support us to prepare the future report with perfection.

Padma Mathema

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Acronyms And Abbreviations

AATWIN	Alliance against Trafficking in Women and Children in Nepal
ABC- Nepal	Agro-forestry, Basic Health and Cooperation in Nepal
ADB	Asian Development Bank
AP	Appellate Court
BBC	British Broadcasting Corporation

CAR-NWG	Children at Risk Network Group
CBS	Central Bureau of Statistics
CCWB	Central Child Welfare Board
CDO	District Administrative Officer
CEDAW	Convention on Elimination of All Forms of Violence Against Women
CeLLRD	Center for Legal Research and Resource Development
CRC	Convention on the Rights of the Child
CSE	Commercial Sexual Exploitation
CWIN	Child Workers in Nepal Concerned Center
DACAW	Decentralized Action for Children and Women
DC	District Court
DCWB	District Child Welfare Board
DDC	District Development Committee
DoLEP	Department of Labor and Employment Promotion
DTF	District Task Force
DWD	Department of Women and Development
FP/MCH	Family Planning and Maternal Child Health
FWLD	Forum for Women, Law and Development
GAATW	Global Alliance against Traffic in Women
GDI	Gender Development Index
GoN	Government of Nepal
GOs	Governmental Organizations
HIV/AIDS	Human Immune Deficiency Virus/Acquired Immune Deficiency
IDPs	Internally Displaced Persons
IIDS	Institute for Integrated Development Studies
ILO/IPEC	International Labor Organization/International Program on Elimination of Child Labor
INGO	International Non-governmental Organization
IOM	International Organization for Migration
LACC	Legal Aid and Council Center
LWF Nepal	Lutheran World Federation Nepal
MDGs	Millennium Development Goals
MoFA	Ministry of Foreign Affairs
MoHA	Ministry of Home Affairs
MoLD	Ministry of Local Development
MoLJMP	Ministry of Law, Justice and Management of Parliament
MoLTM	Ministry of Labor and Transport Management
MoWCSW	Ministry of Women, Children and Social Welfare
NCCR	National Center for Children at Risk
NGO	Non-governmental Organization
NHRC	National Human Rights Commission
NNAGT	National Network against Girls Trafficking
NPA	National Plan of Action
NPC	National Planning Commission
NWC	National Women Commission
OAG	Office of the Attorney General
ONRT/NHRC	Office of the National Rapporteur on Trafficking / National Human Rights Commission

PLWHA	People living with HIV/AIDS
PRC	Peace Rehabilitation Center
RA	Rapid Assessment
SAARC	South Asian Association for Regional Cooperation
SC	Supreme Court of Nepal
STIs	Sexually Transmitted Infections
TIP	Trafficking in Persons Report
TVPA	Victims of Trafficking of Violence Protection Act
UAE	United Arab Emirates
UN	United Nations
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UPCA	Under-Privileged Children's Association
USA	United States of America
USAID	United States Agency for International Development
USD	United States' Dollar
VAW	Violence Against Women
VRS	Vital Registration System
VDC	Village Development Committee
WCSC	Women and Children Service Center
WDO	Women Development Officer
WOREC-Nepal	Women's Rehabilitation Center-Nepal

Glossary

<i>Nepali Terms</i>	<i>Meanings</i>
Ain	Act
Asharphi	Golden coin
Baal ljalash	Children's court
Badi	Badi is a dalit community, whose main profession traditionally is to provide entertainment such as, singing, dancing at various functions in the community.
Bak Patra	Witness statement made in the court
Brahman/Chhetri	Nepali hill origin people in the top hierarchy of the Hindu caste system
BS	Bikram Sambat - a Nepali Calendar based on lunar year
Dalal	Middle person/broker (in some context) or a criminal (in other context)
Dalit	Nepali hill and plain origin people in the bottom hierarchy of the Hindu caste system - 'Untouchable' groups
Deuki	A girl offered for lifelong to God/Goddess as disciple, and the girl remains unmarried for lifelong
Dewani	A type of case registered in a court not related to the criminal offences
Dharauti	Bail
Huliya	A person's physical appearance
Janajati	Indigenous people (both hill and plain origin people)
Jari	A traditional marriage practice in which if a married woman elopes with another man, the previous husband of the woman is entitled to receive some forms of cash or kinds from the woman's present husband as the compensation of marriage expenses
Jhuma	A girl is offered to become monk in some Buddhist communities and she remains unmarried long life
Kalo moso dalne	A type of punishment in which black tar dust are forcefully smeared on the face of the acquired or the criminals by the victims or offenders
Lahure	An adult man who served or have been serving in the Indian and British Army
Maalpot office	Office of the Land-Tax Revenue
Madheshi	A group of Nepali people whose origin is in the Plain of Nepal
Mudda Phat	A section in an office that works as a court
Muluki Ain	The Country Code
Najir	The Supreme Court verdict which becomes an evidence for the subsequent decisions of the Supreme Court or the lower courts or making laws in future
Nani, rakhauti	Concubines
Nibedan	Application
Prem Pinda	A famous Nepali drama reflecting the feudalism system during the Rana regime (1847-1950) in Nepal
Risa ibi	Personal grudge
Shram Bazar	Labor Market

Executive Summary

Human trafficking especially trafficking in women and children is an extreme form of human rights violation as it denies the fundamental rights of mobility, freedom, dignity and integrity of the people. Nepal has been basically an 'origin' country from the very beginning but the phenomenon of intra-country trafficking for sexual and labor exploitation has also been obvious nowadays. The Government of Nepal (GoN) has recognized human trafficking as a serious crime against humanity as well as the violation of human rights and made its commitments to combat trafficking with regulatory and policy interventions. For the effective implementation of the government plan of action against trafficking in persons, the GoN has been closely working in collaboration with national and international development partners.

The National Human Rights Commission (NHRC) was established in 2000 as a statutory body under Human Right Commission Act 1997, is upgraded as a constitutional body by the Interim Constitution of Nepal, 2007. It is mandated for the protection, promotion and effective enforcement of human rights in Nepal.

The NHRC has been actively working against the trafficking in persons since its beginning. The Commission has placed the elimination of trafficking as one of the eight strategic concerns of its Strategic Plan (2004-2008). The Strategic Objectives 4 and 5 were directly relevant for the control and prevention of trafficking in persons. The objective 4 states, 'to help improve the legislative and regulatory mechanisms for control and cessation of dowry related violence against women and trafficking of women'. The objective 5 states, 'to help improve legislative, monitoring and enforcing arrangements for the elimination of violence against children in the form of trafficking, abuse, exploitation and the use of children in conflict'. Similarly, the Strategic Plan 2008-10 (draft) of the NHRC has included the protection and promotion of the right of the trafficking vulnerable under the strategic objective: gender equality, empowerment and combating violence and discrimination'.

The Office of the National Rapporteur on Trafficking (ONRT) was established by a Memorandum of Understanding (MoU) between the Ministry of Women, Children and Social Welfare (MoWCSW) and the NHRC in 2002, and it is a part of the NHRC. The Commission has appointed the National Rapporteur on Trafficking under the direct supervision of the Chairperson of the Commission. The ONRT is mandated to monitor the incidence of trafficking; coordinate national, regional and international efforts to combat crime of trafficking; and generate high level commitment to the efforts aimed at improving the human rights situation of women and children. In order to fulfill its mandates, the ONRT has the responsibility of publishing the National Annual Report by critically analyzing the efforts to combat trafficking in Nepal.

The main aim of the Report is, therefore, to assess the initiatives and activities against trafficking in Nepal carried out by governmental organizations (GOs) and non-governmental organizations (NGOs) including constitutional bodies in the years of 2006/07. Guided by human rights perspective, this Report adopts the definition of trafficking as defined in the previous National Report

2005 in the Nepalese context. The definition is in line with the definition of *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 Supplementing the Convention on Transnational Crime 2000 (Palermo Protocol)*. The National Report 2005 was the first Annual Report and, this is the second National Annual Report of *Trafficking in Persons Especially on Women and Children in Nepal*.

The Report uses both primary and secondary data. Primary data were generated through i) workshops/talk programs held with the representatives of GOs, NGOs and the media persons in Kathmandu, Butwal and Biratanagar; ii) individual interview with concerned GOs and the Office of the Attorney General and the Supreme Court; iii) self-administered questionnaire for concerned NGOs and INGOs, iv) interview with media houses in Kathmandu; iv) interview with rehabilitation centers in Kathmandu and with the trafficking survivors in transit/rehabilitation centers; v) visits of border areas (Birati Nagar Birgunj and Bhairahawa) and interview with the NGO personnel involved in interception. The secondary data were obtained from the relevant reports of different NGOs, INGOs, annual reports of the Office of the Attorney General and the Supreme Court, data records from Department of Labor and Employment Promotion (DoLEP), Interpol-Nepal Office and Department of Immigration.

On Situation of Trafficking

The Report deals with the situation of trafficking in Nepal; brings out the initiatives and activities against trafficking carried out by GOs, NGOs, INGOs and donor communities in the year of 2006-07; examines the linkages between foreign labor employment and trafficking; discusses the status of rescue, repatriation, rehabilitation, and reintegration (4Rs); deals with the need of a comprehensive policy from the human rights and gender perspectives; and discusses the role of media in combating trafficking. Further, the Report provides necessary suggestions and recommendations to combat trafficking effectively.

Findings on the situation of trafficking indicate that there is a lack of scientific data on the number of trafficked persons, place of origin and destination, and purpose of trafficking as trafficking involves the clandestine nature of operation. Lack of reporting and/or misreporting on the part of survivors and their families to the concerned authority is a problem in this regard. In addition, it is also due to the lack of an institutionalized system of generating data on trafficking.

The magnitude of trafficking figures available is often speculative and made with reference to brothel-based sex work; however, the recent data on trafficking for brothel-based sex work is not available either. In 2001, the International Labor Organization/International Program on Elimination of Child Labor (ILO/IPEC) estimated that about 12,000 children under 18 years were trafficked annually to India for the purpose of sexual exploitation. Eastern Benjamin Trust (2007) estimated that about 600 children were trafficked for circus industry in different cities of India, mainly from Makwanpur and Bara districts. Likewise, the MoWCSW study shows that about 40,000 girls are found

working in 1200 cabin and dance restaurants in Kathmandu valley and half of them are the victims of trafficking and sexual exploitation. The Women and Children Service Center (WCSC) reported that a total of 1,355 children under 18 years were missing from December 2006 to June 2007. The WCSC record has also indicated that average of 465 women was recorded missing each year in the Kathmandu valley during the period 1998/99 to 2006/07.

Besides these figures, the report found lack of proper data in the following nature of trafficking in persons i) trafficking of girls and women for non-brothel based sex work in India; ii) trafficking of children for labor exploitation in India (except circus); iii) trafficking of persons for organ transplantation; iv) trafficking of women and men in the Gulf region and other countries; and v) internal trafficking of children for labor and sexual exploitation.

Given the information available, the problem of trafficking has crossed the geographical regions and social groups in Nepal. Trafficking occurs through a multitude of routes; it takes place mostly in networks of traffickers from village or working places to border and border to the destination and it occurs for sexual exploitation, labor exploitation and entertainment and other purposes. Trafficking takes place in an interrelated web of causation from structural to immediate one. Besides structural causes of trafficking, there are other emerging causes such as; i) growth of carpet and other industries in the late 1980s; ii) the internal armed conflict during the 1996-2006; and iii) increasing foreign labor migration since the beginning of this century. Analyzing the media reports on foreign labor migration, a considerable number of trafficking cases exists in relation to foreign labor employment.

On Foreign Labor Migration and Trafficking

Foreign labor employment is one of the major sources of income for Nepali people. It contributes about 18 to 22 per cent to the Gross Domestic Product (GDP) of the country. On the other hand, unsafe foreign labor migration has resulted into exploitation and trafficking in persons. Major streams of foreign labor migration emerging are to: i) India, ii) Gulf region, iii) East and South East Asia, iii) Europe and Australia, and v) North America. Contemporary labor migration to India can be classified into three sectors: i) public sectors including Indian Army and Police; ii) private sector such as, industry, construction work, agriculture, private security and service sector; and iii) undesirable sector such as, commercial sex work – both brothel and non-brothel based.

Data from the DoLEP shows that there are at least one million Nepali people working abroad who departed from Nepal's airport, while more or less equal number of people is expected to have gone in different countries via India. In the year 2007, more than two hundred thousands people migrated for foreign employment from Nepal. They originated from all 75 districts and, out of which, 10 districts accounted for 40 per cent to the total number; and 9 out of these 10 districts are in the Central and the Eastern Tarai region.

Excluding India, the Gulf region has been emerging as the dominant region for Nepali labor migration (64% of the total labor migrants), followed by South

East Asia region (29%). The findings indicate that there is gender dimension of foreign labor migration as well as gender specific risk of migration. While men's mobility has long been accepted, women's mobility has been a matter of public concern. Institutions like the family, the community and the State constrain women's mobility while this may not be the case for men. In early 2006, females accounted for only 9 per cent to the total labor migrants with the highest proportion in Gulf countries (52%), followed by South and South East Asia (26%) and Europe and Australia (12%). However, the ratio of female to male laborers has increased from 2 per cent in 2001 to 8 per cent in 2006, indicating that female migration has been increasing.

Trafficking in case of foreign labor migration should not be viewed as a static phenomenon. Elements of trafficking have been evident in the different life-cycle of migration such as, pre-departure, during departure, working abroad and returning home. Therefore, the workers need protection against exploitation, deceitful and abuse in each process. The GoN has ratified a number of international instruments regarding the promotion and protection of human rights, however; it has yet to ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990* which applies during the entire process of migration from pre-departure to departure, transit, entire period of stay, and return to the State of origin. The Convention guarantees non-discrimination with respect to rights; human rights of all workers and members of their families; and promotion of sound, equitable, human and lawful conditions in connection with international migration of workers and members of their families.

The GoN has enacted *Foreign Employment Act 2064* in 2007 in order to regulate the process of foreign employment. The Act greatly protects the rights of workers as well as the professionals. The main strengths of the Act include: i) provision of sending workers by the GoN; ii) formation of a high level committee to manage the procedure of sending workers to a foreign country; iii) responsibility of the GoN to rescue and repatriate the workers if needed; iv) provision of non-discrimination to women in relation to foreign employment; v) compulsory provision of payment receipts to the workers; vi) provision of use of domestic airport to send the workers; vii) establishment of Foreign Employment Welfare Fund; viii) imposition of punishment in case of violation of the Act; and ix) extraterritorial jurisdiction. The main constraints of the Act implicate the followings: i) no government grants to the Foreign Employment Welfare Fund; ii) no special provision of security to victims and witnesses; and iii) no provision of additional punishment to the offenders in case of violence against women in relation to foreign employment.

The DoLEP is mandated to provide the justice to the workers in case of violation of the Act. Accordingly, for the period from July 2006 to November 15, 2007, a total of 505 and 436 complaints were filed against brokers (*Dalals*) and foreign employment agencies respectively at DoLEP. Out of the cases against the brokers, 122 were filed in the Kathmandu District Court.

Monitoring on Commitments and Initiatives to Combat Trafficking

In order to combat trafficking and for the protection of human rights of women and children, Nepal has made commitments in the number of international conferences like World Summit on Children, 1990, World Conference on Human Rights, 1993, International Conference on Population and Development (ICPD), 1994, World Summit for Social Development, 1995, Fourth World Conference on Women, 1995, and World Congress on Commercial Sexual Exploitation of Children, 1996. On the basis of these international commitments, Nepal has also domesticated international concerns and standards into national laws and policies. However, in terms of progress on anti-trafficking efforts, Nepal has remained in Tire 2 (as per TIP report) country since 2004.

At the domestic level, Nepal has been explicitly prioritizing the concerns of women and children in National Development Plans, especially since the Sixth Plan (1980-85). The GoN has formulated the National Plan of Action (NPA) against Trafficking of Women and Children and Labor Exploitation, 1998 (2001 revised) to fight against trafficking. The NPA against Trafficking of Women and Children and Labor Exploitation has identified eight major areas of interventions: i) policy, research and institutional development; ii) legislation and enforcement; iii) awareness creation, advocacy, networking and social mobilization; iv) health and education; v) income and employment generation; vi) rescue and reintegration; vii) trans-border, regional and international issues; and viii) monitoring and evaluation. Similarly, it has identified four cross-cutting issues: i) sustainability, ii) gender, iii) human rights based approach, and iv) child participation.

The GoN has also formulated the Ten Years NPA for Children (2004/05-2014/15) and the National Master Plan on Child Labor (2004-2014) for the protection and promotion of child rights. The NPA for Children (2004/05-2014/15) has provided policies under four broad sub-headings as: i) general, ii) health, iii) protecting children against abuse, exploitation and violence, and iv) combating HIV/AIDS. In order to implement its policies, the NPA has outlined seven strategies as: i) formulation and necessary amendment of laws; ii) development of network and promotion of children's participation; iii) coordination, collaboration and integration in development; iv) decentralization and community mobilization; v) reach to the unreached; vi) transparency; and vii) capacity development of concerned stakeholders and human resources.

The National Master Plan on Child Labor (2004-2014) has defined trafficking of children as the worst forms of child labor. It has identified six intervention areas to combat the worst forms of child labor in particular and child labor in general. The intervention areas are : i) awareness and sensitization, ii) education and training, iii) creating economic opportunities, iv) legislation and enforcement, v) gender equality and child labor, and vi) child labor monitoring and tracking.

Accordingly, several organizations have been implementing anti-trafficking activities. The MoWCSW is the focal ministry for dealing with trafficking in women and children from policy perspective. The Ministry has formed a National Task Force (NTF) against Trafficking of Women and Children

comprised of senior officials of concerned ministries, including representatives from concerned NGOs and INGOs, UNICEF and ILO. The Ministry has also formed an 18-member District Task Force (DTF) comprised of representatives from various GOs and NGOs in 26 districts.

Findings of this Report indicate that effectiveness of the DTFs in combating trafficking has yet to be made satisfactory. This is mainly because of i) limited budget allocation (the annual budget per DTF was NRs. 20,000 till 2006/07 and now it is NRs. 40,000); ii) frequent transfer of Women Development Officer (WDO) – who is the secretary of the DTF; iii) lack of concrete instruction from the ministry; and iv) inclusion of irrelevant and large number of members in the DTF and lack of representation from Regional or Contact offices of NHRC, human rights organizations, NGO networks, para-legal committees, women's pressure groups, and *Dalit*, *Janajati* and *Madheshi* organizations.

The GoN has given the priority to women empowerment programs in its *Three Year Interim Plan (2006/07-2009/10)*. A total of NRs. 28 billions (4.77 % of the total estimated investment in the Plan Period) is allocated in women development, empowerment and gender mainstreaming programs. Out of the total, NRs. 1587.4 millions is allocated under the MoWCSW. Similarly, the Plan has allocated Rs. 108.1 millions in child related programs for the plan period.

The Ministry has various women empowerment programs including targeted anti-trafficking programs. It has established a rescue/emergency fund in Kathmandu, Jhapa, Parsa, Rupandehi and Banke districts. Similarly, the Department of Women Development (DWD) has provided the fund to establish rehabilitation centers in Kathmandu, Sindhupalchok and Kailali districts in 2007 for trafficking survivors. In addition, the GoN has established the National Women Commission (NWC) and the Central Child Welfare Board (CCWB) in order to strengthen the human rights of women and children in Nepal.

A number of line ministries and departments have also contributed to the prevention and control of trafficking through various programs, such as, scholarship program to *Dalit* students and girls (Ministry of Education and Sports-MoES), HIV/AIDS control program (Ministry of Population and Health-MoPH), *Ganesh Man Singh* Peace Campaign (Ministry of Home Affairs-MoHA), Decentralized Action for Children and Women (DACAW) program (Ministry of Local Development- MoLD, DWD and UNICEF-Nepal), land reform and rehabilitation program for freed *Kamaiyas* (Ministry of Land Reform and Management - MoLRM), and Poverty Reduction Strategic Planning programs of Poverty Alleviation Fund.

Similarly, during 2006 and 2007, the ONRT has conducted several advocacy programs; disseminated the National Report 2005; conducted a training to the NHRC, GOs and NGOs personnel on safe-migration, trafficking and human rights; conducted research studies related to trafficking; appointed focal persons for trafficking in the NHRC regional offices; undertook field visits; and carried out consultation meetings with different GOs and NGOs. The ONRT has also been active in establishing the international relations.

In addition, a number of NGOs are working against trafficking in Nepal as leading partners in anti-trafficking efforts. Two national level anti-trafficking networks (AATWIN and NNAGT) and several NGOs (Maiti Nepal, ABC Nepal, CWIN, Paurakhi, WOREC, Samanata, Saathi, Stri Shakti, Peace Rehabilitation Center, FWLD, LACC, and Didi Bahini, etc.) are running their programs at the national as well as the community levels. The UN agencies (ILO, UNIFEM and UNICEF), inter-governmental organization (IOM), bilateral organization (USAID) and INGOs (the Asia Foundation, PLAN Nepal, the Lutheran World Federation-Nepal, Save the Children-USA and Save the Children-Norway, UNODC etc.) have been supporting in anti-trafficking efforts.

These organizations provide a wide range of services that focus on i) prevention; ii) interception/surveillance in border check-points; iii) rescue and repatriation; iv) psychosocial counseling, rehabilitation and reintegration, and v) advocacy, lobbying, workshop, training and research.

Several NGOs have intercepted large numbers of children and women and provided them rehabilitation services for last 10 to 15 years. Maiti Nepal alone has intercepted and rehabilitated/reintegrated a total of 10,960 women and 8,755 children during the period of 1997-2007. ABC Nepal, Morang Branch Office alone handled 692 cases related to violence against women and children from 2001/02 to 2006/07 and it filed 56 cases in the Morang District Court in favor of survivors. Similarly, Shakti Samuha, an NGO formed by trafficking survivors has been working especially on rehabilitation of the trafficking survivors. CWIN has been working for the protection and promotion of child rights in the communities and schools and also provides shelter to the children in difficult circumstances. CWIN along with other organizations such as Maiti Nepal, ABC Nepal, WOREC, Peace Rehabilitation Center, Stri Shakti and Watch coordinated to bring the 130 rescued Nepali girls from different red light areas in Mumbai, India back to Nepal in 1996. In fact, this incident contributed to sensitize and influence the policy level to formulate the policies and plans of action against trafficking in women and children in Nepal.

At the district level, several NGOs are running their programs to combat trafficking in women and children. The ONRT workshops in Butwal and Biratanagar found the following organizations working in 7 districts:

Districts	NGOs
Nawalparasi	ABC Nepal, Maiti Nepal and District Para-legal Committees
Rupandehi	ABC Nepal, Maiti Nepal, Serve Nepal, JIT Nepal, District Para-legal Committee, Ekta Kendra Rupandehi, Baal Kalyan Home, Baal Samparka Kendra
Kapilbastu	Saathi, Para-legal, Pairabi Manch, Women Pressure Group, Ookalta Manch Nepal and INSEC
Gulmi	Locatantrik Mahila Sanjal, Mahila Aadhikar Tatha Chetana Aaviyan Kendra, INSEC, Hamro Phalame Mutthi
Palpa	Maiti Nepal, WOREC and INSEC
Arghakanchi	Janachetana Sarokar Manch, INSEC, WOREC, Hamro Phalame Mutthi, Hami Sakchhaun Aviyan.
Morang	ABC Nepal, WOREC, Maiti Nepal, INSEC, Women Security Pressure

At the workshops in Butwal and Biratnagar, the participating NGOs personnel expressed their concerns as well as the challenges faced in the implementation of their programs at the community level. The key concerns were funding, accountability and transparency, and sustainability of the programs including networking and cooperation with GOs.

The Concern on the 4Rs (Rescue, Repatriation, Rehabilitation and Reintegration)

Protection of survivors and victims is one of the three major components of anti-trafficking programs. A comprehensive policy on protection, including rescue, repatriation, rehabilitation and reintegration is still lacking. It has resulted difficulty to protect the best interest of the survivors as well as to maintain the minimum standard of care and support. Based on the research (using the field data), the Report deals with the need of a comprehensive protection policy based on the following principles: i) state's accountability and ownership, and involvement of civil society; ii) participation of survivors; iii) human rights based approach; iv) interdisciplinary and cross-sectoral approach; and v) sustainability and continuity.

Judicial Responses to Trafficking

On the legal side of combating trafficking, Nepal has ratified a number of international anti-slavery and anti-trafficking conventions, human rights treaties and labor conventions, including i) Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others, 1949; ii) Convention on the Rights of Child, 1989; iii) Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000 Supplementing the Convention on Transnational Crime, 2000; iv) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000; v) SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution 2002; (vi) ILO Convention, 1999 (No. 182), Elimination of Worst Forms of Child Labor; and vi) ILO Convention 1930 (No. 29), Forced Labor.

Similarly, the Interim Legislature Parliament has provided its approval for the ratification of the following conventions and optional protocols relevant to anti-trafficking:

- Optional Protocol to the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) on December 2006;
- Two Optional Protocols of the CRC, namely, on the Sale of Children, Child Prostitution and Child Pornography and on the Involvement of Children in Armed Conflict, 2000 on 19 September 2006;
- SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002 on 5 September; and

- SAARC Convention on Regional Provisions on Child Welfare 2002, on 5 September 2006.

At the domestic level, Nepal has made noticeable progress during the years of 2006 and 2007. The *Interim Constitution of Nepal, 2063* (2007) protects the interest of children and women by conferring certain fundamental rights and imposing special duties on the state in the form of the 'directive principles and policies of the state'.

The GoN has enacted *Act to Amending Some Nepal Acts, 2063* (2006) on November 3, 2006 by repealing the gender discrimination in several laws; *National Women Commission (NWC) Act, 2063* (2006) on December 18, 2006 by making the NWC as a statutory body; and *Human Trafficking (Control) Act, 2064* (2007) on July 20, 2007 to control sale and trafficking of human being and protect and rehabilitate the survivors. The GoN is also in the process of amending *Children's Act, 1992* and formulation of laws on 'Controlling Sexual Harassment against Women' and 'Controlling and Punishing Domestic Violence'. The GoN is also formulating the policy on 'Controlling Sexual Harassment against Women in Workplace (Zero Tolerance)'.

Unlike the earlier acts related to controlling human trafficking such as, *Sale of Human Being in Muluki Ain (Country Code), 2020* (1963) and *Human Trafficking (Control) Act, 2043* (1986), current *Human Trafficking (Control) Act, 2064* (2007) is the right-based law. The Act i) includes a wider definition of trafficking - encompassing sexual exploitation, forced labor and other forms of trafficking; ii) establishes extraterritorial jurisdiction in its scope; iii) protects the rights to privacy and security of the survivors, informants and witnesses; iv) considers trafficking as a stringent crime; v) imposes more terms of imprisonment/penalty to the child traffickers over the adult's traffickers; and vi) makes provision of rescue, repatriation, rehabilitation and reintegration of trafficking survivors. Despite these strengths, it also has some weaknesses. They are: i) it conflates voluntary engagement in sex work with trafficking in human beings; ii) it invests the police with sweeping powers without any controlling mechanism; and iii) no time duration is provisioned to finalize the trafficking cases by the courts.

Ministry of Home Affairs (MoHA) and its offices namely, Nepal Police – (Women and Children Service Center (WCSC) and Community Police), Department of Immigration and Interpol Nepal are the special law enforcement agencies against trafficking in women and children. Similarly, the Office of the Attorney General and its subsequent offices are the public prosecutors and the Courts of Nepal are the adjudicating agencies.

As of December 2007, there were 25 WCSCs in 17 districts and the Nepal Police is planning to expand WCSCs in 37 districts in near future. The reported number of cases of trafficking in the WCSCs from 1999/2000 to 2006/07 was 644 and the reported number of trafficking survivors from 2003/04 to 2006/07 was 472. However, the effectiveness of the WCSCs in combating trafficking is limited due to the lack of clear instruction, lack of trained women police, lack of physical facilities and financial support. There are 179 Community Police

Units in 72 districts. The Units, among others, aim to fight against trafficking in women and children with the mobilization of community people.

Department of Immigration is another important government mechanism for protecting the trafficking survivors and prosecuting the traffickers. The *Immigration Act, 2049* (1992) clearly states that the persons involved in issuing fraudulent passports and visas or carrying them to travel abroad shall be imprisoned up to 5 years or fined NRs. 50,000/- or both. In 2006, the Department of Immigration filed cases in the Kathmandu District Court against 82 males and 18 females on the charge of violation of the Immigration Act, 2049. In 2007 (as of third week of November 2007), the comparable figures were 49 for males and 13 for females.

The Interpol is an important inter-governmental mechanism to fight against trafficking in persons. Combating trafficking in human being is one of the six priority areas of the Interpol. The Interpol Nepal Office in Kathmandu receives complaints of missing persons via District Police Offices or WCSCs. Currently, the Office receives 3 to 4 complaints of missing persons monthly. It has also repatriated persons in difficult circumstances from foreign countries.

There has been a greater role of courts and judiciary to protect the human rights and hence, have a considerable role in providing justice to the trafficking survivors and prosecution to the traffickers. From the information of the Supreme Court's judgment and records of trafficking cases in the Supreme Court and the Office of the Attorney General, the following conclusions have been drawn:

- i) number of cases filed in the courts is low as compared to the said magnitude of trafficking (On the average, 166 trafficking cases filed in the district courts each year from 2001/02 to 2005/06);
- ii) conviction rates of trafficking cases are low in all layered courts (For 5 years period - from 2001/02 to 2005/06-, the average rates were 61% in the district courts, 40.5% in the appellate courts and 50% in the Supreme Court);
- iii) pending rates are high (For 5 years period -from 2001/02 to 2005/06- average rates were 56% in the district courts, 51% in the appellate courts and 81% in the Supreme Court); and
- iv) the courts have made few references of international human rights treaties and conventions in their decisions related to trafficking of women and children.

Role of Media in Combating Trafficking

Role of the media in combating trafficking has been widely recognized. Nepal has witnessed a booming of private publication houses, FM radio stations and television stations, especially after 1990. Reviewing the reporting on trafficking in persons in the print media in 2006, it is found (ONRT research 2007) that a total of 184 news/views were covered in 9 leading national daily newspapers. The highest number of news/views covered was in the Gorkhapatra, followed by the Kanitpur, the Rajdhani, the Nepal Samacharpatra, the Rising Nepal, the Kathmandu Post, the Annapurna Post, the Himalayan Times (English) and the Himalayan Times (Nepali).

The newspapers covered different themes like anti-trafficking activities/awareness, prosecution, rescue, interception, exploitation at destination, survivor's resistance, rehabilitation and weaknesses of police investigation processes. The numbers of news were considerable for anti-trafficking activities and prosecution (48). Many electronic media have been broadcasting anti-trafficking programs as their regular programs.

Major challenges of the media in reporting of anti-trafficking activities are found as lack of gender desk in many media houses; event based news rather than regular materials on anti-trafficking activities; lack of archiving of programs especially in the electronic media; and few numbers of trained editors, producers and journalists in human rights and gender issues.

Summing up, in the year of 2006/07, some achievements have been made in combating trafficking, especially in areas of amending and enacting legislations. However, there are several challenges to tackle the problem effectively. The NPA of Trafficking for Sexual and Labor Exploitation yet requires to be revised in the changing context of marginalization of women and children. Further, the most challenging aspect is the effective implementation of policies and programs to approach the most vulnerable communities and trafficking survivors. Therefore, the strategies for combating trafficking should aim at i) empowering the vulnerable communities and trafficking survivors; ii) mobilizing the key stakeholders like GOs, courts, embassies/diplomatic missions, I/NGOs, CBOs, media, women's groups, and private sectors; iv) developing an institutionalized reporting system and mechanism; v) sensitizing the law enforcement agencies; and vi) prioritizing the trafficking issue as a national agenda.

Chapter 1

Introduction

National Human Rights Commission (NHRC) was established in 2000 under the *Human Rights Commission Act, 1997* with an objective to protect and promote human rights of the people in Nepal. The *Interim Constitution of Nepal, 2063 (2007)* has upgraded the NHRC as a constitutional body (Part 15). The NHRC's main responsibility, as envisioned in Article 132 of the Constitution, is to respect, protect, and promote human rights and to ensure their effective implementation.

The NHRC has been actively working against the trafficking in persons since the beginning. The Commission has placed the elimination of trafficking is one of the eight strategic concerns of the Strategic Plan (2004-2008) of the Commission. The Strategic Objectives 4 and 5 are directly relevant about the trafficking issues. The objective 4 says 'to help improve the legislative and regulatory mechanisms for control and cessation of domestic and dowry related violence against women and trafficking of women'. The objective 5 states 'to help improve legislative, monitoring and enforcing arrangements for the elimination of violence against children in the form of trafficking, abuse, exploitation and the use of children in conflict'. Similarly, the Strategic Plan 2008-10 (draft) of the NHRC has included the protection and promotion of the right of the trafficking vulnerable under the strategic objective of 'gender equality, empowerment and combating violence and discrimination'

The Office of the National Rapporteur on Trafficking (ONRT) was established under a Memorandum of Understanding between the Ministry of Women, Children and Social Welfare (MoWCSW) and the NHRC in 2002, and now it has been a part of the NHRC. The ONRT is mandated to develop the annual report by critically analyzing the efforts to combat trafficking in Nepal. The objectives of the ONRT are to bring about conceptual clarity on trafficking and related vulnerabilities; monitor the incidence of trafficking; coordinate national, regional and international efforts to combat trafficking and generate high level commitment to efforts aimed at improving the human rights situation of women and children. Accordingly, the ONRT is responsible for i) developing reporting system on trafficking, namely, developing indicators, determining the focal persons in the district, developing checklist to monitor trafficking, developing a national data base system in trafficking and publishing national annual report; ii) monitoring and investigating the situation of human rights violation against women and children; iii) monitoring and reviewing national policies, plans and laws related to trafficking; and iv) developing network and coordination with national and international organizations working against trafficking.

The Steering Committee under the Honorable Chairperson of the NHRC provides policy direction to the ONRT and the technical committee under coordination of the National Rapporteur develops effective network with GOs and NGOs for effective implementation of plans and programs related to trafficking.

1.1 Purpose of the National Report 2006/07

With its mandate and responsibility, the ONRT has started publishing its annual report since 2005. It has published the National Report 2005 for the first time, which analyzed the trends of trafficking in persons, especially women and children in Nepal and dealt with initiatives to combat trafficking, examined the linkages between conflict and trafficking, media and trafficking, and examined the legal framework against trafficking including recommendations for the future work. The report basically covered the situation of trafficking in the year of 2005. The Report was mainly based on the secondary data and conflict induced trafficking was the main focus of the Report.

This Report is the second National Annual Report on *Trafficking in Persons, Especially on Women and Children in Nepal*. This Report is mainly based on the primary data. It mainly focuses on linkages between foreign labor migration and trafficking, and situation of rescue, repatriation, rehabilitation and reintegration (4Rs) to vulnerability of trafficking. The main objectives of the Report are to assess the initiatives on combating trafficking carried out by GOs, NGOs and donor communities in the year of 2006 and 2007 and to contribute to empower women and children with human right perspective. The report is guided by the human rights perspective - an approach endorsed by Trafficking in Persons (TIP) Reports of the United States (US) Department of State - while assessing the achievement in combating in trafficking from the three P's - prevention, prosecution and protection.

The specific objectives of the Report are as follows:

- To assess the general situation and emerging trends of the status of trafficking in Nepal;
- To critically review the policies, plans, laws, decisions of the court and the government's commitments to combat trafficking;
- To critically review the policies on rescue, repatriation, rehabilitation and reintegration of trafficking;
- To examine the linkages between foreign labor migration and trafficking; and
- To examine the role of media in addressing the problem of trafficking.

1.2 Definition of Trafficking

The earliest understanding of 'trafficking' comes from the UN instruments. The term 'traffic' was used to referring to 'white slave trade' in women in 1900. Traffic was meant the movement of women for an immoral purpose i.e. for prostitution. Similarly, governments of some countries tended to conflate trafficking with undocumented migrants.

This Report uses the definition of trafficking from the National Report 2005 which brought conceptual clarity on trafficking on persons in consultation with GOs, NGOs, experts and development partners in the Nepalese context as follows:

Trafficking is illicit and clandestine movement of person/s within and across national borders for buying, selling, recruitment, transportation, transfer, harboring or receipt; by means of threat or the use of violence or other forms of coercion, of abduction, of fraud or deception, of the abuse of authority, or of position of vulnerability, or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the

purpose of any kind of exploitation; and exploitation shall include, at a minimum, non consensual sex work or exploitation of the prostitution of others or other forms of sexual exploitation, forced or bonded labor, fraud marriage, camel jockeys, slavery or practices similar to slavery, whether for pay or not, servitude or involuntary servitude (domestic, sexual, or reproductive), or the removal of organs, adoption, or other illegal (ONRT, 2006:10).

This definition is also in line with the *United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the Convention on International Organized Crime 2000*¹, to which Nepal is a signatory.

The elements of trafficking, following these definitions, implicate the following: i) acts or attempted acts of selling of a person; ii) recruitment - recruitment of persons for the purpose of trafficking; iii) transportation - for trafficking some forms of physical movement occurs within and across borders; iv) legal or illegal channel of migration - trafficking may occur whether people move by legal or illegal means; v) purchase, sale, transfer, receipt or harboring – traffickers use one or more of these actions; vi) deception – a trafficked person is tricked into her/his vulnerable situation; vii) coercion/threats of force or abuse of authority – physical and/or psychological; viii) debt bondage – a trafficked person may end up in a debt-bondage situation; ix) servitude – domestic, sexual or reproductive and x) alien foreign community – victim is cut off from her families and sometimes from language groups.

For the purpose of this study, **children** are any persons who have not attained 18 years of age and **women** include female persons of any age.

1.3 Methodology

The Report is prepared utilizing information from primary and secondary sources.

Primary sources

- Workshop/talk programs at the ONRT office. Three workshops were conducted separately i) with concerned government officials, ii) with NGOs/INGOs and donor organizations, and iii) with media persons.
- A two-day workshop was held in Butwal with the representatives from GOs, NGOs and other local organizations from Arghakhanchi, Gulmi, Palpa, Nawalparasi, Rupandehi, and Kapilbastu districts. A total of 28 participants participated at the workshop (Name list of the workshop participants including the speakers is given in Appendix 1.1) The aim of the workshop was to identify the local situation of trafficking, law enforcement status and judicial responses to trafficking, and GOs and NGOs efforts and achievements in curtailing trafficking at the local level. Similarly, one-day workshop was held in Biratanagar (Name list of participants is given Appendix 1.1a).
- Self Administered Survey - NGOs/INGOs and donors working on anti-trafficking activities – a format was developed and requested to fill the form.

¹ Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

- Interviews and consultations with GOs - MoWCSW, Department of Women and Development (DWD), Ministry of Labor and Transport Management (MoLTM), DoLEP and WCSC of the Nepal Police, the Kathmandu Valley Police, the Interpol Country Office Nepal, the Office of the Attorney General, the Supreme Court, the Immigration Office, and the National Planning Commission (NPC).
- Interviews and consultations – the media houses (detailed methodology is presented in the relevant chapter).
- Interviews and consultations - rehabilitation centers and visit to the Nepal-India border in Sunauli and Birgunj (detailed methodology is presented in the relevant chapter).

Secondary Sources

- Relevant literature on trafficking in persons
- Relevant reports from MoWCSW and DWD
- Survey and census reports
- Annual reports of the office of the Attorney General, Nepal
- Annual reports of the Supreme Court, Nepal
- Annual and other relevant reports of the NHRC
- Office record of DoLEP about the number of foreign employment
- Relevant reports from NGOs/INGOs

Process for finalization of the Report

- Formation of a Core Committee on National Report – the committee was formed including the representatives from GOs and NGOs. The committee members provided comments and suggestions on the Report and facilitated networking for collection of data and dissemination of the Report.
- Consultations were held among i) Chairperson's and Commissioners of NHRC ii) NHRC officials, iii) GOs, (especially with MOWCSW and social welfare council iv) NGOs after preparation of the draft report and the relevant comments and remarks were incorporated in the final report.

1.4 Organization of the Report

The Report is structured in 8 Chapters. **Chapter 1**, including this section, outlines the purpose and methodology of the Report. **Chapter 2** brings out the situation of trafficking in Nepal. **Chapter 3** discusses the linkages between foreign labor migration and trafficking. **Chapter 4** discusses anti-trafficking initiatives carried out by several GOs and NGOs. **Chapter 5** deals with the 4Rs policies based on human rights perspective. **Chapter 6** critically reviews the legislation, law enforcement status on trafficking and **Chapter 7** discusses the role of media in combating trafficking. The **final Chapter** summarizes the major findings of the Report and proposes way forward in a consolidated matrix.

Chapter 2

Situation of Trafficking in Nepal

The central aim of this chapter is to review the trafficking situation in Nepal. This chapter is divided into five sections. Section one explores how the meanings and forms of trafficking have changed over the years vis-à-vis with the changing socio-economic and polity of Nepal. Section two deals with the dimensions of trafficking: magnitude, processes, types of trafficking, characteristics of the victims and the traffickers, and purpose of trafficking. Section three explores the factors leading to trafficking in Nepal; Section four discusses the situation of trafficking at the district level. Section five brings out the emerging challenges related to processes of trafficking in Nepal.

2.1 Changes in Meanings and Forms of Trafficking

2.1.1 Scenario of Trafficking

Trafficking in girls and women in Nepal is associated with the Nepalese feudal and patriarchal social structure. However, the forms of trafficking are being changed with the changing socio-political context of Nepal (Box 2.1). Antidotal data suggest that there were instances of internal trafficking of girls and women in Nepal even before the Rana Regime (1847-1951). Girls were recruited in the Kathmandu Palaces. These girls were mainly brought from the surrounding hills of the Kathmandu valley. They were kept as housemaids, concubines, dancers and singers. They were called *nani*, *rakhauti* and *ketishaya*. Historical novel such as *Prem Pinda* written by Bal Krishna Sum showed how *nani* was bought and kept in the Rana Places during the Rana regime. A *nani* might have been bought by paying 120 to 500 *Asharphis* (gold coins). Price of the *nani* depended upon her beauty. Once a girl entered into the Rana Palace as *nani*, she became the private property of the buyer and the girl was denied from maintaining her private lives.

Box 2.1 Changing forms and types of trafficking vis-à-vis politico-economic situation of in Nepal

Period	Socio-economic context	Survivors of trafficking	Forms of trafficking or exploitation	Types of trafficking
During Rana Regime (1846-1950)	Feudal social structure	Girls and women	Servitude, slavery and sexual exploitation	Internal
Post Rana period and Panchayat Regime (1960-1990)	Multi-party but feudal social structure Party less political system, but feudal social structure	Girls and women who were servitude of Rana families Girls and women from the surrounding hills of the Kathmandu valley	sexual exploitation sexual exploitation Circus performance	Cross-border (India) Cross-border (India)
Late 1980s-mid-1990s	Growth of carpet industry and other industries Increase in rural-urban migration	Girls and women Boys Girls and women	Labor and sexual exploitation Labor exploitation sexual exploitation	Internal Internal & cross border (India) Cross-border (India)
Mid-1990s - 2006	Internal armed conflict, displacement	Children Adolescent girls and women	Labor and sexual exploitation sexual exploitation	Internal (dance, bars, beauty parlors) Cross-border (India and beyond)
2000>	Foreign labor migration	Girls, women and men	Labor and sexual exploitation	Cross-border (Middle East and other developed countries)

Many studies (Pradhan, 1996; Sangroula, 2001 and KC et al., 2001) show that as the Rana Regime collapsed in 1951 with the advent of Democracy, some Rana families fled to India particularly in the major metropolis such as, Kolkata, Delhi, Mumbai, Bangalore and Simla. It is said that they also took their housemaids for their luxury and sexual pleasure. Later on, when the income of the Rana families did not allow them to employ all these housemaids, some of the housemaids were bound to end up in Indian brothels. Some of them were even sold in brothels by the Ranas. Later on, these 'prostitute' women opened their own brothels in the cities and started to recruit women and girls from the areas of their origin. These women later visited to their families in Nepal and again used to return to their 'working places'. Their 'wealth' as demonstrated by their ornaments and clothing and support to their family members also attracted other girls in the 'occupation'.

The Indian brothels have high demand for the Nepalese girls for many reasons. Firstly, there have been many Nepalese workers in India for a long time as the source of 'buyers of sex'. Secondly, the fairer complexion of the Nepalese girls is attractive to most Indian native 'buyers'. Finally, importing the Nepalese girls has been safer than selling local Indian girls for prostitution. Ignorance of local customs, procedures and languages makes it difficult for the Nepalese girls and women to complain the police. Trafficking of the Nepalese girls and women to Indian brothels has fully established in the 1960s

and increased tremendously in the 1980s. By the 1970s, criminal links between Indian sex traders and the Nepalese pimps were established (Sangroula, 2001 and Pradhan, 1996).

The trafficking in girls and women continued to grow during the whole Panchayat period (1960-1989) because of i) the continued feudalistic approach to development, low socio-economic status of women and girls and the discriminatory cultural practices, ii) open up Nepal to the outer world and iii) lack of effective enforcement of the trafficking laws. Besides, other broader processes leading to trafficking include i) growth of carpet and other industry in the late 1980s, ii) internal armed conflict (1996-2006) and iii) growth of unsafe foreign labor migration, especially after 2000.

In the early days, the mode of trafficking was from the villages to the Indian cities and there were particular social groups who were the most vulnerable to be trafficked. The most trafficking prone districts were the surrounding hill districts of the Valley such as Sindhupalchok, Nuwakot, Dhading, Kavre and Makwanpur. From the villages of these districts, a large number of girls and women were lured to the 'occupation'. Traffickers' network extended from the village to the urban areas and urban areas to Indian cities. With this criminal network, a lot of brokers used to visit the villages openly and promised to appoint the village girls in the 'good occupation' in the Indian cities.

2.1.2 Growth of Carpet and Other Industry and Vulnerability of Trafficking

Carpet industry has a greater contribution to enhance the Nepalese economy. The industry developed in Nepal with the arrival of Tibetan refugees in the late 1950s. It was estimated that during the early 90s, there were about 2,000 carpet factories in more than 23 districts of Nepal. Of the total factories, 80 per cent were located alone in the Kathmandu valley. The carpet factories had provided employment to more than 300,000 people throughout the country (CWIN, 1993). Export of carpet extended to Europe, USA, Canada and Australia – thus integrating the Nepal's economy into the world economy through the export of carpet. The industry thrived in the early 1990s with an estimated profit of more than 126 millions USD in the year of 1992 alone. It emerged as the biggest foreign exchange industry and contributed to increase in Gross Domestic Product (GDP) substantially as reported in the budget speeches during the period.

On the other hand, the thriving of carpet industry was associated with increment in both internal and cross border trafficking in women and children. Women and children from the poor and rural areas provided the cheap labor for the industry. Half of the total labor force in the industry consisted of child laborers (about 150,000), with majority in the age range of 5-16 years. Generally, every carpet factory had a link with labor contractors. Majority of workers consisted of Tamang people from Sindhupalchok, Makwanpur, Nuwakot and Dhading districts. The poor working conditions and meager wages in these factories made the workers difficult to maintain 'urban life'. This situation led to the vulnerability of working children and girls to slip into further exploitative conditions. Studies indicated that a large number of children

were enslaved within the factories because of their 'nimble' fingers which tied very small knots as well as they were easily available, naive, willing, and easy to control and exploit (CWIN, 1993; KC et al., 2002; Terre des hommes, 2003).

Another negative consequence of the thriving of carpet industry was that it became the transit center for trafficking of girls and boys to India. Young girls were mainly trafficked for the purpose of sexual exploitation. Different means were used to be luring the girls including fraud, coercion, false promises and false marriage.

During the period, a new trend of trafficking was evident. A large number of boys including girls were trafficked to Indian carpet factories such as Bhadohi and Mirjapur of Beranas district. It was estimated that there were more than 25,000 Nepali child laborers in different carpet industries in India. Majority of these children were trafficked by the brokers from the carpet factories in Kathmandu. Studies indicated that although trafficked victims originated from across the caste/ethnic groups, the Tamang children and women were hard hit because they constituted the majority of workforce in the carpet factories in the Kathmandu valley (KC et. al., 2001).

In addition, other industries like garments, brick kilns and embroidering also employed children and women in large number. The risk of trafficking from these industries was also the same as of carpet factories.

2.1.3 Armed Conflict and Vulnerability of Trafficking

The armed conflict between the CPN Maoists and the State of Nepal is another cause of forced migration and state of vulnerability of children and women to be trafficked. Nepal faced armed conflict from 1996 to 2006. The conflict led to the mass displacement, abduction and killings, especially from the countryside. By 2002, the numbers of internally displaced persons (IDPs) were estimated in between 100,000 and 150,000 (Sangroula, 2001). By 2005, the number was estimated to be in the range of 180,000 to 231,000 (Caritas Nepal, 2005).

Children and women were hard hit by the conflict. Thousands of children and young women from the remote areas were forced to leave their villages. 'The possibility of youths being engaged in traditional agriculture is largely diminished due to insurgency resulted crisis, the threat of coming into cross fire, suspicion of fighting groups and resulting actions and compulsion to inform the government of rebels in the one hand and to join the rebellion armed forces on the other being the major causes'. (CeLRRd: 2002).

Both internal and cross-border trafficking in children and women was in rise due to the armed conflict. As women and girls left their villages in search of security and livelihood, they were becoming increasingly vulnerable to being trafficked – either directly from urban centers in Nepal or during migration from Nepal to India. The conflict induced inflows of women and girls to urban Nepal increased commercial sexual exploitation – and thus internal trafficking.

Conflict Induced Internal Trafficking

Most common destinations for the IDPs were the major urban centers such as Nepalgunj, Kathmandu, and Biratanagar. With the lack of education, skills and property as well as psychological trauma, most of the displaced children and young women faced tremendous challenges for their livelihood and were at higher risk of ending up in sexual exploitation, trafficking, rape, and forced or unwanted pregnancy. Studies such as, by ONRT (2004), Rai (2005) and CWIN (2006) showed many displaced girls ended up in severely exploitative work such as in dance bars and cabin restaurants and faced sexual harassment along with exploitative work conditions – meager wages, delay payment and difficult hours of work. The studies indicated that vulnerability of young girls increased due to loss of family support, lack of safer environment at home village and a greater risk of exploitation at the market. It is argued that while refugees benefit from the specific attention of a number of international organizations, IDPs receive less protection even though they tend to be at greater risk (Siwakoti, 2000).

Hausner (2005), who employed ethnographic action research and collected data from both Nepal (Nepalgunj, Kakarbhitta, Bhairahawa and Kathmandu) and India (Delhi and Uttaranchal Pradesh -Almora and Naini Tal), examined the impact of conflict on the patterns of children's and women's movement within the country and cross-border migration. Her major conclusions about the linkage between conflict and internal trafficking are the following. First, the conflict has increased the number of women working as sex workers in Kathmandu and in Nepali border area. Although conflict increases sexual exploitation, there is no significant evidence that women working as sex workers had been trafficked. Second, women who work in Kathmandu dance bars and border areas as waitresses, dancers and sex workers are from all caste/ethnic groups in Nepal. One must not assume that all sex workers or trafficked girls come from Janajati and Dalit communities. Third, domestic violence causes many girls and women to leave home and move to the capital in search of independence and work. Girls and women running away from domestic violence may be at a higher risk of being trafficked.

Conflict Induced Cross-Border Trafficking

A study conducted by Central Child Welfare Board (CCWB) and the Save the Children Alliance (2004) provided some indications that child trafficking was occurring across the India-Nepal border. The outflow of child migrants to India was significantly higher than inflows. A total of 17,500 children were found crossed the borders from Nepal to India during the four months period between July-October, 2004. By contrast, only 8,210 children were found entered into Nepal during the three months between October and December, 2004. Out of the five major border cities surveyed, Nepalgunj accounted for the highest proportion of outgoing children (36%), followed by Mahendranagar (25%), Bhairahawa (21%), Dhanghadi (11%) and Tikapur (7%). And, Kailali (20%), Dang (8%) and Surkhet (6%) were the three major source districts as the origin place of the most children. Noticeably, these were among major conflict affected districts.

The same study indicated that armed conflict was the second major causes for child migration from Nepal to India (24%) after poverty (36%). Dalit children were disproportionately represented among the social groups, accounting for 36% of the total outgoing children. Similarly, Chhetri accounted for the second position (33% to the total) while Janajati were underrepresented in crossing the border. With respect to gender, 87 per cent outgoing children were boys and half of them constituted 16 to 17 years of age.

Most migrating children were heading for the urban centers in India. The common destinations were Simla, Dehradun, Delhi and Mumbai. Majority of migrating children did not possess any documentation such as, school certificates, Village Development Committee's (VDC) recommendation letter, or any other identity card. Thus they were at higher risk of trafficking in the process of transportation or recruitment.

Conflict Induced Violation of Human Rights and Vulnerability of Trafficking

The conflict ended after signing of the Peace Accord between the Government and the Maoist in November 2006, however; the violation of human rights continues at various part of the country. Data from NHRC has revealed that violation of civil and political rights and economic, social and cultural rights is notoriously very high (Table 2.1). A total of 1975 and 1870 complaints were received by NHRC in the year of 2005/06 and 2006/07 respectively regarding the violation of human rights. Killings, disappearance/abduction, torture, threats, injury and displacement including violation of women's and children's rights are noticeable. This situation leads to the vulnerability of trafficking in children and women.

Table 2.1 Complaints received in NHRC relating to violation of civil and political, and economic, social and cultural rights due to conflict

Complaint areas	July 2005-June 2006	July 2006-June 2007
1. Killings		
Security forces	228	283
Maoist	89	63
Others	21	17
2. Disappearance and abduction		
Security force	161	186
Maoist	224	132
Others	107	114
3. Torture and inhuman activities		
Security forces	166	194
Maoists	93	66
Others	13	14
4. Threats		

Security forces	11	10
Maoists	90	77
Others	28	38
5. Bomb blast/Injured	25	36
6. Displacement		
Security forces	12	4
Maoists	130	100
7. Economic, social and cultural rights	42	72
8. Grabbing property	0	0
Maoists	177	137
Others	33	25
9. Women and Children's Rights		
Children's rights	30	25
Women's rights	24	32
10. Others	271	245
Total	1975	1870

Note: Others include no legal treatment, information and communication, including requesting for property, citizenship and others.

Source: NHRC Annual Reports of 2005/06 and 2006/07.

2.1.4 Foreign Labor Migration and Vulnerability of Trafficking

The availability of foreign labor market has also increased the possibility of trafficking due to nexus between trafficking and migration (ONRT, 2006:8). This has led to a greater shift in types of victims, forms of exploitation/trafficking, and countries of destination. Now, the victims of trafficking are not only children and women, but they are also men. Trafficking destinations are not only limited to the Indian brothels and other labor exploitative sectors in India but they have extended to the Gulf countries and other labor destination countries. Although the employment agencies may not involve in trafficking of persons in the process of recruitment, there are frequent reports that once the workers reached to the said destination, they are not often provided the work as well as salary as agreed before. They are forced to work at low paid, unsanitary and difficult job. Their travel documents are said to be ceased and thus, their rights to mobility is grossly restricted.

Foreign labor migration has gender dimension as well. Women are said to be much vulnerable of sexual and economic exploitation in all the processes of migration i.e. from departure, transportation to the destination.

2.2 Dimensions of Trafficking

2.2.1 Magnitude of Trafficking

Trafficking for Commercial Sexual Exploitation

There is a lack of scientific data on the numbers of trafficked persons, places of origin and destination, and purposes of trafficking in Nepal and, since trafficking involves the clandestine nature of operation, collection of representative data has been also very difficult. The institutional system for collecting data on trafficking of human beings has yet to be developed. The Attorney General Office, the WCSC and some NGOs maintain data on the numbers of trafficked victims/survivors rescued or intercepted however; they

do not give the national situation of trafficking because many cases of trafficking go unreported.

Some researchers such as Bashford (2006: 39) argue that there has been lack of reliable data on trafficking because the cases of trafficking are often kept secret and/or covered by families, in order not to be outcast by society. Parents become reluctant to admit about children being trafficked and returned girls hide the fact that they have been trafficked'. According to him, parents of the missing girls can be grouped into six categories: i) those who are concerned and may contact the police and/or NGOs; ii) those who are concerned but not willing to admit their daughter has been trafficked; iii) those whose daughter has been trafficked but they still believe that they are in good employment; iv) those who accept the situation and keep silence; v) those who are complicit in their daughter's trafficking or whose daughter has been trafficked by a family member or friend; and vi) those whose daughter is complicit and has accepted or chosen prostitution as a means of income for her family and herself.

The magnitude of trafficking figures available is, thus, speculative and often made with reference to brothel-based sex work in India. Thus, the figures for trafficking of girls and women are subjected to criticism. Some studies provide numbers of girls and women trafficked to Indian brothels however; they fail to explain their methodology how the figures have been arrived. Figures cited in many studies, observations, articles divulge a high degree of discrepancy about the magnitude of trafficking as shown in Table 2.2.

Table 2.2 Estimates of trafficked girls and women for brothel-based prostitution

Sources	No of girls/women	Time frame	Destination
Acharya 1998 and Koirala 1999	200,000 40,000 – 50,000 60,000 17,000	- - - -	India Bombay Falkland Kolkotta
SAFHR 1997	70,000-100,000	-	India
CWIN 1997	153,000 (in 1987) (20% children below 16 years) 100,000 – 200,000 (in 1996)	- -	India
Times of India 1989	100,000	-	India
Pradhan 1996	27,000 21,000 3,480 4,700	- - - -	Kolkotta Delhi Banaras Gorakhapur
STOP/Maiti 2002	5,000 – 11,000	Annually	-
CAC Nepal 2000	300,000 (globally)	-	-
Ghimire 2002	5,000-7,000	Annually	-
PC & TAF 2001	5,000 – 7,000	Annually	-
STOP 2002	50,000	-	-
Population Council, Delhi 2002	200,000	-	Sex Industry
LHRA & UNESCO 1997	Approximately 160,000	-	Indian brothels
KC et al. 2001	12,000	Annually	-
Asmita, 2005	12,500	-	Mumbai

	300	-	Delhi
	1300	-	Kolkotta
	500	-	Pune
	8000	-	Other cities in India

Source: KC et al. (2001) and IIDS and UNIFEM (2004).

The most cited figure is 'about 5,000-7,000 children and women are trafficked to India annually'. The ILO/IPEC rapid assessment (RA) conducted in 2001 estimated that about 12,000 children below 18 years of age are trafficked annually to India for sexual exploitation. Nearly, 40 per cent of trafficked children are below the age of 14 years (KC et al., 2001). A United Nations Development Program (UNDP) study (2002) showed that the average age of trafficked girls from Nepal to India fell from 14-16 years of age in the 1980s to 10-14 years in 1994. Some other studies also provide the cumulative figures of girls and women in Indian brothels ranging from 100,000 to 200,000. A study by Asmita (2005:13-15) indicated that there were not more than 25,000 Nepali women working in brothels in India – 12,500 in Mumbai, 300 in Delhi, 1300 in Kolkotta, 500 in Pune and 8,000 in other cities in India. The study argued that the numbers of trafficked persons might have declined due to the increased awareness, strict laws and regulations, and proliferation of NGOs aiming to stop trafficking.

Studies conducted after around 2000 give some indications that children and women are not only trafficked for commercial sexual exploitation but also to carpet factories, circus agencies, agricultural projects, and road construction sites in India as well as to forced beggary in the bigger cities like Delhi, Mumbai etc. (CWIN, 2002). Trafficking of boys for embroidering from Mahottari and Dhanusa districts to Mumbai has been evident since the late 1980s (WOREC, 2002). Internal trafficking for sexual and labor exploitation has been a growing phenomenon.

Magnitude of Trafficking for Circus Performance

Another form of trafficking is the trafficking of children in circus performance to India. Esther Benjamin Trust (2007), an INGO, has estimated that there are about 600 children trafficked to Indian circus. The organization claimed that 233 children were rescued in between 2004 and 2007 with an overwhelming majority of girls (93%). These children originated from 9 districts whereas Makwanpur district alone consisted of 64 per cent. Similarly, out of the total children rescued, the highest proportion was from Janajati (81%), followed by Dalit (12%) and others (7%) (Table 2.3).

Table 2.3 Distribution of children rescued from Indian circus in between 2004-2007

Characteristics	Number	Percent
Sex		
Girls	217	93.1
Boys	16	6.9
District of origin		
Makwanpur	149	63.9
Bara	24	10.3
Chitawan	23	9.9
Udayapur	18	7.7

Morang	10	4.3
Illam	4	1.7
Sarlahi	3	1.3
Janakpur	1	0.4
Nawalparasi	1	0.4
Caste/ethnic group		
Janajati	188	80.7
Dalit	28	12.0
Others	17	7.3
Total	233	100.0

Source: Esther Benjamin Trust (INGO), 2007.

Magnitude of Internal Trafficking in Cabin and Dance Restaurants

According to a study conducted by MoWCSW (2006), there are estimated 40,000 female workers of the age from 12 to 30 years in 1200 cabin and dance restaurants, and massage parlors in the Kathmandu valley. Among the respondents, 52 per cent reported that they have been approached by the pimps with an assurance of providing better jobs in countries like Hong Kong, Saudi Arab, and UAE (Dubai). Further, these female workers are compelled to work late in the evening and forced to engage in sexual activities to attract the customers.

Magnitude of Missing Children and Women

Studies outside Nepal such as in India establish the linkage between missing persons and trafficking (Nair and Sen, 2005). There has been no attempt to link missing persons with the phenomenon of trafficking in Nepal although a large number of children and women go missing. In majority of cases, unless there is hard evidence of trafficking, the missing cases are treated as 'child missing' or 'woman missing'. While the majority of missing cases fall under the trafficking and needs greater attention. This study attempts to link missing persons with the phenomenon of trafficking drawing quantitative data from Nepal Police records. The Nepal Police maintains data in its offices of WCSC and National center for Children at Risk (NCCR)²

Missing Children in Nepal

Table 2.4 presents the data on total number of children under 18s reported missing from various regions of Nepal. For the period from December, 2006 to June, 2007, a total of 1,355 children (59% boys and 41% girls) have been reported missing. The highest numbers of missing children were reported in the central development region (71.5%), followed by eastern (13%), mid-western (6%), western (5%) and far-western regions (4%). The Kathmandu valley alone accounted about three-fourth of the missing children from the central region.

This pattern reflects two things. First, assuming the missing children as a proxy indicator of trafficking, a high proportion of trafficking of children takes place from the Kathmandu valley. Second, it may also be possible that large numbers of missing children were reported in and around the valley as the

² The WCSC maintains the records of missing persons: women, children and men separately on the monthly basis. The NCCR was established in December 2006 by the Nepal Police in collaboration with MoWCSW, CCWB and some INGOs. Its main aim is to protect the children in difficult circumstances, namely, missing children, disappeared children, abducted children, abandoned children, and children used for illicit activities.

coordination center is located in Kathmandu. The reporting mechanism established at the center may not be effective to cover the missing children from the remote and inaccessible areas. The reporting is done through calling on 104 telephone number, informing police and submitting individual application to the center while these facilities are largely absent in the rural areas.

Table 2.4 Percent Distribution of missing children by regions and sex (Dec. 2006- June 2007)

Regions	Total	Boys	Girls	Girls per 100 boys	% children remained missing
Eastern	12.2	14.3	13.1	81	31.7
Central	76.0	65.0	71.5	59	15.0
Western	3.7	7.6	5.3	140	11.2
Mid-western	4.9	7.4	5.9	105	14.4
Far-western	3.1	5.8	4.2	128	11.2
Total	100.0 (1,355)	100.0 (801)	100.0 (554)	69	36.0 (492)

Note: Figures in parentheses indicate number.
Source: data received from NCCR, Nepal Police, July, 2007.

The overall untraced rate is 36 per cent, being the highest in eastern region (32%), followed by central (20% except for valley), mid-western (14%), western (11%) and far-western regions (11%).

Table 2.5 summarizes age and sex composition of missing children. More boys over girls are reported missing, i.e. 69 girls per 100 boys. Missing children come from all age groups. Of the total missing children, 15 per cent come from the very tender age, 23 per cent from aged 8-10 years and another 20 per cent come from the age group of 11-13 years. The risk of a lost child falling into difficult situation largely depends upon his/her sex and age. Girls are much vulnerable to be in difficult situation because of their gender disadvantaged position in the society. In terms of age, the younger the child, more difficulty the child may face, both because of his/her low mental and physical maturity. A ILO/IPEC study (KC et al., 2001) showed that the average age of the trafficked girl at the time of trafficking was 13 years – indicating the fact that children aged 13 and above are at risk of trafficking if they are at difficult circumstances. Data reveal that more than two-thirds of missing children are aged 13 years and above.

Table 2.5 Percent Distribution of missing children by age and sex (Dec. 2006- June 2007)

Age group	Missing children				Untraced rate		
	Total	Boys	Girls	Girls per 100 boys	Boys	Girls	Total
<=7	15.4	16.0	14.6	63	33.6	48.1	39.2
8-10	23.4	20.0	28.3	98	30.0	28.7	29.3
11-13	20.2	20.6	19.7	66	31.5	62.4	43.8
14-16	23.0	25.1	19.9	55	23.4	65.5	38.3
17-18	18.0	18.4	17.5	66	29.9	35.1	32.0
Total	100.0 (1355)	100.0 (801)	100.0 (554)	69	29.2 (234)	46.6 (258)	36.3 (492)

Note: Figures in parentheses indicate number of cases.
Source: data received from NCCR, Nepal Police, July, 2007.

According to age-sex distribution of the untraced children, more girls (47%) over boys (29%) were untraced. Children in the age range of 11-16 years are more likely to be untraced. This is much pronounced for girls. For example, two-thirds of girls in the age group of 14-16 and 62 per cent in the age range of 11-13 years were untraced while the comparable figures for boys were far lower i.e. 32 and 23 per cent respectively. This establishes the fact that about 60 to 65 per cent of the missing girls in the age range of 11-16 are likely to be trafficked for different purposes, especially for commercial sexual exploitation.

Missing Women in Kathmandu Valley

Table 2.6 summarizes the number of women reported missing at WCSC in the Kathmandu valley (Kathmandu, Lalitpur and Bhaktapur) from 1998/99 to 2006/07. One of the limitations of this data is that it does not provide disaggregated data by age group. Thus, it is difficult to examine what proportion of these missing women might have been trafficked for commercial sexual exploitation.

The average annual number of missing women for the seven-year period is 465. Overall, the percentage of women missing has increased by 10 percentage points during the last 7 years considered here.

Table 2.6 Number of women reporting missing, Kathmandu Valley

Year	No. of women reported missing	No. of women continue to remain missing	Untraced rate
1998/99	440	268	60.9
1999/2000	555	400	72.1
2000/01	541	352	65.1
2003/04	396	295	74.5
2004/05	405	276	68.1
2005/06	436	314	77.5
2006/07	485	368	84.4
Yearly average	465	325	
%change] (1998/99-2006/07)	+10.2	+ 37.3	

Source: data received from WCSC, Valley Police, Kathmandu

Average annual number of untraced women for the seven-year period is 325. A large proportion of women reported missing have been untraced over the period. On the average, more than 6 in 10 missing women are untraced. Moreover, the proportion of untraced women has been increasing, from 61 per cent in 1998/99 to 74.5 per cent in 2003/04 and to 84 per cent for 2006/07 year.

Majority of missing women are likely to be trafficked for the purpose of sexual exploitation (Box 2.2).

Box 2.2 Missing girls likely to be ended up in brothels

Four girls missing in a week in Nuwakot

NUWAKOT, September 7 (PR) - 4 girls of Samundrattaar and Raustbeshi VDCs in the eastern part of the district have gone missing in the last one week.

Those missing include Tokasani Tamang and Aaita Kumari Tamang (both 18), and Sanumaya Tamang of Samundrattaar VDC and Sani Tamang of Rautbeshi-8 (both 16).

Locals said that the girls could have been taken by Kali Tamang of Samundrattaar-5 who has been living in Mumbai and other cities in India recently, with an intention to sell them in brothels in India. They also said that such agents have been frequently visiting villagers lately. According to police, they sent a police inspector to Kathmandu as there were chances of hiding the girls in the capital.

Source: summarized from the Kathmandu Post, 8 September 2006.

Box 2.2 Cont.

Missing girls case not new to Chitawan

CHITAWAN, February 16: The case of missing girls is not new to Chitawan. The areas in Chitawan bordering India, especially the urban centers have many cases of missing girls.

A total of 158 persons went missing in Chitawan last year. Among them are 55 girls aged between 13 to 30, police said.

Ruki Bhatta of Maiti Nepali Chitawan said that the girls were usually sold in the brothels across the border by Indian brokers who promised to give them lucrative jobs.

Bhatta suggests that all those going for jobs abroad need to first be sure of where they wish to go and what they wish to do so that they do not get into any problems.

Source: summarized from the Rising Nepal, 17 February 2006

Regarding the magnitude of trafficking data, in addition to Paucity of reliable data on trafficking of girls/women on brothel based sex work in India; we lack the reliable data on the following nature of trafficking:

- trafficking of girls and women for non-brothel based sex work in India
- trafficking of boys and girls for labor exploitation in India (except circus performance)
- trafficking of boys and girls for organ transplantation and begging
- trafficking of women and men in Gulf and other labor destination countries of Nepal
- internal trafficking of girls and boys for labor exploitation (domestic work, bonded labor, carpet factory, brick-kilns and embroidering industries).

2.2.2 Trafficking-Prone Districts/Areas

The problem of trafficking has become widespread. It has crossed the some widely cited trafficking prone-districts such as Nuwakot, Sindhupalchok and Makwanpur. The crime has spread throughout the country as presented in Appendix 2.1. A RA conducted for ILO/IPEC by KC et al., (2001) surveyed 67

trafficked girls and found that those girls originated from 27 districts. Of the 67 trafficked girls, majority (40 cases) was found to be trafficked from working places of urban areas and the rest 27 from the rural areas directly. The NTF on Trafficking, MoWCSW recognized 26 districts as trafficking-prone districts after examining the cases of trafficking registered in Nepal Police in 1998. The newspapers' (1994-2001) report showed that trafficking taking place in 36 districts spread over all five development regions and three ecological zones (IIDS and UNIFEM, 2004: 20). A baseline survey of LWF Nepal and SAATHI conducted in 2006 identified 10 highly trafficking affected districts. They were: Sindhupalchok, Sarlahi, Makwanpur, Kanchanpur, Rupandehi, Dang, Banke, Sankhuwasabha, Nuwakot and Kavre districts.

High risk areas of trafficking within a particular trafficking prone district are reported as market centers, bus stops, cinema halls and streets. Other high risk areas include working places such as carpet factories, domestic work, dance bars, restaurants and beauty parlors, stone quarrying and construction worksites, brick kilns and transport sectors. A recent study also showed that Bhutanese refugee camps of Jhapa and Morang districts has been emerging as trafficking prone sites (Hausher, 2005).

2.2.3 Caste/Ethnic Composition of Trafficking Survivors for Sex Work

Many studies reveal the fact that the phenomenon of trafficking has crossed the caste/ethnic groups of Nepal (Table 2.7). They refute the belief that only some particular caste or ethnic groups are vulnerable to trafficking.

Table 2.7 Percent distribution of trafficking survivors by caste/ethnic groups in different survey reports

Caste/ethnic groups of victims	CWIN Balika (1994)	RA ILO/IPEC 2001	Print-Media reports 1994-2001, IIDS
Brahman/Chhetri	19.3	23.5	15.0
Janajati	53.4	45.9	22.4
Dalit	22.8	18.8	13.4
Madheshi communities	4.5	11.8	6.5
Caste/ethnic groups not stated	-	-	42.7
Total	100.0	100.0	100.0
Number	(88)	(85)	(321)

Source: IIDS and UNIFEM (2004: 18) and KC et al., (2001).

As shown in Table 2.7, it appears that the highest proportion of trafficked victims constitutes for hill Janajati (45% to 55% of the total trafficking survivors), followed by hill Dalit. Dalits' share may go as high as 23 per cent. The share of Brahman/Chhetri trafficking survivors ranges from as low as 15 to 24 per cent. The data reveal that there are also substantial numbers of trafficking survivors from Madheshi communities, especially from Tharu, Rajbansi, Satar, Bhagat, Yadav, Kumal, Thakur and Muslim communities. According to the print-report (1994-2001), are Tamang (12%), Chhetri (10%), Kami (7%), Damai (6%) and Brahmans (5%) are the five major trafficking survivors' social groups.

2.2.4 Profile of Traffickers

A study by IIDS and UNIFEM (2004) using the data of print-media survey of traffickers from 1994 to 2001 was able to identify 231 traffickers and their ethnic background (Table 2.8). Three-fourth of the traffickers were male and the rest one-fourth were females. The study found four traffickers (males-3 and female-1) of age between 16-18 years. However, age of about three-fourth of traffickers was not reported. Similarly, a study of Daywalka Foundation and CREPA (2007) reported that there were altogether 119 male and 29 female traffickers in the different prisons in the Kathmandu valley during the survey year of 2006. The study, however, does not indicate the detail characteristics of female traffickers. The age range of male traffickers was 18-54 years with the median age of 34 years and about 78 per cent of them were married. Almost 78 per cent of the male traffickers were literate. Economically, 78 per cent of the male traffickers perceived that they were poor. Another 21 per cent put themselves in the middle economic class while one per cent of them were from high economic brackets.

Among the 231 traffickers, the highest proportion of traffickers was from Janajati (36%), followed by Brahman/Chhetri (24%), hill Dalits (21%) and Madheshi communities (16%) and the rest 3 per cent traffickers caste/ethnic groups were not identified³. Among the individual caste/ethnic group, the highest proportion of traffickers were from Tamang (16.5%), followed by Chhetri (14%) and Kami (14%).

Table 2.8 Comparison of the caste/ethnic composition of trafficking survivors and traffickers (print media report, 1994-2001, IIDS/UNIFEM)

Caste/ethnic groups	Trafficking survivors	Traffickers
Brahman/Chhetri	15.0	24.2
Janajati	22.4	36.4
Hill Dalits	13.4	20.8
Madheshi communities	6.5	15.6
Caste/ethnic groups not stated	42.7	3.0
Total	100.0	100.0
Number	(321)	(231)

Source: summarized from IIDS and UNIFEM (2004).

The IIDS and UNIFEM (2004) study showed that traffickers originated from 39 districts of the country; with the highest number from Makwanpur district (24 traffickers), followed by Sindhupalchok, Nuwakot and Jhapa (11 to 15 traffickers) districts. These were also the districts hard hit by the trafficking of women and children. For example, the number of trafficking survivors from Jhapa, Makwanpur, Nuwakot and Sindhupalchok were 44, 32, 22 and 15, respectively during the same period. This corroborates the hypothesis that majority of traffickers come from the same communities and/or localities of the trafficking survivors.

³ There were 22 Brahmans, 32 Chhetri and 2 Yogi. Janajati included in the sample are Tamang (38), Magar (27), Newars (7), Gurung (7), Sherpa (3) and Rai (2). Madheshi communities included are Thakur (4), Muslims (8), Dhimal (2), Kalwar (1), Bhagat (1), Rajbansi (1), Baniya (2), Tharu (10), Yadav (5) and Agarwal (2). Among the Hill Dalits, Kami were 32 and Damai were 16 and there were no other Dalit groups.

2.2.5 Routes of trafficking

Several studies reveal that open border is the barrier to control the trafficking of girls and women to India (Pradhan, 1996; KC et al., 2001; IIDS and UNIFEM, 2004). There are only 26 official check points along the entire stretch of 1850 kilometers between Nepal and India border, but there are hundreds of exit-points where interception either through the security forces or the NGOs is virtually impossible. In Nawalparasi district, for example, there is only one official exit-point between Nepal and India but there are as much as 16 unofficial exit-points (IIDS and UNIFEM, 2004). Similar situation exists in other border districts of Nepal. This leads to extensive illegal cross-border movements. In addition, there is no immigration control for Nepalese traveling/migrating to India and vice versa, under the 1950 Treaty between India and Nepal. According to the treaty, citizens of each country are guaranteed equal treatment and same privileges in the matter of residence, participation in trade and commerce.

Box 2.3 presents major border cross points used by traffickers found at the two studies. The Print-Media study has listed out 17 major border cross points used by traffickers. All of them are official legal exit-points.

Box 2.3 Major border crossing points used by traffickers

Border cross points	Districts	Print-media (1994-2001)	Daywalka Foundation and CREPA, 2007
Pashupati Nagar	Ilam	√	√
Kakarvitta	Jhapa	√	√
Gauriganj	Jhapa		√
Galgaliya	Jhapa		√
Biratanagar	Morang	√	√
Dewangunj and Bhandabari	Sunsari	√	
Jaleswor	Mahottari	√	
Janakpur	Dhanusha		√
Gaur	Rautahat	√	√
Simraungadh	Bara	√	
Birgunj	Parsa	√	√
Thori	Chitawan		√
Maheshpur	Nawalparasi	√	
Sunauli	Rupendehi	√	√
Krishnanagar	Kapilbastu	√	
Koilabas	Dang	√	
Nepalgunj	Banke	√	√
Sirshiya-Chunthan	Bardiya	√	√
Dhanghadi	Kailali	√	√
Mahendranagar	Kanchanpur	√	√
Tanakapur	Kanchanpur		√
Jhulaghat	Baitadi	√	√
Darchula	Darchula		√
Chisapani	(district not known)		√
Total border points reported		17	19

Source: IIDS and UNIFEM, 2004: 22 and the Daywalka Foundation and CREPA (2007).

The study of Daywalka Foundation and CREPA (2007) has listed 19 border points used by the traffickers. It categorizes the transit points as i) no risk transit points, ii) medium risk transit points and iii) high risk transit points. No risk transit points are Pashupatingar, Dhanghadi, Darchula, Dodhara-Kanchanpur, Tanakpur and Thori. Medium risk transit points reported are Nepalgunj, Gulariya, Birgunj, Kakarvitta and Biratanagar. High risk transit points reported are Sunauli, Gauriganj, Chisapani and Janakpur. The traffickers also use the alternative transit points such as, Sirshiya Chunthana (Bardiya district), Jhulaghat (Baitadi district), Galgaliya (Jhapa district) and Gaur (Rautahat).

2.2.6 Trafficking Networks and Agents Involved

Studies show that trafficking takes place mostly in networks of traffickers. An overwhelming majority of traffickers operate their work in a group (86% of the total traffickers). There are very few traffickers who work alone. Of the total traffickers interviewed (119 cases), 24 per cent reported that they had two members as traffickers, 35 per cent reported as three members, 22 per cent as four members and another 5 per cent as five or more members engaged in trafficking (The Daywalka Foundation and CREPA, 2007: 22).

Traffickers' networks extend from village or working places to destination. 'Traffickers have links with politicians, businesspersons, state officials, various institutions such as the police, customs, border police, overseas recruiters, travel agents, transport agencies, religious institutions, hospitals, clinics, adoption agencies, etc. (STOP, 2002). The WOREC (2002) study on *Trafficking of Boys* has provided information on the traffickers involved in the boys' trafficking from the view point of trafficked boys and their parents. According to the trafficked boys, parents (47%), parents and relatives (29%), relatives (11%) and villagers/local brokers (3%) are the major agents. While according to the parents of the trafficked boys, friends (40%), relatives (35%) and villagers/local brokers (25%) are the major agents.

2.2.7 Modus Operandi of Traffickers

The traffickers adopt various methods to traffic women and children, ranging from false promises to coercion. Analyzing the traffickers' narratives from the Daywalka Foundation and CREPA's (2007:27) study, it is found that in majority of cases, coercion, force or threat as a means of trafficking, may not be an initial stage of recruitment or transportation of the trafficked victims. Rather it is the 'good promises' – love, marriage, tours, entertainment and jobs that lures the girls and women at the beginning process of trafficking.

A trafficker in a prison in Kathmandu said, *"I am 30 years old.... I have sold more than 20 girls....I trapped the girls in the pretext of falling in love with them and then promise them with a good job"*.

Another trafficker in a prison in Kathmandu said, *"I have spent over 10 years in trafficking during which I sold more than 80 girls....Each of two girls I sold was minor. I used various tricks to trap the girls such as promise of marriage, love affairs and promise of a good job. ...Prior to contacting a girl, I used to study her family status, her behavior and her safety-nets (CREPA, 2007:27).*

2.2.8 Purposes of Trafficking

In Nepal, there are growing numbers of studies, observations and media coverage that identify women and children are trafficked for various purposes. These purposes can be broadly categorized into: i) sexual exploitation, ii) labor exploitation and iii) entertainment and other purposes. Trafficking for sexual exploitation includes brothel and non-brothel based-sex work in India as well as non-brothel based-sex work within the country. Trafficking for labor exploitation is the forced labor in the formal and informal sectors such as, in carpet factory, garment industry, embroidering, farm work, construction work, brick kilns, stone quarries, mines, domestic work, agricultural labor and bonded labor. In each sector, children are preferred to adults because children can be easily exploited and they also perform specific tasks that adults could not do easily. In embroidery industries in Mumbai, for example, employers prefer to employ Nepalese boys against adults because i) the eyes of the boys are very sharp with 'nimble fingers', ii) children can work longer hours and iii) their wages is far lower than that of the adults (WOREC, 2002). Child trafficking, including of boys, for labor exploitation to India has been evident from many of the Tarai districts in Nepal. (Box 2.4.)

Box 2.4 Child trafficking intensifies in Sunsari for labor exploitation

Various organizations active in the field of child welfare said that 'human traffickers' have lately intensified their activities in several villages in Sunsari district. According to them, over 100 children were trafficked to India during the last 3 months from this district alone.

The traffickers take children from poor families to Indian towns and cities promising them attractive income and a life of luxury. They enter India through the border areas of Sunsari and Morang districts, according to the organizations.

Under-privileged Children's Association (UPCA) WOREC, UNICEF and the District Child Welfare Committee Sunsari sent their representatives to Muradabad in Uttar Pradesh, India to rescue Nepali children who are forced to engage in risky work.

The representatives were sent to rescue children including Jitendra Kumar Sada, 13, Sanjay Urab, 14, Kalu Rishidev, 13, and Budh Narayan Sarder of Sattare Jhoda, who were made to do risky work in Dhakiyapur of Muradabad, according to Bhes Raj Pokharel of UPCA Nepal. The children were trafficked on October 19.

Kesiya Rishidev, Jogendra Rishidev and Bihna Rishidev, who are suspected of being connected with the trafficking had allegedly trafficked 15 children to India from Sonapur-9 of Sunsari district. The 'traffickers' are at large.

Likewise, 7 children from Bharaul VDC and 13 Mushahar children from Dumraha and Inaruwa were recently trafficked to Kashmir. A child who managed to escape and reached the district gave this information.

Likewise, 20 children from Madhuwan and Hasposa Tarahara area were also trafficked to India according to a source.

Source: summarized from the Kathmandu Post, 8 December 2006

Trafficking for other purposes include: work at massage parlors, forced marriage and child marriage, forced begging, work at circus in India, drug trafficking, adoption and organ transplantation and removal. In Nepal, no cases of boys' trafficking for camel joking to the Gulf countries have been reported yet, as reported in the case of Pakistan and Afghanistan. Trafficking for the purpose of circus performance in India has been widely reported as discussed in Section 2.1.1.

2.3 Factors Leading to Trafficking

Studies indicate that trafficking takes place in an interrelated web of causation of varying contexts that increase vulnerability of individuals to trafficking and create the conditions in which trafficking is more likely to occur (UN, 2003). Jordan (2002) discusses factors leading to trafficking in women and children as a simultaneous existence of a number of push, pull and facilitating factors.

In case of Nepal, no single factor appears to explain the root causes of trafficking (KC et al., 2001). It differs from one locality to another, one culture to another, one family to another and one woman to another. This study shows child and family vulnerability, household poverty, dysfunctional families, traditional values and practices, gender and social discrimination, bad governance and open border are the main causes of trafficking. The IIDS and UNIFEM (2004) study categorizes causes of trafficking into immediate and root causes. The immediate causes are seen as facilitating factors of trafficking such as mother's illiteracy, and dysfunctional family, domestic violence, forced marriage, loss of dignity and self-respect, divorce, separation and stigmatization from incest and rape. The root causes are linked to more structural factors such as persistent poverty, inequality, gender discrimination, unemployment, cultural and religious practices such as *Deuki* system – offering young girls to gods/goddesses in the temple in western Nepal.

Other studies conducted during the armed conflict period (Siwakoti, 2000; Teerre de homes, 2003; CCWB and the Save the Children Alliance 2005) show the negative impact of armed conflict on children's and women's lives and thereby an increase in both internal and cross-border trafficking in young girls. There are some indications that feminization of migration has reinforced trafficking. Gender-biased migration policies are regarded as important causes for it (Refer to Chapter 3).

2.4 A Glimpse of Situation of Trafficking in Lumbini Zone and Morang District: Evidence from Workshops

Participants of the workshops held in Butwal and Biratanagar were encouraged to bring out the local situation of trafficking in their concerned districts. A guideline was provided to discuss the trafficking issues in relation to magnitude, processes, and factors leading to trafficking, challenges and suggestions to combat trafficking. Box 2.5 provides the assessment on local situation of trafficking, especially women and children including challenges and suggestion to combat trafficking. The assesment has been made based

on the concern expressed by workshop's participants in Butawal and Morang district.

Some of the key features about trafficking emerged from the workshop were as follows:

- there was no reliable data on the magnitude of trafficking;
- trafficking has crossed across the caste ethnic groups despite the high magnitude of trafficking from the disadvantaged groups
- the most vulnerable group of trafficking were girls of age 12-18 years;
- traffickers use multitudes of unofficial border points;
- traffickers also cross the border on foot including using different means of transport;
- traffickers are often relatives and are often equipped with recommendation letters from VDC secretary or from a politician about survivors;
- purpose of trafficking includes not only sexual and labor exploitation but also forced marriage of girls to physically challenged rich men or old men. Saathi Sastha in Kapilbastu reported that such cases have been identified in Kanpur city of India and it is reported that they are sold on Rs. 20,000 each;
- the root causes of trafficking were reported to be structural factors including increasing consumerism culture and the fraud and deception by the mushrooming Overseas Employment Agencies/agents);
- the key challenges for combating trafficking are: difficult to identify the survivors, political protection to the traffickers, physical threats from the criminals, low priority placed on trafficking agenda by the governments and no or ineffective DTF and
- the key suggestions emerged from the workshop are: building awareness among the target groups, effective enforcement of laws, providing functional education especially to girl children aged 12-18 years, formation of instructional mechanisms including DTFs and addressing the root causes of discrimination and poverty.

Box 2.5 A Glimpse of Situation of Trafficking in Lumbini Zone and Morang district

Parameters	Nawalparasi	Rupandehi	Kapilbastu	Arghakhanchi, Gulmi and Palpa	Morang
Magnitude	18 survivors rescued from India by Nepal Police in between June 2006-July 2007	No data	27 girls rescued from brothels/other places of India in between 2062/63-2063/64. 210 girls intercepted from boarder areas in between 2062/63-2063/64	No data	No authentic data, but evidences of trafficking cases filed in the courts.
Prone areas/VDCs	Maheshapur, Tribeni and Julaniyapul	Sukumbasi (Squatters) Tole Butawal Municipality, Kerawan, Bhakrahar, Devadaha	Shivapuri, Shiwagadhi, Birpur, Mahendra Kot, Bhawada, Motipur, Barkalpur, Patana, Patariya	Remote and physically inaccessible areas	No pocket areas, but villages in the border areas are most affected; Cabin and dance restaurants
Most vulnerable ethnic groups	Tharu, Dalit and others	Dalit	Tharu, Dalit, Chhetri/Brahman and others	Across the caste/ethnic groups	Extremely poor, uneducated communities
Most vulnerable gender and age	Girls and women, of 11-40 years	Girls and women, of 8-25 years	Girls and women: the highest number from 13-18 years, followed by 19-25 years and women of 25 years above	Girls and women aged 13-18 years	Children, 10-17 yrs. in India and women 16-45 yrs. in third countries (including Third sex)
Trafficking route	Nawalparasi and other transit points	Sunauli, Bhagawanpur, Bagaha, Kalidaha, and Rayapur	Krishnanagar, Chakalchauda, Khunuwa, Hardauna, Hathihawa, Thakurapur, Rangpur, Kushawa/Badhani/Milmi	Butawal, Gorushinge	Jogamuni, Rangeli
Mode of transport	Bus, Jeep, Rickshaw and on foot	On foot, rickshaw and taxi	Jeep, bus, rickshaw, tanga, tempo, bicycle and on foot	Trucks and buses	Jeep, bus, rickshaw, <i>tanga</i> , auto, bicycle and on foot
Nature of criminal groups	Relatives, neighbors	Rich persons with political protection	Foreign Employment Agencies / Agents	Relatives and neighbors	
Means used to lure the survivors	Good employment promises, foreign employment, false marriage and false love	False promises of employment	False promises of good employment and good dream, false marriage, treatment in India, visiting of husbands in India	Good employment promises, foreign employment, false marriage and false love	Employment promises, false marriage and false love, to show the good places and towns, to make film actresses, use of drugs
Purpose of trafficking	Sexual, labor exploitation, and forced marriage	Sexual, labor exploitation, circus performance and forced marriage	Sexual exploitation, labor exploitation – domestic and factory, circus performance, drug trafficking and rubbery, forced marriage to the disabled/old men in India	Domestic work, entertainment objects and sexual exploitation	Sexual exploitation, labor exploitation – domestic and factory, embroidering, agriculture, cutting of sugar cane

Contd. Box 2.5

Categories	Nawalparasi	Rupandehi	Kapilbastu	Arghakhanchi, Gulmi	Morang
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				and Palpa	
Factors leading to trafficking	Poverty and consumerism culture	Foreign Employment Agencies, Poverty, Lack of awareness, Illiteracy, Gender discrimination, and Consumerism culture	Domestic violence, gender discrimination, lack of awareness, unsafe migration, increase in displaced persons, communal violence, lack of political commitments and law enforcement	Poverty, illiteracy, unemployment and increasing consumerism culture	Lack of awareness,, poverty, unemployment, weak law enforcement, domestic violence discrimination, women's no access to parental property, survivors of rape, social stigmatization, and lack of effective campaign against trafficking
Challenges in combating trafficking	Difficult to identify the trafficking survivors; fear to complain against traffickers; and political protection to the traffickers for voting politics	Survivors often hide facts that they face political and social protection, No sensitiveness of the State mechanisms on trafficking issues	Lack of law enforcement open border communal violence lack of security lack of information political pressure no DTF	Physical difficulties, less priority of anti-trafficking activities, no effective institutional mechanisms and DTFs	Effective enforcement of laws and inadequate implementation of NPA against Trafficking
Suggestion to address the problem	Awareness among target groups; freedom from fear; criminalization of trafficking activities by the political parties/groups	Effective law enforcement, functional education to children aged 12-18 years, income generating activities and training.	Commitments among the stakeholders; end no punishment regime, priority to anti-trafficking activities, end of political pressure; public awareness and access to information, education and employment to the deprived groups; formation of DTF	Formation of DTFs and establishment of effective institutional mechanisms, positive attitudes towards girls, public awareness, mobilization of different stakeholders including VDCs, media and civil society	Effective law enforcement, establishment of effective institutional mechanisms, mobilization of different stakeholders including VDCs, media, civil society and women's pressure groups.

Source: based on Butawal Workshop, December 13-14, 2007.

2.5 Emerging Challenges

- The problem of trafficking is no longer confined to a specific ethnic group as reported in the past. In the past, majority of survivors were reported to be Tamang girls and women. Similarly, the problem was largely confined to a limited catchment area surrounding the Kathmandu valley. Over the years, it has spread over at least 39 districts and now almost all districts.
- Girls and women, especially from the oppressed groups such as, Dalits are much vulnerable.
- Diversification of the destination is also a troubling new aspect of trafficking. Gulf countries are fast becoming a destination for the sexual and labor exploitation.
- Trafficking of increasingly larger numbers of teenage girls than women is another disturbing factor. Girls trafficking from the Bhutanese refugee camps have also been reported (Hausner, 2005). Much research is needed to understand the dynamics of internal trafficking for commercial sexual exploitation in cabin restaurants.
- As suggested by various organizations working in the Banke and Rupandehi districts, the direct bus route from Kathmandu to Delhi plays a crucial role on trafficking of girls/women via Bhairahawa and Nepalgunj.
- The brokers use different means and ways to traffic innocent girls and women e.g. the brokers now carry with them all the supporting and authentic documents. The brokers may be survivors' own close relatives to whom the survivors fully trust. It creates a greater challenge to the security force or NGOs to intercept the traffickers at the border points.
- The survivors, who are mostly unaware of ending up in exploitative work or commercial sexual exploitation, are ready to go with the brokers because of unemployment, poverty, gender discrimination, dysfunctional family and social exclusion embedded in the Nepalese society.
- Increasingly large number of boys including men is being trafficked for more exploitative labor sectors in India and beyond. However, the magnitude of the problem is yet to map properly. Moreover, it is reported that interception of boys/men's trafficker is not as easy as the interception of girls/women's trafficker at the border points.
- It is reported that a large number of women and children cross the border of Nepal for seeking employment in India with a recommendation letter from a VDC Secretary. While an overwhelming majority of them are unaware on how trafficking takes place (by employing deceptive measures) and to what extent they are accountable to the vulnerable groups.

Chapter 3

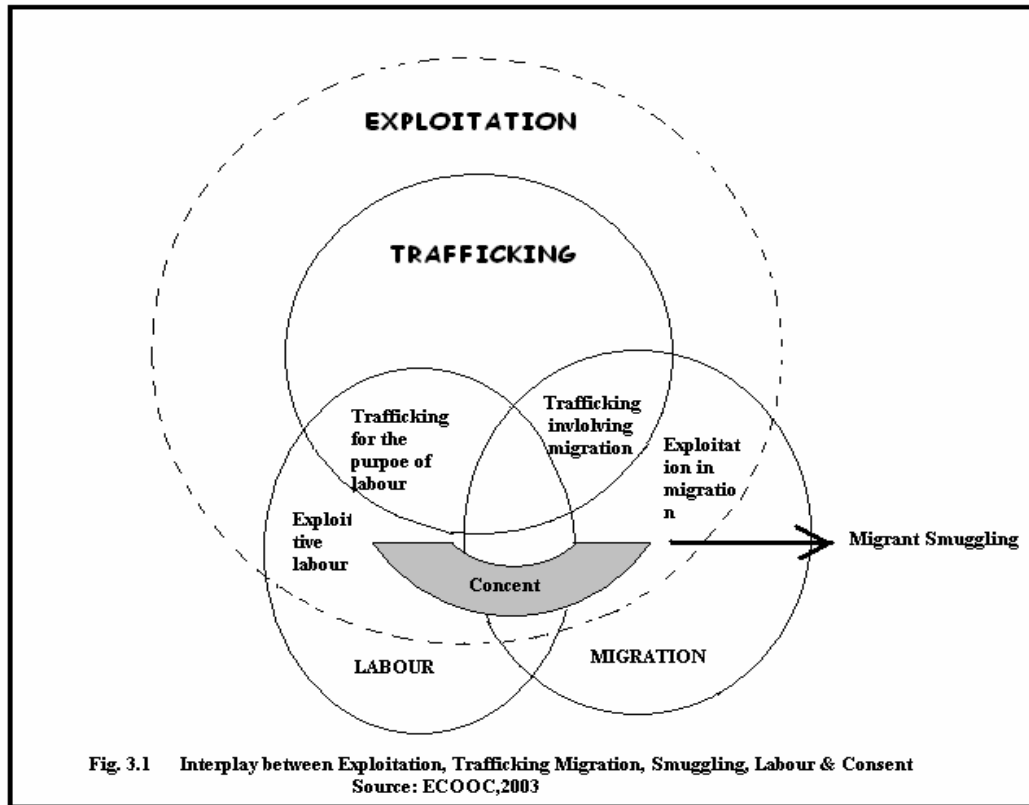
Foreign Labor Migration and Trafficking

The main concern of this chapter is to bring out the linkage between international migration and vulnerability of trafficking. This proposition is tested drawing on the case of contemporary foreign labor migration scenario of Nepal. Foreign labor migration has had both positive and negative impact on Nepalese society. It promotes Nepalese economy mainly through bringing a substantial amount of remittance. It has also increased mobility of women and their economic independence in that magnitude that has ever never been realized in the Nepalese history. However, at the same time, it also provides obscurity and grounds for various illegal activities such as cheating, deception, trafficking and sexual abuse of women. The anonymity enjoyed by various levels of agents relating to foreign labor migration contributes to the growth of trafficking in women in Nepal.

This chapter is divided into eight sections. The first section deals with the theoretical debate on the migration-trafficking nexus. It further goes on dealing with how the concept of exploitation, smuggling, migration and trafficking appear to be overlapping concepts however, they are not so. The second section deals with the emerging concerns on foreign labor migration in Nepalese context. The third section brings out the flow of migration to India and the linkage between trafficking and absentee population. Section four discusses magnitude, trends and patterns of foreign labor migration to other countries besides India. Gender dimension of foreign labor migration is discussed in section five. Section six discusses the recruitment process and vulnerability of trafficking. It discusses how one enters into the labor market; how one is recruited, transformed; and is involved in work and how one might face exploitation and trafficking. Section seven critically reviews the laws, policies and institutional mechanisms for managing foreign labor migration in Nepal. The final section deals with the emerging concerns related to foreign labor migration and vulnerability of trafficking.

3.1 Trafficking-Migration Nexus

Concepts such as trafficking, migration, smuggling and exploitation do not refer the same thing although they interact as shown in Figure 3.1. Migration may be defined as a process of movement by people from one place to another with an objective in mind and is a complex process (Nair and Sen, 2005), and migration is the fundamental rights of human beings. On the other hand, trafficking may be defined as the movement of a person under a situation of deceit, force, threat, debt bondage etc. involving exploitation and violation of human rights of the person. Smuggling is the transport of persons with their consent to another country through illegal means. Exploitation is a key element in trafficking whereas it is not the important character of smuggling (ECOSOC, 2003).



Understanding the relationship between migration and trafficking is important because knowledge about migration trends and patterns and process could play an important role in combating trafficking (Raymond, 2002). Migration and trafficking intersect at the physical movement. In the international discourse of trafficking, movement to a site of exploitation is an important component of the concept. Radhika Coomarswamy sees trafficking as a combination of coerced transport and coerced end practice (2002). Many researchers argue that it is empirically very difficult to distinguish between trafficking and migration (WOREC, 2005). It is vital that distinction be made because of the danger that anti-trafficking initiatives and policies will work to limit the right to mobility and migration in practice, particularly of women. All anti-trafficking interventions must therefore consider direct and indirect impact on a person's rights to mobility.

In the Nepalese context of trafficking-migration nexus, the site of exploitation and the place of origin of the survivors may be the same in case of bonded labor and traditional practices of sex work such as, in the *badi* communities. These situations can be classified as trafficking although the component of movement is missing. In case of foreign labor migration in Nepal, the elements of trafficking may be realized and experienced into different life-cycle of migrant laborers: i) pre-departure, ii) during departure and iii) working at the destination country. The nature of movement of people varies from a particular region to another region. For example, smuggling of persons is widely cited in media mostly to Europe, North America and South and South East Asia. The initial movement in these regions is voluntary. But this voluntary

migration becomes a form of trafficking when the person is deceived into situation of bonded labor or servitude or any other form of violation of human rights.

In case of migration to Gulf countries, the initial movement, process of transformation and working conditions all may involve some elements of trafficking. But the problem here is that the person who was initially trafficked may choose to remain in the work situation. This happens because of no viable alternative available to the person (refer to section 3.6).

3.2 Foreign Labor Migration in Nepal: the Emerging Concerns

Foreign labor employment has become an important source of income in Nepal. It contributes about 18 to 22 per cent to Gross Domestic Product (GDP), i.e. remittances are as high as US \$ 1.5 billion annually. Unexpectedly the foreign labor migration has developed in such a way that it has shifted the agricultural based economy towards remittance based economy (Bhattraï, 2005). Most rural households depend on at least one member's earnings from employment away from home and often from abroad. Decline of poverty from 42 per cent in 1995/96 to 31 per cent in 2003/04 is largely attributed to an increase in remittance income of households (World Bank, 2005). It is argued that 'poverty would have declined by 4.8 percentage points if the amount of remittances had remained unchanged between 1995/96 and 2003/04' (CBS, 2006). This is because the proportion of households receiving remittances increased from 23 per cent in 1995/96 to 32 per cent 2003/04 with an increase of 39 per cent for the poorest quintile (from Rs. 1,010 in 1995/96 to Rs. 1,404 per receiving household) and by 97 per cent for the richest quintile (from Rs.5,666 to Rs. 11,159 per receiving household).

Studies reveal that five clear major streams of emigration have been emerging in Nepal (Seddon, Gurung and Adhikari, 2001; Subedi, 2005; NIDS and UNIFEM, 2006 and New Era 2006). They include: i) India ii) Gulf countries, iii) East and South East Asia, iii) Europe and Australia and v) North America.

3.3 Labor Migration from Nepal to India

Nepal has a long history of foreign employment in India as back as the beginning of the 19th century when Nepali men from the western hills joined up as soldiers in the army of Punjab's King Ranjit Singh in Lahore. It is believed that the term *Lahure*, which is commonly used to call for those persons who work in Indian and British Army even today, originated from the word 'Lahore'. The tradition of recruitment of Nepali hill men in the Indian army started regularly after the *Sugauli Treaty* in 1816 between GoN and East India Company and this tradition continues till today (Seddon, 2005). Development of tea estates in Darjeeling, demand for agricultural labor in other northeast Indian States (Assam, Nagaland, Manipur, Mezoram) during the 20th century were other pull factors while the population pressure, persistent of poverty and lack of alternative employment opportunities in the hills of Nepal were the push factors.

Contemporary labor migration to India may be classified into three major sectors: i) public sectors including Indian Army and Police, ii) private sector such as industry, construction work, agriculture, and service sector and iii)

undesirable sector such as commercial sex work/market – both brothel and non-brothel based sex work. There are no rigorous studies reflecting the magnitude of Nepali laborers in these sectors, however. Seddon, Gurung and Adhikari (2001) provided some estimates based on informed subjective judgment for 1997. According to them, there could be 500,000 to 1,000,000 Nepali working in India. Almost 250,000 were estimated to be working in public sector including approximately 50,000 Nepali men in Indian army. The number working in the private sector was reported to be as double as the public sector. The magnitude of labor migrants to India must have been substantially increased since their study. As Nepal entered into armed conflict in the late 1990s and early of this decade, violence spread throughout the country, especially in remote and rural areas. This has led to *en masse* displacement and force migration to India both for security and livelihood reasons. Given this context, the NIDS and UNIFEM (2006) study cites different guestimates such as '2.5 million', '3 to 3.5 million' and puts its figure in between 1.5 million to 2 million Nepali working in India.

According to the census figures on absentee population, India has remained one of the dominant countries for Nepali labor migrants (Table 3.1). This is mainly because of open border between the two countries and Nepal's close physical proximity with India. The 2001 census showed that there were 589,000 Nepalese working in India, accounting for the 77 per cent of the total emigrants. Of the total labor migrants destined to India, 9 per cent or 68,550 were females.

Table 3.1 Share of total absentee population in India by ecological and development regions

Categories	1981			1991			2001		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Total absentee population	402,977	328,448	74,529	658,290	548,002	118,288	762,181	679,489	82,712
Number destined to India	375,196	307,946	67,240	587,246	492,079	95,167	589,050	520,500	68,550
% out of total absentee destined to India	93.1	76.4	16.7	89.2	74.8	14.5	77.3	68.3	9.0
Dev. Regions									
Easter	12.4	9.3	3.1	12.8	10.8	2.1	8.8	7.9	0.9
Central	10.3	8.4	1.9	9.8	8.2	1.6	8.3	7.3	1.0
Western	47.6	39.2	8.3	40.8	33.9	6.9	34.5	30.6	4.0
Mid-western	10.5	9.1	1.4	11.7	10.2	1.5	11.8	10.6	1.2
Far western	12.2	10.4	1.8	14.1	11.6	2.4	13.8	11.9	1.9
Ecological zones									
Mountain	9.3	7.4	1.9	7.2	5.9	1.4	4.9	4.1	0.9
Hills	76.0	63.0	12.9	62.0	51.9	10.1	50.2	44.6	5.6
Tarai	7.8	6.0	1.8	19.9	16.9	3.0	22.1	19.6	2.5

Source: Population Censuses 1981, 1991 and 2001.

Labor migration to India has several specific characteristics. First, a large number of women are reported to be trafficked for commercial sexual exploitation as discussed in Chapter 2. Second, studies indicate that there is high level of seasonal migration especially for agricultural work in Indian states of Himachal Pradesh, Uttaranchal, Punjab and Haryana (Subedi, 2005). Third, a

large proportion of migrants are of short-term. Fourth, the level of earning and remittance is low at the individual level and a large proportion of labor are involved in low paid, dangerous, harmful, hazardous and exploitative working condition (Seddon, 2005).

Finally, the census data shows that there is a tendency of specific area of origin in Nepal and specific area of destination in India as presented in Table 3.1. The highest proportion of labor migrants bound to India originates from western development region (34.5%), especially from the hill districts such as Gulmi, Kaski, Syangja, Lamjung, Palpa, Baglung and Parbat. This is the region which has a long history of recruitment of Nepali men in the Indian army, particularly from Gurung, Magar and Chhetri communities.

There are also very substantial proportion of labor migrants from far western (14%) and mid-western development regions (12%). Laborers from these regions are particularly bound to Mumbai, Delhi, Uttaranchal, and Himanchal Pradesh for manual labor. The labor migration trend to India by regions suggests that the sole domination of western hills in the migration to India has been declining. On the other hand, a substantial number of laborers from eastern and central regions are found migrated to India.

The census figures for the last three decades indicate that the proportion labor migrants bound to India has been declining. For example, the proportion of labor migrants destined to India was 93 per cent in 1981, which declined to 89 per cent in 1991 and to 77 per cent in 2001. This decline suggests the fact that Nepal has been increasingly diversifying its international labor markets from India to other countries in recent years.

3.4 Labor Migration to 'Overseas'

3.4.1 Levels and Trends

Table 3.2 presents the number of foreign laborers over the last 13 years in Nepal based on data obtained from DoLEP⁴. Nearly one million people are in the foreign labor migration. Note that this set of data does not provide information about those destined for foreign employment via India. The staff of DoLEP guesstimate about one million people in foreign employment destined via India. Thus, currently nearly two million Nepalese work in different countries.

Examining the trends, foreign labor migration can be visualized into four distinct phases. They include i) early phase (1993/94 – 1997/98), ii) second phase (1998/99 – 2000/01), iii) third phase (2001/02 – 2004/05) and iv) the latest phase (2005/06 –). In the early phase of labor migration, the number of laborers ranged from 2,000 to 8,000 annually. The statistics shows a considerable increase in labor migration since 1998/99. The number reached to 27,716 in the year of 1998/99 from just below 8,000 in the previous year. The

⁴ The DoLEP has maintained records of laborers who have gone aboard for work through institutional basis since 1993/94 (2050/51 BS) and it has maintained records of those foreign labor emigrants who have gone on the individual efforts since 2006. Thus, the figures from 1993/94 to 2005/06 here only represents to those laborers who went through institutional basis while the figure for the year of 2006/07 has included the laborers gone through both institutional and individual efforts.

phases of second and third are the periods of heightened violence in the country which ended in April 2006, following the success of People's Movement II. Throughout the second phase, the number of laborers increased considerably every year. In the third phase of labor migration, the number of laborers exceeded more than one hundred thousand. The latest phase represents the period after the peace agreement between the GoN and the CPN-Maoist.

Table 3.2 Levels and trends of foreign labor employment over the years, Nepal

Year	Number
First Phase	
1993/94	3,605
1994/95	2,159
1995/96	2,134
1996/97	3,259
1997/98	7,745
Second Phase	
1998/99	27,796
1999/00	35,543
2000/01	55,025
Third Phase	
2001/02	104,736
2002/03	105,043
2003/04	106,660
2004/05	139,718
Latest Phase	
2005/06	177,576
2006/07	204,533
Total	975,532

Source: data received from DoLEP, MoLTM, GoN, 2007.

Origin of Foreign Labor Migrants

As indicated by the DoLEP data, a total of 168,735 Nepalese people destined to different countries for foreign employment in the fiscal year of 2006/07 (July 2006-June 2007) through institutional basis. Of the total foreign labor migrants, the highest proportion originated from the Tarai region (47.4%), followed by the Hill (46.7%) and the least from the Mountain (5.9%). Comparing the proportion of foreign labor migrants with the proportion of total population size in the regions, the foreign employment flow from the Hill region is slightly higher compared to its share of population (i.e. 46.7% vs. 44.2%) while the flow from the Mountain and the Tarai are lower compared to their share of population.

Table 3.3 Comparing the origin of foreign labor migrants with the share of population size, 2063/064 (July, 2006 to June 2007), Nepal

Regions	Number of foreign labor migrants	% of total foreign labor migrants	% of population in the 2001 population census
Mountain			
Eastern	5,178	3.1	1.73
Central	4,193	2.5	2.40
Western	112	0.1	0.11
Mid-western	112	0.1	1.34
Far-western	384	0.2	1.72
Sub-total	9,979	5.9	7.3
Hill			
Eastern	20,137	11.9	7.10
Central	18,610	11.0	15.30
Western	31,587	18.7	12.06
Mid-western	7,657	4.5	6.36
Far-western	849	0.5	3.45
Sub-total	78,840	46.7	44.27
Tarai			
Eastern	31,966	18.9	14.25
Central	30,865	18.3	16.99
Western	10,222	6.1	7.57
Mid-western	5,518	3.3	5.32
Far-western	1,345	0.8	4.30
Sub-total	79,916	47.4	48.43
Total	168,735	100.0	2,3151,423

Source: data obtained from DoLEP, MoLTM (2007).

In terms of sub-regions, flow of foreign employment from Eastern Mountain (3.1% vs. 1.73%), Central Mountain (2.5% vs. 2.40%), Western Hill (18.7% vs. 12.06%) and Eastern Tarai (18.9% vs. 14.25%) exceeds the share of population size in the corresponding regions. While the flow of foreign employment from Mid-Western and Far-Western regions (all Mountain, Hill and Tarai) are far lower compared to their corresponding share of population size.

Foreign labor migrants originate from all the 75 districts but the absolute numbers vary by districts (Table 3.4). Out of the top ten districts, nine are from the Tarai region alone and one is from the Western Hill (Tanahu). These top ten districts in the Tarai region include Dhanusa, Siraha, Jhapa, Mahottari, Morang, Nawalparasi, Chitawan, Saptari and Sunsari. These 10 districts alone account for 38.7 per cent of the total foreign labor migrants. There are 9, 16, 17, 12 and 11 districts in which foreign labor migrants originates in the range of 3000-4000, 2000-3000, 1000-2000, 100-1000 and less than 100, respectively. Districts with less than 100 labor migrants are Manang, Doti, Bajhang, Accham, Humla, Mustang, Bajura, Dolpa, Mugu, Jumla and Kalikot.

Table 3.4 Origin of foreign labor migrants by district in the fiscal year of 2006/07 (Aug. 2006 to July 2007)

Size of foreign labor migrants	No. of districts	No. of foreign labor migrants	Per cent of total foreign labor migrants	Name of district
4000-11000	10	65,353	38.7	Dhanusa, Siraha, Jhapa, Mahottari, Morang, Nawalparasi, Chitawan, Tanahu, Saptari and Sunsari
3000-3999	9	31,391	18.6	Syangja, Kaski, Rupandehi, Gorkha, Panchthar, Sarlahi, Dang, Baglung and Khotang
2000-2999	16	39,571	23.5	Dhading, Udayapur, Palpa, Kavre, Sankhuwasabha, Rolpa, Makwanpur, Bhojpur, Ilam, Lamjung, Sindhuli, Dhankuta, Kathmandu, Nuwakot, Sindhupalchok, Parbat
1000-1999	17	25,406	15.1	Salyan, Taplejung, Gulmi, Terathum, Okhaldhunga, Bara, Myagdi, Ramechhap, Rautahat, Dolakha, Arghakhanchi, Kapilbastu, Banke, Rukum, Parsa, Lalitpur and Bardiya
100-999	12	6,601	3.9	Pyuthan, Kanchanpur, Solukhumbu, Bhaktapur, Surkhet, Rasuwa, Kailali, Dadeldhura, Baitadi, Darchula, Jajarkot and Dailekh
Less than 100	11	413	0.2	Manang, Doti, Bajhang, Accham, Humla, Mustang, Bajura, Dolpa, Mugu, Jumla, Kalikot
Total	75	168,735	100.0	

Source: the same as in Table 3.3

3.4.2 Emergent Regional Patterns

Table 3.5 presents the trends of foreign labor migration by regions of destination, according to the phases of migration. During the first phase, the migration flow was primarily to the Gulf region while there were a few hundred migrants destined to the East and South East Asia. In the second phase, the number of migrants increased in both the Gulf countries and the East and South East Asia. By 2000/01, the figure reached to 11,996 from merely 436 in 1997/98. In the third phase, particularly in the 2001/02 year, the number of migrants destined to the East and South East Asia region exceeded the number to the Gulf countries. The major labor receiving countries during the phase were Malaysia and South Korea. However, after that the Gulf countries have been continuously dominating the labor migration scenario of Nepal. There is also increasing trend of people migrating to the Western countries. Further, data reveal that Africa, South America and North America emerged as the destination of Nepalese laborers especially after 2000.

Table 3.5 Trends of foreign labor migration by regions of destination

Regions	First Phase					Second Phase			Third Phase				Latest Phase	
	1993/ 94	1994/ 95	1995/ 96	1996/ 97	1997/ 98	1998/ 99	1999/ 2000	2000/ 01	2001/ 02	2002/ 03	2003/ 04	2004/05	2005/ 06	2006/ 07
Gulf countries	3308	1299	2015	2638	7166	26883	34098	42872	50735	59326	58203	71956	94121	128713
East and South East Asia	297	860	114	573	436	867	1299	11996	53767	45407	48011	67407	83212	75485
Europe and Australia	0	0	5	48	143	0	59	85	141	129	125	218	171	51
Africa	0	0	0	0	0	0	14	12	17	50	17	1	0	0
South Asia	0	0	0	0	0	46	71	37	42	88	356	33	47	251
North America	0	0	0	0	0	0	2	23	34	43	48	103	25	35
Total	3,605	2,159	2,134	3,259	7,745	27,796	35,543	55,025	104,736	105,043	106,760	139,718	177,576	204,535

Source: data received from DoLEP, MoLTM, GoN, 2007.

3.5 Gender Dimension of Foreign Labor Migration

As discussed in Chapter 2, trafficking may affect all persons i.e. girls, boys, women and men and it may occur for variety of reasons such as labor exploitation, commercial sexual exploitation and other purposes. However, it has been well established that trafficking has gender dimension as well. And, primarily, girls and women have been at greater risk for exploitation because of their gender disadvantaged position entrenched in the society. This is the root cause of trafficking in Nepal. While men's migration has long been accepted, women's mobility has been a matter of public concern and is conditioned by the role of formal and informal institutions like the family, community and the State. At the family level, women may face several socio-cultural and economic barriers to come out from the households and join in the international labor market. They may lack information, cooperation from the family members, financial resources including the burden of caring and rearing of children and other dependents. Community may stigmatize a woman migrant labor if the returnee is from a low paid country such as Middle East and Malaysia. However, if the returnee is from the highly paid country such as North America, Europe, Australia, Japan and South Korea, she carries prestige and power in the community. The State may pose restriction on women's mobility through its gender biased laws and policies. This disadvantaged position of girls and women may lead to increase in vulnerability of trafficking when they are forced to resort to clandestine means for labor migration.

Table 3.6 summarizes the gender dimensions of foreign migration for labor. Of the total labor migrants in 2006, females accounted for 9 per cent (78,308 in number). The highest proportion of female labor migrants is in Gulf countries (52%), followed by South and South East Asia (26%) and Europe and Australia (12%). In all regions, female labor migrants have substantially increased over the years. The high demand for Nepali women laborers is because of their honesty and competence to shoulder the responsibility of domestic jobs such as cooking, caretaking (Of children and old age people) and cleaning, etc. Nepali women are also employed in low paid jobs due to their lack of skills, training and even ignorance about their rights.

In addition to increase in the absolute number of female migrants destined to Gulf countries, the ratio of female to male laborers has also improved from merely 2 per cent in 2001 to 8 per cent in 2001. At the individual country in this region, the highest number of female migrants is reported to be in Saudi Arabia (30,000). Other major countries receiving female migrants in this region are Lebanon (4,000), Kuwait (1,870), Qatar (1,600), United Arab Emirates (1,550) and Bahrain (1,340). There are few hundred female migrants in Israel. It is reported that the salary level is far better in Israel compared to other many Gulf countries. Lebanon is only the country in this region where only female migrants are reported and in all other countries, male migrants overwhelming exceed female migrants. The female to

male ratio in labor migration is the highest in Israel (70), followed by Bahrain (32), Kuwait (23) and Saudi Arabia (15).

After the Gulf region, the South and East Asia is the major region of receiving female labor migrants. In this region, Hong Kong has received the largest number of female labor migrants (14,500) and it is also the second largest country for female migrants destined to aboard for employment. There is also a remarkable number of female laborers in Japan. Comparing the data in between 2001 and 2006, it is revealed that although the absolute number of females destined to this region has increased from 5,834 in 2001 in 2001 to 20,608 in 2006, yet this increase is proportionally lower than that of males. This is also obvious from the female to male labor ratio which declined from 24 in 2001 to 9 in 2006. At the individual country level, the highest ratio is found in Japan (70), followed by Hong Kong (48) and Singapore (44).

The third largest region is Europe and Australia. The proportion of female migrants to the total is the highest in this region. The female to male labor migrant ratio is 56. In terms of individual countries, the ratio is 50 in UK, 75 in Australia and 71 in New Zealand. This reveals the fact that migration to this region is accompanied by families. There are about 1,000 female labor migrants in North America. The female to male labor ratio in this region is 6.

Table 3.6 Gender dimensions of foreign labor migration (excluding India) 2001 and 2006, Nepal

Countries	Population Census, 2001			NIDS and UNIFEM, 2006			
	Females	Males	Females per 100 males	Females	Males	Females per 100 males	Ranking of countries in terms of no. of female migrants
Gulf Countries	2,031	108,795	2	40,740	510,527	8	
Saudi Arabia	831	66,629	1	30,000	205,000	15	1
Lebanon				4,000	1,000	400	4
Kuwait	644	3,044	21	1,870	8,150	23	7
Qatar	189	24,208	1	1,600	198,200	1	8
UAE	246	12,298	2	1,550	72,500	2	9
Bahrain	121	2,616	5	1,340	4,200	32	10
Israel				350	500	70	15
Oman				30	781	4	27
Iraq				0	20,000	0	
Jordan				0	196	0	
East and South East Asia	5,834	24,102	24	20,608	229,113	9	
Hong Kong	3,858	8,143	47	14,500	30,000	48	2
Japan	639	3,087	21	3,500	5,000	70	5
Malaysia	71	6,742	1	1,000	184,000	1	11
Korea	246	2,433	10	700	4,350	16	13
Brunei				500	3,000	17	14
Singapore	684	2,679	26	311	700	44	17
Taiwan				60	1,750	3	24
Thailand				23	195	12	28
Indonesia				12	24	50	30
China	336	1,018	33	2	9	22	34
Cambodia				0	50	0	
Vietnam				0	25	0	
the Philippines				0	10	0	
North America	2,330	7,227	32	1,023	15,985	6	
USA**	2,330	7,227	32	713	15,570	5	12
Canada				310	415	75	18
Europe and Australia	2,517	11,878	27	9,164	16,259	56	
UK	1,274	5,997	21	5,000	10,000	50	3
Australia	500	1,991	25	3,000	4,000	75	6
New Zealand				320	450	71	16
Belgium				280	490	57	20
Ireland				130	115	113	21
Norway				105	145	72	22
Switzerland				61	102	60	23
the Netherlands				55	90	61	25
Spain				40	250	16	26

Contd. Table 3.6

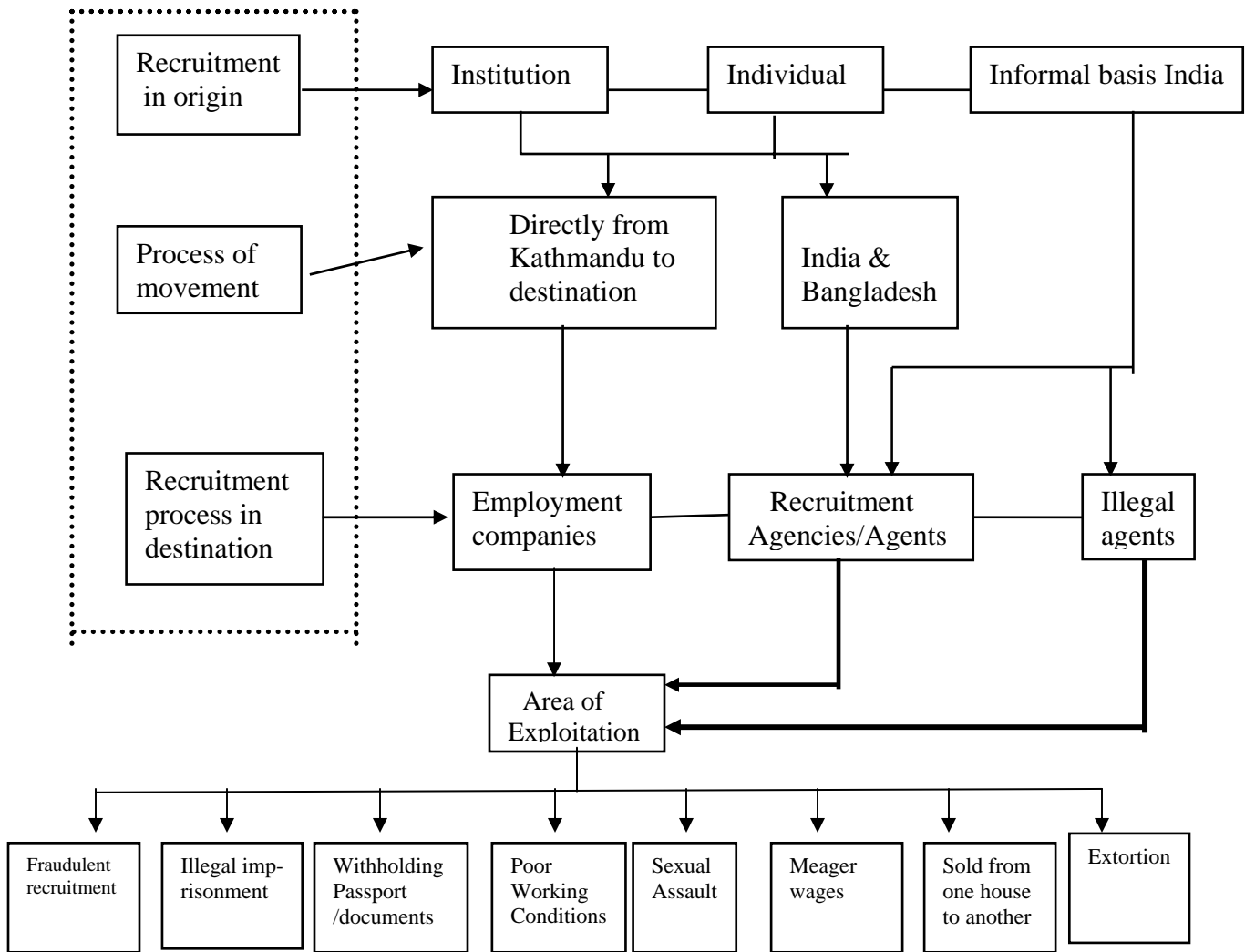
Countries	Population Census, 2001			NIDS and UNIFEM, 2006			
	Females	Males	Females per 100 males	Females	Males	Females per 100 males	Ranking of countries in terms of no. of female migrants
Austria				40	250	16	26
France	53	197	27	30	80	38	27
Portugal				30	50	60	27
Scotland				30	40	75	27
Germany	218	1,420	15	15	55	27	29
Sweden				15	16	94	29
Russia	114	633	18	12	30	40	30
Italy				1	3	33	35
Kosovo				0	93	0	
Denmark				0	0	0	
Spain				0	0	0	
Cyprus				0	0	0	
Other European countries	358	1,640	22				

Source: CBS, 2001 and NIDS and UNIFEM, 2006.

3.6 Vulnerability of Trafficking as a Process: the Context of Foreign Labor Migration

Trafficking in persons should be understood as a process rather than as a single offence (Huntington, 2002). Vulnerability of trafficking in the context of foreign labor migration in Nepal requires to be examined in the process of recruitment, transportation and entry and working period. To assess each situation, the analysis runs from the discussion of countries opened for labor migration to exploring the channels of recruitment, modus operandi of transportation to working conditions. This situation is depicted in Figure 3.2. There are three channels to go aboard for work. They include through i) institutional basis (Foreign Employment Agencies) ii) individual efforts and iii) informal basis via India.

Fig 3.2 Trafficking as a process: the context of foreign labor migration



Countries Opened for Foreign Employment

The GoN has opened 105 countries for foreign employment (Table 3.7) excluding Trinidad and Tobago which is in the process of opening. There are 39 countries from Europe alone, 3 from North America, 3 from Central Asia, 13 from East and South East Asia, 6 from Oceania and Australia, 5 from South Asia (excluding India), 12 from South America, 12 from Africa and 12 from Gulf countries. Initially, there were 19 countries opened for foreign employment. They were UAE, Qatar, Saudi Arabia, Kuwait, Jordan, Bahrain, Oman and Israel from Gulf region; Hong Kong, Malaysia, Singapore, Brunei, South Korea and Macau from East and South East Asia; Maldives and Afghanistan from South Asia; United Kingdom, Cyprus, Kosovo and Latvia from Europe and Saipan and Sessels from Australasia and Oceania. The additional countries were opened from November, 2004.

Table 3.7 Countries opened up for foreign employment as of July 2007

Europe	30. Romania	56. the Philippines	Africa
1. Albania	31. Russia	57. Singapore	82. Algeria
2. Austria	32. Slovenia	58. South Korea	83. Egypt
3. Belarus	33. Spain	59. Thailand	84. Guyana
4. Belgium	34. Sweden	Australasia, Oceania and Australia	85. Kenya
5. Bosnia and Herzegovina	35. Switzerland	60. Fiji	86. Mauritania
6. Bulgaria	36. Cyprus	61. Cecelia	87. Morocco
7. Croatia	37. Turkey	62. Sesels	88. Mozambique
8. Denmark	38. United Kingdom	63. Macau	89. Nigeria
9. Estonia	39. Vatican City	64. Saipan	90. South Africa
10. Finland	North America	65. Australia	91. Tanzania
11. France	40. Canada	South Asia	92. Tunisia
12. Germany	41. Mexico	66. Afghanistan	93. Zambia
13. Greece	42. USA	67. Bangladesh	
14. Hungary	Central Asia	68. Maldives	Gulf countries
15. Ireland	43. Azerbaijan	69. Pakistan	94. Bahrain
16. Island	44. Kazakhstan	70. Sri Lanka	95. Iran
17. Italy	45. Ukraine		96. Iraq
18. Kosovo		South America	97. Israel
19. Latvia	East and South East-Asia	71. Argentina	98. Jordan
20. Luxemburg	46. Brunei	72. Bolivia	99. Kuwait
21. Macedonia	47. China	73. Brazil	100. Lebanon
22. Malta	48. Cambodia	74. Cambodia	101. Libya
23. Moldova	49. Hong Kong	75. Chile	102. Oman
24. the Netherlands	50. Indonesia	76. Costa Rica	103. Qatar
25. Norway	51. Japan	77. Cuba	104. Saudi Arabia
26. Poland	52. Laos	78. Nicaragua	105. UEA
27. Portugal	53. Malaysia	79. Panama	
28. Republic of Czech	54. Mongolia	80. Peru	
29. Republic of Slovakia	55. Myanmar	81. Venezuela	

Source: data received from MoLTM (no date: 8-10).

Process of Recruitment through Foreign Employment Agencies

Foreign Employment Act 2064 (2007) and Foreign Labor Regulation 2056 (1999) have the provision of regulation of foreign employment agencies but in practice, there is gross violation of the Act and Regulation. According to DoLEP, of the total 736 foreign employment agencies in Nepal (as of third week of November 2007), registration of 116 agencies has been cancelled due to violation of the rules and regulations of the Act.

In the process of recruitment of workers in Nepal, many foreign employment agencies do not show the 'real' contract paper to be signed between the workers and the employers. Agencies prepare fraud contract paper exaggerating the remuneration to be paid and social security available in the destination country. Even if some companies may have real contract paper sent by the employer companies, the paper is written in the local languages of the destination country or in English. As majority of laborers destined to Middle East and Malaysia have poor English or do not know the local languages of the destination countries, these workers are largely denied from right to information about the potential working conditions in the destination country. In majority of cases, foreign employment agencies only show the real contract paper at the airport in the same day of the departure to the destination. Then the laborers are bound to sign in the original contract paper at the time when they usually do not have sufficient time to read and understand the content provided in the paper as they are in rush in completing the emigration formalities and security check-ups. That is the real paper for the terms of working condition in the destination country. Similarly, it is known from the discussion with the DoLEP and Department of Immigration that Gulf countries issue paper visa which is very difficult to verify of their validity due to language problem and possibility of fake documents.

Process of Recruitment through Individual Efforts

The Foreign Labour Regulation, 1999 permits foreign labour migration through the individual efforts (which is not through the foreign employment agencies). This procedure is also operated and monitored by the DoLEP. In order to proceed for the labour migration, one has to submit documents like passport, visa, original copy of contract paper between the worker and the employer, citizenship certificate, medical certificate, health insurance certificate, pre-departure orientation training certificate and guarantee letter from the employer (only for the Gulf countries).

Data obtained from the DoLEP shows that a total of 5,668 labourers have gone aboard for work through non-institutional basis in the fiscal year of 2006/07 (till April 2007). Of them, female consisted 42 per cent. The female migration is largely concentrated in Gulf countries while male migration is much diverse. The major destination countries for female are Israel (88%), Lebanon (6%), UAE (1%) and North

America (1%) while for male, the major destination countries are Bahrain, Japan, Qatar, Israel and USA.

This type of labour migration mostly occurs through the social networks of migrants. The link is established through friends or relatives already working in the destination countries. It is reported that visa are sent by relatives and friends already working in the destination countries. This practice is reported particularly from Malaysia and Gulf countries. But such networks are not available for all. Some of the most socially and economically poor families such as Dalit, and women have not had such social network as there are fewer persons from these social categories in foreign employment. In this case, agents take the role to provide this link for destination countries by providing false promises. It is also found that the old migrants are also potential traffickers or exploiters because of their familiarities with local situation in the destination country.

Process of Recruitment via India

Another way of recruitment of Nepali migrant labourers, especially that of women, to Gulf countries and Malaysia is via India (mainly from Delhi and Mumbai). Although there is no authentic data on number of women migrant labourers recruited and transported through these transit points, it is believed that more than 50 per cent of the Nepali women labourers in the Gulf countries have gone via these transit points. The magnitude of labour migration through this channel has increased especially after the GoN banned women's migration to Gulf countries in March 1998, following the alleged sexual abuse and death of a Nepali migrant woman worker in the Gulf. 'Although the ban was lifted in January 2003, this formally applies only to the organised sector, but not in the informal sector and particularly in domestic service where majority of Nepali women was employed previously and continue to be employed unofficially' (Seddon, Gurung and Adhikari, 2006:172). This has forced more Nepali women to seek informal networks to go aboard for employment as a result their vulnerability of trafficking has increased.

The process of recruitment via India is as such that local agents roam the villages and bring women in a flock there. Most vulnerable women are those who are in dire need of survival and income, such as women deserted by their husbands, young widows, deprived and the poor and the young girls. Once they are transported there, they are kept in a group in a hotel where mostly living conditions are much harassing with unsanitary condition, unsafe drinking water, no separate toilet facilities, low personal security and very congested places. These women's jobs depend on their 'sexual favours' to the concerned agents (Bashford (2005). There are also reports that such agencies also traffic girls into brothels in India and sexual slavery in the Gulf countries (Adhikari, 2006). Thus, this process of recruitment in general involves considerable risks to women such as the case of Devi as shown in Box 3.1.

Box 3.1 Devi's experience of foreign labor employment: the case of deception and exploitation

Devi, 26, from Rupandehi district was deceived for good foreign employment by her neighbor. Her failure in intermediate level exam was the main reason for her to go to work in a foreign country. As her sister and aunt were in Hong Kong, she wanted to go there but she knew that it was not possible. Then, she decided to go to Oman. In the meanwhile, her neighbor, a forty year old Thakuri woman asked her if she would like to go for teaching. Devi agreed on it and the woman took Rs. 30,000 from Devi as visa charge.

The woman transported Devi with other 25 girls to Mumbai. After staying 12 days there, it was told that four girls including Devi got visa from Kuwait. When they reached to the airport in Kuwait, after few hours, a Kuwaiti agent came to transport them to a employment agency. When Devi reached in the office, there were 20 girls from different countries. They seemed to be from the Philippines, Indonesia, Sri Lanka and India. Devi says, 'the rich Kuwaitis buy strong and fat girls from the office'. In the office, Devi was asked to work as a domestic helper. Devi initially refused it arguing that she was told it to offer a school teacher. Ultimately, she was forced to involve in domestic work.

Devi reported that how she faced an exploitative and abusive working condition at the master's house in Kuwait. She says, 'I was bitten by a hot iron without good reasons. The master's family continuously threatened me that they had bought me and they had a right to do anything they would like. I could not bear the abuse. I requested the master to take me back to the office but he did not listen to me. I had no idea as to whom to contact, where to go and how to get support. I had neither any phone numbers to contact in Kuwait or in Mumbai. One day, I managed to call my uncle and mother in Nepal and told them that I wanted to return Nepal at any cost. If it was not possible, I would commit suicide'.

Here in Nepal, Devi's mother reported the case of Devi to Ekta Kendra, an organization working for women in Bhairahawa. It brought the case to the Women and Children Centre, Nepal Police in Bhairahawa. The Police arrested the agent and put her in custody. The agent agreed to bring Devi back but she said that she could not bear the expenses. Finally, the agent in Mumbai called Devi to come to the Kuwait office. She asked for her salary but she did not get any. Then, they took her to the Kuwaiti office and after staying there for 15 days, she came to Mumbai. After 5 days, Devi and a girl from Taulihawa along with an agent from Mumbai arrived in Gorakhpur. There Devi's brother and the girl's husband received them. Devi felt as if she was in heaven when she arrived in Nepal.

Being afraid of losing social prestige, her family has not complained against agent yet. The agent still continued the trade today. At present, Devi is working in an Indian PCO and receives Rs.1400 per month. Devi says with a sigh, 'I being so clever and educated could not escape from the hands of traffickers, then what happens to those who are illiterate'.

Source: summarized from LWF Nepal and Saathi, 2006: 52.

Drawing on the media review for the whole year of 2006 by ONRT and the findings of previous studies (Bhattra, 2005; Bashford, 2005 and Seddon, Gurung and

Adhikari, 2006), there are several vulnerability situations for women migrants before and during the process of recruitment. They can be summarised as follow:

- Lack of information in aspects of arranging departure involving administrative processes of departure, the country of destination, salary, terms of work, working hours and conditions;
- Lack of comprehensive pre-departure training and orientation on the language, culture, possible risks and challenges in the destination country;
- Lack of knowledge of authorized channel for safe migration – leading women slipping into informal network;
- Lack of adequate skills and job training;
- Lack of provision of organized sector loans for arranging travel cost and visa;
- Cheating, sexual abuse and sexual exploitation by local agents and Foreign Employment Agencies and
- Barrier to women to get permission from the family for foreign employment.

Modus Operandi of Transportation and Recruitment in the Destination Country

The modus operandi of transportation of the migrant labourers occurs two ways: i) directly from Kathmandu to the destination country and ii) via from Mumbai and New Delhi. Once a labourer reaches to a destination country, there are three channels to get a job. They are: i) directly by an employing company, ii) indirectly by a legal employment agency and iii) indirectly through an illegal agent. The possibility, to some extent, depends upon how s/he was sent from Nepal i.e. whether through institutional, non-institutional and via India channels. Labourers who go through individual basis largely end up in the hands of local agents (both legal and illegal agents). In this case, the vulnerability of trafficking and exploitation increases as the bargaining power of the labourers becomes very weak. Majority of labourers sent via Mumbai and Delhi become the prey of illegal agents in the destination country.

Working Conditions: Exploitation and Trafficking

With the analysis of the statements of many returnee migrants from Gulf countries and Malaysia in the media and the complaints filed in the DoLEP indicated that the pre-stated working conditions rarely exist i.e. name of the said company, nature of work, salary, overtime facility, working hours and other facilities do not largely tally with the said promises by the local Foreign Employment Agencies in Kathmandu. One recent evidence in Malaysia, the Kantipur Daily published the news from Kwalalampur on August 1, 2007 that

Nepali workers in Malaysia have not been provided job, salary and facilities according to the agreement done in Nepal. Majority of them have been placed in different companies and jobs than they were told. They have not been provided accommodation, food, health insurance, transport facilities as told in Kathmandu.

This problem has been reported to be increasing for the last three years. The main reason for this is that Overseas Employment Agencies deceive the workers regarding their potential salary and other facilities due to their unhealthy and high competition every day. According to the Embassy, on the average, there are 10 complaints every day that the workers have not been provided facilities as promised in Kathmandu. Before two years ago, there were only two complaints...In Nepal, workers are told that their monthly salary will be 700 Ringgit but majority of Nepali workers' monthly salary here is 450 Ringgit. To earn more than this, one has to do overtime.

In the first week of July 2007, about 300 Nepali laborers were fired by a construction company in Bahrain as they had demanded the payment told by the local employment agency in Kathmandu. Kantipur daily on July 29, 2007 writes in this connection as:

I [the author] reach to Bahrain after 14 hours flight from New York. Flight is said to be six hours delay. I watch situation around the airport and encounter with the frustrated Nepali workers about to return at home. I heard their story how they came here. They arranged their visa and travel cost through selling their land and borrowing money at a very high interest rate from the local moneylenders. Instead, these workers were cheated by the local Overseas Employment Agencies.

I saw very ill-treatment by the airport authorities and the police to those Nepali workers. I became furious and asked about this with the airport authorities why they were treating Nepali workers as animals. Instead, they seized my passport, money and sent me to police custody...It was known that these workers were paid the half amount said by local foreign employment agency in Kathmandu. When the workers knew about their salary scale, they had gone on demonstration. Consequently, they were faired, arrested and deported.

As indicated in figure 3.2, Nepali migrant workers in abroad have to face several problems like fraud recruitment, low wages, poor working conditions, meager wages, lack of social protection, denial of human rights, discrimination and social exclusion, forced labor, sexual assault, lack of rights to collective bargaining, restriction on mobility, sold from one house to another, absence of medical treatment and health services, withholding of papers and identify cards and extortion.

In addition, remarkably a large number of Nepali men and women have been sent to countries that are not legally opened up by the GoN, resulting to a high risk of sexual and labor exploitation, detention, and killings. The case of Iraq in September 1, 2004 was horrific for the Nepali people that 12 Nepali young men were murdered by Islamic radicals in Iraq. The young men were kidnapped in August while they were traveling overland from Jordan to jobs in Iraq. They were offered the job of cooks and cleaners by the Jordanian employers.

3.7 Safe Migration Commitments, Foreign Employment Laws, Regulations and Policies

The GoN is a member country of International Organization of Migration (IOM). The Government ratified ILO Convention No. 100, relating to equal wages and benefits for equal work in 1976 and Convention No. 111, relating to equality of employment opportunity and choice of profession in 1974. The GoN has yet to ratify the UN Convention on the Rights of All Migrant Workers and Members of Their Families 1990. Other relevant Conventions and Recommendations that Nepal has yet to ratify are the following:

- The Convention Concerning Migration for Employment, 1949 (No. 97);
- The Recommendation Concerning Migration for Employment, 1949 (No. 86);
- The Convention Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143) and
- Recommendations Concerning Migrant Workers, 1975 (No. 151)

At the domestic level, the Interim Constitution of Nepal 2063 (2007) has incorporated the principles of equality and social justice for every citizen without any discrimination on the basis of race, caste, sex, creed, language and ideology, and safeguards the human rights of all citizens. Article 12.2 of the Interim Constitution guarantees the freedom to choose a profession, employment, industry and business. Article 18.1 states that every citizen shall have the rights of employment in accordance with the law and it also guarantees the special provision for women's employment.

The GoN enacted the Foreign Employment Act 2064 in 2007 to protect the rights of workers as well as the professionals. Some of the key strengths of the Act are the following:

- Eligibility of the GoN in sending workers to the countries with diplomatic relations of Nepal (Section 3.ka);
- Formation of a high level committee led by the minister of MoLTM to manage the procedure of sending workers to a foreign country, make it competitive and accountable (Section 3.ka); Other members of the committee include representatives from different line ministries, National Women Commission; trade unions and foreign employment agencies;
- Responsibility of the government for solving any problems faced by Nepali workers in a foreign land (Section 3.ga);
- End of discrimination against women in relation to foreign employment and provision of special security to women workers;
- Mandatory of payment receipt to be given to the workers to renew the agencies;
- Use of domestic airport to send the workers - a prior permission is needed from the DoLEP to send workers from outside of Nepal;

- Establishment of Foreign Employment Welfare Fund to support workers and their families in cases of crisis and to promote foreign labor employment;
- Establishment of Labor Attaché in the abroad where there are at least 5000 Nepali migrant workers
- Fixing the maximum service charge to protect workers from cheating;
- Extraterritorial jurisdiction of the Act;
- Violation of the Act is considered as an offence under criminal case and recognizes it as against the State;
- Establishment of labor desk at the airport;
- Provision of compensation to victims if no work according to contact agreement; and
- Mandatory of providing a contact letter to the worker by stating his/her post, salary, overtime provision, nature of work, working hours and condition, provision of social security such as, health insurance, leave and leisure including the condition of withdrawal of the agreement.

Weaknesses of the Act

- No provision of government grants to the Foreign Employment Welfare Fund;
- No provision of representation of workers in the high level committee;
- No special provision of security to victims and witnesses; and
- No provision of additional punishment to the offenders in case of violence against women in relation of foreign employment.

Foreign Labour Employment Policies in Development Plans

For the first time, the Eight Plan (1992-97) stressed the promotion of foreign labour employment as a strategy to address unemployment and underemployment. The Ninth Plan (1997-2002) stated its aim to provide full employment to at least one member in a household. Further, foreign labour employment comes as one the six strategies of poverty alleviation through employment in the Tenth Plan (2002-07).

The *Three Year Interim Plan (2006/07-2009/10)* has emphasized the importance of foreign labor employment as one of the major sources of income and poverty alleviation strategy. It has estimated that the total annual number of Nepali in foreign employment will increase from 175,000 in 2006/07 to 250,000 in 2007/08 and to 350,000 in 2008/09 (NPC, 2007). The policies relevant to foreign employment are the followings:

- Identify the foreign labor market and ensure the maximum opportunity of foreign employment by providing legal, technical and behavioral training;
- Make foreign employment secure and sustainable by making women friendly laws and institutional set-up and provide essential skills and training to the workers;
- Expand or strengthen the diplomatic missions in order to protect the rights of Nepali workers in foreign land and make labor agreement to those countries with a certain number of Nepali workers;

- Provide accidental and life insurance to the persons in foreign employment during the period of their job; and
- Introduce 'foreign labor employment' in teaching curriculum in schools and colleges.

Institutional Arrangement

The MoLTM is responsible for formulation and implementation of foreign labor employment policies. The DoLEP of the ministry is a key implementing department. Its major responsibilities are coordination, regulatory instruction, licensing to employment agencies, approval for foreign employment and legal action in accordance with the Foreign Employment Act. Other relevant Ministries/Departments are ministry of Foreign Affair (MoFA), Ministry of Home Affair (MOHA) including Chief District Office (CDO) and Department of Immigration.

In addition, according to NIDS and UNIFEM (2006), there are several organizations working for safe foreign employment like Paurakhi, Nepal Institutes of Development Studies (NIDS), Nepal Association for Foreign Employment Agencies, Remittance Association, Nepal National Network on Migration including United Nations Development Fund for Women (UNIFEM).

Measures Adopted to Encourage Foreign Employment

The GoN adopted the following measures to encourage the foreign employment:

- Pre-departure orientation session has been made compulsory since February 2004. The main aim of the orientation session is to make the workers aware on socio-cultural condition of Nepal and of the destination country.
- Scheme for loan facility for *Dalit*, *Janajati* and conflict affected persons to work as migrant workers. The GoN introduced this scheme with the support of commercial banks in April 2004. A total of 723 migrant workers were provided loan at most Rs. 100,000 per person from April 2004 to December, 2005. Among the 723 persons who received loans, the highest number were from *Janajati* (337), followed by *Dalit* (251) and persons affected by conflict (134). There was only one woman who received the loan. This scheme has been postponed since October 2006 due to the unavailability of money from the commercial banks.
- Reservation for the foreign employment quotas: The government has fixed 10 per cent quota on foreign labour migrants since October, 2003 to the women, *Dalit*, *Janajati* and persons affected by the conflict. The provision of quota has not been effective, however.

Investigation and Prosecution of Foreign Employment Agencies and Agents Involved in Fraudulent Activities

The Foreign Labor Employment Act 2064 (2007) imposes the penalties to any person or foreign employment agency convicted for violating the Act. The DoLEP is

entitled to receive any complaint related to foreign employment; investigate the case; issue warrant latter; arrest the accused with the help of Nepal Police; ask for bail or leave the accused without bail; proceed the trail by sending the accused to the imprisonment and decide whether to file a case in the district court or not.

Table 3.8 shows the numbers of complaints filed in the DoLEP related to the cheating in foreign employment during the 16 months of 2006/07. The DoLEP has categorized complaints into individual and institutional basis. An individual complaint means that a person is cheated by a agent at his individual capacity in the process of sending the person to foreign employment. An institutional complaint means that a foreign employment agency is accused of cheating a person in the process of sending a person to foreign employment.

Table 3.8 Number of complaints filed in the DoLEP against Foreign Employment Agencies and agents for the fiscal year of 2063/064 and the early three months of 2064/065 (2006/07)

Months	Individual basis		Institutional basis	
	Cases field in the DoLEP	Cases registered at the District Court, Kathmandu	Cases field in the DoLEP	Cases registered at the District Court
July-August, 2006	32	14	42	0
August - September, 2006	37	11	39	0
September- October, 2006	22	11	55	0
October- November, 2006	23	9	36	0
November-December, 2006	32	10	38	0
December 06 - January, 2007	37	6	17	0
January-February, 2007	24	8	9	0
February-March, 2007	35	1	34	0
March - April, 2007	32	7	16	0
April-May, 2007	46	6	30	0
May-June, 2007	29	7	10	0
June-July, 2007	30	11	6	0
July-August, 2007	36	5	20	0
August-September, 2007	44	6	37	0
September - October, 2007	32	10	32	0
October - 15 November, 2007	14	0	15	0
Total	505	122	436	0
Monthly average no. of cases	32	8	27	0

Source: data obtained from DoLEP, MoLTM (data accessed on 25 November, 2007).

The average monthly 'individual basis' complaints and 'institutional basis' complaints come out to be 32 and 27, respectively. In terms of absolute number, a total of 505 complaints was field on the individual basis. Of them, 122 cases were registered in the Kathmandu district court and the remaining cases were decided by the DoLEP. Similarly, a total of 436 cases were registered against foreign employment agencies during the same period but, none of them was registered in the district court. Inquiring about no registration of 'institutional basis' cases in the court, the government advocate of DoLEP stated that foreign employment agencies feel fear of eroding their reputation, annulment of their registration, and losing of their deposit money in the Department. While this is not the case if the accused is an individual.

Cases on Foreign Employment in the Supreme Court

As shown in Table 3.9, the Supreme Court record shows that there were 5 cases in the last fiscal year (July 2006-June 2007) and there is no case in the current fiscal year (July 2007-June 2008) as of the third week of November 2007.

Table 3.9 Number of cases on foreign employment made judgment by the Supreme Court of Nepal in the fiscal year of 2063/064

Registered number	Badi (plaintiff)	Pratipadi (defendant)	Date of registration	Writ Section	Judgment date	Name of Judges
2132	GoN	Kul Bahadru Kari including 11 persons	2062/05/08	<i>Petition-4</i>	2063/05/16	Rajendra Kumar Bhandari, Kalyan Shrestha
2604	GoN	Purna Bahadur Tamang including 4 persons	2062/08/03	<i>Petition-4</i>	2063/11/23	Min Bahadur Rayamajhi, Kalyan Shrestha
2711	GoN	Ramesha Khatri	2062/08/22	<i>Petition-4</i>	2063/07/10	Kedar Prasad Giri, Sharada Prasad Pandit
2815	GoN	Durga Badtaula	2062/09/13	<i>Petition-4</i>	2063/06/06	Min Bahadur Rayamajhi, Gauri Dhakal
	GoN	Ram Chandra Pandit	2063/05/13	<i>Petition-4</i>	2063/06/01	Pawan Kumar Ojha, Rajendra Prasad Koirala

Source: data obtained from the Supreme Court (accessed on 28 November, 2007).

Although data were not available about the numbers of crimes related to foreign employment registered in the district courts and appellate courts of Nepal, cases from print media confirm that there might be a growing number of crimes registered in the courts of Nepal such as, the case in district court of Morang (Box 3.2).

Box 3.2 Women trafficker to Gulf countries in custody

BIRATNAGAR, October 12 (PR) The District Court Morang Thursday ordered Laxmi Karki of Rajghat- 9 to be placed under the custody for investigation on charges of being involved in women trafficking. She was earlier arrested allegedly for trafficking over half-a-dozen Nepali women to the Gulf countries. She had compelled the women to take up sex work in the foreign land, according to the victims. Principal Judge of the court Nava Raj Upadhaya gave the verdict.

Source: summarized from the Kathmandu Post, 13 October 2006

3.8 Emerging Challenges

Drawing on review and discussion with the concerned authorities, this study finds several challenges to implement the foreign labor migration policy. They are as follows:

- There is lack of adequate and trained human resource in the DoLEP to verify the registration of a foreign employment company.

- There is also a lack of labor demand verification system i.e. whether the workers are demanded legally or not; whether they get salary as mentioned in the contract paper or not; and what should be done if the workers are exploited in the country of destination.
- There is lack of the follow-up mechanism to monitor if the workers have got the same remuneration and other facilities maintained in the contract paper.
- Provision of Labor Attaché in the destination countries where there are more than 5,000 workers has not been implemented yet. According to the Director General of DoLEP, the GoN has not appointed any Labor Attaché in any country till the third week of November 2007.
- Pre-departure orientation appears to be just formality and grossly inadequate to the workers to understand the socio-economic condition of the destination country.
- It is difficult to understand the critical linkages between the foreign labor migration and vulnerability of trafficking because of lack of disaggregated data. The DoLEP record system has yet to be designed for generating disaggregated data of the workers by social, economic and demographic attributes such as caste/ethnic groups, age, poverty level and education. Further, data are not available on aspects of i) numbers of laborers returned to Nepal; ii) numbers of workers deported to Nepal because of the fraudulent passports or visas; and iii) numbers of workers being detained in a country.
- Foreign labor employment policies should capture all the stages of foreign labor employment like pre-departure, departure, on the job and integration. These four stages of labor migrants are very important and the government has to effectively address these stages in the national policy on foreign employment.

The study concludes that trafficking in case of foreign labor migration should not be seen as a static phenomenon, elements of trafficking can be realized in the different life-cycle of migration from pre-departure, during departure, working at abroad to returning home. In each process, workers need protection against exploitation, cheating and abuse.

Chapter 4

Monitoring of Initiatives of Anti-Trafficking Activities

Combating trafficking is a multi-sectoral issue related to the range of social, cultural, political and economic factors. This demands mobilization of range of stakeholders such as GOs, NGOs, INGOs, human rights organizations, donors and private sectors to combat trafficking. Several organizations have undertaken a number of initiatives to combat trafficking in women and children. This Report attempts to analyze the GOs' and I/NGOs' efforts and achievements during the years of 2006 and 2007 on anti-trafficking initiatives based on human rights approach incorporating all the essential components of anti-trafficking initiatives, namely, prevention, protection and prosecution. As the monitoring and evaluation of anti-trafficking policies and programs has yet to be developed institutionally in Nepal, monitoring of anti-trafficking policies and programs has been made based on progress reports and institutional consultation with the key stakeholders for the purpose of this report.

This chapter is divided into seven sections. Section one critically reviews Nepal's progress on anti-trafficking efforts comparing with that of neighboring countries. The second section deals with the international commitments of Nepal to combat with trafficking. Section three and four analyze the GO's and NGO's responses to trafficking, respectively. Section five discusses the efforts made by different UN organizations, INGOs and donor communities. Section six monitors the anti-trafficking activities of both GOs and NGOs as a sample from Lumbini Zone and Morang district. The final section sheds light on the emerging challenges in monitoring anti-trafficking activities.

4.1 Comparing of Nepal's Progress with that of Neighboring Countries

Nepal's progress in combating trafficking in persons appears to be satisfactory compared to that of its neighboring countries (Table 4.1). Nepal has remained in Tire 2 over the last four years except in the year of 2005. This indicates that Nepal has not fully complied with the *Victims of Trafficking and Violence Protection Act 2000* (TVPA)⁵ of the US Government's minimum standard for the elimination of

⁵ According to the Act, the minimum standards include i) the government should prohibit trafficking and punish for the acts of trafficking; ii) the government should prescribe punishment equal to that for the grave crimes for the traffickers who are involved in trafficking for sexual purposes, trafficking involving rape or kidnapping, or trafficking that causes death; iii) the government should prescribe punishment that is sufficiently stringent to deter, and that adequately reflects the offenses to be of heinous nature and iv) the government should make serious and sustained efforts to eliminate the act of trafficking. The Act sets seven criteria for examining whether or not a Government is serious and is making a sustained effort to combat trafficking. The criteria include: i) investigation and prosecution of trafficking acts; ii) protection for trafficked victims, iii) adoption of preventive measures such as education, iv) cooperation with other Governments in investigation and prosecution of trafficking, v) extraditions of persons charged with trafficking as a serious crime, vi) monitor migration patters for the evidence of trafficking and investigations and vii) prosecution for Governmental personnel involved in the act of trafficking.

trafficking. Although Nepal's progress seems to be satisfactory compared to India's, Nepal's slipping again to Tier 2 in the years of 2006 and 2007 from Tier 1 in the year of 2005 may be due to the adverse consequences of the decade long armed conflict, inadequate NGOs efforts and weak local governments. Further, the TIP Report 2007 maintains that although the GoN has expanded Women's Police Cells in and along 25 districts/border points with an effort to prosecute sex trafficking offenses, the GoN has failed to prosecute and punish labor recruiters who use deceptive practices to send the workers aboard.

Table 4.1 Comparing Nepal's progress in combating trafficking in persons with that of other South Asian Association for Regional Cooperation (SAARC) Countries

Country	2004	2005	2006	2007
Nepal	Tier 2	Tier 1	Tier 2	Tier 2
Bangladesh	Tier 3	Tier 2 WL/2	Tier 2	Tier 2
India	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2 WL
Pakistan	Tier 2 WL	Tier 2	Tier 2	Tier 2
Sri Lanka	Tier 2	Tier 2	Tier 2	Tier 2

Source: TIP Reports 2004, 2005, 2006 and 2007 of US Government.

4.2 International Commitments

Nepal has participated in a number of international conferences that have adopted declarations and plans of action relevant to human trafficking. Although declarations and plans of action are not binding under the international law, they give the indication of political commitment of a participating country and create an environment for the implementation of commitments set out in these documents. Some of the important conventions and Declaration relevant to trafficking in which Nepal was a party are:

- The Vienna Program of Action adopted at the World Conference on Human Rights, 1993. It considers trafficking as a form of gender-based violence.
- The International Conference on Population and Development (ICPD) 1994 Program of Action formulated a number of objectives to attain the goal of gender equality, equity and empowerment. It calls on states to prevent trafficking in foreign migrant workers especially for sex work
- The Copenhagen Declaration on Social Development adopted by the World Summit for Social Development, 1995. It calls on governments to take effective measures against traffickers of undocumented migrants and to safeguard migrant workers and their families.
- The Beijing Platform of Action adopted by the Fourth World Conference on Women in 1995. It urges governments of countries of origin, transit and destination to i) consider the ratification and enforcement of international conventions on trafficking in persons and on slavery; ii) take appropriate measures to address the factors contributing to trafficking; iii) strengthen existing legislation to protect rights of women and girls and to effectively

prosecute the criminals; iv) build effective networks and coordination among the law enforcement agencies and institutions to dismantle national, regional and international traffickers' networks and v) allocate resources to design programs to provide rescue, rehabilitation and repatriation services of the trafficked victims (UN, 1995).

Note that the GoN has also participated in the follow-up conferences in each of the above stated conferences like ICPD+5, Beijing+5 and so on, and the Government has reiterated commitments for further actions.

4.3 Government Responses to Trafficking

The GoN's responses to trafficking has been examined by critically reviewing i) national policies on trafficking, ii) institutional arrangements for combating trafficking and iii) government's programs directly or indirectly related to anti-trafficking activities.

4.3.1 Anti-Trafficking Policies

Anti-Trafficking Policies in Development Plans

For the first time, the Sixth Plan (1980-85) has included national women development policy and has women in different programs and projects, recognized a need of economic empowerment and enunciated special programs. Specific priority was given to anti-trafficking initiatives during the Seventh Plan (1986-90) as the Government enacted the Human Trafficking (Control) Act 2043 in 1986. The Eighth Plan (1992-97) focused on gender equity and women empowerment program. During the Plan period, the GoN ratified UN Convention on Elimination of All Forms of Violence against Women (CEDAW) and the Ministry of Women and Social Welfare was established in 1995. The Ministry was renamed as the Ministry of Women, Children and Social Welfare in 2000.

The Ninth Plan (1997-2002) adopted three pronged strategies: mainstreaming, eliminating gender inequality and empowerment. During this Plan period, the Government amended *Muluki Ain* (the Country Code). It has a far reaching positive implication on anti-trafficking initiatives as it promotes women's rights to property, abortion, sexuality and marriage. In terms of institutional development, the National Women's Commission (NWC) was established in 2002. The Tenth Plan (2002-07) reintegrated the importance of the three pronged strategies to empower women adopted in the Ninth Plan.

The Three Year Interim Plan (2006/07-2009/10) adopted the following policies for gender mainstreaming, women's empowerment and gender equality (NPC, 2007).

- Reform the legal, policy and institutional arrangements to grant the 33% women in the state apparatus considering the caste/ethnic composition of the country;
- Remove all discriminatory laws against women in line with the state's international commitments;
- Adopt gender management system to integrate gender related policies and programs;
- Increase access to and control over natural resources to women;
- Provide autonomous status to NWC and strengthen it;
- Establish and strengthen rehabilitation centers for conflict affected people, displaced citizens, victims of violence, single women and disabled in order to protect women and provide social security;
- Remove all social and traditional gender stereotyping and
- Run skill oriented training to improve women's economic condition.

National Plan of Actions (NPAs)

The GoN has formulated and implemented the following NPAs to empower women and children in general and to combat trafficking in particular:

- NPA against Trafficking in Children and Women for Sexual and Labor Exploitation 1998 (revised in 2001)
- NPA for Children 2004
- NPA for Gender Equality and Women Empowerment 2004, developed based on 12 critical areas of Beijing Conference.
- NPA for the Implementation of CEDAW 2004

NPA against Trafficking in Children and Women for Sexual and Labor Exploitation 1998 (revised in 2001)

In 1995, the GoN adopted 13 point policies on combating trafficking and in 1998 the Government formulated NPA against Trafficking in Children and Women for Sexual and Labor Exploitation and it was revised in 2001. The NPA has identified eight areas of action. They include: i) policy, research, and institutional development; ii) legislation and enforcement; iii) awareness raising, advocacy, networking, and social mobilization; iv) health and education; v) income and employment generation; vi) rescue and reintegration; vii) trans-border, regional and international issues and viii) monitoring and evaluation to be added in the NPA areas of action. The NPA has identified four cross-cutting issues, namely, sustainability, gender, human rights-based approach and child participation to be integrated into the NPA. The objective of the NPA according to the action areas is presented in Appendix 4.1.

The MoWCSW has the mandate to review NPA every two years by bringing major stakeholders together to identify the strengths, weaknesses and gaps of the NPA as

well as to discuss the issues, challenges and realistic ways for the implementation of the NPA. The NPA was reviewed in 2001 and it has not been reviewed since then.

NPA for Children 2004

The GoN has formulated a 10 year NPA for children (2004/05 – 2014/15). The NPA has provided policies under four broad sub-headings: i) general, ii) health, iii) protecting children against abuse, exploitation and violence and iv) combating HIV/AIDS. In order to implement its policies, the NPA has outlined seven strategies. They include: i) formulating and necessary amendment of laws; ii) developing network and promoting child participation; iii) coordination, collaboration and integration development; iv) decentralization and community mobilization; v) reach to the unreached; vi) transparency and capacity development of concerned stakeholders and human resources. Of the NPA's four broad policies, 'protecting against abuse, exploitation and violence' is directly relevant to combating trafficking in children.

NPA on Gender Equality and Women Empowerment 2004

The Government has formulated and implemented NPA on Gender Equality and Women Empowerment to implement the 12 critical areas of Action Plan of Beijing Declaration. The critical areas include: i) women and poverty, ii) women and education and training, iii) women and health, iv) violence against women, v) women and armed conflict, vi) women and the economy, vii) women in decision-making, viii) institutional mechanism for women's development, ix) women and human rights, x) women and communication, xi) women and environment and xii) the girl child.

NPA for the Implementation of CEDAW 2004

The GoN has formulated NPA for the implementation of CEDAW in 2004. Combating trafficking in women is one of its 19 recommendation areas for action. The main activities/programs related to combating trafficking of women include the following:

- Identification of the number of the trafficking survivors in different towns/countries
- Repatriation of the trafficking survivors with the help of diplomatic mission
- Establishment of an adequate number of rehabilitation centers to the trafficking survivors and providing reintegration services
- Providing employment opportunities to the trafficking survivors in the rehabilitation centers by establishing, expanding and developing public and private industries
- Ensuring the commitments of the concerned Ministries and Departments to effectively implement the NPA against Trafficking of Women and Children for Sexual and Commercial Sexual Exploitation

- Ensuring the effective enforcement of trafficking law by the mobilization of different stakeholders including NGOs and CBOs
- Establishment of *Rastriya Satarkata Kendra* (National Alert Center) and carrying out anti-trafficking activities through it
- Implementation of poverty alleviation programs in most trafficking prone areas and increase the livelihood opportunities for the people
- Identify the bilateral and multilateral areas of cooperation in order to control the cross-border trafficking
- Prepare and publish a National Report on the situation of trafficking in Nepal each year
- Making the MoLT, Department of Labor, DoELP and Nepal police responsible to combat trafficking in relation to foreign labor employment.

4.3.2 Institutional Arrangement

The GoN has set up MoWCSW as the focal institutional arrangement for combating trafficking. CCWB/DCWB and Social Welfare Council (WSC) are other relevant organization in this context. The ONRT-NHRC is an independent body to monitor the trafficking situation.

Ministry of Women Children and Social Welfare (MoWCSW)

The MoWCSW is the focal line Ministry and is mandated to mandate to coordinate, supervise and monitor anti-trafficking programs implemented by different GOs, NGOs and Community Based Organization (CBOs) in the country.

Task Forces against Trafficking of Women and Children

The NPA for trafficking makes the provision for the formation of NTF, DTF and VDC/Municipality Task Force under the direct supervision of MoWCSW to combat trafficking from the grass-root level to the national level.

National Task Force

An Inter-Ministerial/Inter-Organizational committee led by the MoWCSW has been formed. This is a 16-member committee representing from Government's line Ministries of Foreign Affairs; Home; Labor and Transport Management; Health; Education and Sports; Law, Justice and Parliamentary Management including Nepal Police, NGOs, ILO, UNICEF/Nepal and Women Development Section of MoWCSW. This is the supreme body of anti-trafficking initiatives in the country and aims to acquire support from wide range of stakeholders like government apparatuses, NGOs, donor communities including political parties. The *terms of reference* of the NTF and DTF is presented in Appendix 4.3.

District Task Force (DTF)

It is a 19-members committee chaired by the President of District Development Committee (DDC) and the Chief-District Officer is the vice-president of the committee. The Women and Development Officer (WDO) is the member secretary of the DTF. Other members of the DTF include representatives from different district level government line agencies including representatives from District Government Advocate, Chief/Mayor of VDC/Municipality of the district headquarter, District Chamber of Commerce and Industry, Women's Association/Organization, Principle of Girls High School, NGOs and TU Campus Chief in the district.

As of November 2007, there were 26 DTFs in the country. They include:

1. Jhapa	8. Gorkha	15. Mahottari	22. Parsa
2. Morang	9. Lalitpur	16. Dhading	23. Banke
3. Sunsari	10. Chitawan	17. Sindhupalchok	24. Rupandehi
4. Udayapur	11. Kavre	18. Sindhuli	25. Nuwakot
5. Dang	12. Makwanpur	19. Nawalparasi	26. Kaski
6. Rasuwa	13. Sarlahi	20. Ramechhap	
7. Kailali	14. Kathmandu	21. Dhanusa	

Source: MoWCSW, 2063 BS: 14.

The MoWCSW allocates Rs. 40,000/- annually for the operation of the DTFs. Of the total budget allocated, Rs. 20,000 is to be deposited in emergency rescue fund and the remaining budget is spent on different advocacy programs. The budget allocated is extremely inadequate given the extent of the DTF's terms of reference.

VDC/Municipality Task Force

It is a 12-member committee (13 members committee in case of Municipality) chaired by the Chairperson/Mayor of VDC/Municipality and the VDC/Municipality secretary (Officer in case of Municipality) is the vice-chairperson of the committee. The members of the committee include from women members of VDC/Municipality (not exceeding 5), representatives from Nepal Red Cross Society, Nepal Children's Organization, School, local health institution, police unit, bank, women health worker, family planning program unit and local chamber of commerce and industry.

The effectiveness of the Task Forces from the central to the local level in combating trafficking has been reported less satisfactory. This is also corroborated from the study conducted by the MoWCSW (no date). There is no regular meeting of the NTF and a constant instruction and supervision to the DTFs.

Similarly, there are several reasons for low effectiveness of the DTFs. Discussion with the workshops participants held in Butawal and Biratanagar revealed that some of the members of the DTF such as representatives from land revenue office, small and cottage industry, district agricultural office and district irrigation office appear to be less prevalent members in the DTFs. It is also revealed that the 18 member

DTF is also a big one resulting in difficulty in conducting meeting regularly. The other reasons include i) lack of adequate budget; ii) lack of commitment among political parties; iii) lack of networking and coordination among GOs and NGOs at the district level; iv) lack of coordination between the NTF and DTF, v) unstable political situation and vi) no reward system for the DTF that carries out good work.

There is no information about the number of VDC/Municipality Task Forces formed in the country, their locations, their activities, their performances and their role in prevention of trafficking at the grass-root level.

Central Child Welfare Board (CCWB) and District Child Welfare Board (DCWB)

The MoWCSW has functional relationship with the CCWB and DCWB. The CCWB is a statutory body. It is charged with the overall responsibility to ensure realization of the rights of children, look after children's issues and work towards promotion and protection of the children's rights. The CCWB works in collaboration and coordination with the government bodies, development partners and civil society organizations to meet State's obligations towards children's rights as per the CRC standard. CCWB has DCWB as its district partner in the entire 75 districts.

Social Welfare Council (SWC)

The SWC is an autonomous body governed by separate Act and the MoWCSW is the liaison-Ministry of it. Among others, the SWC is mandated to carry out the following activities

- Provide approval to the INGOs to implement anti-trafficking programs
- Play as a bridging organization between the GoN and I/NGOs to carry out anti-trafficking programs effectively
- Collect information and data about trafficking situation and maintain records at the national level
- Carry out research related to trafficking in persons
- Seek national and international financial support for anti-trafficking programs
- Provide approval of visa to foreign citizens who want to work in Nepal in relation to anti-trafficking programs
- Provide approval of custom's rebate of goods brought by the organizations involved against trafficking.

NHRC-ONRT Responses

The NHRC is an independent and autonomous constitutional body. It is mandated to ensure the respect, protection and promotion of human rights and its effective implementation. While discharging its mandates, in this mandated area NHRC can exercise its power under its jurisdiction as that of court. The ONRT has been

established in NHRC in 2002 with the MoU between MoWCSW and NHRC. The establishment of the ONRT within the NHRC envisaged to effectively influence government policies and programs to ensure the rights of women and children for sustainable human development. The ONRT is mainly responsible to bring out the conceptual clarity on trafficking, monitor the incidence of trafficking and coordinate the national, regional and international efforts to combat trafficking in persons especially on children and women (Refer to Introduction Chapter).

4.3.3 Anti-Trafficking Programs

Government's Programs

The role of line Ministries like MoWCSW, Ministry of Education and Sports (MoES), Ministry of Health and Population (MoHP), MoHA, MoLTM, Ministry of Land Reform and Management (MoLRM), Ministry of Local Development (MoLD) including Poverty Alleviation Fund is of significance to the prevention of trafficking in women and children through their targeted and regular programs. Throughout the Three Year Interim Plan (2006/07-2009/10) Period, a total of Rs. 28 billion is estimated to be spent in women development, empowerment and gender mainstreaming programs by MoWCSW and other sectoral ministries and departments. Among them, the estimated budget and programs to be carried out during the Three Interim Plan period by the MoWCSW is presented in Table 4.2.

Table 4.2 Overview of estimated budget and programs related to women empowerment under the MoWCSW for the Three Year Plan Period

SN	Program	Rupees (10 Millions)
1	Women Empowerment Program	2.64
2	Women Development Program (Central Level)	27.90
3	Women Development Program (District Level)	75.19
4	Gender Equality and Women Empowerment Program (Project)	42.32
5	Implementation, Monitoring and Reporting of International and Regional Instruments on Women's Rights	0.53
6	Capacity Building Women Empowerment Program Related to Institutional Development	10.16
	Total	158.74

Source: NPC, 2064 (2007): 104.

Similarly, the Three Year Interim Plan (2006/07-2009/10) has identified 9 types of major child related programs for the Plan period. A total of Rs. 108.1 million have been allocated to the programs (Table 4.3).

Table 4.3 Children Related Programs in the Three Year Interim Plan

Source: NPC, 2007: 311.

Ministry of Women, Children and Social Welfare

SN	Programs	Total Rs. (in millions)
1	Child welfare program (education, health, psychosocial advocacy, rehabilitation)	28.4
2	Programs by CCWB and DCWBs	13.0
3	Development of information system related to children	1.2
4	Awareness program through media about protection and promotion of child rights	0.9
5	Skills and employment related training to children aged 14 and above who are out of school (including Dalit, Janajati, Madheshi, and children from remote areas)	25.4
6	Special protection and care for children with mental disability	4.9
7	Protection and equal opportunity program for children with disability	4.9
8	Permanent Child Fund for emergency support and rescue	14.7
9	Strengthening Baal Mandir as shelter for children at risk	14.7
	Total	108.1

Table 4.4 summarizes the MoWCSW's programs that are relevant to anti-trafficking initiatives for the years of 2004/05 to 2006/07. Some programs are regular and cover all over the country (like scholarship, special programs for conflict affected women) while others are project based and target the most vulnerable areas of trafficking. The 'Beyond Trafficking: A Joint Initiatives Against Trafficking Program' was terminated in 2006 while there are new program components in the year of 2006/07, particularly related to prevention and protection of children from violence like development of concept of child protection; birth registration, emergency humanitarian support to children; strengthening of children's courts and education support to the conflict affected children; social inclusion and support to adolescents and gender awareness programs to adolescents.

Table 4.4 Programs related to anti-trafficking, MoWCSW, 2004/05-2006/07

<i>Project components</i>	<i>2004/05</i>	<i>2005/06</i>	<i>2006/07</i>
Women Empowerment Program (regular program)			
• Public service commission training	✓	✓	✓
• Budget allocation for the 26 DTFs	✓	✓	✓
• Financial support to NGOs to run the rehabilitation centers that provide services to conflict affected women and children and single women group	✓	✓	✓
• Special program for conflict affected women and backward women through DWD	✓	✓	✓
• Scholarship program for women studies	✓	✓	✓
• Scholarship program for women studies to poor girl students from remote areas			✓
• Publication and dissemination of SAARC Convention on Trafficking 2002			✓
Beyond Trafficking: A Joint Initiatives Against Trafficking Program (2002-2005)			
• Policy research and institutional development	✓	✓	x
• Formation and mobilization of women legal forums in 20 VDCs of 2 districts	✓	✓	x
• 97 trafficked victims/survivors were provided with the rehabilitation services	✓	✓	x
• 3 information centers and 57 health counseling centers provided health services to trafficked victims/survivors	✓	✓	x
Child Welfare Program (regular program)			
• Child welfare Homes established in Butawal and Birgunj		✓	
• Budget allocation for NGO federation for children and CCWB and DCWB	✓	✓	✓
• Reform in Acts related to children			✓
• Develop the concepts of child protection			✓
Immediate Rescue Program for Conflict Affected Children			
• Preliminary study about the situation of children in conflict, street children and child labor		✓	
• Birth registration, school enrolment, scholarship, health services and emergency humanitarian services			✓
Women Development Program (District level) (regular program)			✓
• Awareness program on anti-trafficking			✓
• Social inclusion			✓
• Workshop on violence against women (VAW), support to adolescent and gender awareness programs to adolescent girls and women's education program			✓
Child Welfare Committee			
• Implementation of NPA for children, strengthening of children's courts (<i>Baal ijalasha</i>) in two districts and education support to the conflict affected children			✓

Source: NPC (2005, 2006 and 2007) Annual Programs of the Financial Years of 2004/05, 2005/06 and 2006/07, GoN.

In addition, the Ministry under the project sponsored by UNIFEM has initiated bringing common understanding and commitments to combat trafficking among local actors such as in Jhapa and Rupandehi districts.

- Common commitments among the non-traditional actors to combat trafficking in human beings, 2007 Jhapa
- Common commitments among the religious leaders, priests and social organizations to combat trafficking human beings, 2007 Jhapa
- Common commitments among law enforcement agencies (government advocates, Nepal Police, lawyers and courts), to combat trafficking in human beings 2007 Jhapa
- Common commitments among media persons working in the border areas of Nepal and India to combat trafficking in human beings of 2007, Jhapa
- Common commitments among the non-traditional actors to combat trafficking in human beings, 2007 Rupandehi
- Common commitments among the religious leaders, priests and social organizations to combat trafficking in human beings, 2007 Rupandehi

Other major tasks relevant for anti-trafficking efforts conducted by the Ministry in the year of 2006/07 include:

- Publication of media guideline to combat trafficking
- Studied the situation of girls working in the dance, cabin restaurants and massage parlors and submitted it to the Supreme Court as per the Court's order.
- Preparation of a policy guideline for the elimination of *Chaupadi* system as per the order of the Supreme Court and submitted it to the Court.

Similarly, the Ministry through its Department of Women Development (DWD) carries out several anti-trafficking activities. According to DWD (2064 BS), 'combating trafficking in women and children, sexual exploitation, domestic violence and crime against women' is one of its 10 mandates. The DWD has the following goals:

- Making women aware of and able to resist about violence against women and their exploitation through formation of women's groups;
- Conducting and/or supporting social awareness programs against trafficking in women and children, sexual exploitation and domestic violence;
- Ensuring and making male's involvement in social awareness programs against traditional harmful practices and running the programs
- Formation and mobilization of local level para-legal committee to make community able to solve the problem at the local level.
- Supporting the rescue and rehabilitation centers for trafficking survivors

In the fiscal year of 2007/08 (August 2007 - July 2008), the DWD has regular programs of central and district levels as well as projects (gender equality and women's empowerment project of 2064/065 and directly donor funded projects on women's development of 2064/065) (see Appendix 4.2). These programs strategically contribute to the prevention of trafficking.

Programs of Other Ministries

Ministry of Health and Population (MoHP)

The MoHP has run HIV/AIDS control program mainly targeting the trafficked, vulnerable and survivors. In the fiscal year of 2006/07, it aimed at testing the blood of 5000 people's, distribution of medicines for 50 organizations for the treatment of Sexually Transmitted Infections (Sties), provision of care and support service to 725 persons with HIV/AIDS in 10 different districts, orientation programs to health workers and carrying out talk programs in 16 districts. The Ministry also provides preventive and curative health services (health check-up, distribution of shops and kits) to girls and women in *Chaupadi* system in far western hill districts.

Ministry of Education and Sports (MoES)

The MoES has contributed to prevent trafficking through its provision of free primary education for all, scholarship in the lower and secondary education and food for education to the most vulnerable populations such as Dalit, girls and children from Karnali region. In the fiscal year of 2006/07, it made the following provisions: scholarship to all 583,000 Dalit children with a total amount of Rs. 204,050,000 (Rs. 500 yearly per Dalit student enrolled with the school); scholarship to 700,000 girl students with a total amount of Rs. 30,1804,000; distribution of day food to 450,000 children of 3,974 schools; provision of maternal and child health care to 79,000 mothers and children in 21 districts and distribution of edible oil of 2 liters per month to 144,300 girl students in 11 districts. Other relevant programs include secondary education support program (including scholarship to 114,573 Dalit students), non-formal education and national literacy campaign (including 6 and 3 months adult literacy programs in 15 and 13 districts, respectively), education for all - child development program including women's education, skill for employment program for the educated unemployed persons, food for education program - Karnali region (distribution of 465 metric tons food to 24,000 students in 250 schools).

Ministry of Labor and Transport Management (MoLTM)

The MoLTM is responsible for the formulation of safe-foreign labor employment laws and policies. The GoN has enacted Foreign Labor Employment Act 2064 in 2007 to secure the workers' rights and to manage the procedures of sending workers to foreign countries. In the fiscal year (2006/07), the Ministry under its employment promotion program aimed at carrying out the following activities relevant for safe labor migration: survey of labor market in 20 districts, operation of website, access to information related to foreign employment, study of the effectiveness of reservation system in foreign employment, arrange demonstration about foreign employment, establish information center for employment. Under its eradication of child labor and improvement of child labor situation program, the Ministry has launched the project with following components: grants to the child rehabilitation fund, grants to the child labor eradication fund, IEC programs about HIV/AIDS in the working places, establishment of rescue and rehabilitation center for child laborers, awareness program against child labor and self-employment program to child laborers and their families.

Ministry of Home Affairs (MoHA)

The MoHA has program of cross border security and it organizes annual cross-border meeting with Indian security officers on border issues including trafficking in women and children. Under the MoHA, the WCSC has been formed in 26 districts/areas to protect children and women from violence, especially related to trafficking. It receives complaints on trafficking cases as front line case handling. In addition, the Ministry has also contributed to the prevention of trafficking in women and children through its rehabilitation program (*Ganesh Man Singh Peace Campaign*). The program aimed at providing financial and medicine support to the conflict affected children, women and the families.

Ministry of Land Reform and Management (MoLRM)

The Ministry has also contributed to the prevention of trafficking in women and children through its land reform and rehabilitation program for liberated bonded laborers (*Kamaiyas*). In the fiscal year of 2006/07, it targeted to manage appropriate land to the 700 families, provide different types of skill development programs for members of 536 families that enable to 69 persons for self-employment through different professional training and establish five employment contact centers to increase the income of *Kamaiyas* in all five program districts of *Kamaiyas*.

Ministry of Local Development (MoLD)

The MoLD contributes to the prevention of trafficking through its different regular programs including its specific role in combating trafficking. The District Development Committee (DDC) formulates the annual or periodic plans to be implemented in the district and coordinates all the social and development activities including the anti-trafficking activities carried out by GOs and NGOs in the districts. The Chairperson of the DDC is the chairperson of the DTF and the Chairperson/Mayor of the VDC/Municipality is the chairperson of VDC/Municipality Task Force. In all the 75 districts, there is one gender focal person in the DDC office who coordinates the women empowerment programs including anti-trafficking programs implemented by different line agencies and NGOs in the district.

Programs of Poverty Alleviation Fund

Poverty Alleviation Fund was established in 2003 under the prime Ministry's Office. It is one of the important poverty alleviation programs in the country that contribute to the prevention of trafficking in women and children, especially from the poverty stricken families and areas. The main aims of the Fund is to contribute reduction in poverty among women, Dalit, Janajati including others through enhancing social mobilization, promotion of income generating programs, development of community's infrastructure and capacity building of the CBOs including women's organizations. Initially, the Fund covered six districts and from the early 2007, it extended to another 45 most poverty stricken districts.

NHRC-ONRT Activities in the Year of 2006/07

During the year of 2006/07, the ONRT carried out the following activities:

Advocacy and Dissemination

- Disseminated the National Report 2005 in September 2006 both at the national and regional levels.
- Organized an advocacy program on the implementation of SAARC Convention on Trafficking 2002 to the representatives of Embassies of SAARC countries in September 2006,.
- Broadcast the public awareness program, particularly targeting the young women as to how a woman could be deceived with false marriage prior to trafficking (Box 4.1). The program was broadcast on NTV and Radio Nepal for about one minute from June 30 to September, 2007.
- Celebrated 'National Anti-Trafficking Day' - September 5, in partnership with the MoWCSW in Kathmandu. A large number of GOs, NGOs, INGOs, human rights activists including trafficking survivors participated in the program.

Box 4.1 Public Service Announcement: Trafficking a Person is a Crime

Duration: 60 Seconds

Two girls talking

First girl: Your marriage is taking place the next day of the completion of your exam. Do you know the boy?

Second girl: My parents know about him. He is good.

Scene of marriage ceremony between the boy and the girl.

The bride and the bridegroom get on a bus and the bus moves for its destination.

The bus stops at a tea shop. When the bride and the bridegroom get down the bus, a paper vendor reads news that a husband who sold his wife was imprisoned for 20 years and was fined Rs. 20,000.

The bride looks deeply at the bridegroom.

Both bride and the bridegroom drink tea.

The tea seller looks at the bride deeply.

The bride goes outside the shop. The bridegroom pays the bill.

Tea seller: Oh! You bring another girl again.

The bridegroom tries to make the shop keeper silent and goes outside the shop.

The tea seller: why do people not understand that selling a person is a crime?

Trafficking in women and children is the violation of human rights as well as the serious crime. All must be aware to prevent and combat it.

UNDP

NHRC

Training

Conducted two trainings on 'Safe-migration, trafficking and human rights' for the officers of NHRC, GOs and NGOs personnel. The objective of the training was to build capacity for the effective implementation of anti-trafficking projects. There were 25 participants per training. The first training was held in December 20-22, 2006 and the second training was held in March 1-3, 2007.

Research

- Prepared monitoring indicators on trafficking as a step for developing Reporting System. A series of consultations with GOs, NGOs and INGOs including donor communities was accomplished in the process.
- Organized one-day discussion program about the Human Trafficking (Control) Bill 2064 with legislature parliamentarians, I/NGOs and other concerned stakeholders, and forwarded the recommendations to the Legislature-Parliament.
- Conducted research in i) NGOs profile involved in anti-trafficking activities, ii) media's role in combating trafficking, iii) Rescue, Repatriation, Rehabilitation and Reintegration (4Rs) policy. The study on denial of Social, Economic and Cultural Rights of Women and Vulnerability of Trafficking in Mid and Far-Western DR is being undertaken.

Focal Persons in the NHRC Regional Office

- Appointed focal person in dealing with trafficking of persons in all the NHRC regional offices.

Field Visits, Monitoring and Consultations

- Visited Baal Chetana Samuha - a Child Rehabilitation Center in Thankot - to monitor the situation of children in the center upon receiving with the complaint that the children in the center were treated badly and the right of best interest of children was violated. The monitoring report indicated that such rehabilitation centers should be regularly monitored by the ONRT in order to protect the best interest of children.
- Visited Sunauli border point between Nepal-India and monitored the activities carried out by the NGOs and Nepal Police in December 2007.
- Held a series of consultations was held in NHRC office in order to prepare the National Report 2006/07.

International Relations

- Organized visit program for the UN Rapporteur on Trafficking, Ms. Sigma Huda, visited Nepal in August 2006. During her visit, a number of high level GOs, NHRC and NGO staff participated in the program and discussed about the efforts, achievements and challenges to combat trafficking in Nepal including building relations to the UN Rapporteur.
- Participated in South Asia Equity Regional meeting to deal with combating trafficking in September 19-22, 2006 in New Delhi. The main aim of the regional meeting was to review the progress and challenges regarding the implementation of NPA on trafficking including combating trafficking at the regional level, safe-migration, rehabilitation and livelihood options to the survivors. The Joint Regional Forum (JRF) for combating trafficking was formed to which Nepal is a member state.

4.4 NGO Responses

It is commendable that NGOs are responsive to trafficking in women and children in Nepal. The National Report 2005 (ONRT, 2006) (ONRT, 2007c) stated a total of 57 NGOs working against trafficking in Nepal. These NGOs provide a wide range of services, focusing on i) prevention; ii) interception/surveillance in border check-points; iii) rescue and repatriation; iv) rehabilitation and reintegration and v) advocacy, lobbying, workshop, training and research (ONRT, 2007c).

In order to monitor the anti-trafficking activities carried out by NGOs, some of the leading NGOs' activities have been dealt with herein as a sample. The ONRT requested 57 national level NGOs working against trafficking in Nepal to provide information on their anti-trafficking activities, efforts, achievements and challenges. Unfortunately, a very few number of NGOs provided the required information. Thus, the study could not cover the NGOs from which information could not be gathered.

4.4.1 NGO Networks

Alliance against Trafficking in Women and Children in Nepal (AATWIN), National Network against Girls Trafficking (NNAGT) are the two major national networks of NGOs working against trafficking in Nepal. These networks focus on campaigning, advocacy, lobbying and awareness raising. They have also contributed to the development and adoption of NPA for trafficking, debate and discussion on SAARC Trafficking Convention 2002 including adoption of Human Trafficking (Control) Act 2064 (2007) and Foreign Employment Act 2064 (2007).

1. AATWIN

Established in 1997, AATWIN has 21 member organizations in the network. It aims to sensitize the concerned authorities to change in the policy and strategy for the reduction of human trafficking through lobbying and creating pressure. Apart from its member organizations, it works with NTF and DTFs, Bar Association, MoWCSW, Global Alliance against Traffic in Women (GAATW) and Resistance Network including other government line agencies.

Types of Programs Implemented in the year of 2006

Workshops

- National workshop on 'Possible Measures against the Trafficking in Women and Children in the Changing Context' to the officials of NTF jointly with WOREC and MoWCSW;
- National workshop on 'State's responsibility in Prohibition of Trafficking in Women and Children in the Changing context" to the officials of DTFs jointly with WOREC and MoWCSW;
- Regional workshops on violence against women in the community level and
- Awareness raising *Teej* festival to community level specially women (Kathmandu).

Publications

- Bulletin – 'A Decade of Action in Anti Trafficking Movement'

- Research Report – ‘In Search of Identity’. The report focuses on the social and gender dimensions of the impact of Nepalese citizenship policies on women’s lives. The findings of the research were disseminated in Dang, Nepalgunj, Makwanpur, Lalitpur and Kathmandu among the trafficking survivors, Badi women, women in squatter and polygamy and abandoned /deserted by the husbands.

2. NNAGT

This network was formed in 1990 with the aim of addressing the problem of girl trafficking for sexual exploitation with most effective and strong approach. The network is a coalition of NGOs and CBOs from grass roots to national level. It is affiliated to different INGOs such as South Asia Forum against Human Trafficking, Coalition against Trafficking in Women-Asia Pacific, UN Division for Advancement of Women and currently its working partners are the Asia Foundation and UNIFEM-South Asia. According to NNAGT’s publication on *Proceedings of Workshop* (no date), it has been carrying out various activities such as the following:

- Awareness campaign such as street dramas, bill board display, painting competition etc.;
- Workshops, training, and awareness programs for empowering women;
- Lobbying and advocacy to reform the discriminatory laws related to women in general;
- Awareness oriented classes in schools and campuses amongst the young population in order to extend the message against girl trafficking;
- Developing a mechanism for collecting, analyzing, sorting data on anti-trafficking activities in the country;
- Organizing training and advocacy seminars for different organizations and individuals and
- It is designing prevention strategies to combat trafficking and extending its networking activities to grass-root levels.

4.4.2 Some Leading NGOs

Maiti Nepal

Established in 1993, Maiti Nepal is one of the leading NGOs working against trafficking in Nepal. It has three prevention homes outside the Kathmandu valley (Makwanpur, Nawalparasi and Nuwakot), eight transit homes (Morang, Jhapa, Illam, Kanchanpur, Rupandehi, Parsa, Banke and Kailali), one rehabilitation centre (Sunsari), two hospices (Kathmandu and Jhapa) and 14 interception border check points across the border between Nepal and India. Many of its volunteers in the border check points are trafficking survivors themselves. It has established formal partnerships with various organizations in India and other countries for tracing trafficking survivors and perpetrators, information sharing, advocacy and lobbying. It works for the prevention of trafficking in several trafficking prone districts, provides care and support to the trafficking survivors.

Table 4.5 shows the achievements of Maiti Nepal in terms of its prevention and protection efforts to trafficking in the year of 2006. A total of 2,398 women and children being trafficked were intercepted from 10 different border points/districts. This figure is very high given the data from the few number of check-points compared to the hundreds of unofficial transit points between India and Nepal. Similarly, a total of 26,729 women and children were provided safe-migration counseling; 2,372 women and children have been reintegrated and 638 applications about the missing women and children were received.

Table 4.5 Overview of Maiti Nepal's prevention and protection efforts to trafficking in 2006 (figures in number)

Location	Interception prevented from being trafficked	Application received for missing women and children	Found children and women	Counseling on safe-migration	Reintegrated
Bhairahawa	296	45	6	4,927	293
Biratanagar	488	5	1	9,658	485
Birgunj	136	49	18	805	135
Gaur	59	10	8	450	55
Banke	222	90	21	185	220
Pasupatinagar	120	27	11	528	119
Dhanghadi	60	57	5	1,244	60
Mahendranagar	144	40	5	939	140
Kakarbhitta	155	53	10	913	155
Nagdhunga	718	262	15	7,080	710
Total	2,398	638	100	26,729	2,372

Source: Maiti Nepal.

Table 4.6 shows the number of people, mainly women and children intercepted and rehabilitated/reintegrated by Maiti Nepal over the last 10 years.

Table 4.6 Number of women and children intercepted and rehabilitated/reintegrated (1997-2007) by Maiti Nepal

Year	No. of persons intercepted	No. of persons rehabilitated	% of intercepted persons rehabilitated/reintegrated
1997	58	58	100.0
1998	56	54	96.4
1999	150	142	94.7
2000	395	377	95.4

2001	562	560	99.6
2002	1101	1097	99.6
2003	1231	1230	99.9
2004	1919	1579	82.3
2005	1343	1302	96.9
2006	2398	2356	98.2
2007	1747		

Source: Maiti Nepal

Maiti Nepal with the help of Nepalese Police, Indian Police and other Indian NGOs has been rescuing trafficked victims from brothels, India. Upon their rescue, Maiti Nepal also provides rehabilitation services to the needy victims. It also supports the trafficking survivors to file the case against the traffickers in the court and follow the court procedure in favor of the victims. The case of Rani is one of the examples of its hundreds of cases handled (Box 4.2).

Box 4.2 Maiti Nepal's efforts to anti-trafficking: a holistic approach

Rani, 16, comes from a poor family. Rani and her elder sister look for work. Kani Pariyar, a woman from their village lures Rani's elder sister promising her of a job of a maid in New Delhi. After six months, Kani returns to the village and tells a successful story about Rani's sister. Kani tells Rani that if she is lucky enough she will get a good job in New Delhi.

Rani is advised to cross the border between Nepal and India alone. Rani follows the advice. After reaching New Delhi, they are kept in a house. A man comes to meet them in the room. Kani introduces the man that he is the employer of her sister. Rani asks about her sister and wants to meet her. Rani is taken to her sister's 'working' place. As her sister sees Rani, she breaks out because she was in brothel. Rani gets shocked at finding it.

The brothel owner comes and threatens Rani that she is not allowed to stay with her sister. He says that Kani sold her at Indian Rs. 40,000. She has to work to pay back the money. Rani is kept in a separate room and two men are sent to rape her. She spends 10 days there and on the 11th day, she pretends for taking a bath and runs away. With the help of a police man, she takes a local bus and comes to a bus station for coming to Rupadiya.

Rani comes to her house and shares her pathetic story to her mother and sisters-in-law but they did not know what should be done. On the other hand, Kani threatens the Rani's family that Rani's sister will be killed if they tell the story of Rani to the neighbors.

After few days a young man in the village complained to a Women Group that his sister was sold by Kani. The Women Group suggests him to go to Maiti Nepal, Nepalgunj. He requests Maiti Nepal to rescue his sister. With the support of Maiti Nepal, the Police arrests Kani. The Police, Maiti Nepal and local NGO rescue the young man's sister from the brothel.

Rani finds it difficult to live in the village because of the social stigma resulted from being the trafficked victim. Now Rani has taken shelter in Maiti Nepal and Maiti Nepal helped her to file the case against the criminal. Rani is attending house-keeping training in a hotel to have a better job in future.

Source: summarized from Maiti Nepal's case (the case is provided by Maiti Nepal through e-mail with the request of ONRT), September 2007

Himalayan Human Rights Monitors (HimRights)

HimRights has been working on anti-trafficking activities since 2000 in Bara (25 VDCs), Rautahat (28 VDCs) and Makwanpur (20 VDCs) districts in partnership with Plan Nepal. Its trafficking programs are guided by right based approach and its target groups are women and girls at risk especially in difficult circumstances and trafficking victims/survivors. It mobilizes a range of stakeholders for the prevention of trafficking in the districts; produces and distributes IEC materials in Bhojpur and Tamang languages and provides training to its stakeholders on the issues of anti-human trafficking, human rights, safe migration for foreign employment. The

organization has a greater contribution to the legislative change at the national level including networking with Indian NGOs working against trafficking.

HimRights has formed several Surveillance Groups in the community level. The Groups work actively to prevent trafficking of girls and women from the village. The following case adopted from HimRights show that it is actively involved in rescuing trafficking survivors even from India. The main basis for identifying trafficking survivors is its Surveillance Groups in the community (Box 4.3).

Box 4.3 HimRights rescued the trafficking survivors from Lucknow

Ms. Madhu Yadav, a resident of Chisapani VDC Makwanpur district also lives temporarily in Lucknow. She was found guilty of trafficking of three girls from Hatiya VDC, Makwanpur to Lucknow in August 2006. For a few days, the girls were sheltered in Yadav's house. Later, they were taken to another place for sex work.

The girls heard of anti-trafficking community group in the village organized by HimRights. The group was called HimRights Kriyashil Nigarani Samuah (Active Watch Group). After few days, Madhu sent a girl called Sangita to buy medicine for her son. Sangita took a chance to make a phone call to HimRights Kriyashil Nigarani Samuah in the village informing that they were sold in Lucknow. HimRights in coordination with the district anti-trafficking network group and Lucknow Police rescued the girls and Madhu was also arrested. Eventually, the police extradited Madhu to Nepal police in Birgunj. Now, the court case is ongoing charging Madhu as a trafficker.

Source: summarized from HimRights, 2007 (the cases were provided by HimRights through e-mail on request of ONRT)

Peace Rehabilitation Center (PRC)

Established in 1988, PRC is one of the leading rehabilitation centers for the trafficking survivors. As of July 2007, there were 35 trafficked victims/survivors in the centre and 55 had been reintegrated with their family from its two rehabilitation centers of Lalitpur and Butawal. It also works in prevention of trafficking in high trafficking prone areas/districts like Chitawan, Nawalparasi, Kanchanpur and Butawal. It targets women and girls in difficult circumstances providing different services to them like non-formal education class, small enterprises funding programs, driving trainings, skill and income generating training. Its other program activities include FM program, legal intervention and advocacy, street drama and pestering. The organization has also border patrolling in Mahendranagar.

ABC Nepal

ABC Nepal is one of the pioneer organizations in combating trafficking in girls and women. It has been currently implementing the following projects in Morang, Sunsari, Kathmandu and Bhairahawa (Box 4.4).

Box 4.4 ABC Nepal's Programs

Source: Annual Report of 2006/07 of ABC Nepal

SN	Program	Coverage	Target groups	Duration	Donor
1	Prevention of HIV/AIDS and trafficking awareness education	Morang, Sunsari	Women Adolescent girls Teachers Professionals	Jan 2007-Nov 2009	Danish Embassy
2	Provision for education and shelter to girls in Training and Advocacy Center	Training and Advocacy Centers: Kathmandu, Morang and Sunsari		Nov 2006-Oct 2007	Rotary Club
3	The care and support of trafficking survivors	Kathmandu, Morang and Bhairahawa	Trafficking survivors	July 2006-June 2007	Doctor of the World
4	Running of rehabilitation center	Kathmandu	Trafficking survivors	March 2006-Feb 2007	UN Geneva
5	Scholarship, non-formal education classes	Morang	Girls	April 2006-March 2007	World Education
6	Aeromechanical training to the displaced persons	Morang and Sunsari	Displaced persons	Jan 2007-June 2007	WIN ROK International
7	Political empowerment of women in South Asia			Jan 2007-Dec 2007	SACPEW

A total of 692 cases were reported in ABC Nepal, Morang Branch Office during the period of 2001/01 to 2006/07 related to violence against women like trafficking, domestic violence, sexual exploitation, rape, missing women, polygamy, abuse of witchcraft, foreign employment. The same office filed a total of 56 cases in the district court Morang in favor of victim women.

Shakti Samuha

Shakti Samuha provides moral, economic and legal support to the trafficking survivors and generates awareness in the community against trafficking in women and children. It is working in carpet factories in the Kathmandu valley to raise awareness among women and children through peer education, street theaters, dramas and counseling. It has also advocacy programs in Makwanpur, Rautahat, Sindhupalchok and Nuwakot districts. The TIP Report 2007 has praised Shakti Samuha's work as:

Shakti Samuha, the first NGO in the world formed by trafficking survivors, organized a conference attended by more than 120 survivors to mark the 97th International Women's Day. Many of the women traveled two or three days on foot due to transportation strikes.

The survivors assembled to focus on preventing human trafficking of vulnerable populations, particularly adolescent girls, and providing rehabilitative services for trafficking survivors. The organization upholds human rights at the core of its human trafficking strategy and compels policy makers to work from the perspective of victims of trafficking and their vulnerability.

Center for Legal Research and Resource Development (CeLRRD)

It conducts research activities on socio-legal issues and extensive paralegal and general legal-awareness programs at the community level. It also lobbies for appropriate and adequate legislation. CeLRRD has expanded and strengthened local surveillance groups by forming a similar national structure in collaboration with Nepal police and other stakeholders.

CeLRRD and Kathmandu School of Law in partnership with European Union have been implementing 'Developing Rights Based Approach for Anti Trafficking Actions in South Asia' since 2006 and the project is expected to run till 2009. The project intends to contribute to promote a rights-based approach in the development of the legal and social measures taken to combat internal and cross-border trafficking, with a particular attention to the rescue, recovery and rehabilitation of the victims. The entire project activities involve at the regional level and at the national level.

- At the regional level, the project aims to harmonize anti trafficking legal framework of South Asian countries (Nepal, Bangladesh and India) with international standard through intensive research study. The main component of the project are i) research on anti trafficking legal frameworks of Nepal, India and Bangladesh; and ii) lobbying with law schools and universities of Nepal, India and Bangladesh to adopt the rights based anti trafficking curricula in the course.
- At the national level, the project aims to create awareness among community people including the key stakeholders. The project is being implemented in 28 trafficking prone districts in three phases. Many of the targeted districts are districts adjoining the Indian boarder. The activities of the project are i) awareness campaign on human rights based trafficking prevention and protection of victims of trafficking at local level (paralegal women, transport workers, local stakeholders including media personnel); ii) lobbying with local stakeholders and government agencies on developing rights based approach for anti trafficking actions.

Women Rehabilitation Center-Nepal (WOREC)

WOREC has been playing an active role in advocacy and awareness campaigns. WOREC is currently working in 8 districts (Udayapur, Morang/Sunsari, Dhanusa, Siraha, Dang, and Kailali excluding Kathmandu and Lalitpur. It covers 90 VDCs and 8 Municipalities. It reaches out to 500,000 women indirectly. It organizes mass rallies and distributes IEC materials like books, comics and posters for raising anti-trafficking awareness among the affected communities. It is also taking a lead role

in enhancing the campaign for safe migration and ensuring freedom of movement of women. It advocates for a mandatory pre-departure training by employment agencies and the establishment of migration counseling centers in each VDC of Nepal.

It also carries out other programs that contribute to the prevention of trafficking. Its major programs are related to community development, early child development and child rights, women's health, community health, social mobilization and empowerment, empowerment program for the marginalized communities, campaign against violence against women, campaign for protection of women's rights and women counseling center (Kathmandu)

Child Workers in Nepal Concerned Center (CWIN)

CWIN is one of the leading national level child rights organization established in 1987. It has run programs for the prevention of trafficking in many parts of the country in partnership with Plan Nepal and Save the Children Norway. CWIN also provides rehabilitation and reintegration of children at risk, including the trafficking survivors.

In the year of 2006/07, CWIN carried out several anti-trafficking activities. As a part of Preventive Action CWIN Balika organized awareness campaign, interaction program consultations on empowerment of girls at risk in five districts (Kaski, Sindhupalchok, Nuwakot, Morang and Kavre) focusing on different issues such as trafficking, child marriage, state of domestic violence among working girls and secure environment for girl children. The participants of the program were from different governmental line agencies including women groups, teachers, adolescent groups and journalists. At the same time hoarding boards containing different social messages related to girl children were put in all the 5 districts.

CWIN is also an integral part of many national network groups and alliances on the issue of human rights, women's rights, trafficking, children issues, HIV/AIDS, tobacco control. CWIN contributed in strengthening policy advocacy and awareness related to trafficking, child protection, HIV/AIDS, alcohol and tobacco control as an active member of these networks and alliances.

CWIN took part as an active partner in South Asian March against Child Trafficking organized by *Bachpan Bachao Andolan* India and Global March. The March completed successfully in Delhi that was started from February 25 to March 2007. The objective of the March was to prevent child trafficking. The March was also organized to increase public and community awareness in border areas, ensure preventive measures at border areas and make common mechanism between civil society and governments for effective law against child trafficking. Various programs were organized in Eastern Nepal (Biratnagar) to welcome and join the March; and to show solidarity on the March. A Symbolic March was organized in Kathmandu with the same objectives. The March has the following slogans: 'Stop

Child Trafficking'; 'Take action against the culprit of Child Trafficking'; 'Lets participate in South Asian March'.

CWIN also rescued and reintegrated the children from India who were brought to Kathmandu to work in embroidery factories.

Legal Aid and Counseling Center (LACC)

Established in 1986, LAAC is an independent non-governmental legal resource organization founded by a group of women lawyers, attorneys and law teachers. It aims to promote and protect the rights and interests of women and children in Nepal. LACC's has branch offices called as Women's Right Helpline in Jhapa, Surkhet, Kanchanpur and Dhanusa. LACC is the Regional Secretariat of the Women and Law South Asia Network. LACC's approach is comprehensive and interconnected. At the macro level it lobbies government and policy bodies for legislative changes. At the micro level it provides free legal aid and services for women and children and conducts rights awareness and gender-sensitisation programmes.

LAAC has currently two centres: one related to women and another related to children. The Women Rights Help Line is the women's related centre. It covers Kathmandu, Lalitpur, Bhaktapur, Kanchanpur, Dhanusha, Surkhet and Jhapa districts. It provides free institutional legal aid, counselling, mediation services and court representation to the needy woman survivors of violence, rape, sexual exploitation, abuses, domestic violence, social and religious repression, and polygamy, bigamy, battering, forced divorce and trafficking. It has also project components of i) mock trail; ii) referral services/networking; iii) data collection centre. LACC has provided services to more than 10,000 women from 1999 to 2006.

The Children Justice Centre is the children's related centre. The centre focuses on supporting child survivors through free legal aid, raising awareness, strengthening and enforcing existing laws and generating a feeling of solidarity against child abuse, exploitation and forced child labour. The Centre carries out the following activities: i) legal aid package: counselling, mediation, paralegal, free court representation services; referral services /networking; iii) data collection centre; iv) education support; v) rescue in collaboration with different organizations. A total of 1186 cases were handled by the Children Justice Centre from 1998 to 2006.

Forum for Women, Law and Development (FWLD)

Established in 1995, FWLD is one of the leading organizations working on gender and law in Nepal. FWLD has contributed to ensuring women's right to property, rights to reproductive health and implementation of CEDAW at the domestic level. Its contribution is commendable to i) domestic application of international human rights instruments; ii) reduce violence against women, iii) protect and promote

human rights and iv) provide legal counseling and service to the victim women. It conducts studies, awareness programs, workshops on model laws on anti-trafficking, formation of law and judicial decisions.

4.5 United Nations, Donor Agencies and INGOs Responses

Several bilateral and multilateral agencies including INGOs have been supporting the anti-trafficking initiatives in Nepal. Here, the study has included some of the leading organizations that have provided information on their anti-trafficking activities on the request of ONRT, and the organizations for which information could not be included in the study because it was not obtained despite the fact that the request was made several times.

4.5.1 United Nations Development Fund for Women (UNIFEM)

UNIFEM started to work on the issue of trafficking since 1991 in Nepal. The major areas of its interventions include: i) advocacy and lobbying, ii) capacity building and networking and iii) media awareness and generation. Some of the major anti-trafficking projects including other gender equality and women's empowerment projects carried out by UNFEM in partnership with different GOs and NGOs in the years of 2006/2007 are the following:

- Combating in-Country and Cross Border Trafficking of Women and Children in Nepal Project in partnership with NHRC (completed in March 2006). The focus activities of the project include: Publication of national report on the status of trafficking in Nepal; a three-day national consultation among the concerned GOs and NGOs, workshops in five development regions of Nepal and preparation of list of monitoring indicators.
- Organized Central and South Asia Regional High Level Meeting on Trafficking in Persons and HIV/AIDS in partnership with Creative Statements Private Ltd in 2006.
- Conducted a study on 'Impact of Discriminatory Citizenship Laws on Women and Children' in 2006 in partnership with FWLD. The study highlighted the roadmap to ensure equal citizenship rights for women.
- Conducted a study on the norms, codes and scriptures on *Sanatan Dharma* with reference to gender equity and violence against women (VAW) in partnership with World Hindu Federation in 2006.
- Implemented 'Victims hearing on the occasion of 16 day of activism on violence against women project' (completed in January 2006) in partnership with Single Women Group. The project focused on streamlining concerns of widow/single women in the development programmes and developing accountability of GOs and development agencies for the cause of widow and single women.
- Conducted 'Training of trainers on masculinity to end violence against women' in partnership with Pro Public in March 2006.

- Formation of network entitled “MenEngage Alliance Country Group Nepal Network” in partnership with MenEngage Global Alliance, MoWCSW, SC Alliance, Pro Public and Samanata (ongoing project). The main activities of the project include: Orientation training to network members and media personnel, publication and wider dissemination of information on White Ribbon Campaign.
- Conducted research on 'Child Marriage' in 2006 in partnership with FWLD. The research identified the causes and impact of child marriage and provided strategies to address the problem of child marriage.
- Carried out advocacy program to mark the 16 years of 16 days of activism on violence against women and girls in January 2007 in partnership with SAATHI. The main aims of the advocacy were to enhance knowledge of the UN Security Council Resolution 1325 among women, ensure women's proportionate representation in Constituent Assembly, and strengthen network of women's organizations working on peace building process.
- Implemented 'Reduced Trafficking Vulnerabilities of Women and Children at Cross Border Level' in partnership with USAID/Nepal. The project was implemented in central and district levels.
- Implementing the decision of parliament to ensure 33% reservation of women at all state mechanism in partnership with Gender Responsive Budget Committee at MOFA and MoWCSW. The project is ongoing.
- Formulation of policy on 'Zero Tolerance to VAW' in partnership with MOFA and MoWCSW (ongoing project).
- Formation of a network among leaders of faith based organizations for gender equity and empowerment (in 2007).

4.5.2 UNODC: Anti-Human Trafficking in South Asia

The United Nations Office on Drugs and Crime (UNODC) works on addressing the human security challenges associated with the interrelated issues of drug control, crime prevention and international terrorism. The UNODC Regional Office for South Asia (ROSA) covers six countries in the region: Bangladesh, Bhutan, India, the Maldives, **Nepal** and Sri Lanka.

UNODC is the custodian of the United Nations Transnational Organized Crime Convention, and its three Protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

In March 2007, UNODC, together with other UN agencies, Governments and NGOs, launched a global campaign against human trafficking. This Global Initiative to Fight Trafficking (GIFT) organized crime needs an organized response. The goal of the initiative is to affect a turning point in the fight against human trafficking by involving a multitude of actors, creating awareness on involved 'non-traditional' actors in the fight against this crime, and is supporting the launch of various forums

of media persons, artistes and business houses. One such coalition was launched in Nepal in November-December 2007.

UNODC is also focusing on advocacy with the Governments in the region, as well as regional organizations such as the SAARC, for the ratification of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, and adoptions of procedures/manuals, in line with the Protocol. UNODC is also providing support to multi-stakeholder regional and country again forums in South Asia, which aims at advocacy, awareness raising, and sharing of good practices (such as integrated Anti-Human Trafficking Units) in the region.

In addition, UNODC has been working on deepening the understanding of human trafficking by providing more and better data collection and analysis. Information collection is being undertaken on the situation of and national responses to human trafficking in South Asia, and UNODC has been working on this activity in collaboration with the GOs and NGOs in various countries including Nepal.

4.5.3 United States Agency for International Development (USAID) Nepal

The USAID Nepal has been engaging in anti-trafficking programs since mid 1990s. Its approach to combating trafficking in persons is guided by Trafficking Victims Protection Act of 2000 of USA.

In Nepal, the USAID, being a bilateral donor agency, implements program activities through INGOs and the GoN. Its current partners are the Asia Foundation, World Education, United Nations Development Fund for Women (UNIFEM)/MoWCSW and Women for Human Rights: Single Women's Group. These partner organizations are working in Kathmandu, Lalitpur, Kavre, Sindhupalchok, Dhading, Makwanpur, Kaski, Rupandehi, Kanchanpur, Sunsari and Jhapa districts. The target population of these organizations are high risk girls, trafficking survivors, single women, vulnerable family members and the school drop outs including media, law enforcement agencies and civil society. Some of the major anti-trafficking projects sponsored by the USAID and State Department are the following:

- Gainful Employment Opportunities for Girls at Risk of Trafficking and Trafficking survivors Project (2003-07) – this is a four year project implemented by the Asia Foundation in five districts. It mainly focuses on the prevention and protection aspects of trafficking.
- Starting New Lives Project (2006-08) – this project is being implemented by World Education, it focuses on the prevention and protection aspects of trafficking.
- Preventing Trafficking of Single Women and Their Children with Capacity Building Training Following Income Generation Activities (2006-08) – This project has been implemented in 5 different districts by Women for Human

Rights: Single Women's Group. It focuses on the prevention and protection aspects of trafficking.

- Reducing Trafficking Vulnerability of Women and Children at the Cross-Border Level (2006-07). This project is being implemented in Jhapa and Rupandehi districts by the UNIFEM. It focuses on prevention, protection and prosecution aspects of trafficking. The project cost is US Dollar 99,648.
- Combating Trafficking of Women and Children in Nepal (2001-05) - This project was implemented by the Asia Foundation in 9 different districts. It focused on prevention of trafficking and protection of survivors.
- International Visitor Exchange Program - This is an annual program of Public Diplomacy Office. This program is sponsored by the State Department, USA. It focuses on international exposure to individuals and organizations working to combat human trafficking.
- Training to Immigration Officers and Law Enforcement Agencies – This project is sponsored by the State Department, USA and being implemented by United States Embassy, Kathmandu. It focuses on orientation and training to relevant sectors to identify potential trafficking cases.

4.5.4 The Asia Foundation

The Asia Foundation has supported anti-trafficking efforts in Nepal since 1996. It aims to increase women's opportunities for full participation in social, political, and economical life by reducing the incidence of violence against women and combating trafficking and its negative effects on women and girls. The Asia Foundation is currently in the second phase of its project entitled Gainful Employment Opportunities for Young Women at Risk of Trafficking and Trafficking Survivors, which began in 2003. The objective of this project is to provide gainful employment in formal and informal enterprises for young women at risk of being trafficked and the trafficking survivors. Its partner organizations include AAWAAJ, Centre for Legal Research and Resource Development, Maiti Nepal, Nagarik Awaaz, Nepal Community Development Centre, Nepal Rugmark Foundation, SAHARA Group, and Under Privileged Children's Education Program.

Some of the trainings provided by the Asia Foundation's partner NGOs include non-traditional vocations for women like mechanics, electrical work and driving. According to the Asian Foundation staff, many of the woman trainees have faced instances of gender discrimination from employers, co-workers and community members. For example, in Surkhet, vehicle owners were reluctant to hire women despite their holding driver's licenses. Another problem has been the unwillingness of employers to provide appointment letters to the female trainees. A challenge for partners working in urban areas such as Kathmandu is that beginning salaries for program trainees are often insufficient to sustain a basic livelihood. In the Asia Foundation's program for the current fiscal year, partners are working more closely with industrial association leaders to identify better paying placements.

4.5.5 Plan International Nepal

Plan International, a child-based independent international organization, works following CRC principles, namely, rights to survival, protection, development and participation. It has been working in Nepal since 1978 and supporting anti-trafficking programs since 1996. Its key partner organizations are HimRights, WOREC and SAATHI including local organizations. In the fiscal year of 2006/07, Plan International and its partner organizations were working in eight districts: Banke (23 VDCs and 1 Municipality), Dang (6 VDCs), Bardiya (6 VDCs), Makwanpur (20 VDCs), Rautahat (28 VDCs), Bara (25 VDCs), Morang (29 VDCs) and Sunsari (18 VDCs).

Plan International's partner organizations have implemented anti-trafficking activities related to prevention, protection and legal assistance. Legal assistance is provided to the victims of domestic violence, sexual abuse and exploitation and trafficking by registering their cases in the courts. This program has been implemented in Banke, Dang, Bardiya, Makwanpur, Rautahat, Bara, Morang, Sunsari, Sindhupalchok, Surkhet, Baglung, Kanchanpur and Salyan districts. In Banke, SAATHI runs a transit residential shelter which provides services such as counseling, awareness programs, skill training and support for income generating activities. In other districts of project areas, there are community based rehabilitations of survivors which provide education support, skill training and income generating activities and counseling.

Plan Nepal has published a research study entitled on 'Situation Analysis on Rape in Morang/Sunsari 2006'.

4.5.6 The Lutheran World Federation Nepal

The Lutheran World Federation Nepal (LWF Nepal), which was established in 1984 in Nepal, has been involving in anti-trafficking programs since 2005. Two of its main partner organizations are Maiti Nepal and SAATHI. It has supported Maiti Nepal for the prevention activities of trafficking in 5 VDCs of Banke district. The activities implemented by Maiti Nepal include i) skill training to students, teachers, community and key stakeholders; ii) peer education for awareness against trafficking in persons, safe migration and human migration and iii) community pressure groups formation.

The LWF Nepal has supported SAATHI in anti-trafficking activities in Kanchanpur district. The philosophy of LWF Nepal is that trafficking can be effectively prevented through the effective mobilization of community. The case of Meena is an example how she was protected by a community-based Para-Legal Committee of being trafficked (Box 4.5).

Box 4.5 Community mobilization is an effective tool for combating trafficking

Meena, 12, is a resident of Pipladi VDC, Kanchanpur district. She is from a Dalit family. She was studying in class seven when a boy attempted to lure her to India. Her case goes as hereunder.

Meena used to stay in her uncle's house for the study as the school in her village was very far. One day, a young boy from Dadeldhura came to his relative's house which was near her uncle's house. After few days, the boy pretended friendship with Meena. He used to buy food and give money to Meena. One day, the boy eloped with Meena at midnight. The villagers rescued the girl in suspicion of the boy being a trafficker. The case was handed over to a Para-legal Committee in the village. The Committee enquired the boy about his intention of eloping with the girl but the boy did not respond satisfactorily. The Committee knew from Meena that the boy wanted to take her to India. Meena was also told not to tell about it to anyone. When the Committee was about to handover the boy to the district police office, he fled away. Later, the Committee knew that the boy's aunt was also involved in the case and she was also arrested and put in custody for seven days. She was released later as she had a small child. The Para-legal Committee is still searching for the boy.

At present, Meena lives with her parents and studies in her village school. The community looks up to her positively. The committee aims to make her self-reliant by giving her some skill-based training after she finishes her high school level education. This is a success story of an effective community mobilization against trafficking in Kanchanpur district.

Source: summarized from LWF Nepal and Saathi, 2006: 53.

Besides supporting in community mobilization programs, the LWF Nepal also supported SAATHI to conduct a national level baseline survey on anti-trafficking needs in 2006. The survey report is published as *Hearing Community Voices: A Baseline Survey on Anti-trafficking Needs*. The report provides important findings on trafficking in Nepal. It identifies Sindhupalchok, Sarlahi, Makwanpur, Kanchanpur, Rupandehi, Dang, Banke, Sankhuwasabha, Nuwakot and Kavre as the 10 highly trafficking affected districts in Nepal. The report also outlines the most trafficking prone VDCs in each of these districts and organizations working in these districts. Another important finding of the report is that it provides guidelines for identification of victims at the community level and at border level. Gender sensitive monitoring and evaluation indicators as given in Box 4.6 are important finding of the report.

Box 4.6 Gender Sensitive Monitoring and Evaluation Indicators

- *Increased awareness level of community people (disaggregated by sex, age and ethnicity)*
- *Number of victims intercepted*
- *Number of traffickers prosecuted by sex*
- *Number of case of trafficking being reported*
- *Number of victims reintegrated by sex, age and ethnicity*
- *Increase in number and type of community mobilized activities pertaining to anti-trafficking and*
- *Increase in number of persons made aware of risks involved during migration process and subsequent rescue made by sex, age and ethnicity.*

4.5.7 Save the Children USA

Save the Children USA has been involved in anti-trafficking activities since 2001 in Nepal. One of its key partner organizations is Maiti Nepal, which is working in Kailali district (23 VDCs). It focuses on awareness raising against trafficking in the community and counseling for safe-migration among women.

Save the children USA conducted a study in 2005 aiming to examine the interplay between trafficking, migration and armed conflict in Nepal. The report is published as *The Movement of Women: Migration, Trafficking and Prostitution in the Context of Nepal's Armed Conflict*. The study found that many migratory women and girls were aware of the risk of trafficking, indicating the importance and effectiveness of awareness campaigns. Nonetheless, it also found that most women and girls lack necessary life skills that they would need to protect themselves.

4.5.8 Save the Children Norway

Save the Children Norway is one of the leading child rights based INGOs working in Nepal since 1984. It shifted its strategy from 'self-implementation of projects' to 'working with local organizations as partners' from 1998. Its main objectives are to i) promote and increase understanding and acceptance of children's rights as defined in the CRC; ii) increase the number of girls experiencing positive early childhood development through fulfilling their right to education; iii) oppose conditions causing the sexual exploitation and abuse of children; and iv) promote the rights of children with disabilities and to contribute to building capacity to realize their rights.

Save the Children Norway has also supported Child Rights Desk – NHRC for its establishment and program since 2005 with an objective to promote and protect the child rights. Accordingly in 2006, the Desk had investigated 17 cases and monitored violation of child rights in 11 districts together with five cantonments and four child care homes. Similarly, in 2007 the Desk had investigated 25 cases and

monitored 10 districts along with one cantonment and one prison with child detention.

4.5.9 The International Organization for Migration (IOM)

The IOM office was formally opened in 14 September 2006 in Nepal. It aims to work with the government to enhance its migration management capacity and help to address irregular migration issues including human trafficking.

Addressing a function to mark the inauguration, Regional Residential Representative of the IOM for South Asia Shahid-ul Haque has said, "The new IOM office, in collaboration with the government and civil society, will encourage positive migration for the economic development of Nepal.

(<http://www.iom.int/jahia/Jahia/pid/6>).

Upon the discussion with IOM staff, it is learned that currently IOM has been working in partnership with the Daywalka Foundation on legal issues of migration and trafficking.

4.5.10 International Labor Organization (ILO)

ILO was involved in anti-trafficking programs from 2001 to 2006 very effectively. During the period, it worked in partnership with different line Ministries such as MoWCSW, MoLRM, Ministry of Law and Parliamentary Affairs, Ministry of Tourism and Civil Aviation and MoES. Its partner NGOs are Maiti Nepal, Women for Human Rights, Center to Assist and Protect the Child Rights in Nepal, HELPLINE Nepal, Change Nepal and SAATHI including others.

ILO carried out the following projects in partnership with different NGOs in the year of 2006.

- Towards the Development of Case Management and Promotion of Protection System to combat child trafficking in Nepal by Maiti Nepal in Kathmandu, Bhaktapur and Lalitpur. A total of 3000 girls below the age of 18 years were targeted in the program.
- Prevention of Trafficking in Children through Empowerment of Single Women/Mothers Group by Women for Human Rights in Bardiya, Chitawan, Jhapa, Kathmandu (Kirtipur). A total of 400 single women/mothers of a mixed age group received legal and psychosocial information about trafficking.
- Towards the Facilitation of Juvenile Benches in Morang, Makwanpur, Kaski, Rupandehi, Banke and Kanchanpur. The project intended to develop juvenile justice system/procedure and implemented on pilot basis in these six districts.
- Building a comprehensive recovery and reintegration proves for the trafficking survivors in Nepal by HELPLINE in Kathmandu, Nuwakot and

Sindhupalchok. The aim of the project was to strengthen vigilance and awareness about the menace of trafficking in children among the passengers traveling through the bus stations.

- Building a comprehensive recovery and reintegration proves for trafficking survivors in Nepal by Change Nepal (NGO).
- Building a comprehensive recovery and reintegration proves for trafficking survivors in Nepal by SAATHI (NGO).

4.5.11 The Daywalka Foundation

Established in 2004 in Kathmandu, the Daywalka Foundation aims to strengthen the legal capacity of NGOs fighting against the stringent crime of human trafficking. The Foundation has contributed to the i) prosecution of the traffickers, ii) training of lawyers to properly document and investigate crimes against women and children, iii) creating a support network for the survivors of trafficking iv) enabling key stakeholders to fight against human trafficking by providing the resources for them to learn, and v) enhance communication within the human-trafficking NGO community and legal professionals.

4.6 Monitoring of GOs and NGOs Efforts to Combat Trafficking: Evidence from Workshops in Lumbini Zone and Morang District

The study monitors the GOs and NGOs efforts in combating trafficking based on two workshops held in Butawal and Biratanagar. The Box 4.7 shows how anti-trafficking programs are viewed at the local level by the different stakeholders. Although no one debates on the issues of increasing problem of trafficking and anti-trafficking programs, their perceptions vary in relation to the process of implementation. Key concerns are funding, accountability and transparency, and sustainability of the programs.

Box 4.7 Perception on anti-trafficking activities

The Chief Justice, Appellate Court Butawal says:

There has been a lot of improvement in legal provision of combating trafficking. But I think it will not be effective unless it is integrated with education and awareness programs to the most vulnerable populations. Mobilization of women collectively formed for various purposes like poverty alleviation programs, women's empowerment programs, different user groups would contribute much to combat trafficking in women and children. I think it is important to campaign in schools, especially focusing on girl children and make parents aware of the consequences of trafficking.

The WDO of Rupandehi district, Usha Rawal, says:

What can we do with Rs. 40,000 that is annually allocated for anti-trafficking activities in a district by the government? The Government has not prioritized the issue of trafficking in its agenda. Often, the programs of Ministries do not survive even for a couple of years. They are not designed regularly.

The CDO of Rupandehi district, Dhurba Raj Wagle, says:

I think there is no lack of funds but coordination is needed. There are many programs in Rupandehi district even without any information to National Planning Commission and the local governments. If 50 per cent of the allocated budget is spent, we can achieve a great deal.

The President of Bar Association of Appellate Court of Butawal, Babu Ram Pandey, says,

In Rupandehi district, often the programs have been lunched for six to one year. There is no sustainability of the programs. Is the trafficking in persons our problem or of the foreigners? Programs survive until the funding comes then they die out suddenly. If combating trafficking is our problem, government should allocate enough budget for it.

The workshop participants have mapped the GOs and NGOs working against trafficking in their respective districts (Box 4.8). The WDO, WCSCs and district attorney office including DTFs are the GOs. In all districts of the study area, there are WDOs and district attorney office while there are WCSCs only in Nawalparasi, Rupandehi, Kapilbastu and Morang districts and there are no WCSCs in Arghakhanchi, Gulmi and Palpa districts.

Box 4.8 Mapping of organizations working against trafficking in Lumbini Zone and Morang district

Districts	Government organizations	NGOs/Civil Society
Nawalparasi	WDO, WCSC and District Attorney Office	ABC Nepal, Maiti Nepal District para-legal
Rupandehi	WDO, WCSC, DTF NHRC, Contact Center District Attorney Office	ABC Nepal, Maiti Nepal, Serve Nepal, JIT Nepal, District para-legal Aakata Kendra Rupandehi, Baal Kalyan Santha/Home, Baal Samparka Kendra
Kapilbastu	WDO, WCSC, DTF and District Attorney Office	Saathi, CB=PAPAVOW AND C÷EIDHR, Para-legal, Pairabi Manch Women Pressure Group, Ookalta Manch Nepal and INSEC
Palpa	WDO, WCSC and District Attorney Office	Maiti Nepal, WOREC and INSEC
Gulmi	WDO and District Attorney Office	Locatantrik Mahila Sanjal Mahila Aadhikar tatha Chetana Aaviyan Kendra, INSEC and Hamro Phalame Mutthi
Arghakhanchi	WDO and District Attorney Office	Janachetana Sarokar Manch, INSEC WOREC, Hamro Phalame Mutthi Hami Sakchau Aaviyan
Morang	Women development office WCSC, NHRC, Regional Office, District Attorney Office and DTF	ABC Nepal, WOREC, Maiti Nepal, INSEC, Women Security Pressure Group, Legal Assistant Project, District Bar Association, CWIN, Women's Federation, CeLLRD, Plan Nepal, Women Groups in the VDCs, Madheshi Women Advocacy Forum, LACC, Nil Hira and Nari Bikash

Source: based on workshops held in Butawal (Dec. 13-14, 2007) and Biratanagar (March 7, 2008).

These GO/NGOs have run various programs related to prevention, protection and prosecution activities. The prevention activities include public awareness programs from the Radio, hoarding boards, posters and street dramas; advocacy for safe-migration; provision of non-formal education and the conducting of events such as conferences, rallies, talk programs and orientations. The major protection activities reported include rehabilitation to the survivors with minimum standards and protection of survivors during the investigation process. The prosecution activities implemented are legal help and advice, creation of pressure on the concerned to compensate the survivors and panelize the traffickers accordingly, and social advocacy and risk management. It is to be noted that that Saathi Sastha and Para-legal committees in Kapilbastu district are very much effective in running programs like event-based discussions, radio program, monthly meeting and advocacy programs. In Morang, the effectiveness of ABC Nepal, Maiti Nepal, CWIN and Madheshi Women Pressure Groups are reported to be commendable.

The NGO personnel reported the main achievements of NGOs as activities of rescue, reintegration, advocacy, punishment, prevention of trafficking, providing justice to the survivors, public awareness programs, economic support to the survivors and efforts to empower the survivors. NGOs personnel were reported to have faced several challenges while implementing the programs. The challenges include: lack of commitment of organizations working in the challenging issues/areas; lack of interest by the GOs; lack of fund; sustainability deficiency of the project; political back up to the criminals; lack of interest among the VDC offices; negative attitudes towards NGOs in the community; unprecedented threats from side of criminals; difficult to intercept the suspects in the border points/outlets; difficult to intervene due to the language problem in some communities; rigid patriarchal society; long procedure of the courts to finalize cases of trafficking; lack of resources to the survivors of trafficking; weak police administration and no effective coordination among stakeholders including NGOs in all districts.

The workshop also highlighted valuable measures to tackle the problems as furnished below:

- Trafficking be considered as national agenda
- Allocation of adequate resources by the state for anti-trafficking activities
- Amendment of laws as per the need
- Increase networking and coordination with the Indian Border Police including Indian media
- Provision of reward to the individuals or organizations that perform remarkable work
- Interaction with political parties;
- Focus on sustainable programs;
- Donors should be need-orientated rather and not the interest oriented to be imposed
- Establishing coordination among NGOs and GOs;
- Ensuring security to those working against trafficking;
- Maintaining transparency in the organizations;
- Building positive attitudes towards NGOs;
- Formulating programs based on the need of the community rather than the interest of outsiders;
- Launching programs in much sensitive areas;
- Continuity of the currently running programs.

4.7 Emerging Challenges

The GoN has made its commitment to combat trafficking reflected in different international conferences and has translated them in the domestic policies. While it comes to the implementation, apparently there exists several challenges.

The NPA for trafficking has not been reviewed since 2001 despite the provision of reviewing it once in two years. It needs to be revised, modified and updated in the changing context of factors leading to trafficking in women and children for

both internal and cross-border trafficking. The emergent issue of safe migration should come in the NPA for trafficking policy framework, with special focus on conflict affected women and children, Dalit, Janajati, Madheshi and other marginalized populations.

Effective mobilization of Task Forces appears to be deficient due to the lack of resources, lack of local elected bodies, frequent transfer of WDO, lack of inclusion of some of the major stakeholders like representatives from human rights organization and representatives from women, Dalit, Janajati and Madheshi organizations and experts in anti-trafficking activities. This inclusion would be expected to lead to the anti-trafficking initiatives as a social movement rather than merely a time-bound project.

A few number of government's exclusive anti-trafficking prevention projects in trafficking prone districts/areas is another challenge for combating trafficking. Programs like poverty alleviation, women's empowerment, scholarship to girls and Dalit children, land distribution and skill development to *Kamaiyas*, social mobilization and economic empowerment of the poor, Dalit and women are, however, important programs that largely contribute to the prevention of trafficking in children and women. Program for the protection (rescue, rehabilitation and reintegration) of survivors/victims has been almost non-existence among the government organizations.

Another challenge to anti-trafficking initiatives is that a large number of NGOs are urban based and focused their programs in and around the urban centers or district head quarters while there is greater need of programs against trafficking and safe migration in the rural areas. Duplication of activities is also a great concern.

The term trafficking in persons is still not clear. Anti-trafficking is not looked through holistic approach taking into account of various activities simultaneously - prevention, protection and prosecution.

Many NGO activists also feel that there is lack of cooperation from the side of government agencies and political parties. They claim that it is difficult to convince policy makers and that the trafficking is an issue.

Finally, as there is no institutionalized reporting system in human trafficking in the country, it is difficult to monitor the anti-trafficking activities regularly and effectively.

Chapter 5

Rescue, Repatriation, Rehabilitation and Reintegration Policies

The central aim of this chapter is to develop a policy framework for rescue, repatriation, rehabilitation and reintegration (4Rs) of the survivors of trafficking. This chapter is divided into five sections. Section one provides the background of the policies on 4Rs. The second section deals with the method adopted to generate data. The third section describes the human rights approach to 4Rs; the fourth section unveils the status of 4Rs; the fifth section discusses policies of 4Rs.

5.1 Introduction

Protection of the survivors is one of the three major components of any trafficking program designed through the human rights perspective. Protection encompasses the activities of rescuing, repatriating, rehabilitating and reintegrating (4Rs) of the trafficking survivors. The NPA for sexual and labor exploitation of children and women, 2001 has considered rescue and reintegration as one of its 8 important areas for action. The strategies are to formulate and develop institutional mechanism and provide essential services for rescue and reintegration. The NPA, however, does not exclusively encompass all the 4Rs. The Section three of the Human Trafficking (Control) Act 2064 (2007) makes the provision of 4Rs of the survivors for the first time in Nepal and the GoN is accountable for carrying out these policies. The GoN can also build partnership with the private sectors and civil society to implement these policies.

There are several organizations involved exclusively for the protection of the survivors while others have combined their activities with those of protection, prevention and prosecution. In the absence of concrete policy framework, each organization provides services from their own perspective. This leads to sometimes violation of the rights of the survivors within the rehabilitation centers. Further, the Government is yet to develop a coherent policy framework to supervise, coordinate and evaluate the protection activities effectively. In view of these facts, this chapter aims to i) analyze the implementation of human rights standards for the treatment of trafficked persons in the process of rescue, repatriation, rehabilitation and reintegration and ii) identify the 4R policies, plans and laws relating to combat trafficking for the protection of rights of trafficked survivors specially on women and children.

5.2 Methods

This Chapter is mainly based on the findings of the study conducted by ONRT on 4Rs in the year of 2007 (ONRT, 2007a). The study utilizes both secondary and primary data. Secondary data were collected from the publications of NGOs and GOs while the primary data were collected from different key stakeholders like leading rehabilitation centers located in Kathmandu (Maiti Nepal, ABC Nepal, Santi Punarsthapana Kendra), anti-trafficking networks (NNAGT, ATWIN), UN agencies (UNDP, UNIFEM), Kathmandu valley police, and NGOs working in the border areas including the trafficking survivors in Kathmandu. The researchers also visited two main towns of Nepal along the border with India - Birgunj and Bhairahawa, and observed and interviewed with the Nepal police personnel in the border areas and NGO staff stationed for the interception of the survivors.

A separate interview guideline was developed for each of the key stakeholders. The guideline include information on the i) profile of the organization, ii) main objective of the organization, iii) major programs and activities, iv) activities carried out related to 4Rs, v) problems encountered during the process of 4Rs, and vi) suggestions for designing the 4Rs policies.

5.3 Human Rights Standards for the Treatment of the Trafficking Survivors in the Process of 4Rs

5.3.1 Meaning of 4Rs

According to Oxford University Dictionary the term 'rescue' means 'deliver from attack, custody, danger or harmful situation or save or set free from danger or harm'; 'repatriation' means 'restore or return (a person) to his or her native land'; 'rehabilitation' means 'a process of returning to previous state after a lapse or cessation or occurrence of opposite state' and 'reintegration' means 'reunite or complete the imperfect stage of a person by adding up the incomplete parts through a process'.

In trafficking literature, rehabilitation connotes identifying appropriate organizations/training institutes to provide skill and need-based training to the victims with the assistance of those organizations/training institutes; providing basic education; involving the survivors in income generation activities; and promotion of social security and social status. Similarly, reintegration of the survivors connotes providing necessary health and psychological support to the survivors through shelter home; providing counseling services to the survivors' families; ensuring appropriate security for the survivors at family/society level; networking with similar organizations working in neighboring countries; communicating with human right organizations outside the country, establishing and maintaining shelter home for the rescued children and women in appropriate ways; and regular follow-up and liaison with the family of the victims.

In the process of combating trafficking, it is the government's moral obligation and the responsibility to rescue and repatriate the trafficked persons and provide support for their rehabilitation and reintegration in a meaningful way. Repatriation of survivors from a destination country to Nepal has also become an essential policy component in the context of increasing foreign labor migration as discussed in Chapter 3.

5.3.2 Human Rights Approach to Rehabilitation and Reintegration

The Universal Declaration of Human Rights states that all persons are born free and equal in dignity and rights. This concept demands that every country should treat people and promote their rights with the understanding of the concepts of equality and non-discrimination. The concepts are crucial for the promotion of the human rights of all people. In many instances, it has been observed that in ensuring the rehabilitation of the trafficking survivors, the law discriminates the survivors as innocent and guilty and treat them differently.

A human rights approach and a gender perspective are the essential focus of a coordinated international effort aimed at preventing and combating trafficking of women and girls. From the gender perspective, trafficking of women and girls is an outcome of the patriarchal structures that place women as subordinate to men. It is so due to the lack of recognition of human rights, lack of equal opportunities, unemployment and poverty. Hence, trafficking should be regarded as a form of gender-based violence, which becomes apparent from the acts of violent parent, abusive family, or a family where a girl is considered a burden. Trafficking in itself is favored by the demand of sexual services of women by men, which mostly derives from the patriarchal background still characterizing all our societies. The trafficked women and girls undergo negative consequences for being illegal aliens and/or prostitutes.

The principle of non-discrimination should be at the core of any anti-trafficking strategy, not only in countries of origin but also in countries of transit and destination. The non-discrimination approach should encompass the prevention of all forms of marginalization and social stigmatization against trafficked persons.

One of the major problems anti-trafficking policies and laws to date was that they see trafficking in persons solely as a criminal justice issue. Over the last several years as an increasing number of cases of trafficking in human beings has come to light and as human rights activists around the globe have organized to address this human rights abuse, concerns and awareness of trafficking have grown tremendously. It has been realized that the efforts for controlling and eradicating trafficking depends on the role of the governments to bring the abusers into justice creating social environment for anti-trafficking.

5.3.3 Research on Rehabilitation and Reintegration in Nepal

There are very few studies that focus on the conditions of rehabilitation and reintegration in Nepal. The Asia Foundation conducted a study few years ago about facilities. Elizabeth DeCastro (University of the Philippines) has carried out an assessment of Maiti Nepal, CWIN and some other organizations working on rehabilitation and care facilities. An assessment of care giving facilities in Nepal, Afghanistan, and Pakistan was done by Ravhi Karkara sponsored by Save Alliance looking at the ability to care for victims of domestic and sexual abuse.

In the trafficking literature in Nepal, the term 'reintegration' is loosely used without clarification and what it really meant in Nepal. Cultural constraints have not been taken into account while providing reintegration services. Money certainly makes reintegration easier for some of the groups while it cannot be the true factor for other groups. It is said that some ethnic groups like Tamang, Magar, Gurung are more flexible about women's rights and may be easier to reintegrate the trafficking survivors compared to the survivors comprising of Brahman, Chhetri and Madheshi groups.

The ILO country office, Nepal has a strong advocacy pertaining to decent quality rehabilitation and reintegration process. It concerns about over-institutionalization (why build another rehabilitation centre) and multiplication of numbers than building more facilities with a decent framework. There is a need to focus more on reintegration. A new model of reintegration is being introduced in Nepal by using communities and community based centers. However, there is no uncontested meaning of community-based programs.

In the process of moving from the concept of 'interception' to 'safe migration' there is a need to have a package and thus to recognize women's rights. Also, legal issues are to be considered; the society is highly patriarchal. UNIFEM and UNDP are consistently working towards this. WOREC has been working on safe migration for a couple of years in conjunction with the Asia Foundation.

5.3.4 Legal Aspects of 4Rs

The 4Rs are concerned with the activities of decriminalizing of the sex industry. The Convention against All Forms of Sexual Exploitation recognizes that women's human rights are seriously threatened by the massive and growing sexual exploitation of women, and that international policy and legislation must be made more effective in the struggle against sexual exploitation. It asserts that all women have the right to sexual autonomy and integrity.

Human Rights Watch/Asia realize that serious concerns towards flourishing trafficking of women and girls as a profitable industry. In this context, it suggests that the GoN should control trafficking and sale of Nepali women and girls from its

territory and to protect them from the human rights violations associated. It provides several measures to combat trafficking. The major ones related to the protection of survivors are as follows:

- Nepal should establish a central registry of missing persons and should have information regarding the status of investigations easily accessible to concerned family members.
- Negotiations between Nepal and India regarding the status of their shared border should include establishing systems for monitoring the trafficking in women and girls and investigating and prosecuting the traffickers to the fullest extent of the law.
- The GoN should ensure that no victims of trafficking repatriated from India or any other country is subjected to arrest, detention, or compulsory medical testing upon their return to Nepal. The system of shuttling Nepali women from police station to police station and holding returnees in detention until parents or guardians retrieve them is unacceptable and can be viewed as arbitrary detention. The practice of compelling women to undergo HIV testing in detention is equally unacceptable and eventually leads to stigmatization.

5.4 Status of 4Rs and Problem of Protection of Survivors

In the context of gravity of the vulnerability of trafficking and increasing number of trafficking survivors of women and children, the formulation of the 4Rs policy seems as an urgent need to protect trafficked survivors. It is NGOs which are playing vital role to provide the facilities of rehabilitation to the survivors of the trafficked women and children.

Information provided by the key stakeholders for this study as stated in Section 4.3 has provided valuable insights about the status of 4Rs.

5.4.1 Status of 4Rs in Nepal

Rescue

The discussion unveiled that the rescue of the trafficking survivors is a complex and difficult process. It, thus, requires mobilization of different line ministries and clearly specifies their roles and responsibilities. The most relevant line ministries in this connection are MoHA, MoFA, MoLTM and MoWCSW. The MoWCSW is the coordinating Ministry. Rescue and repatriation comes under the responsibility and jurisdiction of MoHA and MoFA. However, currently NGOs and Nepal Police are involved for rescuing the trafficking survivors through networking with the Indian NGOs and Indian Police. The NGO personnel reported that rescuing trafficking survivors immediately involves financial costs and cooperation from the police, which is not readily available. Besides, survivors may be in severe mental and

physical conditions that need special care and support. The number of trafficking survivors rescued is presented in Chapters 2 and 4.

Repatriation

Repatriation from India to date is based on Indo-Nepal Treaty 1950. The treaty, however, is related to the repatriation of criminals. Repatriation of the trafficking survivors needs to be understood in a different context and through human rights perspective.

Repatriation comes under the jurisdiction of MOFA and without its support and facilitation repatriation in practice is almost impossible. Many Nepalese Embassies and Consular officers are found to be less aware to the problem. This may be due to lack of repatriation policy. At the Regional level, SAARC convention has two clauses related to Repatriation but implementation is yet to be materialized.

Rehabilitation

To date, it is found that NGOs like Maiti Nepal, ABC Nepal, Sakti Samuha, ABC Nepal, Santi Punarsthapana Kendra, SAATHI and CWIN are involved in rehabilitation of the trafficking survivors (Table 5.1).

Table 5.1 Rehabilitation centers operating by different organizations for trafficked women and children

SN	Name of Organizations	Number of homes/transit centers	Location	Capacity	Actual number of trafficking survivors in the centers	
					2006	2007
1	Maiti Nepal	17	<u>Rehab centers:</u> Kathmandu and Itahari <u>Prevention Homes:</u> Nawalparasi and Nuwakot <u>Transit homes:</u> Mahendranagar, Birgunj, Biratanagar, Vairahawa, Nawalparasi, Hetauda, Dhangadhi, Nepalgunj, Kakardvitta, Pasupatinagar <u>Hospice:</u> Kakardvitta and Kathmandu <u>Check-point:</u> Thankot	620	350 (94 women, 205 girls and 51 boys)	320 (59 women, 214 girls and 47 boys)
2	Sakti Samuha	2	Kathmandu and Pokhara	30		21 (12 women and 17 children)
3	Saathi	3	Banke, Kanchanpur and Kapilbastu	321	na	na
4	ABC Nepal	3	Kathmandu, Rupendehi and Morang	85	39	205 women
5	Nawajyoti Talim Kendra	1		30	na	na

Source: MoWCSW, 2008 (data record)

These organizations provide a range of services to the survivors like shelter, medical support, vocational training, social counseling and employment opportunities. However, discussion with the NGOs personnel reveals that the NGO activities are limited due to the lack of sufficient funds. Effective rehabilitation services require the mobilization of range of stakeholders, especially government, NGOs/Civil society, law enforcement agencies and family/community. In addition, partnership with media, traditional institutions, faith healers, religious leaders, non-traditional groups, youths and the trafficking survivors is equally important to effectively implement the programs from central to the grassroots levels.

Reintegration

The field information reveals that reintegration of the trafficking survivors is the most neglected aspect. NGOs like Maiti Nepal, ABC Nepal, Santipunrsthapana Kendra, SAATHI and CWIN have made efforts to this end, but there is gross lacking in follow-up act and counseling to family members and the communities. While reintegration is a gradual process not just one shot action. It needs periodical follow up and facilitation for a long time i.e. reintegration process starts from rehabilitation period. Proper reintegration of trafficking survivors requires support from survivors' families, communities, and local governments in addition to the central level activities.

5.4.2 Problem for the Protection of Survivors

Upon the discussion with the trafficking survivors in different locations of Kathmandu valley and with the NGOs personnel, a number of problems have been identified in relation to protection of trafficking survivors in Nepal. They are but not limited to the following:

- Many women from rural Nepal are trafficked to cities of Nepal; and Nepal to India without their identity cards including citizenship cards. Once they are rescued it is difficult to identify who they are.
- Currently many rehabilitation centers have the provision of three months rehabilitation which is not adequate for many survivors.
- Many trafficking survivors do not possess any cash or kinds, in which case they need immediate support of shelter, food, clothes and medicines.
- In many cases, families do not easily accept the survivors even if the survivors' families are identified and located. This implies that the survivors do not get support from their families.
- It is found that almost all trafficking survivors lack life skills. This calls for introducing income generating activities and other life skills programs to the survivors. Even after receiving a vocational training, it is found that many survivors lack adequate capital to establish a petty enterprise of their own.
- It is also found that many survivors involved in the self-employed enterprises have very little income compared to what they used to earn as a sex worker. This makes some survivors' instability in their current job and increases the risk of re-victimization by the traffickers. This requires good counseling to the survivors and their families and their close associates.
- Many trafficking survivors have suffered from several health problems including HIV/AIDS.

Based on our findings of the study, the policy recommendations on 4Rs have been suggested as follows. The government can formulate policies on 4Rs to combat trafficking of human beings in the context of Nepal utilizing the stipulated guidelines and policy recommendations.

5.5 Policies on 4Rs

The formulation of policy about 4Rs should be based on the following principles: i) state accountability and ownership and involvement of civil society, ii) participation of survivors, iii) human rights based approach, iv) interdisciplinary and cross-sectoral approach, v) recognition of the contribution of civil society and v) sustainability and continuity.

The first step in 4Rs policy is to develop an institutional mechanism to effectively implement the policies. The MoWCSW should be the coordinating Ministry while other ministries like MoHA, MoLTM and MoFA should work as the associating ministries in this regard.

5.5.1 Policy on Rescue

The GoN will have policy for

1. "Urgent and immediate rescue" of victims of trafficking, i.e. rescue should not be delayed policy
2. Development and implementation of formal bilateral/ multilateral institutional mechanism for the rescue of trafficked victims
3. Development of proper and efficient mechanism to receive, report and investigate information related to trafficked victims
4. Development of research, documentation and information management on trafficking in Nepal
5. An "emergency fund", resource mobilization and budget allocation specially for immediate rescue and repatriation is established and operated
6. Render support and protect the victims and witnesses
7. Investigation and prosecution of victims
8. Registration of FIR immediately after the rescue of the victim at the source or in the transit or at the destination
9. Provision of juvenile court for victims under 18 years of age
10. Provision to protect and hand over all the property/ belongings to the trafficking survivors
11. Provision for confidentiality and confidential hearing
12. Support for full compensation for victims

5.5.2 Policy on Repatriation

The GoN will have policy

1. To repatriate (between and inside country) all the victims of trafficking with their consent
2. While repatriating the victims special care and sensitivity will be maintained
3. While repatriation a basic information about the victim will have to be collected and proper documentation will be maintained by the rescue team

4. The rescue / repatriation team will be responsible to collect, document and compile or produce relevant evidences without any harm or negative mental, physical or emotional effect on the victim
5. To develop an intergovernmental as well as intra-governmental institutional mechanism to address the repatriation of the victims of trafficking

5.5.3 Policy on Rehabilitation

The GoN will have policy to

1. Rehabilitate all the victims of trafficking
2. Develop guidelines/ manual for standards
3. Establish rehabilitation centers to be operated by GO/INGO/NGO as per need
4. Provide services of physical and psychological/mental health for victims
5. Initiate and implement life skills and non formal education programs as an integral part of rehabilitation process
6. Provide appropriate vocational skills along with the entrepreneur development training for sustainable livelihood
7. Ensure independent national identity for the victim (citizenship or any document that ensures formal national identity for victim and his/her dependents)
8. Develop and strengthen efficient and effective monitoring and evaluation mechanism on 4Rs.

5.5.4 Policy on Reintegration

The GoN will have policy to

1. Have the process of reintegration initiated at the outset of rehabilitation
2. Continue on-going training and interaction programs regarding sensitivity and vulnerability of trafficked victims and strengthen collective social responsibility for all the stakeholders (Govt. NGOs, Social, Political, cultural leaders) at different level
3. Prepare for family reintegration for those who have families and special programs for those who cannot /do not want to be reintegrated within their families
4. Arrange for soft loans, infrastructural support, and educational scholarships to women, including women who have been or are engaged in prostitution for sustainable and permanent reintegration

5.5.5 Strategies for Implementation of 4Rs

- Consultation of the policy draft by ONRT-NHRC and MoWCSW with different stakeholders at different levels
- Analyze the rescue and repatriation as a cross-border issue and develop mechanism to work on the issue with reference to SAARC Convention.

- Acquire commitment from the GoN and NGOs and other stakeholders
- Identify, define/demark roles, responsibilities of the related and respective line ministries like MoWCSW, MoFA, MoHA, MoLTM, etc
- Development of guidelines, manuals, minimum standards
- Provision of resource, training and research
- Development of evaluation and monitoring mechanisms
- Formulation of implementation work plan

There is a vital role and prospective for ONRT-NHRC to address the human trafficking in Nepal specially by documentation of trafficking related incidents and information as well as persuading and pressurizing the government to formulate anti trafficking policies, and finally by monitoring the implementation of the anti trafficking policies and laws.

Chapter 6

The Legal Framework, Law Enforcement Status and Judicial Responses to Trafficking

This chapter is organized in four sections. The first section deals with the legal framework of combating trafficking and the second section points out the status of law enforcement by reviewing the levels and trends of conviction rates of trafficking in different layer courts of Nepal. The third section analyzes the Supreme Court's judgment and the final section raises the emerging challenges in law enforcement.

6.1 The Legal Framework

Nepal has ratified several international human rights instruments including SAARC conventions (Table 6.1). It reflects the fact that Nepal's commitment to promote and protect human rights as well as fight against human trafficking is of commendable. These covenants to some extent have been translated into national framework of laws in combating trafficking.

Table 6.1 Conventions related to human rights, trafficking and labor to which Nepal is a party

SN	Convention	Date of Ratification/ Accession by Nepal
	<i>Human rights conventions</i>	
1.	Slavery Convention, 1926	Jan 7,1963(A)
2.	Protocol amending the Slavery Convention	Jan 7, 1963(A)
3.	Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery, 1956	Jan 7, 1963(A)
4.	Convention on the Prevention and Punishment of the Crime of Genocide,1948	Jan 17, 1969(A)
5.	International Convention on Elimination of all Forms of Racial Discrimination, 1966	June 30, 1971(A)
6.	International Covenant on Economic, Social and Cultural Rights,1966	May 14,1991(A)
7.	International Covenant on Civil and Political Rights,1966	May 14,1991(A)
8.	Optional Protocol to the International Covenant on Civil and Political Rights,1966	May 14,1991(A)
9.	Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty, 1989	Sept.26.1997(A)
10.	Convention on the Elimination of All Forms of Discrimination Against Women,1979	April 22, 1991(R)
11.	Convention against Torture and other cruel, inhuman or Degrading Treatment or Punishment, 1984	May 14,1991 (A)
12.	International Convention Against Apartheid in Sports, 1985	March 1.1989(R)
13.	Convention on the Political Rights of Women, 1953	April 26, 1966 (A)
14.	Convention on the Rights of the Child, 1989	Sept,14,1990(R)
15.	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949	Dec.27,1995(A)
16.	International Convention on the Suppression and Punishment of the Crime of Apartheid, 1973	July 12.1977(A)
17.	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict,2000	Oct 31,2005(R)
18.	Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography, 2000	Oct 31,2005(R)
19	CEDAW optional protocol	June 15,2007
	<i>ILO Conventions</i>	
1	ILO Convention 1930 (No. 29), Forced Labor	Jan. 3, 2002
2	ILO Convention 1999 (No. 182), Elimination of Worst Forms of Child Labor	
3	ILO Convention 1957 (No. 105), Abolition of Forced Labor	
	<i>SAARC Conventions</i>	
1	SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution 2002	Oct. 31, 2005
2	SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, 2002	Oct. 31, 2005

The Interim Constitution of Nepal 2063 (2007) seeks to protect the interest of children and women by conferring on them certain fundamental rights and imposing certain duties on the state in the form of the directive principles and policies of the state. The Constitution makes specific provision of woman's rights in

Article 20 and child's rights in Article 22. Article 20 (3) says 'every woman has the right against physical, mental or any other forms of exploitation. Such acts of exploitation are punishable by law and the victim women shall be compensated as per the arrangement made in law. The similar right is guaranteed for children in Article 22 (3). Article 22(5) protects children from working in hazardous settings such as factories, mines including from involvement in armed conflict or recruitment in police or the army. Article 29 assures fundamental rights to be free from exploitation, including traffic in human beings, slavery, serfdom and forced labor. Other relevant rights confirmed in the Constitution include rights to equality before law (Article 13 [1]), rights against Untouchability and caste discrimination (Article 14 [1]); rights to non-discrimination on the basis of religion, race, sex, caste, origin, language or ideology (Article 13[3]); and rights within the criminal justice system such as freedom from torture and cruel or degrading treatment (Article 26). A number of directive principles and policies set out in the Constitution are also relevant including Article 18 that makes special provision of employment and social security for women.

Sale of Human being in the *Muluki Ain 2020* (1963) and *Jiu Masne Bechne Ain* of 2043 (Human Trafficking Act, 1986) were the earlier Acts against human trafficking in Nepal. During the year of 2006 and 2007, the Legislature-Parliament amended and enacted several laws related to gender discrimination and trafficking.

- Enactment of Human Trafficking (Control) Act 2064 (2007) in July 20.
- Amendment of various provisions of some Acts which were discriminatory in regard to women's human rights and incompatible with international instruments by enacting Act to Amending Some Nepal Acts 2063 (2006) in November 2006.
- Enactment of National Women's Commission (NWC) Act 2063 (2006) in December, 2006. The NWC is now a statutory body with the mandate of promoting and protecting human rights of women in the country.
- Enactment of Citizenship Act 2063 (2006) that ending of discrimination of providing citizenship to children only by father's name and granting a mother to provide citizenship of her children from her name.
- Adoption of Army Act 2063 (2006) that allows a Nepali woman to be a Nepali army and ending the gender discrimination on the recruitment in the army.
- Adoption of legislation that considers witch allegation a state case.
- Amendment of Civil Service Act 2049 (1993) guaranteeing reservation to the marginalized groups including women in the Government services.

In addition, the GoN has already initiated the following activities:

- Drafting of Child Rights (Promotion and Protection) Act to replace the existing Children's Act 2048 (1992).
- Drafting of legislation on i) Controlling Sexual Harassment against Women, ii) Punishment with regard to Domestic Violence and its control, and iii) Controlling Sexual Harassment against Women in Workplace (Zero tolerance).

- Drafting a national policy to address i) the issues and problems of girls and women working in Dance and Cabin restaurants, and ii) rehabilitation of victims and trafficking survivors .
- Issuing a guideline for the elimination of *Chhaupadi system* (a system in which a woman is kept in a separate unhealthy hut during her menstrual period) announcing the *Bradra 20* as a national day against trafficking in Nepal.
- Announcing the *Bradra 20* as a national day against trafficking in Nepal.

The Legislature- Parliament has provided its approval on the ratification of the following conventions and optional protocols:

- The Optional Protocol to the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) on December 2006;
- The two Optional Protocols of the CRC, namely, on the Sale of Children, Child Prostitutions and Child Pornography and on the Involvement of Children in Armed Conflict 2000 on 19 September 2006; and
- The SAARC Convention on Regional Provisions on Child Welfare 2002 on 5 September 2006.

The Supreme Court's Rulings on the Ending of Discrimination against Women and Children

The Supreme Court has made landmark decisions on the elimination of discrimination against women and children in Nepal. The Court has ruled out the Government to repeal laws that discriminate between women and men, and ordered it to formulate laws for gender equality such as the following:

- Ruling to the Government to formulate the law that guarantees the right to privacy of women and children living with HIV/AIDS;
- Repealing the provision in *Muluki Ain (Sthri Ansa no. 2)* that restricts a woman's full rights of disposal of her property;
- Repealing the provision in Nepal Army Regulation of no. 8 and 9 that only makes the provision scholarship and child development fund to sons of the Nepal Army and guarantees equal rights in these benefits between sons and daughters of the Nepal Army;
- Ruling to the Government to formulate law to control sexual harassment and abuse in the working place and ordered the Government to consider these acts as crime;
- Ruling to the Government to declare *Chaupadi* practice as *Kuriti* (traditional harmful practice) against girls and women. In order to eliminate it, the Court ordered the MoPH to provide curative and preventive health care; it ordered to the MoLD to mobilize local bodies to make awareness against the practice and it ordered to the MoWCSW to prepare the policy guideline to combat the harmful practice
- Ruling to Government to eliminate witchcraft practice and formulate the law to eliminate such harmful practice and build the public awareness against it.

Human Trafficking (Control) Act 2064 (2007)

The aim of Human Trafficking (Control) Act 2007 is to control sale and trafficking in human being, protect and rehabilitate the trafficked victims and survivors. It defines human selling that include i) selling or buying of a human being with a motive; ii) insisting on or forcing any person into prostitution with or without taking profit, iii) illegal dismembering of human organs and iv) any person having sexual intercourse with a prostitute woman. Section 4 (2) further defines human trafficking as encompassing the following: i) taking any person to a foreign country with an intention of buying or selling and ii) taking any person from his/her house or from guardians or keeping the person under the control or keeping the person in any places or taking the person from one place to another within Nepal or to a foreign country with the intention of engaging the person in prostitution or of exploitation by means of inducement, deception, giving false promises, fraud, coercion, abduction, making bonded, taking advantage of vulnerable situation of the victim, using drugs, misusing of power or post and alluring or enticement or fraud or threats or coercion of parents or guardians.

The Scope of the Act

The scope of the Act is wide as it establishes extra-territorial jurisdiction, to reach offenses that are committed outside Nepal (Section 1). It considers trafficking as an offence under the criminal law by i) recognizing it as against State and hence no time limitation is needed to file the case (Section 28); ii) making provision of trafficking offence as a non-boilable offence (Section 8); iii) arresting the offenders without warrant letter (Section 3); iv) commissioning severe punishment to the offenders (Section 15) and by confiscating the property of the offenders earned through selling or buying or engaging a person in prostitution (Section 18).

Rights to Privacy and Security during Court Proceedings

The Act protects the rights to privacy of the victims and the informants. It prohibits the media to publish or show the victim's real name, photograph or any other identity without the consent of the victim concerned (Section 25) and it guarantees the close hearings in the court (Section 27). The open hearing prevents victims to appear in the court because of the threat by the alleged offenders testifying against them. This was the major lacking in the earlier Acts while victims are the vital witness for the prosecution during the trial. The Act protects the privacy of the informants by not giving their names publicly (Section 5) and makes provision of their security during the court procedure (Section 26). The Act determines that once the victim gives her/his statement in the court she needs not reconfirm it in the court and gives right to self-defense to the victim (Section 6). Thus, this provision would increase the successful cases in the court.

Punishment

Section 15 of the Act imposes the punishment depending upon the nature of trafficking as follow:

SN	Offences	Penalty	
		Imprisonment	Fine (in Rs.)
1	Selling or buying a person	20 years	200,000
2	Insisting or forcing a person to engage in prostitution with or without taking profit	10-15 years	5,000-100,000
3	Selling of human organs	10 years	5,000-100,000
4	Having sexual intercourse with a prostitute	1-3 months	2,000-5,000
5	Taking a person to a foreign country with the intention of selling or buying or engaging in prostitution If the victim is child	10-15 years	5,000-100,000
		15-20 years	100,000 – 200,000
6	Taking a person within Nepal with the intention of selling or buying or engaging in prostitution If the victim is child	10 years	5,000 – 100,000
		10-12 years	100,000
7	Taking a person to a foreign country or within Nepal with the intention of selling or buying or engaging in prostitution by using different means including fraud, coercion, threats, false promises, taking advantage of vulnerability of the person and abetting or coercion of parents or guardians	1-2 years (2-5 years in case of foreign country)	
8	Offences except mentioned in 6 or 7	7-10 years	
9	Any persons who commit insisting or abetting the offender	Half of the offender's punishment	

The Act imposes separate punishment to an offender in case he or she has committed both the crimes i.e. the person will be punished as a buyer as prescribed punishment in the Act and the same person shall be punished as a seller as per prescribed punishment in the Act. In case, an offender is a public post holder, he or she will be awarded additional 25% punishment to the prescribed punishment and if the offender is a close relative or guardian as defined by the law of incest (*hada nata karan*) in *Muluki Ain*, he will be punished by adding 10% of the punishment to the prescribed punishment. In case, any person who has once been punished for an offence under this Act again commits an offence under this Act, he/she shall be punished additional 25% of the prescribed punishment. The Act also clearly states more terms of imprisonment/penalty to the child traffickers over the adult persons' traffickers.

Rescue, Repatriation, Rehabilitation and Reintegration

The Part 3 (Section 12, 13 and 14) makes the provision of rescue, repatriation, rehabilitation and reintegration of the victims. Accordingly, the GoN is obliged to

rescue a trafficked victim from a foreign country; establish a rehabilitation center or help financially to establish such a center by civil society; provide medical services and psycho-social counseling to the victims and provide skill and employment oriented training. The Act also makes the provision that the center shall not force the victims to work in the centre.

Formation of Committee

The Act makes provision of the formation of a national committee in order to control trafficking and to provide the rehabilitation services to the survivors. District level committees can also be formed as per the necessity (Section 23).

Weaknesses of the Act

One of the fundamental weaknesses of the Act is that it is still largely guided by the moralistic approach rather than human rights perspectives. The Act conflates voluntary engagement in sex work with trafficking in human beings (Section 4.4). It invests the police with sweeping powers without any controlling mechanism (Section 7). Although the Act makes provision of establishment of a rehabilitation center, it is not mandatory by law. Nor has it mandatory provision of care and support of victims (Section 3). The compensation guaranteed to the victim equal to half of the amount of fine imposed on the offender (Section 17) is by no longer compensate for the victims' physical and mental sufferings.

Other Laws Relating to Trafficking

There are several laws relevant to child exploitation, trafficking, migration, court procedure and abortion.

The *Labor Act of 1992* defines a child as a person below the age of 16 years and establishes general conditions of work and prohibits bonded labor. The *Children's Act of 1992* prohibits the employment of children below 14 in manufacturing industries and regulates employment of children between the age 14 and 18 years. It prohibits parents from selling their children and prohibiting the use of children in pornography and other immoral profession including the sale or distribution and trafficking in alcoholic drinks, narcotic drugs or any other drugs. Some provision of these Acts (i.e. Labor Act and Children's Act) have been reviewed and superseded by the *Child Labor (Prohibition and Regularization) Act, of 2000*. It expands the list of hazardous industries in which children and minors (under 16 years) are banned from working, and imposes harsher penalties for violations.

Other laws that are relevant to cross border trafficking in persons include i) *the 1950 Treaty of Peace and Friendship between Nepal and India that creates open border between the two countries* and ii) *Foreign Employment Act of 2007*. The *District Court Regulation 1999* makes provision of in-camera hearing for cases of child rape, trafficking in persons, divorce and other that the court declares as not appropriate to be seen in open court. Similarly, the 11th amendment of *Muluki Ain*

on *Chapter on Homicide of Country Code 1963* has allowed undergoing abortion in certain conditions. This provision is vital for the trafficked victims.

6.2 Monitoring Status of Law Enforcement against Trafficking in Nepal

The status of law enforcement against trafficking can be generalized from the speech of the Chief Justice of Appellate Court, Butawal in the workshop held by the ONRT in Butwal as below:

Very few traffickers are actually arrested and convicted. Few years ago, in Parsa district, the police arrested 18 accused in a case of trafficking of four girls from Bhutanese refugee camps. But when I enquired them as my capacity of district judge, none of them was the main accused. The police was reluctant to arrest the main accused. I myself ordered the police to arrest the main accused in order to proceed the case and eventually the main criminal was arrested. When the trafficker was brought in the court, I asked him how many he had sold by then, he said that he could not count, it is perhaps many. He used to take girls from Ilam-Pasupatinagar-Darjeeling-Silguri to Mumbai.

6.2.1 Law Enforcement Agencies

The specific law enforcement agencies against trafficking in women and children are Ministry of Home Affairs (MoHA), WCSC, the Immigration Office, Interpol and the courts of Nepal. This section provides a brief description of their efforts and achievements on anti-trafficking activities.

The Ministry of Home Affairs

According to GoN (Allocation of Functions) Rules 1996, the MoHA is, among others, responsible for controlling of sale and trafficking of children and women. The Nepal Police holds the responsibility to safeguard people's rights and to maintain law and order in the country. It has established Community Police as a special unit in Police organization aiming to promote the public participation in the maintenance of law and order in the society and to control and investigate crimes. By mid-2007, there were 179 Community Police Service Centers in 72 districts and are also functional to minimize crimes including trafficking of women and children, drug abuse, gambling and prostitution.

Women and Children Service Center (WCSC), Nepal Police

Established in 1996 under the Nepal Police Act 1955, the WCSC's main objective is to investigate and play active role in controlling and preventing crime against women and children. The crimes that are investigated by the WCSC include sexual offences, human trafficking, child marriage, polygamy, domestic violence and abortion. The importance of WCSC in combating human trafficking has been realized by police such as reported by one of the police officials in Butawal:

The formation of WCSC in the Nepal Police organizational structure reveals that the Nepal Police considers human trafficking not only as a social crime but it is also the violation of human rights and women rights. There are several challenges of Nepal Police to effectively combat the crime. It lacks human, financial and physical resources to the extent it needs to strengthen the Centers. I hope this National Report should point out the weaknesses of the police organization as well.

By mid-2007, there were 25 WCSCs: 17 district WCSCs, 6 border WCSCs, 1 check-post and 1 valley WCSC. The Thankot check post is the exit-entry point to and from Kathmandu valley. The Valley WCSC coordinates the work of Kathmandu, Bhaktapur and Lalitpur.

District WCSCs			Border WCSCs	Check-post
1. Jhapa	7. Chitawan	13. Kaski	1. Kakarbhitta	1. Thankot, Kathmandu Headquarter
2. Morang	8. Sindhupalchok	14. Nawalparasi	2. Biratanagar	
3. Sunsari	9. Bhaktapur	15. Rupandehi	3. Belihawa	
4. Udayapur	10. Kathmandu	16. Dang	4. Nepalgunj	1. The Valley Police
5. Parsa	11. Lalitpur	17. Banke	5. Shreenagar (Dhanghadi)	
6. Makwanpur	12. Nuwakot		6. Gadda (Kanchanpur)	

Depending upon the work load, there are 5 to 10 staff in each of the WCSC. A WCSC is under the command of Police Sub-Inspector (except in Kathmandu valley). Almost 90 per cent of the In-charge of WCSC is female police personnel.

According to In-charge of WCSC in Police Headquarter, the Nepal Police is planning to expand WCSC in 37 different districts in near future. Although there are no currently running any capacity building projects in WCSC, the Nepal police have integrated the human rights issues in its basic course training. The WCSC has also published a book with the support of UNICEF in Nepali entitled *Baal Yoan Soshan Aparadha* (The Crime of Child Sexual Abuse and Exploitation) targeting WCSC staff. The WCSC is working in close liaison with MoWCSW, Maiti Nepal, SAATHI, ABC Nepal, Women Rehabilitation Centre including other relevant GOs and NGOs for the prevention and control of children and women trafficking.

The WCSC has maintained the records of number of trafficking cases registered under the Human Trafficking (Control) Act 1986 from 1996/97 to 2006/07. Data indicate that a very few number of cases have been registered in the Nepal Police given the high magnitude of trafficking in Nepal (Table 6.2).

Table 6.2 Number of trafficking cases registered through WCSC, 1996/97-2006/07, Nepal

Year	1996/ 97	1997/ 98	1998/ 99	1999 / 2000	2000 / 01	2001 / 02	2002 / 03	2003 / 04	2004 / 05	2005 / 06	2006/ 07
No. of trafficking cases	117	130	110	120	92	40	55	56	72	97	112

Source: WCSC, Police Headquarter (computer file) (data accessed on 21 November, 2007).

Table 6.3 shows the number of trafficking survivors according to age groups from 2003/04 to 2006/07 recorded in Nepal Police. Some features of data are i) over the years, both the number of trafficking survivors and the number of trafficking cases registered in the Nepal Police have increased; ii) children of very young age are also the victim of trafficking, iii) the most vulnerable age group of trafficking is of 17-25 years and iv) there are also women aged 45 and above who have been the victims of trafficking.

Table 6.3 Number of trafficking survivors by age group, 2003/04-2006/07

Age groups	2003/04	2004/05	2005/06	2006/07
<=12	9	6	13	15
13-16	26	22	30	35
17-25	39	52	74	83
26-35	1	8	10	12
36 and above	1	6	1	2
Total	76	94	128	174
No. of cases	56	72	97	112

However, the WCSC's lacks very pertinent information related to trafficking like number of persons involved in the crime, their sex and age and types of crimes (trafficking related to prostitution, related to labor exploitation). Evidence from India shows that trafficking related to prostitution may be for brothel-based commercial sexual exploitation (CSE), non-brothel based CSE, CSE in massage parlor, CSE in cabin restaurants, CSE in pornography, pedophilia and domestic sexual abuse. Similarly, trafficking for labor exploitation may be for the children for circus performance, bonded labor, domestic labor and children for begging. Data also do not show whether the crime is related to internal or cross-border trafficking.

The workshop held in Butwal and Biratanagar provided valuable measures to strengthen WCSCs as follow:

- Expand WCSCs in all the districts
- Arrange woman police personnel of inspector level as the in-charge of the WCSC.
- Appoint the staff of WCSC who is experience and capable of handling the trafficking issues;

- Strengthen the WCSC providing capacity building programs and refresher training on human rights and gender equality and equity;
- Decentralize power to the WCSC to investigate the traffickers and to protect the survivors;
- Improve the physical facilities of the WCSC. For example, in Kapilbastu, there was no extra room to keep the survivors and traffickers separately;
- Make compulsory engagement of WCSC's staff in the programs related to anti-trafficking activities in the district organized by NGOs and GOs;
- Don't transfer the trained staff of the WCSC to other departments. If transfer of staff is required, they should be transferred to the same nature of job;
- Bring about public awareness on the role of WCSC in the protection of women's human rights and raising awareness against violence against women;
- Encourage and provide rewards to those staff who carry out the challenging work effectively.

Immigration Office

Immigration Office is an important government mechanism for protecting the trafficking victims and prosecuting the traffickers. There are eight Immigration Branch Offices in Nepal: six in the border points between Nepal and India (Kakarbhitta, Birgunj, Bhairahawa, Nepalgunj, Dhanghadi and Mahendranagar), one in the border point between Nepal and Tibet (Tatopani) and one in the Kathmandu International Airport. Kathmandu International Airport is only the International Airport in Nepal. Thus, all the laborers going aboard for work must pass through the airport except those who go via India. In the airport, there are two stages for screening process. In the first stage, the Labor Desk of DoLEP checks for the validity and work permit of a person. In the second stage, the Immigration Desk checks for the persons traveling to a foreign country.

The Immigration Desk is entitled to enquire a traveler, examine his/her passport, decline to allow him/her from going aboard and prosecute the person who is found guilty of carrying fraudulent passports, visas and other travel documents. In the year of 2006, the Immigration Office filed cases against 82 males and 18 females in the district court Kathmandu charging them carrying a fraudulent passport or a visa. In the year of 2007 (as of third week of November 2007), the comparable figures are 49 for males and 13 for females (Table 6.4). According to Immigration Act 2049 (1991), persons involved in issuing fraudulent passports and visas or carrying them to travel aboard shall be imprisoned at the most for 5 years or awarded the penalty of amount Rs. 50,000 or both.

Table 6.4 Number of persons prosecuted for fraudulent passports and visas by Kathmandu International Airport, 2006 and 2007

Year	Male	Female	Total
2006	82	13	95
2007 (till November)	49	13	62

Source: Immigration Office, Kathmandu (data obtained on request of ONRT)

It is reported that almost all the fraudulent cases are of the cases of foreign labor employment and an overwhelming majority of them desired to fly to the Gulf nations. When enquired about whether the innocent laborers have been prosecuted by the Immigration Office as the laborers themselves do not or cannot have capacity of producing fraudulent documents, the staff reported that both parties - who carry the fraudulent passports or visas and those who produce them - face legal consequences according to the Immigration Act. The staff also noted that in majority of cases it is difficult to prosecute the person who produces fraud documents because of the long chain of agents or *dalals* as the following case:

Three months ago, the Immigration desk in Kathmandu International Airport arrested a person accusing him of carrying a fraudulent passport. When enquired of him how he got the passport, he reported a person. The person (first) was arrested but the accused reported another person. The second accused was arrested but he reported another person. The third accused was arrested but he reported another person and so on altogether six persons were arrested. They were enquired but all of whom statements were different and it was difficult to actually identify the real fraudulent person.

According to the staff of Immigration Office, there are several difficulties of maintaining effective surveillance in the airport. First, the Immigration office has only manual procedure (i.e. UB light) of checking for passports. It has no electronic passport readable machine (Docu Center). Second, Nepal's government still issues a manual passport which is relatively easier to be misused by fraud persons. Third, many Gulf nations issue paper visa which is difficult to verify. Fourth, the Immigration Office has no centralized computerized system between the branch offices and head office.

Interpol

Combating trafficking in human being is one of the six priority areas of Interpol. The main role of Interpol is to collect information and documents related to criminal activities and send them to the concerned countries' National Center Bureau (country office of Interpol) and General Secretariat. Interpol issues seven types of notices. Among them, *yellow notice* is meant for missing persons.

The Interpol office in Kathmandu receives complaints of missing persons via district police offices or via WCSC, Nepal police. It proceeds for investigation of the missing persons via its head office in Paris. According to the staff of Interpol office, Nepal's Interpol office has been receiving 3 or 4 applications monthly about missing persons. It has also repatriated persons in difficult circumstance from foreign land, particularly from Gulf nations (Box 6.1).

Box 6.1 'Interpol is another father who has given me re-birth', says Tara.

Tara, 43, is from Sunsari district. She has three daughters and one son. Because of her poor economic condition, she wanted to go aboard for earning. One man, who is her distinct relative, promised her good employment in Kuwait at cheap visa price. He convinced her that she had to pay just Rs. 30,000 if she goes via India. If she goes from Nepal, she has to pay Rs. 70,000. Tara was convinced to go via India. She along with other six girls was transported to New Delhi. After staying one month there, they were transported again to Mumbai. Tara along with other six women got visa for Kuwait after staying two weeks in Mumbai. They were transported to Kuwait.

In Kuwait, a Kuwait manpower office sent her to work in a house as a domestic servant. When she could not tolerate the physical abuse and heavy workload in the house, she complained it to the Kuwait manpower office. She was shifted to another house. Again she could not bear the abuse in that house. She was shifted to another house and so on. She was working in the seventh house during her six months stay in Kuwait. She was not paid by any of the households. When she was working in the seventh house, the house's Master and Mistress were very cruel. They physically abused her charging her that she could not adjust any of six households. They told that they had bought her and she had to work for three years at any cost. She was not allowed to contact any one in Nepal. Her husband tried to call her several times but they did not receive the phone call. He also tried to contact to the agents in Mumbai and Kuwait, none of them responded him.

Tara's husband complained it to Women and Children Center, Kathmandu. The Center forwarded his application to the Interpol office in Kathmandu. The Interpol office collected information about Tara - her photograph, copy of visa, phone number of the Master's house and of manpower office in Kuwait.

According to Tara, three or four times Kuwait police went to her Master's house. But she was not allowed to interact with the police and she also did not know reasons for the police coming again and again in her Master's house as she did not know the Kuwaiti language. In the fourth round visit of the police, her Mistress told her that the police had come to know about her. The Mistress tried to convince her that she would love her and also would increase salary if Tara told the police that she was fine there and she would like to stay there. But Tara did not agree on it and the police ordered the Master to pay her salary and buy return ticket.

Tara landed in Nepal successfully after two months of her husband's request of rescue of her wife to Interpol office in Nepal. Tara says, 'Interpol is another father who has given me re-birth'.

Source: based on field work, 2007

Difficulties in Law Enforcement

The workshop held in Butwal and Biratanagar identified several difficulties in the enforcement of law on trafficking at the local level such as the following:

- Lack of stringent punishment to the traffickers. There is only system of *Jhard tarne* (only formality rather than punishing the criminals according to the law);
- No legal provision of finalization of cases in a certain duration by a court
- A gross tendency of waiting order from the upper layered offices – (*mathi ko mukha taknu*) – making it difficult to punish the criminals on time;
- Unaccountability of governmental staff – not taking trafficking as a serious crime;
- Low priority placed on trafficking agenda in the district by the GOs;
- Lack of effective co-ordination among the concerned relevant stakeholders;
- Lack of knowledge about Human Trafficking Act at the community level;
- Social stigma attached to the survivors;

- Lack of programs aimed at increasing the capacity of staff of the law enforcement agencies and;
- Low level of awareness on human rights and gender equality.

6.2.2 Levels and Trends of Trafficking Cases in the Courts

Courts and judiciary are the custodian of human rights. There are three-layered courts in Nepal: the Supreme Court, the appellate courts and the district courts. The Supreme Court is the highest court in judicial hierarchy and holds final authority to interpret the Constitution as well as the existing laws. Besides, the Court makes the meaningful interpretation of international human rights treaties and conventions to which Nepal is a State Party according to Nepal Treaty Act 1990. Thus, the Court has wider scope in translating the principles and values embodied in the international human rights instruments including CEDAW, CRC and UN Resolution 1325.

Two sources are available to examine the levels and trends of the prosecution of trafficking cases in the courts of Nepal. They include i) annual reports of Attorney General Office (AGO) and ii) annual reports of the Supreme Court (SC).

The Supreme Court

Table 6.5 shows the magnitude and decisions status of trafficking cases made by the SC from 2001/02 to 2005/06. The records of the SC show a higher number of trafficking cases registered in the SC (129 cases for the 5-year) compared to the record of the AGO (115 cases for the 5-year). According to the AGO data, during the five year period from 2001/02 to 2005/06, half of the cases decided by the Court were convicted and half were acquitted.

Table 6.5 Number of trafficking crimes registered, convicted, acquitted and pending in the Supreme Court, 2001/02 -2005/06, Nepal

Years	Total Cases*	Total cases**	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
2001/02	116	74	5	5	10	50.0	64	86.5
2002/03	143	134	11	17	28	39.3	106	79.1
2003/04	139	131	17	13	30	56.7	101	77.1
2004/05	132	117	16	13	29	55.2	88	75.2
2005/06	115	117	4	9	13	30.7	104	88.9
5-years average	129	115	11	11	22	50.0	93	81.0

Note: Data published in Nepali Fiscal years are converted to English Year as 2058/059 BS = 2001/02; 2059/060 BS = 2002/03; 2060/061 BS = 2003/04; 2061/062 BS = 2004/05 and 2062/063 BS = 2005/06. The conviction rate is defined as the ratio of number of convicted cases in a particular year to the total cases decided by a court in that year. The pending rate is defined

as the ratio of number of pending cases in a particular year to the total cases registered in that year in a court.

* Records of Supreme Courts and ** Records of the Attorney General Office.

Source: Annual Reports of Attorney General's Office, 2001/02, 2002/03, 2003/04, 2004/05 and 2005/06 and Annual Reports of the Supreme Court, 2001/02, 2002/03, 2003/04, 2004/05 and 2005/06.

The Supreme Court decided 32 cases related to human trafficking in fiscal year of 2006/07 (August 2006- July 2007) (Appendix 6.1). Among them, two cases were registered in the Supreme Court 10 years ago; 12 cases 5-9 years ago; 7 cases 4 years ago; 10 cases 2-3 years ago and one case was registered in the same year of its decision. Similarly, there were 91 human trafficking cases under consideration in the Supreme Court of Nepal in this fiscal year (as of November 28, 2007) (Appendix 6.2). Among them, 87 cases are related to the trafficking of girls and women while 4 are attempted trafficking. With respect to the date of registration of the cases in the Court, one case was registered about 10 years ago; 11 cases registered 5-9 years ago; 14 cases registered about 3-5 years ago; 12 cases registered 2-3 years ago; 23 cases registered one year ago and 30 cases registered in the current fiscal year (i.e. after August 2007).

Appellate Courts

There are 16 appellate courts in the country: four are in the eastern development region (DR) (Illam, Dhankuta, Biratanagar and Rajbiraj), three in the central DR (Janakpur, Hetauda and Patan), three in western DR (Pokhara, Baglung and Butawal), four in mid-western DR (Tulsipur, Nepalgunj, Jumla and Surkhet) and two in the far-western DR (Dipayal and Mahendranagar).

As shown in Table 6.6, the 5-year average number of cases registered in the Appellate courts of the country turned out to be 129 from the records of the SC and 85 from the records of AGO. According to the records of AGO, the 5-year average success rate is very low (40%) and the rate goes as low as 30 per cent for the year of 2001/02. On the other hand, the 5-year average pending rate is also high i.e. more than half of the cases registered in the Appellate courts pending to be settled each year considered here.

Table 6.6 Number of trafficking cases registered, convicted, acquitted and pending in the appellate courts, 2001/02 -2005/06, Nepal

Years	Total Cases *	Total cases**	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
2001/02	222	142	30	69	99	30.3	43	30.3
2002/03	125	72	29	26	55	52.7	17	23.6
2003/04	74	43	4	5	9	44.4	34	79.1
2004/05	100	73	11	12	23	47.8	50	68.5

2005/06	122	94	9	10	19	47.4	75	79.8
5-years average	129	85	17	24	41	40.5	44	51.7

Note: the same as in Table 6.5.

Source: the same as in Table 6.5.

The number of trafficking cases registered, success rates and pending rates vary according to appellate courts (Table 6.7). The total number of trafficking cases registered in a particular appellate court fails to tally between the records of SC and of AGO. For example, in the year of 2002/03, there were 94 and 46 trafficking cases registered in the Patan appellate court as per the record of the SC and AGO, respectively. Similarly, there are 42 trafficking cases registered in the year of 2004/05 in the Patan appellate court according to the record of SC, the corresponding figure is only 32 according to the record of AGO.

Despite the inconsistencies in data record between the two offices, it is revealed that a higher magnitude of cases registered comes from the trafficking prone areas like Patan, Butawal, Hetauda, Biratanagar and Nepalgunj appellate courts. In the appellate courts of Dhankuta, Tulsipur, Jumla, Surkhet and Dipayal, there are either no cases of human trafficking or very few cases registered. These areas are also known as less human trafficking prone areas except Dhankuta area.

Table 6.7 Number of trafficking cases registered in the appellate courts, 2001/02-2005/06, Nepal

Name of appellate courts	2001/02		2002/03		2003/04		2004/05		2005/06	
	SC record	AGO record	SC record	AGO record	SC record	AGO Record	SC record	AGO record	SC Record	AGO record
Ilam	10		3	2	0		3	1	7	
Dhankuta	0		0	0	0		0	0	0	
Biratanagar	12		5	4	4		8	8	7	
Rajbiraj	3		2	1	3		5	4	3	
Janakpur	8		4	4	11		7	5	5	
Hetauda	31		11	8	5		10	7	27	
Patan	94		94	46	39		42	32	48	
Pokhara	4		2	1	1		4	2	2	
Baglung	0		0	0	0		1	1	0	
Butawal	39		0	2	7		10	7	2	
Tulsipur	5		0	0	0		0	0	0	
Nepalgunj	11		2	2	0		7	4	17	
Surkhet	0		0	0	0		0	0	0	
Jumla	0		0	0	0		0	0	0	
Dipayal	1		0	2	0		0	0	0	
Mahendranagar	4		2	0	4		3	2	4	
Total	222		125	72	74		100	73	122	

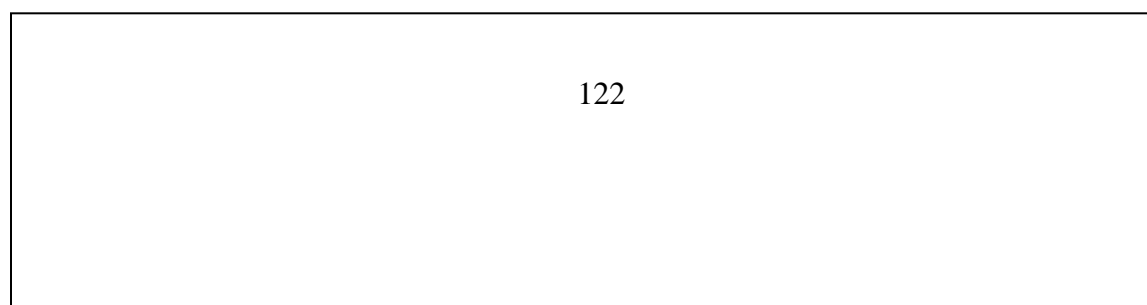
Note: 'SC record' and 'AGO record' refer to Supreme Court's record and Attorney General Office's record

Source: Source: the same as in Table 6.5

District Courts

In each of the district of Nepal, there exists one district court. The 5-year average number of trafficking cases registered in the district courts in the country is 166 from the AGO and 135 from the records of SC. Both sets of data reveal that the number of cases being registered in the district courts has been increasing. For example, the AGO data reveals that there were 136 cases registered in the year of 2001/02, which increased to 203 in the year of 2004/05 and slightly reduced to 183 in the year of 2005/06. The success rates in each of the year considered here are more than 60 per cent of the total cases decided. This is also confirmed from the verdict of Chitawan district court in the last year that four traffickers have been sentenced for 12 years accusing them of trafficking of four girls. In their statement in the court, the traffickers also confessed that they have already sold about 150 girls to India (Box 6.2).

Box 6.2 Chitawan district court sentenced traffickers for 12 years



Chitawan district court on Tuesday sentenced 4 men, held last year on charges of girl trafficking, to 12 years in prison.

The single bench jury of district judge Hari Kumar Pokhrel announced the verdict against the four who were involved in the heinous activity for the last eight years.

Those sentenced include gang leader Sanu Lal Tamang of Piple VDC - 5, Chitawan, and Ravi Kumar Titung, Bibek Dong and Sonam Lama of Padam Pokhari - 4, Makwanpur.

Police had nabbed the 4 from different places in Chitawan, Kathmandu and Nawalparasi on August 10 and 24 last year. Following the arrest, Lama and his gang had confessed to having trafficked more than 150 Nepali girls to India.

Source: summarized from the Kathmandu Post, 12 October 2006.

However, the 5-year pending rate is 56 per cent implying that less than half of the cases registered in the district courts in a particular year are decided by the courts in the same year (Table 6.8). This implies that justice for the trafficking victims is delayed from the initial court in the country.

Table 6.8 Number of trafficking cases registered, convicted, acquitted and pending in the district courts, 2001/02 -2005/06, Nepal

Years	Total Cases*	Total cases**	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
2001/02	107	136	46	26	72	63.9	64	47.1
2002/03	86	133	32	18	50	64.0	83	62.4
2003/04	142	173	57	31	88	64.8	85	49.1
2004/05	166	203	60	35	95	63.2	108	53.2
2005/06	176	183	36	22	49	73.5	124	67.8
5-years average	135	166	46	26	71	61.3	93	56.0

Note: the same as in Table 6.5.

Source: the same as in Table 6.5.

Data reveals that the number of trafficking cases registered varies by district courts (Appendix 6.3). Generally, more number of trafficking cases has been registered in the districts known as trafficking prone districts than in others. For example, according to the record of AGO in the year 2004/05, a total of 203 cases were registered in the 35 district courts of the country while there were no trafficking cases registered in other remaining 40 district courts in the year. Among the district courts, in which the trafficking cases registered, Kathmandu district court had the highest number of cases registered (52 cases), followed by Kaski (27 cases), Nuwakot (17 cases), Makwanpur (13 cases), Banke (10 cases) and Parsa (9 cases). There were 10 district courts in which only one trafficking case was registered and other 10 district courts had only two trafficking cases registered (Table 6.9).

The conviction rates and pending rates show a variation according to the district courts. Among the top-five trafficking cases registered in district courts in which more than 10 trafficking cases registered, the conviction rates range from 56 per cent for Kaski to 86 per cent for Makwanpur district courts. In the district courts of Saptari and Rautahat, where four cases were registered in each district court, all the cases were acquitted while in the district courts of Chitawan, Tanahun and Sindhupalchok all the cases decided were convicted. On the other hand, among the top-five trafficking cases registered district courts, the pending rates range from nil for Nuwakot to 73 per cent for Kathmandu district court, revealing that justice is delayed in the court in which maximum number of crimes are registered.

Table 6.9 Number of human trafficking cases registered in the district courts, 2004/05, Nepal

District courts	No. of district	No. of trafficking cases registered	Conviction Rate (%)	Pending rate (%)
Kathmandu	1	52	64.3	73.1
Kaski	1	27	55.6	66.7
Nuwakot	1	17	58.8	0.0
Makwanpur	1	13	85.7	46.2
Banke	1	10	77.8	10.0
Parsa	1	9	60.0	44.4
Sunsari and Bara	2	8	60.0	68.8
Jhapa and Kanchanpur	2	6	80.0	58.3
Saptari and Rautahat	2	4	0.0	25.0
Chitawan, Tanahun and Sindhupalchok	3	3	100.0	44.4
Morang, Dhanusa, Sarlahi, Lamjung, Palpa, Rupandehi, Nawalparasi, Dang, Bardiya and Surkhet	10	2	50.0	50.0
Sindhuli, Dolakha, Kavre, Dhading, Bhaktapur, Lalitpur, Syangja, Baglung, Kapilbastu and Darchula	10	1	75.0	50.0
Total	35	203	63.2	53.2

Source: Annual Reports of Attorney General's Office 2004/05.

6.2.3 Comparing the Conviction Rates of Human Trafficking with Other Criminal Cases

Table 6.10 compares the conviction rates of trafficking cases vis-à-vis other criminal cases according to the decisions made by the Supreme Court, the appellate

courts and the district courts. The Supreme Court decisions on different criminal cases over the years of 2001/02 to 2004/05 indicate the conviction rates for human trafficking appear to be satisfactory compared to other criminal cases. For example, the 4-year average conviction rate for human trafficking (50.5%) during the years of 2001/02 to 2004/05 is almost the same with the 4-year average rates of murder (49.6%), corruption (49%) and arms smuggling (50%). While the conviction rates for human trafficking are lower than that of rape/attempted rape (the 4-year average rate is 59%).

Table 6.10 Comparing the conviction rates for human trafficking with other criminal cases decided by the Supreme Court, appellate courts and district courts, 2001/02-2004/05, Nepal

Years	Human Trafficking	Murder	Rape and attempted rape	Drugs trafficking	Rubbery	Illegal abortion	Corruption	Arms smuggling
The Supreme Court								
2001/02	50.0	44.8	58.3	42.1	40.0	50.0	34.8	100.0
2002/03	39.3	45.2	42.1	56.3	25.0		55.6	
2003/04	56.7	59.8	54.6	58.9	42.9		75.0	
2004/05	55.2	43.5	31.7	72.7	42.9		30.0	66.7
4-year average	50.5	49.6	41.9	59.3	39.4	14.3	49.4	50.0
Appellate Court								
2001/02	30.3	39.3	39.2	37.2	22.2	7.7	30.4	26.3
2002/03	52.7	35.2	37.1	40.0	18.2		78.6	26.7
2003/04	44.4	35.2	46.0	27.0	12.3	25.0		58.8
2004/05	47.8	37.3	21.8	25.0	9.8	33.3		42.8
4-year average	39.8	37.0	35.6	35.6	14.7	15.4	23.8	37.9
District Courts								
2001/02	63.9	66.6	64.9	79.8	35.2	60.0	72.7	99.5
2002/03	64.0	64.0	72.4	70.3	46.0	45.0		98.9
2003/04	64.8	63.7	68.2	72.8	42.9	33.3		97.3
2004/05	63.2	70.9	68.1	84.0	49.4	27.3	100.0	100.0
4-year average	63.9	66.0	68.3	77.3	30.7	43.1	75.0	98.9

Source: The same as in Table 6.9.

In the appellate courts, the 4-year average conviction rate for human trafficking is almost similar with the rates of murder (37%), rape and attempted rape (36%), drugs trafficking (36%) and arms smuggling (38%). However, the 4-year conviction rate for human trafficking is far better than that of robbery (15%), illegal abortion (15%) and corruption (24%). This indicates that although the conviction rates of human trafficking in the appellate courts are low. These rates appear to be satisfactory compared to other criminal cases considered here.

In the district courts, conviction rates for human trafficking are better compared to the rates of robbery and abortion while the rates of human trafficking are far lower than that of murder, rape and attempted rape, drug trafficking, corruption and arms smuggling.

Comparing the decisions on human trafficking among the all layered courts, the conviction rates of the district courts are far higher than that of the upper layer courts of Nepal. More than 60 per cent of the cases decided by the district courts are successful in each of the year considered here. The comparable figures for the appellate courts range from 30 to 53 percent and they range from 39 to 56 per cent for the Supreme Court.

6.2.4 Comparing the Pending Cases of Human Trafficking in the Courts with Other Criminal Cases

Table 6.11 compares the 4-year average pending rate (from 2001/02 to 2004/05) of trafficking cases with the other criminal cases in three layer courts of Nepal. In the Supreme Court, the pending rate for human trafficking (78.7%) is almost the same as murder (79.1%), robbery (78.7%) and arms smuggling (78.6%) while the rate is higher than that of rape and attempted rape (72.6%). On the other hand, the 4-year average pending rate of human trafficking is lower than that of abortion (85.4%) and corruption (89.6%).

In the appellate courts, the 4-year average pending rate for human trafficking is 43.6 per cent. This rate is lower than that of all criminal cases except abortion. This indicates that although the pending rate for human trafficking is high in the appellate courts, this rate appears not to be considerable compared to the pending rates of other criminal cases in the appellate courts of Nepal. In the district courts, the 4-year average pending rate of human trafficking is 52.7 per cent. The rate is almost the same as the rate of murder (51.5%), rape and attempted rape (52.8%) while it is lower than that of robbery (59.8%), corruption (70.9%) and arms smuggling (88.2%).

Table 6.11 Comparing the average pending rates for human trafficking of four years (2001/02 -2004/05) to the different criminal cases in the courts of Nepal

Criminal cases	Supreme court	Appellate courts	District courts
Human Trafficking	78.7	43.6	52.7
Murder	79.1	48.9	51.5
Rape and attempted rape	72.6	49.2	52.8
Drugs trafficking	71.5	54.6	42.1

Rubbery	78.7	49.4	59.8
Abortion	85.4	33.3	42.6
Corruption	89.6	79.5	70.9
Arm smuggling	78.6	48.7	88.2

Source : The same as in Table 6.9.

6.2.5 Comparing the Intra-Courts' Judgments/Decisions on Human Trafficking

What happens in the judgments/decisions on trafficking cases when a case moves from the lower to the upper courts in Nepal? This is tested drawing data from Daywalka Foundation (Table 6.12). The Foundation collected 213 major decisions made by the Supreme Court during the period from 1988 to 2005. Of the 213 cases collected, the Foundation has published the Supreme Court's verdict for 60 cases in detail. Of the 60 judgments/decisions, only 55 per cent (or 33 cases) was convicted by all three layer-courts while for the remaining cases the judgments/decisions made by the courts vary. Data reveals that 9 cases were acquitted by all three layer-courts; 2 cases were acquitted by the district courts but convicted by the appellate courts and again acquitted by the Supreme court; 7 cases were convicted by the district courts but acquitted by the both upper layer-courts; one case was convicted by the district courts and by the appellate court, but acquitted by the Supreme court and one case was convicted by the Bagmati special court but acquitted by the Supreme court. Thus, altogether one-third of the trafficking cases registered in the Supreme Court are acquitted.

Table 6.12 Judgments/decisions status of trafficking cases by the all three layered courts, Nepal, 1988-2005

Categories	N	Per cent
Acquitted by all three layer courts	9	15.0
Acquitted by DCs, but convicted by the both upper layer courts	2	3.3
Acquitted by DCs, but convicted by ACs and acquitted by the SC	2	3.3
Convicted by all three layer of courts	33	55.0
Convicted by DCs, but acquitted by the both upper layer courts	7	11.7

Convicted by the DCs, acquitted by ACs but convicted by the SC	2	3.3
Convicted by the DCs and by the AP, but acquitted by the SC	1	1.7
Convicted by Bagmati special court and by the Supreme Court	3	5.0
Convicted by Bagmati special court, but acquitted by the SC	1	1.7
Total	60	100.0

Note: DC, AP and SC stand for district courts, appellate courts and the Supreme Court, respectively.
Source: summarized from The Daywalka Foundation Nepal, 2006

6.3 Judicial Responses to Human Trafficking

We have studied here eight judgments of the Supreme Court drawing on the summary report of the Supreme Court's judgments from the Daywalka Foundation Nepal, 2006 during the period of 1993 to 2004.

Five cases have been selected from those that were acquitted from all layer courts of Nepal and three cases selected are convicted by all layer courts of Nepal. The aims of analyzing court's judgments are to understand how an accused can escape from the law? How judicial discretion in deciding cases and awarding punishment/fine is survivors' friendly or how the best interest of the survivors are fulfilled by the judicial system?

Kamal Prasad Shrestha v Government of Nepal (Crime Case no. 28/29 of 1993 in the Supreme Court)

Mathuri Sharma running away from *Kothi* (prostitution center) in Mumbai filed a case in Bagmati Special court against Kamal Prasad Shrestha claiming that he sold her including other four girls in Mumbai at Rs. 16,500 each.

Both Bagmati Special court and Patan Appellate court acquitted the accused arguing that it is against the principle of criminal jurisprudence to convict a person without concrete proof of conviction and just based on the applicant's claim. The Supreme Court validated the judgment made by the lower courts in 2050 BS (1993).

Reviewing the judgment of the court, Kopila Khadka, one of the survivors attended in the court proceedings. Reviewing the judgment of the Supreme Court, it is revealed that the statements of the applicants at the time of initial petition, witnesses' statements and survivor's statements in the court do not tally. In the petition, it is claimed that the survivor was trafficked by giving a false promise of good employment whereas the survivor (i.e. Kopila) made her statement in the court that she was made unconscious by the accused while he offered her tea.

One of the survivors herself failed to claim in the court that she was sold in Mumbai. Rather, she claimed that she was at home at the time of the act of trafficking as claimed in the application. The accused confessed the crime before the police but denied it in the court.

In this case, the main reasons for the acquittal of the accused by the Supreme Court appear to be the statements made by the survivor herself in the court that she was not sold and the confession of the accused in the police could not be proved from other independent sources. It seems that the survivor might have come under pressure from the side of the accused or there involves a fear of re-victimization and traumatizing. This suggests security of the survivor before, after and during the court proceedings is vital in order for the effective enforcement of the law of the land.

Ganga Datta Bhatta v Government of Nepal (Crime Case no. 31 of 1997 in the Supreme Court)

Nanda Devi Bhatta registered a case against her husband and other four persons in Dadeldhura district court, accusing them of their attempt of selling her to a person called Danya Joshi in India. She petitioned that they should be convicted to the maximum according to the Human Trafficking (Control) Act 2043 (1986).

Dadeldhura district court acquitted the accused while the Dipayal appellate court convicted Ganga Datta Bhatta including others and awarded 2 months imprisonment accusing them of attempting to sell Nanda Devi. The full bench of the Supreme Court corroborated the district's court judgment in 2054 BS (1997). The accused confessed the crime before the police while they denied it in the court. However, the claim in the application, the statements by witnesses and the statements of the survivors are contradictory to each other. The accused defended himself in the court that he received Rs. 10,000 from Danya Joshi as *jari* because his wife had eloped with him.

The legal evidence turned weak due to the *jari* system. A *jari* system is the one in which, if a married woman elopes with another man, the ex husband is entitled to receive some cash or kind that compensates his marriage expenses incurred. In this case, the woman accused her own husband as being a trafficker, which is the rarest claim in Nepalese society. The local custom of marriage largely overlaps the acts of selling or buying of a woman.

With the petition of Naya Maya Adhikari Government of Nepal v Keshav Shai called Prakash (Crime Case no. 1915 of 1998 in the Supreme Court)

Naya Maya Adhikari filed a petition in Nawalparasi district court accusing Keshav Shai called Prakash that he transported her to Nautanawa, India with the intention to traffic her. He acted as if he were a police whose father is said to be working in Brunei and pretended to fix for a nuptial tie with her.

The Nawalparasi district court convicted Prakash that he attempted selling the petitioner and awarded 5 years term imprisonment but the Butawal appellate court acquitted him as there was no concrete evidence discovered that proved his intention of trafficking. The Supreme Court's judgment in its joint bench upheld the appellate court's judgment in 2055 BS (1998).

Reviewing the court's judgment, it is observed that the statements of the petitioner and that of the witnesses do not tally each other. Whereas in the petition, the survivor claimed that she was deceived by fake marriage and transported to India through Nautanawa check-post, the witnesses argued that the accused may have been a bad person who may lie but he could not be charged as a trafficker.

The accused had confessed the crime before the police but he denied it in the court. The accused defended in the court that he did not force to marry Naya Maya, but rather she married on her own choice. The main argument of the court revealed that without any concrete evidence no one shall be charged as a trafficker just because he brings his wife to visit India.

With the petition of Hel Man Majhi Government of Nepal v Sambhu Majhi including others (Crime Case no. 2332 of 1999 in the Supreme Court)

Hel Man Majhi filed a case in Sindhupalchok district court, accusing two men of being as traffickers of his sister Suntali Majhi. He claimed that Sambhu Majhi married his sister by foul means of deception and he sold her in Patna, India. He petitioned the court that they should be invoked as traffickers under the Human Trafficking (Control) Act 2043 (1986) and penalized to the maximum.

The Sindhupalchok district court convicted Sambhu Majhi with the following evidences: i) Shambu's marriage with Suntali was proved, ii) when Suntali was reported to be missing, he did not attempt to trace her out and iii) the witnesses also showed that Sambhu Majhi was a trafficker. The Patan appellate court acquitted the accused persons arguing that it was against the principle of criminal jurisprudence to convict a person without the solid evidence of trafficking. In 2056 BS (1999), the Supreme Court in its joint bench upheld the decision of the appellate court.

The survivor was absent in the court proceeding because she was sold in Patna. Reviewing the court's judgment, it is revealed that although the statements of the applicants and that of witnesses were the same, other legal evidence was said to be inadequate to convict the accused. The accused persons did not admit the crime before the police and in the court. There was no disagreement among the witnesses as such. The accused defended the case that he was in jail in murder case during the time when the petitioner's sister was reported to be trafficked. The main reason that the accused could not be convicted by the Supreme Court appears to be the incongruous statements made by the applicants in a series of

bak patra in the court and the main accused was in jail for a murder case during the trial of the case.

Rakesh Shrestha v Government of Nepal; Kalu Lama v Government of Nepal and Government of Nepal v Badri Muktan including others (Crime Case no. 3318 of 2002 in the Supreme Court)

Babu Ram Kumal filed a case in Bagmati Special court against Rakesh Shrestha, Kalu Lama, Badri Moktan, Sumitra Moktan and Ramesh Karmachaya. They were accused of selling two girls including Babu Ram Kumal's wife in India from his village at Rs. 30,000 each.

Bagmati Special court convicted the accused that they had sold the wife of Babu Ram Kumal and Sangita Aryal in India. They were convicted and sentenced to 10 years term imprisonment and fined Rs. 7,500 on each person. The joint bench of the Supreme Court in 2059 BS (2002) validated the lower court's judgment.

It is not mentioned there whether or not the survivors attended in the court proceedings. The statements of petitioner in the application, his *bak patra* (series of statements made in the court) in the court and that of the witnesses' statements all appear to be in agreement. All the witnesses unanimously accused them of being as traffickers. The accused confessed the crime before the police but declined it in the court. The accused attempted to defend themselves in the court that they were innocent and had never recognized the said trafficked girls. They claimed that they were charged because of personal *risa ibi* (grudge).

Apishara Badeni v Government of Nepal (Crime Case no. 3224 of 2004 in the Supreme Court)

Tara Badeni filed a case against Apishara Badeni including others in the Banke district court. She accused that they tricked her that they would help her visit her husband in New Delhi, but rather they sold her there. She was rescued with the help of Maiti Nepal repatriated to Nepal. She demanded that they should be convicted to the maximum under the Human Trafficking (Control) Act 2043 (1986).

The Banke district court convicted Apishara Badeni and Gobardan Badi for selling Tara Badeni and sentenced 10 years term imprisonment to each of them. The Nepalgunj appellate court upheld the district's court judgment. In 2060 BS, the Supreme Court in its joint bench validated the lower courts' judgment of 10 years imprisonment to them and additionally imposed a fine of Rs. 25,600 on each.

The statements mentioned by the survivor in her application in the district court, her statements during the court proceedings and that of witnesses are in agreement. The accused confessed the offence before the police but denied of having committed it before the court. However, their denial of the offence in the court was void because of lack of firm independent evidences to support their innocence. There is no disagreement in the statements amongst the witnesses who unanimously charged the accused as being the traffickers. The accused pleaded

their innocence in the court and claimed that they were accused just because of personal envy and grudge.

In this case, the accused were convicted because there were adequate evidences of trafficking. The judgment of the court has a greater implication in the protection of human rights, especially of women's rights. One of the important reasons for the success of the case is that the survivor was rescued by Maiti Nepal and she might have been continuously getting support in the court proceeding from it. Thus, it suggests the fact that conviction of traffickers require attention from the beginning of writ petition to the end of the court proceeding.

Uttam Lama v Government of Nepal (Crime Case no. 17 of 2004 in the Supreme Court)

Chari Maya Muktan filed a case in the Makwanpur district court accusing Uttam Lama and Khuiba Sangtan that they sold her in Mumbai. They transported her to Rakshaul from her village in the pretext of good employment in India. Another person accompanied them from Rakshaul to Mumbai. The petitioner returned after 10 years of her stay in Mumbai. The petitioner demanded a maximum punishment to the traffickers under the Human Trafficking (Control) Act 2043 (1986).

The Makwanpur district court convicted Uttam Lama and awarded 10 years term imprisonment and a penalty of Rs. 56,000. The Hetauda appellate court confirmed the lower court's judgment. In 2061 BS (2004), the Supreme Court from its full bench upheld the lower courts' judgment.

There is agreement in the statements made by the petitioner in the application, her statements in the court and that of witnesses' statement. The accused confessed the crime before the police but denied of having committed it before the court. However, his denial in the court had not been in agreement with other independent evidence. There is no disagreement in the statements made by the witnesses. The accused attempted to plead before the court that he could not recognize the survivor.

Analyzing the judgment of the Supreme Court, it appears that there are very few cases that are decided with reference to the values and principles embedded the international human rights instruments including CEDAW and CRC. The rulings are basically based on whether or not the plaintiffs were able to provide the evidence, whether or not they were able to attend in the courts and whether or not their witnesses provided supportive statements.

6.4 Emerging Challenges

There are several challenges in law enforcement. Given the widespread problem of trafficking in the country, the extension of the WCSC in more trafficking districts/areas and their capacity building from the human rights perspective is a

must. Another challenge relates to the open border between Nepal and India in which interception is virtually impossible without the effective bilateral cooperation between Nepal and Indian Police. Immigration authority also faces challenges in interception of traffickers, particularly going through the land. In addition, paper visa system of Gulf nations makes it difficult to verify the travel documents.

Analyzing the trafficking cases registered or disposed of in the courts of Nepal over the years, the study concludes the following. First, there are a very few number of trafficking cases registered in the courts compared to the magnitude of the crimes. Second, the conviction rates of trafficking cases are low. On top of this, the rates decrease when one moves from the district court to the appellate and to the Supreme Court. Conversely, the acquittal rates are higher in upper layered courts compared to the district courts of Nepal. Third, justice is delayed in all layered courts as reflected with high pending rates of trafficking. It is more in the Supreme Court than in others. Finally, with regard to a few number of judgments by the Supreme Court, a reference is cited from the international human rights instruments including CEDAW and CRC.

Chapter 7

Media and Trafficking

The central aim of this chapter is to examine the role of media in combating trafficking in Nepal. This chapter is organized into four sections. Section one brings out the significance of media in the efforts of combating trafficking based on the past studies and sets the objective of the chapter. Section two deals with the methodology adopted to generate data and section three describes the coverage of anti-trafficking news/views in print and electronic media. The final section discusses the emerging challenges drawing on the findings of the study.

7.1 Introduction

Media is recognized as the fourth state of the world because of its power to generate mass awareness. It brings about behavioral changes among commoners including the governments, creates advocacy to bring about intended reformation for the betterment of the society and empowers people by disseminating knowledge on different prevalent issues at the national and international arenas. It is also a means for achieving inclusive democracy, and promotion and protection of human rights and women's rights. Media comprises of print and electronic media. It covers event based news, editorials, articles, public announcements, documentaries and serials. Media covers those issues that need to be reformed or addressed by the law makers and policy makers.

Over the last two decades, especially after the restoration of democracy in 1990, Nepal has witnessed a boom of privately run publication houses, FM stations and television stations. There were very few media houses before early 1990s like the Gorkhapatra Sansthan, Nepal Television and Radio Nepal. These media were entirely under the control of the then government. No private media houses were in existence. The *Information and Communication Prospective Policy 2059 BS* (2002) adopted by the GoN in 2002 encouraged private sectors in media. The policy states that radio, television and internet communication system will be extended throughout the country and private sector will be encouraged as partners for development (ONRT, 2005). As a result, by December 2006, there were 2,253 registered publication houses in the country. Out of which there are 322 daily newspapers, 23 bi-weekly, 1616 weekly and 292 fortnightly publications (Press Council Nepal, 2006). Regarding the electronic media, there are 150 registered FM stations in the country. Out of which 83 were in regular operation. Similarly, there were 16 registered television stations out of which only five stations were in regular operation. Another technological progress in the media has been the web based sites and 'blog'. Blog is a public web site where users post informal journals of their thoughts, comments, and philosophies, updated frequently and normally reflecting the views of the blog's creator. In addition, UNDP and UNFPA sponsored community program entitled *Digital Broad Casting System* is also effective media

development in Nepal. Such advancement in the media can have a tremendous impact on the way media is viewed in coming years.

Trafficking in persons especially women and children is one of the issues almost widely addressed by the media. The media coverage generally relates to reporting of being trafficked, rescue, rehabilitation and anti-trafficking activities carried out by the GOs and NGOs including international communities. The electronic media has aired different discussions and interaction programs relating to anti-trafficking issues. They also have public announcements at times and also serials to create awareness against trafficking.

Yet there are very few studies about the role of media in combating trafficking in persons especially women and children in Nepal. One of the earlier works on media coverage on women's issue is of Asmita's study on *Chelibeti Bechabikhan Birrudha Sanchar Sakriyata*, 2056 (Asmita Prakashan, 1999). This study covered both electronic and print media and revealed that media reporting of prosecution of traffickers was of significant. The report suggests that combating trafficking is not only the government's obligation. Rather, there is need of synergy among the different stakeholders including civil society and the media. Asmita conducted another study in 2003 (Asmita Prakashan, 2003) covering about 100 articles from newspapers, journals and magazines published in Nepal including a few Indian newspapers and magazines. The report shows that the coverage of anti-trafficking efforts in the print media was not satisfactory given the magnitude of trafficking in the country. Similarly, another study conducted by NNAGT during Jan-Mar 2006 shows that the situation of women's participation in media was very poor and there were very few cases of women's issues. It showed that there were 90 cases on violence against women which included 8 cases relating to trafficking of women and children (NNAGT, 2006).

In this context, this chapter brings out the role of media in addressing the problem of trafficking in women and children.

7.2 Methods

This Chapter is mainly based on the study conducted by ONRT in 2007 in the role of Media on Combating Trafficking (ONRT, 2007b). The data for the study comes from i) workshop with media persons ii) review of newspapers cuttings, iii) interview with the personnel in the media houses and iv) key informant interview with individuals outside media houses but working on women's empowerment sectors. In the first stage, one workshop was conducted in the office of NHRC, Kathmandu with the media persons to understand the extent of coverage of anti-trafficking news/views in media; their problems and challenges in the coverage of news/views. This workshop also guided how to approach with the media houses individually. In the second stage, different newspapers and magazines were reviewed to access the extent of coverage of anti-trafficking news/views during

the whole year of 2006. In the third stage, a semi-structured questionnaire was designed and administered to the media houses located in Kathmandu valley and the filled questionnaire were collected and analyzed. In the fourth stage, some of the leading organizations working for the media and women's empowerment like Asmita, Sancharika Samuha, NNAGT and ATWIN were also visited to understand the effectiveness of media on the prevention and combating trafficking in persons.

This study covered the leading print and electronic media, comprising of both public and private sectors located in the Kathmandu Valley (Table 7.1). Accordingly, altogether 13 media print media houses (8 daily newspapers and 5 magazines) and 12 electronic media houses (7 Radio stations and 5 Television Channels) were covered. Some of the limitations, however, should be borne in mind while generalizing the findings of the study. First, this study covers only the leading media houses located in the Kathmandu Valley and does not cover the media houses outside the Kathmandu valley. Second, it covers only the daily newspapers and does not cover the weekly newspapers. Third, it covers only newspapers/magazines published in English and Nepali languages and does not cover the newspapers/magazines published in other languages.

Table 7.1 Media visited

Sector	Daily newspapers	Magazines	Radio Stations	Television Channels
Public sector	1. Gorkhapatra 2. The Rising Nepal		1. Radio Nepal	1. Nepal TV
Private sector	3. Annapurna Post 4. Kantipur 5. Katmandu Post 6. Nepal Samacharpatra 7. Rajdhani 8. The Himalayan Times	1. Himal 2. Kamana 3. Nari 4. Nepal 5. Samaya	2. Sagarmatha FM 3. Kantipur FM 4. Image FM 5. Nepal FM 6. HBC 7. BBC Nepal Service	2. Channel Nepal 3. Nepal 1 4. Kantipur TV 5. Image Channel

Of the 13 print media to which the survey questionnaire was administered only half of them submitted the filled questionnaire. Similarly, of the 7 radio stations, BBC Nepal, Kantipur FM and Sagarmatha FM filled the questionnaire. We were able to review 'Maiti ko Sandesh' broadcasting program of Kantipur FM. Although there is 'gender equity and equality' based program in Sagarmatha FM, the media house did not provide it. None of television stations responded to the survey questionnaire although the television personnel agreed to submit the filled questionnaire. Therefore, we could not examine the role of television media in combating trafficking in Nepal.

7.3 Coverage in the Media

7.3.1 Coverage in the Print Media

Reviewing the reporting on trafficking in persons in the print media during the entire year of 2006, a total of 184 news/views were found in nine leading daily newspapers. The newspapers from which information is drawn include both Nepali and English medium newspapers. The Nepali medium newspapers include: Kantipur, Nepal Samacharpatra, Gorkhapatra, Annapurna Post, Himalayan Times (Nepali) and Rajdhani and while the Himalayan Times (English), the Rising Nepal and the Kathmandu Post are the English medium daily newspapers. Note that news/views published in these newspapers however, do not reflect the frequency of events as the same news may be published by more than one newspapers. Our aim here is to examine the extent of coverage of news/views in a particular newspaper.

Coverage of News According to Months

Among the nine daily newspapers from which news cutting have been reviewed, Gorkhapatra stands out to be the first daily newspaper covering the news/views on trafficking in women and children (Table 7.2). This is followed by Kanitpur (28), Rajdhani (25), Nepal Samacharpatra (24), the Rising Nepal (20), the Kathmandu Post (20), Annapurna Post (14), The Himalayan Times (English) (13) and the least in the Himalayan Times Nepali (3). Further, data reveal that the frequency of news/views of trafficking in women and children come in each of the month of the year of 2006 despite the sharp variation of frequency of news/views by months. The highest number of reporting comes in the months of September (29), followed by January (25) and October (24) while the least number of news/views comes in the months of May (5), November (8), December (8) and August (9). It is found that most of the news has been from Kathmandu (30) followed by Makwanpur district (16).

Table 7.2 Coverage of anti-trafficking news in the leading daily newspapers in the year of 2006 by months

Newspapers	Total	January	February	March	April	May	June	July	August	September	October	November	December
Gorkhapatra	37	4	4	1	3	1	3	0	3	10	7	1	0
Kantipur	28	4	2	3	0	2	2	3	2	2	5	1	2
Rajdhani	25	3	1	1	3	0	3	3	0	4	2	3	2
Nepal Samacharpatra	24	3	2	4	2	0	5	1	2	2	2	0	1
The Rising Nepal	20	2	2	4	3	1	2	0	1	2	1	1	1
The Kathmandu Post	20	3	0	1	1	0	3	3	0	2	4	1	2
Annapurna Post	14	3	1	1	1	1	1	0	0	5	1	0	0
The Himalaya Times (English)	13	3	0	3	1	0	0	1	0	2	2	1	0
The Himalaya Times (Nepali)	3	0	0	1	0	0	0	1	1	0	0	0	0
Total	184	25	12	19	14	5	19	12	9	29	24	8	8

Table 7.3 Coverage of anti-trafficking news in the leading daily newspapers in the year of 2006 by issues

Issues	Total	Gorkhapatra	Kanitpur	Rajdhani	Nepal Samacharpatra	The Rising Nepal	Annapurna Post	The Kathmandu Post	The Himalaya Times (English)	The Himalaya Times (Nepali)
Anti-trafficking activities/awareness	67	14	8	9	5	12	6	5	7	1
Prosecution	48	12	8	5	7	6	1	7	1	1
by police	33	8	4	5	5	5	1	4	0	1
by courts	13	3	4	0	2	0	0	3	1	0
by community	2	1	0	0	0	1	0	0	0	0
Rescue	36	6	8	4	4	2	5	2	4	1
Being trafficked	16	3	1	4	2	0	1	4	1	0
Exploitation at destination	6	2	1	0	1	0	1	1	0	0
Survivors' resistance	4	0	1	1	2	0	0	0	0	0
Rehabilitation	3	0	1	2	0	0	0	0	0	0
Careless by Police	2	0	0	0	1	0	0	1	0	0
Criminal activities	1	0	0	0	1	0	0	0	0	0
Lack of awareness of parents	1	0	0	0	1	0	0	0	0	0
Total	184	37	28	25	24	20	14	20	13	3

Coverage of News According to Thematic Issues

We have also categorized the types of news/views covered in the daily newspapers according to the themes they covered (Table 7.3). They include: anti-trafficking activities/awareness, prosecution, rescue, being trafficked, exploitation at destination, survivors' resistance, rehabilitation, negligence of police to provide justice to the survivors and criminal activities.

Anti-trafficking activities here include all the activities carried out by governmental and NGOs including international communities. Out of 184, the highest number of reporting was about the anti-trafficking activities (67). There are large numbers of NGOs working against trafficking in Nepal. The newspaper reports also show numerous activities initiated by these NGOs to combat trafficking. However, there were very few articles covering reports regarding the effectiveness of such activities and rehabilitation services provided to the survivors. There is almost no news about reintegration of survivors in the families and communities.

Of the 184 news/views, 48 news/views were related to the prosecution to the traffickers. Prosecution here includes the arrest of traffickers by the police, community people's and Maoist's efforts to capture the traffickers and handover them to the police and courts' for the verdict on the trafficking. As the reports about criminals caught and punished are of significant in numbers, it can be said that legal system is playing somewhat effective role in prosecution of traffickers. Media also extensively covered the news regarding the courts' verdict about human trafficking cases.

Another important feature of the news covered is that there has been survivor's resistance against traffickers although the numbers of news regarding this aspect are very few compared to prosecution or anti-trafficking activities. The resistance was in the form of biting the traffickers, humiliating the traffickers with black smear (*kalo moso*) on the face, exposing the name of traffickers and handing over them to the community people for the prosecution.

The news also covers the aspects of police carelessness of prosecution of the traffickers, their corruption and lack of transparency in dealing with the trafficking issues. Further, there are some of reports regarding how the parents of the survivors themselves confess stating that their daughters have not been trafficked on the pretext of threats or 'good promises' by the traffickers.

7.3.2 Coverage in the Electronic Media

Kantipur FM is broadcasting a program named *Maiti Ko Sandesh* sponsored by Maiti Nepal for the last one year. The program is aired once a week and covers all the issues relating to trafficking. The program aims to bring behavioral changes in the society and also to generate advocacy from respective stakeholders and decision makers. Though Radio Sagarmatha does not have a

specific gender desk, it is very sensitive about gender issues. It broadcasts interviews and feature stories relating to human rights, gender and anti-trafficking issues on a weekly basis. Similarly, the British Broadcasting Corporation (BBC) Nepal also broadcasts interviews and feature stories relating to human rights, gender and anti-trafficking issues on a weekly basis. Many Television Stations like Image, Kantipur, Sagarmatha, Avenues, Nepal television air occasional programs related to combating trafficking.

The promotional activities of GOs, I/NGOs produce media materials both electronic and print related to anti-trafficking issues. These materials contribute to support media activities to run their programs.

7.4 Emerging Challenges

Several problems are encountered while reviewing the media reporting and discussion with the media persons. It is revealed that media reporting of trafficking is on the basis of "as and when it happened" news. There are very few facts based studies conducted by the media houses regarding the role of media in combating trafficking in children and women in Nepal. Media also lacks in organizing interactive programs, seminars and consultative meetings to evaluate the role of the government to fight against trafficking.

The ONRT study team faced difficulties gathering data from the media houses. Despite the fact that the team made several attempts, many media houses did not provide time and did not sufficiently respond to the questionnaire. Similarly, gathering data in the electronic media was quite a challenge. There was no systematic archiving of the programs broadcast, especially in the radio stations. The study found that Nepal Television archived some of its programs according to the subjects like festivals, women related issues. Here also, the media is required to be receptive and should respond like a library. The challenge is to be systematic enough to keep the record of the programs that were broadcast.

Upon discussion with the media persons, it is known that obtaining reliable information about trafficking is a major problem faced by the media. Most of the time, the media collects information from Nepal Police and hence it may be one of the reasons of having a large number of news on prosecution in the newspapers. It is also found that there has been a large number of news in the months of September and October. More and more research is needed to understand the phenomenon whether many girls and women can be the victims of trafficking in these months or anti-trafficking activities are seasonable ones.

Reviewing the contents of the news/views, the print media appears to be somewhat conscious about human rights and gender equity. On the other hand, the role of radio and television in combating trafficking can not be regarded as satisfactory although they are very powerful medium of communication in the width and breadth of the country. Given this situation, there is an enormous

need to train the reporters or the media. They need to understand the gender, women and children issues more deeply than ever.

Drawing on the discussion with the media persons, it is concluded that editors, publishers, journalists should be educated to produce touching human stories that can evoke the sentiment and inculcate interest in one and all. As the media houses face cost constraints focusing on anti-trafficking activities, visit program to the media persons, cost subsidizations policy for social issues, workshop and seminar for the media persons are some of the important policy measures for effectively mobilizing media for combating trafficking.

The NHRC and the media houses need to have frequent communication, interaction and also visit the affected sites and areas for better understanding. The impact of media on combating human trafficking can be much more productive and powerful in brining about awareness among people if there is collaborative work among different stakeholders.

Chapter 8

The Way Forward

The main aim of the Report is to analyze the situation of trafficking in Nepal and access the initiatives of combating trafficking carried out by GOs, NGOs and donor/INGOs communities in the years of 2006/07. Guided by human rights perspective, this Report utilizes definition of trafficking from the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000. This Report is prepared by utilizing both secondary and primary data. Primary data were generated through questionnaire survey and workshop consultations with the stakeholders. The secondary sources comprise of relevant literature, research reports of ONRT and annual reports of different organizations. This Report is structured into 8 Chapters, including this chapter. This chapter, based on the findings of the Report including the recommendations forwarded through the National Report 2005, puts forward future areas of interventions in combating trafficking in three broad areas: i) prevention, ii) protection and iii) prosecution.

Prevention defined here denotes that all the strategic interventions required protecting women and children from the risk of trafficking. Thus, it requires addressing structural as well as immediate causes of trafficking. *Protection* covers 4Rs - rescue, repatriation, rehabilitation and reintegration. *Prosecution* includes all the strategic interventions that aim at prosecuting the traffickers to ensure justice to the trafficking survivors.

For each of the broad area, a consolidated matrix is presented by i) the areas of interventions required, ii) lead ministry/department to tackle the problem, iii) other responsible organizations to effectively carry out the programs, iv) whether recommendation was made in the 2005 National Report or new concern, and iv) any remarks and comments.

1. Prevention: Towards Reorienting the Economic, Social and Anti-Trafficking Policies from Human Rights and Gender Perspectives

Areas	Lead Ministry /Department	Associate Ministries/Partner organizations	Recommended in the National Report (NR) 2005 or this Report?	Remarks/comments
<i>Economic</i>				
1.1 Integrate trafficking priorities with poverty alleviation, women empowerment, social justice, inclusive development, peace process and health programs in the planning process	National Planning Commission (NPC)	Sectoral Ministries, Poverty Alleviation Fund and Micro-Credit Financial Institutions	Findings in this Report	Several Ministries and Departments have contributed to the prevention of trafficking but, such programs need to target much on vulnerable areas /communities.
1.2 Reintroduce the measures like loan schemes for <i>Dalit</i> and <i>Janajati</i> to encourage foreign employment and introduce loan schemes for women to reduce the number of women going to third country via India for work	Ministry of Labor and Transport Management (MoLTM)	Nepal Rastra Bank Commercial Banks	Findings in this Report	The loan scheme introduced in 2004 for <i>Dalit</i> and <i>Janajati</i> was postponed in 2006. There was no special loan scheme for women.
1.3 Launch conflict rehabilitation policy, plan and program as a package program	Ministry of Peace and Reconstruction (MoPR)	MoHA I/NGOs	Introduced in NR 2005 and emphasized in this Report	Rehabilitation with gender consideration yet to be developed.
<i>Elimination of Gender Discrimination</i>				
1.4 Recognize economic contribution of women in both public and private sectors	National Planning Commission (NPC)	MoFA MoWCSW Central Bureau of Statistics (CBS) NGOs	Introduced in NR 2005 and emphasized in this Report	Many women's tasks related to household care economy has yet to be incorporated in System of National Account (SNA)
1.5 Eliminate all forms of feudal and patriarchal values, behavior and practices that discriminate girls and women including <i>Deuki, Jhuma</i> and <i>Kamlari</i> .	Ministry of Women, Children and Social Welfare (MoWCSW)	ONRT-NHRC I/NGOs Human rights organizations	Introduced in NR 2005 and emphasized in this Report	Prohibited by law but continue to exist in practice
<i>Political Commitment and Review of NPA</i>				
1.6 Mobilize political commitment to translate the national and international commitments of the government in action	Ministry of Women, Children and Social Welfare (MoWCSW)	ONRT-NHRC Parliament Political parties Sectoral Ministries NWC	Introduced in NR 2005 and emphasized in this Report	Sensitization of the decision-makers should be the regular process.
1.7 Review NPA against Trafficking 2002, employing a bottom-up planning approach, in the changing context of globalization and marginalization of women and children through human rights	Ministry of Women, Children and Social Welfare (MoWCSW)	ONRT-NHRC I/NGOs and Civil Society	Introduced in NR 2005 and emphasized in this Report	NPA against trafficking 2002 has yet to be revised.

and gender perspectives. The NPA should be designed to cover the three broad areas of interventions: i) prevention, ii) protection (rescue, repatriation, rehabilitation and reintegration) and iii) prosecution. Strengthen NTF as an apex body of anti-trafficking initiatives, and expand and strengthen DTFs in districts having high magnitude of problem.		NHRC I/NGOs Anti-trafficking networks		The effectiveness of the DTFs is limited due to the lack of resources and lack of motivation of the members of the DTFs.
<i>Maintaining Surveillance</i>				
1.8 Maintain effective surveillance in the Kathmandu International Airport by strengthening the capacity of Department of Immigration The GoN should issue electronic passport rather than providing manual passports.	Department of Immigration Ministry of Home Affairs (MoHA) Ministry of Foreign Affairs (MoFA)	MoLTM	Findings in this Report	The Department of Immigration has a desk in the International Airport but it is not equipped with modern equipments and with highly skilled human resources. The GoN issues manual passport.
<i>Inclusion in School and College Curriculum</i>				
1.9 Include trafficking and other forms of violence against women and children in school and University level curriculum	Ministry of Education and Sports (MoES)	University Media houses I/NGOs	Introduced in NR 2005 and emphasized in this Report	MoES and university have yet to review its school and university level curriculum from human rights and gender perspectives.
<i>Sensitization of Media</i>				
1.10 Sensitization and promotion of code of ethics with media persons on investigation and reporting of trafficking crimes in a sensitive manner.	Ministry of Information & Communication (MoIC)	ONRT-NHRC Media houses Media groups	Introduced in NR 2005 and emphasized in this Report	Sensitization of media persons/houses on anti-trafficking is must to combat trafficking, which is initiated by some of the leading media houses.
<i>Ratification of Migration Convention</i>				
1.11 Ratify the Migration Convention relevant to safe-migration	Ministry of Labor and Transport Management (MoLTM)	MoFA ONRT-NHRC	Findings in this Report	Migration convention has yet to be ratified by the GoN
<i>Continuation of NGOs Efforts and Mobilization of Donor Communities</i>				
1.12 Encourage NGOs and civil society to	Ministry of Women,	ONRT-NHRC,	Findings in this Report	Although I/NGOs efforts in combating

intervene in more challenging areas and/or communities; ensure transparency and accountability of NGOs and civil society in the community.	Children and Social Welfare (MoWCSW) Social Welfare Council (SWC)	Anti-trafficking networks, NGOs/INGOs and Donor communities		trafficking have been remarkable, focus should be more on the challenging areas / communities.
1.13 Mobilization of Bilateral, UN and INGO Support.	Ministry of Finance (MoFA)	MoWCSW ONRT-NHRC, MoLTM, MoHA UN and INGOs	Introduced in NR 2005 and emphasized in this Report	It is essential to fill the resource gap in terms of financial and technical assistance.
<i>Awareness Programs</i>				
1.14 Raise awareness among parents, children, women and community at large about CRC, CEDAW, UN Security Council Resolution 1325 and so on.	Ministry of Women, Children and Social Welfare (MoWCSW)	Sectoral ministries I/NGOs Human rights organizations	Findings in this Report	GOs and several NGOs have contributed to raise awareness but their efforts need to be expanded and continued.
1.15 Raise awareness about linkage HIV/AIDS and trafficking.	Ministry of Women, Children and Social Welfare (MoWCSW) National AIDS & STD Control Center	MoHP I/NGOs ONRT-NHRC	Findings in this Report	HIV/AIDS awareness programs focusing on the vulnerable population and trafficking survivors need to be expanded and continued.
<i>Registration of Vital Statistics</i>				
1.16 Maintain birth, death, marriage and migration registration of women and children.	Ministry of Local Development (MoLD)	MoWCSW DDCs VDC/Municipalities I/NGOs	Findings in this Report	Although vital registration system exists in the country, it is to be made effective and used for the protection of human rights of women and children.

2. Protection: Towards Adoption and Effective Implementation of a Comprehensive 4Rs Policy

Areas	Lead Ministry/ Department	Associate Ministries/Partner organizations	Recommended in the National Report (NR) 2005 or this Report?	Remarks/comments
Adopt a comprehensive rescue, repatriation, rehabilitation and reintegration (4Rs) policy	Ministry of Women, Children and Social Welfare (MoWCSW)	ONRT-NHRC I/NGOs	Findings in this Report	National policy on 4Rs has yet to be adopted.
<i>Rescue</i>				
2.1 Capacity building of WCSCs for rescuing the trafficking survivors within Nepal; Capacity building of NGOs involved in rescuing the trafficking survivors within Nepal.	Nepal Police Social Welfare Council (SWC)	MoHA I/NGOs ONRT-NHRC	Findings in this Report	In many cases, the WCSCs lack trained woman police, physical and financial resources. Many NGOs lack trained human, physical and financial resources.
2.2 Raise awareness of the community on trafficking regarding how and where to inform; Form community-based surveillance groups	Ministry of Women, Children and Social Welfare (MoWCSW)	ONRT-NHRC I/NGOs Political parties Civil societies	Findings in this Report	A number of NGOs are working and their efforts should be continued and expanded.
2.3 Effective surveillance at major border points between Nepal and India	Ministry of Home Affairs (MoHA)	Department of Immigration NGOs Human rights organizations	Introduced in NR 2005 and emphasized in this Report	NGOs like Maiti Nepal, Saathi, Sakti Samuha and ABC Nepal have surveillance system in some border points, but trafficking also occurs from other bordering points.
2.4 Establish and strengthen the bilateral cooperation between Nepal Police and Indian Police in major stretches of Nepal-India border	Ministry of Home Affairs (MoHA)	MoFA	Introduced in NR 2005 and emphasized in this Report	Cooperation between two countries' police has been established in some of the border points. This cooperation need to be made effective through regular meetings.
<i>Repatriation</i>				
2.5 Review Labor Attaché policy in countries with high number of women workers.	Ministry of Labor and Transport Management (MoLTM)	MoFA	Findings in this Report	No Labor Attaché appointed till December 2007
2.6 Strengthen the capacity of embassies/diplomatic missions abroad to deal with the problem of workers and to verify demand of laborers and report accordingly to MoFA	Ministry of Foreign Affairs (MoFA)	MoLTM ONRT-NHRC Human Rights Organizations	Findings in this Report	Nepal's diplomatic missions have to be concerned enough to protect the labor rights and human rights of Nepali workers.
2.7 Set up temporary shelter for trafficking survivors at the destination countries where magnitude of woman laborers is high and establish a mechanism for repatriation of them	Ministry of Foreign Affairs (MoFA)	MoWCSW MoLTM I/NGOs	Findings in this Report	Provision yet to be made
2.8 Include trafficking protection clause in labor migration agreements with destination countries;	Ministry of Labor and Transport Management (MoLTM)	MoWCSW MoHA MoFA	Findings in this Report	Provision yet to be made

Make advocacy for bi-lateral and/or multi-lateral treaties and SAARC Convention	National Human Rights Commission (NHRC)	I/NGOs		
2.9 Establish a networking mechanism between DoLEP, Department of Immigration, Interpol Nepal and MoFA to facilitate the repatriation of trafficking survivors	Ministry of Women, Children and Social Welfare (MoWCSW)	NHRC Sectoral ministries and departments	Findings in this Report	Coordination to be made
<i>Rehabilitation</i>				
2.10 Establish rehabilitation centers in partnership with NGOs or private sector for trafficking survivors. The centers should be capable of providing physical, legal, medical and psychological assistance including special care for survivors living with HIV/AIDS.	Ministry of Women, Children and Social Welfare (MoWCSW)	DWD NGOs INGOs Sectoral ministries	Introduced in NR 2005 and emphasized in this Report	No government owned rehabilitation centers yet, but the DWD has provided Rs. 600,000 to Kathmandu, Sindhupalchowk and Kailali DTFs to establish rehabilitation centers in this fiscal year (August 2007-July 2008).
2.11 Develop minimum standard of care and survivors protection manual for duty bearers and care givers of rehabilitation centers from the human rights perspective	Ministry of Women, Children and Social Welfare (MoWCSW)	I/NGOs NHRC	Findings in this Report	The manual has yet to be developed.
2.12 Activate NTF/DTFs to regularly monitor the rehabilitation centers run by GOs or NGOs in order to protect the best interest of the trafficking survivors	Ministry of Women, Children and Social Welfare (MoWCSW)	NHRC I/NGO Human rights organizations	Findings in this Report	It has yet to be effectively implemented.
<i>Reintegration</i>				
2.13 Ensure the best interest of trafficking survivors in the process of re-union with their community and family	Ministry of Women, Children and Social Welfare (MoWCSW)	NGOs Family and community	Findings in this Report	Stigmatization of the survivors has to be reduced.
2.14 Involve reintegrated survivors with the existing women collectives like micro-credit and self-help groups	Ministry of Women, Children and Social Welfare (MoWCSW)	Sectoral ministries NGOs, Micro-credit financial institutions	Findings in this Report	Rarely implemented till now
2.15 Ensure access to education and vocational training and provide adequate livelihood options	Ministry of Women, Children and Social Welfare (MoWCSW)	Sectoral ministries NGOs	Findings in this Report	Continuation of these services is essential to avoid the risk of re-trafficking.

3. Prosecution: Towards Reorienting the Law Enforcement and Judiciary System from Human Rights and Gender Perspectives

Areas	Lead Ministry/ Department	Associate Ministries/Partner organizations	Recommended in the National Report (NR) 2005 or this Report?	Remarks/comments
Develop ONRT-NHRC as complaints handling of trafficking cases	Office of the National Rapporteur on Trafficking in Women and Children (ONRT-NHRC)	I/NGOs Human rights organizations	Findings in this Report	Provision yet to be introduced
<i>Implementation of trafficking and foreign employment laws</i>				
3.1 Develop mechanism of effective implementation of the Human Trafficking (Control) Act 2064 (2007)	Ministry of Women, Children and Social Welfare (MoWCSW)	MoHA ONRT-NHRC I/NGOs	Findings in this Report	Implementation of the Act requires mobilization of range of stakeholders
3.2 Implement the Foreign Employment Act 2064 (2007) effectively	Ministry of Labor and Transport Management (MoLTM)	MoWCSW, NHRC Foreign employment agencies	Findings in this Report	Effective implementation mechanism has yet to be developed.
<i>Strengthening the law enforcement agencies</i>				
3.4 Expand WCSCs from the currently 26 places to other most trafficking prone areas, especially in border points between Nepal and India	Ministry of Home Affairs (MoHA)	NGOs INGOs UN	Findings in this Report	WCSCs are limited only to 26 places of 17 districts.
<i>Strengthening Judiciary System</i>				
3.5 Need to deal trafficking related cases with priority concern.	Ministry of Law, Justice and Management of Parliament (MoLJMP)	NHRC Human Rights Organization	Findings in this Report	By now, there are 8 child courts but there is no special tribunal for trafficking cases.
3.6 Capacity development of public prosecutors, court officials on anti-trafficking, human rights and gender justice issues	Ministry of Law, Justice and Management of Parliament (MoLJMP)	ONRT-NHRC Office of the Attorney General (OAG) Human rights organizations, National Judicial Academy	Findings in this Report	Training should not be only to the personnel in the higher on but also those in the lower rank and file to make the whole judicial system as gender friendly.
<i>Monitoring and Coordination</i>				
3.7 Regularly monitor the investigation by police on trafficking cases	Office of the National Rapporteur on Trafficking in Women and Children (ONRT-NHRC)	OAG, Human rights organizations Trafficking survivors	Findings in this Report	Provision yet to be introduced.
3.8 Develop a MoU on common operational guidelines for GOs like DoLEP, Nepal Police, Immigration Department, MoWCSW, Foreign Ministry engaged in addressing children and women issues in order to effectively combat trafficking	Ministry of Women, Children and Social Welfare (MoWCSW)	Sectoral ministries ONRT-NHRC	Findings in this Report	Provision yet to be introduced.

4. Information Needs: Strategies for Acquiring Primary and Secondary Data

Areas	Lead Ministry/ Department	Associate Ministries/Partner organizations	Recommended in the National Report (NR) 2005 or this Report?	Remarks/comments
4.1 Develop the reporting system and establish reporting mechanism to find the status of trafficking (central, district and village levels)	Office of the National Rapporteur on Trafficking in Women and Children (ONRT-NHRC)	MoWCSW MoLTM MoFA MoHA I/NGOs	Introduced in NR 2005 and emphasized in this Report	Although some I/NGOs have own data collection system on trafficking, there is no systematic and nationally valued information system.
4.2 Produce National Status Report annually on Trafficking in Persons Especially for Women and Children	Office of the National Rapporteur on Trafficking in Women and Children (ONRT-NHRC)	Sectoral ministries I/NGOs Human rights organizations	Introduced in NR 2005 and emphasized in this Report	The Report is being published annually.
<i>Maintaining data on foreign labor migrants</i>				
4.2 Maintain disaggregated data on foreign labor migrants according to workers' social, economic and demographic attributes like origin district, caste/ethnic group, age, sex, poverty level and education, country of destination and occupation.	Department of Labor and Employment Promotion (DoLEP)	Foreign employment agencies	Findings in this Report	The DoLEP currently generates data on workers' according to origin district, country of destination and sex..
4.3 Maintain data on returnees, number of persons deported, number of persons in detention in the destination countries, loss of life in relation to work in the foreign country and other nature of violation of human rights and labor rights	Ministry of Foreign Affairs (MoFA)	MoHA, Interpol, Embassies and consulates offices of Nepal	Findings in this Report	No data are available on these aspects till today; Ministry of Tourism only maintains data of foreigners while Immigration Office do not publish data on the persons returning to Nepal
4.4 Build-up bilateral relations with National Human Rights Institutions of destination countries for migrant workers	National Human Rights Commission (NHRC)	MoFA MoWCSW MoLTM	Findings in this Report	No provision yet

to obtain information on trafficking survivors				
<i>Conducting Research</i>				
4.5 Conduct studies on these areas: a. Rapid assessment on trafficking in children and women in Nepal; b. Linkage between denial of social, economic and cultural rights of women and trafficking focusing on central and eastern development regions; c. Dynamics of internal trafficking ; and d. Study the situation of women workers in Gulf countries.	Office of the National Rapporteur on Trafficking in Women and Children (ONRT-NHRC)	MoWCSW University Research institutions I/NGOs	Findings in this Report	This Report's findings suggest that further research in these areas is needed to understand the recent challenges of trafficking in women and children in Nepal.

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| 8. Januka Bhattarai | Shakti Samuha |

Appendices

Appendix 1.1. List of participants Lubmini zonal workshop, Butawal, December 13-14, 2007

SN	Name	Name of office	Position
1	Chameli Shrestha	Women Development Office, Palpa	Women Development Officer
2	Nirmala Karki	Women Development Office, Gulmi	Women Development Officer
3	Uma Paudyal	Women Development Office, Kapilbastu	Women Development Officer
4	Usha Rawal	Women Development Office, Rupandehi	Women Development Officer
5	Bel Kumari Pariyar	Women Development Office, Arghakanchi	Representative
6	Kishor Hamal	Women Development Office, Nawalparasi	Representative
7	Durga Pokheral	INSEC, Palpa	Representative
8	Bina Neupane	Women Journalist, Arghakanchi	Representative
9	Bishnu Sapkota	Loktantrik Mahila Samuha, Gulmi	President
10	Nirmala Shrestha	District Police Office, Rupandehi	Sub-Inspector
11	Naba Raj Joshi	Saathi Sashta, Kapilbastu	Coordinator
12	Puspa Regmi	Para-legal, Kapilbastu	President
13	Madhuri Shrestha	Mahila Parawi Mancha, Kapilbastu	
14	Devendra Singh	EIDHR, Kapilbastu	Representative
15	Rukmini Kuwar	Mahila Dababa Samuha, Kapilbastu	Representative
16	Dhakaram Adhikari	Okalata Mancha Kapilbastu	Representative
17	Chandra Rautar	District Police Office	Police Constable
18	Rama Singh Chaudhari	Para-legal Committee, Nawalparasi	Representative
19	Om Kumari Pun	District Police Office, Nawalparasi	Police Constable
20	Bishnu Lamechhane	ABC - Nawalparasi	Representative
21	Sapana Tamang	Mahila Sanchar Karmi, Rupandehi	Representative
22	Sarada Gaire	Mahila Sanchar Karmi, Rupandehi	Human rights programmer
23	Sumana Pahari	ABC Nepal, Bhairahawa	Office coordinator
24	Barsa Khanal	Maiti Nepal, Bhairahawa	Staff
25	Ram Krishna Bhandari	Federation of Journalist, Rupandehi	Member
26	Hema Neupane	Women Lawyer, Rupandehi	Women Lawyer
27		DTF, Rupandehi	Member
28	Shaik Ram Banjade	Bar Association Appellate Court, Butawal	Representative

Speakers in the first session			
1	Mohan Prakash Sitoula	Butawal Appellate Court	Chief Justice
2	Dhruba Raj Wagle	Rupandehi district	CDO
3	Kedar Prasad Sauda	Rupandehi district	SSP
4	Usha Rawal	Rupandehi district	WDO
5	Babu Ram Pandey	Bar Association Appellate Court, Butwal	President
6	Lila Ghimire	Federation of Journalists, Rupandehi	Chairperson
7	Diwakar Ghimire	Human and Peace Society, Kathmandu	Chairperson
8	Shri Jung Bhattra	NGO Federation, Rupandehi	Chairperson

Note : The Participants also included from NHRC Regional Office Pokhara and Contact Office Butwal

Appendix 1.1a. List of participants in Biratanagar workshop, Biratanagar, March 20, 2008

SN	Name of the participants	Name of organization
1	Dorna Kumar Bista, DSP	Boarder Security Force, Rani, Morang
2	Rajendra Tuladhar	Save the Children Norway
3	Komal Nath Ghimire	CDO, Morang
4	Indira Phuyal	Plan Nepal
5	Suma Devi Karki	DSP Office, Morang
6	Chameli Gurung	CWIN, Biratanagar
7	Sanju Saha	Madheshi Women Advocacy Forum
8	Bishnu Sharma Acharya	ABC Nepal, Biratanagar
9	Biweshika Bhurtel	INSEC, Biratanagar
10	Muskan Shrestha	Blue Diamond Society, Morang
11	Sarita Chaudhari	Human Welfare Society, Morang
12	Sabina Sanjel	Blue Diamond Society, Morang
13	Geeta Pokheral	Single Women Group, Morang
14	Raj Kiran Paudyal	District Legal Support Committee, Morang
15	Rajesh Neraula	Human Rights Project, Morang
16	Jagat Thapa	Jagaran Nepal, Morang
17	Suresh Glan	Regional Hotel Association, Morang
18	Shusila Thapa	Women and Children Service Center, Morang
19	Maya Ojha	Women Security Pressure Group, Morang
20	Sunita Sundar Chaudhari	LACC, Morang
21	Kopila Dahal	District Child Welfare Board, Morang
22	Sunita Bhattra	Women Development Office, Morang

Note: the participants also included from NHRC Biratanagar staff.

Appendix 2.1 Trafficking prone districts reported in different studies

Name of districts	MoWCSW (1998)	Print-Media (1994-2001)	RA of ILO/IPEC, 2001	Baseline survey of LWF Nepal and Saathi (2006)
Baglung		√	√	
Banke	√	√	√	√
Bara		√		
Bardiya		√	√	
Bhaktapur		√		
Chitawan	√	√	√	
Dailekh		√	√	
Dang	√	√		√
Dhading		√	√	
Dhankuta		√		
Dhanusa	√	√		
Dolakha		√		
Gorkha	√		√	
Illam		√	√	
Jhapa	√	√	√	
Kailali	√	√	√	
Kanchanpur				√
Kapilbastu		√	√	
Kaski	√	√	√	
Kathmandu	√	√	√	
Kavre	√	√	√	√
Khotang	√	√		
Lalitpur	√	√	√	
Lamjung		√		
Makwanpur	√	√	√	√
Mahottari	√			
Morang	√	√	√	
Myagdi		√	√	
Nawalparasi	√	√	√	
Nuwakot	√	√	√	√
Okhaldhunga		√		
Palpa		√		
Parsa	√		√	
Ramechhap	√			
Rasuwa	√			
Rautahat			√	
Rolpa			√	
Rupandehi		√	√	√
Salyan		√		
Sankhuwasabha				√
Saptari		√		
Sarlahi	√	√	√	√
Sindhuli	√			
Sindhupalchok	√	√	√	√
Sarah		√		
Sun sari	√	√	√	
Syangja		√		
Tanahun		√		
Udayapur	√	√		
Total	25	39	27	

Appendix 4.1 Objectives of NPA's for against Trafficking in Children and Women for Sexual and Labor Exploitation

Policy, research and institutional development

- To increase awareness amongst stakeholders and to promote the implementation of national policy and the NPA;
- To maintain a reliable gender disaggregated national database on trafficking in order to develop and implement effective anti-trafficking policy and programs and
- To strengthen the co-ordination role of MOWCSW at all levels.

Legislation and enforcement

- To promote and assert the entitlement of children's legal rights;
- To enhance the legal enforcement system to control and prevent trafficking of women and children and to ensure justice for the victims and
- To create legal awareness among different stakeholders and vulnerable groups.

Awareness creation, advocacy, networking and social mobilization

- To implement awareness programs targeted at vulnerable groups, namely families, communities and youth;
- To increase awareness of women and child trafficking through the media;
- To improve anti-trafficking networks at local, district, and national level;
- To prioritize the issue of women and child trafficking for the purpose of sexual and labor exploitation on the national and regional agenda and
- To create a sense of responsibility at the local level to combat women and child trafficking through organizing the local community.

Health and education

- To promote preventive and curative health education to the most vulnerable communities;
- To provide preventive and curative health services for girls and boys who have rescued and
- To increase school enrolment and create educational awareness particularly amongst the most vulnerable groups.

Income and employment generation

- To increase the economic status of communities and groups vulnerable of trafficking.

Rescue and reintegration

- To intercept and rescue women and children from being trafficked or are already engaged in exploitative work situations and
- To rehabilitate and reintegrate the victims into their families and communities.

Trans-border, regional and international issues

- To strengthen anti-trafficking efforts at the bilateral, regional and international level.

Monitoring and evaluation

- To measure the progress of the NPA;
- To measure the progress of anti-trafficking initiatives at the national level;
- To ensure a gender sensitive approach to implement the NPA and

Appendix 4.2 Programs of DWD in the fiscal year of 2007/08

1. Central level women development programs

<i>SN</i>	<i>Program/activities</i>	<i>Coverage</i>	<i>Yearly Budget 2064/65 (in '000)</i>
1	<i>Immediate rescue program for women of conflict affected VDCs (housing development program)</i>	<i>10 districts - Jajarkot, Kalikot, Rolpa, Rukum (6 VDCs/district), Humla, Dolpa, Bardiya, Arghakhanchi, Gorkha, Bhojpur (4 VDCs/district)</i>	25954
2	<i>Financial grants to the DTF against Trafficking in women and children for the rehabilitation and reintegration program</i>	<i>Sindhupalchok (20 survivors), Kathmandu (60 survivors) and Kailali (20 survivors) districts</i>	6000
3	<i>Empowerment programs for single women affected by conflict in four districts</i>	<i>Rukum, Rolpa, Jajarkot and Kalikot.</i>	2885
4	<i>Economic self reliant program for the oppressed, deprived, landless, Dalit, Janajati and Madheshi women</i>	<i>40 districts</i>	11600
5	<i>Empowerment program for Badi Women</i>	<i>5 districts: Kanchanpur, Banke, Bardiya, Kailali and Dang</i>	1600

2. District level women development programs

There are altogether 39 activities at the district level women development program. The important components relevant to prevention of trafficking in women and children are:

- i) Promotion of the participation of the target groups,
- ii) Awareness on gender and inclusion programs,
- iii) Reproductive health care,
- iv) Development of adolescent girls and
- v) Economic empowerment.

3. Gender equality and women' empowerment project of 2064/065

This project is funded by Asian Development Bank. The important components of the project relevant to our purpose are the following: i) social empowerment, ii) economic empowerment, iii) strengthening of organization and management of the project and iv) legal empowerment.

4. Directly donor funded projects on women's development of 2064/065 (2007-08) with MoWCSW

There are six directly funded projects on women's development of 2064/065 (2007-08).

Name of Program	Coverage	Target groups	Main program areas	Budget	Donor Agency
DACAW (interim one year- till December 2007)	15 districts: Humla, Dadeldhura, Accham, Dang, Kapilbastu, Nawalparasi, Kaski, Tanahu, Chitawan, Kavre, Parsa, Udayapur, Saptari, Sunsari and Panchthar.	Children Women Community	i) child protection and development, ii) maternal health care and iii) awareness on gender equality and inclusion.	Allocation of budget according to projects	UNICEF, grant
PARHI (interim one year- till December 2007)	Six districts: Dadeldhura, Dang, Kapilbastu, Rautahat, Mahottari and Saptari.	Young population Women of reproductive age Community	i) population development, ii) reproductive health care and iii) awareness on gender issues	Allocation of budget according to projects	UNFPA, grant
RMDG (two years - till June 2008)	Four districts: Bajhang, Jumla, Rautahat and Mahottari	1000 very poor households	skill development, livelihood, community contact, institutionalization and action learning	US \$ 850,000 (including US \$ 150,000 of GON)	Asian Development Bank, grant
Campaign against Chhaupadi practices (3 years - 2007-2009)	One district: Accham	Girls and women victimized by Chhaupadi practices	i) social awareness and training ii) community development iii) institutional development	Rs. 15 millions	Save the Children Norway, grant
Biodiversity Sector for the Siwaliks and Terai- BISEP-ST	Eight districts: Chitawan, Makawanpur, Parsa, Bara, Rautahat, Sarlahi, Mahottari and Dhanusa	Poor families depended on forest	i) conservation biodiversity ii) livelihood iii) gender mainstreaming	Rs. 6,740,000 (for 2007)	Netherlands Develop. Corporation, grant
Capacity Building: Gender Equality and Empowerment Project (2 years - till Dec 2007)	Department of Women Development		i) Institutional examination ii) capacity building, iii) development of implementation strategies	US \$ 353,000 (including US \$ 53,000 of GON)	Asian Develop. Bank, grant

Note: DACAW refers to 'Decentralized Action for Children and Women'; PARHI refers to 'Population and Reproductive Health Integrated Project' and RMDG refers to 'Reaching the Most Disadvantaged Groups in Mainstream Rural Development'.

Source: DWD, 2064 (2007):81.

Appendix 4.3 The terms of reference of the NTF and DTF

National Task Force

- Organize orientation seminars on trafficking in women and children and their sexual exploitation;
- Provide guidelines and directives to the CCWB and DCWBs and DTFs about anti-trafficking and sexual exploitation initiatives;
- Fix procedure for the rehabilitation of the trafficked victims and persons in sexual exploitation sent back from abroad;
- Finalize short and long term plan of action on the issue and approve appropriate action Program submitted by GOs and NGOs;
- Co-ordinate GOs and NGOs activities related to the problem;
- Take measures for law enforcement as per the working paper prepared in this direction;
- Transform the commitments expressed at international and regional conventions on the issue into reality; and
- Take appropriate measures for effective enforcement of relevant laws and regulations, particularly through networking of government, NGOs, districts and local level task forces and community leaders for the publication of relevant data and co-ordination with district and local level task forces.

District Task Force

- Identify areas or VDCs which have the problem of trafficking;
- Maintain records of children over 10 years of age who are under the risk of trafficking;
- Constitute all-party committees with the representation of the government line agencies, NGOs and local organizations/associations in VDCs having problems under the chairmanship of VDC chairperson;
- Implement locally identified programs on the basis of priority;
- Run awareness campaigns in VDCs having problems
- Co-ordinate programs of various agencies like Government line agencies, NGOs and local elected bodies to control girls trafficking;
- The national level NGOs are required to consult and cooperate with the DTF to conduct programs aimed at combating girl trafficking in the district;
- Monitor, supervise and evaluate all the activities carried out in the district in this regard;
- Set up an emergency fund in the form of a rotating fund by mobilizing the local resources;
- Discuss with their counterparts in adjoining provinces of the neighboring country to work out for the solution to the problem particularly in bordering districts;
- Send information about girl trafficking or trick or chances of trafficking to the concerned agencies at the earliest, and
- Make the Chief District Police Office function as the Member- Secretary of the DTF in district where the police headquarter has launched the program.

Appendix 6.1 The Number of Trafficking Cases Made Judgment by the Supreme Court of Nepal in the Fiscal Year 2006/07 (August 2006-July 2007)

SN	Registered number	Badi (Plaintiffs)	Pratipadi (Defendants)	Date of registration	Case Phat Number	Judgment date (in Nepali calendar)	Name of Judges
1	1188	Government of Nepal	Tanka Natha Silwal including	2052/07/02	24	2063/07/13	Kedar Prasad Giri, Sharada Prasad Pandit
2	1788	Government of Nepal through the write of Padam Kumari	Laxman Tamang	2054/10/29	21	2063/10/01	Sharada Prasad Pandit, Damodar Prasad Sharma
3	1805	Government of Nepal	Shyam Krishna Shrestha including 2 persons	2055/06/20	24	2064/03/18	Kedar Prasad Giri, Meen Bahadur Raya Majhi
4	2245	Government of Nepal	Pawan Kumar Yadav	2057/05/09	24	2063/12/19	Ram Prasad Shrestha, Kil Raj Regmi, Sharada Prasad Pandit
5	2349	Raj Kumar Pandey	Government of Nepal	2057/06/10	24	2063/09/10	Tapa Bahadur Magar, Gauri Dhakal
6	2810	Government of Nepal	Jaman Singh Lama including 2 persons	2058/01/10	21	2063/12/01	Khil Raj Regmi, Sharada Prasad Pandit
7	2926	Government of Nepal	Meen Bahadur Lama including	2058/03/06	21	2063/08/11	Ram Nagina Singh, Gauri Dhakal
8	2947	Government of Nepal	Meen Bahadur Lama including	2058/03/11	21	2063/08/11	Ram Nagina Singh, Gauri Dhakal
9	2423	Government of Nepal	Ram Bahadur Lama including	2058/04/23	25	2063/09/16	Ram Prasad Shaha, Rajendra Prasad Koirala
10	2708	Government of Nepal through write of Radha Bhujel	Bhakta Bhadr Sapakota	2059/04/20	7	2064/01/17	Kedar Prasad Giri, Tapa Bahadur Magar, Ram Kumar
11	2743	Government of Nepal	Maili Tamang including	2059/04/27	2	2064/01/31	Ram Prasad Shrestha, Rajendra Prasad Koirala
12	2842	Government of Nepal	Bishnu Ghimire	2059/05/18	12	2064/02/13	Ram Prasad Shrestha, Sharada Shrestha, Tapa Bahadur Magar
13	2880	Madhab Raj Paudyal	Government of Nepal	2059/05/27	9	2063/05/15	Ram Prasad Shrestha, Rajendra Prasad Koirala
14	3310	Writ of Shyam Babu Nepali	Tul Bahadur Bhandari	2059/12/26	7	2063/08/01	Rajendra Prasad Koirala, Bal Ram KC
15	3385	Writ of Aasha Bahadur Sunuwar	Shayam Karna Badi	2060/02/01	8	2063/05/29	Parama Nanda Jha, Kalyan Shrestha
16	3483	Government of Nepal	Birendra Mahato Malaha	2060/03/10	10	2063/06/01	Kil Raj Regmi, Tahir Ali Ansari
17	2994	Government of Nepal	Bhakta Bhadr Shrestha including 4 persons	2060/04/16	5	2063/12/01	Pawan Kumar Ojha, Tahir Ali Ansari
18	3108	Government of Nepal	Basanti Devi Paudyal	2060/05/17	20	2063/10/21	Tapa Bahadur Magar, Kalyan Shrestha

Contd. Appendix 6.1

SN	Registered number	<i>Badi</i> (Plaintiffs)	<i>Pratipadi</i> (Defendants)	Date of registration	Case Phat Number	Judgment date (in Nepali calendar)	Name of Judges
19	3353	Writ of Bimala Tamang	Ram Chandra called Hira Mani	2060/08/16	7	2064/02/	Kedar Prasad Giri, Sharada Prasad Pandit, Kalyan Shrestha
20	3442	Mamata Maharjan	Government of Nepal	2060/09/23	2	2063/07/19	Kil Raj Regmi, Sharada Shrestha
21	3618	Government of Nepal	Mamata Maharjan	2060/12/11	2	2063/07/19	Kil Raj Regmi, Sharada Shrestha
22	3731	Government of Nepal	Dil Prasad Limbu including 2 persons	2061/02/27	20	2063/08/17	Kil Raj Regmi, Sharada Shrestha
23	3195	Government of Nepal	Rabi Lama	2061/06/18	2	2064/02/27	Kedar Prasad Giri, Sharada Shrestha, Rajendra Kumar
24	3443	Government of Nepal	Shiva Prasad Paudyal	2061/11/12	9	2063/05/15	Sharada Shrestha, Rajendra Prasad Koirala
25	3059	Maya Pun	Government of Nepal	2061/12/08	15	2063/08/20	Sharada Prasad Shrestha, Kalyan Shrestha
26	3456	Kamal Bahadur Pyakurel	Government of Nepal	2062/01/07	Nibedian-4	2063/07/10	Ram Prasad Shrestha, Rajendra Kumar Bhandari
27	659	Rakesh Shrestha	Government of Nepal	2062/05/06	Nibedan-2	2063/04/16	Ram Prasad Shresha, Khil Raj Regmi, Gauri Dhakal
28	693	Kalu Lama called Ramesh	Government of Nepal	2062/06/13	Nibedan-2	2063/04/16	Ram Prasad Shrestha, Khil Raj Regmi, Gauri Dhakal
29	2713	Government of Nepal	Uma Paudyal	2062/08/22	Nibedan-4	2063/11/16	Kedar Prasad Giri, Gauri Dhakal
30	2943	Government of Nepal	Rekha Bishowkarma	2062/10/09	Nibedan-5	2063/11/16	Deelip Kumar Paudyal, Tahir Ali Ansari
31	3542	Krishna Maharjan	Government of Nepal through write of Parbati	2062/10/24	14	2063/04	Ram Nagina Singha, Bal Ram KC
32	3719	Chandra Bhadur called Kumar	Government of Nepal through write of Rupa Darji	2063/02/04	15	2063/07/12	Annup Raj Sharma, Rajendra Prasad Koirala

Appendix 6.2 the Number of Trafficking Cases Under Consideration in the Supreme Court of Nepal as of November 2007

SN	Registered Number	Badi (Plaintiffs)	Pratipadi (Defendants)	Date of registration	Case Phat Number
1	1720	Sun Dolma Lama	Chandra Bahadur Nepali including others	2054/09/16	21
2	2496	Government of Nepal	Sanjaya Gupta including 4 persons	2058/05/06	24
3	2528	Government of Nepal	Sudan Sadari including 5 persons	2058/05/11	24
4	3023	Shiva Maya Tiwari	Government of Nepal through writ of Laxmi Nepali	2058/11/29	21
5	3107	Government of Nepal	Khem Ram Pandey including 2 persons	2058/12/28	24
6	3167	Government of Nepal	Ram Milan Ahir including 2 persons	2059/01/20	24
7	3324	Government of Nepal through write of Basanti Basnet	Kalpana Yadav including 7 persons	2059/03/24	21
8	2711	Government of Nepal	Nim Bahadur Gurung including 2 persons	2059/04/20	25
9	2726	Government of Nepal	Biman Pariyar including 2 persons	2059/04/21	25
10	2877	Government of Nepal through write of Deep Bd. Joshi	Mohan Shrestha including 3 persons	2059/05/26	25
11	2915	Man Bir Sarki	Maha Prasad Acharya including 2 persons	2059/06/11	25
12	2978	Chandra Bahadur Kunwar	Sarita Kuwar Sapkota including 2 persons	2059/07/22	25
13	3178	Government of Nepal	Sher Bahadur Tamang	2059/10/22	25
14	3205	Government of Nepal	Hari Shankar Shah including 2 persons	2059/11/02	26
15	3309	Government of Nepal	Ram Kumar Waiba Tamang including	2059/12/26	25
16	3366	Government of Nepal	Salabooddin Miya including 4 persons	2060/01/18	26
17	3435	Government of Nepal	Mina Kumari Bishokarma	2060/03/02	26
18	2997	Government of Nepal	Rupa Bajracharya called Pinky	2060/04/16	03
19	3114	Sudeep Shah	Government of Nepal	2060/05/17	26
20	3125	Mohammad Gani Miya Thakurai	Government of Nepal through write of Borahim Miya	2060/05/22	05
21	3126	Salim Miya including 2 persons	Government of Nepal through write of Borahim Miya	2060/05/22	05
22	3148	Government of Nepal	Jaya Dev Giri including 2 persons	2060/06/07	20
23	3795	Government of Nepal	Allauddin Miya including 3 persons	2061/03/14	09
24	3790	Kamali Yadav	Government of Nepal through write of Aamod Chandra Jha	2061/03/14	06
25	3373	Government of Nepal	Billtu Kami	2061/09/19	19
26	3495	Government of Nepal	Ambika Raya Majhi including 3 persons	2061/12/01	26
27	2125	Government of Nepal	Shyam Bahadur Gurung including	2062/05/07	Nibedan-4
28	3373	Ram Prasad Sitaula	Government of Nepal	2062/08/12	14
29	3402	Government of Nepal	Chhatu Mahara Chamar	2062/08/19	10
30	3502	Government of Nepal	Kamal Kumari GC	2062/09/26	18
31	3540	Sonam Gurung called Amar	Government of Nepal through write of Anita called Anu	2062/10/24	14
32	3565	Mohammad Phiroj	Government of Nepal	2062/11/02	09
33	3654	Harka Bahadur Sunuwar including 6 persons	Government of Nepal through write of Sunita Rai	2062/12/17	14
34	3658	Government of Nepal through write of Anita Bhattari	Harka Bahadur Sunuwar including 6 persons	2062/12/17	14

35	3656	Government of Nepal through write of Sunita Rai	Harka Bahadur Sunuwar including 6 persons	2062/12/17	14
36	3696	Arjun KC	Government of Nepal through write of Anita Bhattari	2063/01/19	14
37	3697	Arjun KC	GON through write of Sunita Rai	2063/01/19	14
38	878	Ghana Bahadur BK	Government of Nepal	2063/02/17	Nibedan -2
39	3822	Bilttu Kami	Government of Nepal through write of Rajendra BK	2063/03/13	19
40		Aakasha Lama Gurung	Government of Nepal through write of Anita Bhattarai	2063/04/17	14
41		Aakasha Lama	Government of Nepal through write of Sunita Rai	2063/04/17	14
42		Government of Nepal	Arjun Thapaliya called Kumar	2063/05/05	04
43		Government of Nepal	Rabindra Silwal	2063/05/09	07
44		Government of Nepal	Bina Lama	2063/05/12	Nibedan -4
45		Government of Nepal	Maiya Tamang	2063/05/19	Nibedan -4
46		Deelip Kumar Gupta including	Government of Nepal	2063/07/19	14
47		Government of Nepal	Nabin Kumar Pandey	2063/07/23	Nibedan -5
48		Government of Nepal	Lalati Devi Mandal including	2063/08/07	Nibedan -5
49		Yadu Giri	Government of Nepal	2063/09/11	14
50		Sokte Tamang	Government of Nepal	2063/09/26	14
51		Shansa Praja	Government of Nepal	2063/10/03	15
52		Government of Nepal	Krishna Nepali	2063/10/21	Nibedan -4
53		Rupa Bhadr Chhetri called Shyam	Government of Nepal	2063/11/02	14
54		Kamal Khadka	Government of Nepal	2063/11/14	14
55		Sushil Chhetri	Government of Nepal	2063/11/14	14
56		Purna Bahadur Tamang	Government of Nepal	2063/12/18	Nibedan -5
57		Maya Godiya	Government of Nepal	2063/12/19	14
58		Government of Nepal	Durga Devi Dhungana called Meena	2063/12/22	14
59		Maiti Tamang	Government of Nepal	2064/02/01	14
60		Durga Devi Dhungana called Meena	Government of Nepal	2064/02/01	14
61		Government of Nepal	Shyam Tamang Thing including 2 persons	2064/02/01	20
62		Maiti Tamang	GON Government of Nepal	2064/02/01	14
63		Government of Nepal	Goma Basnet including	2064/02/08	Nibedan -7
64		Jarimaya Waiba	Government of Nepal	2064/03/05	15
65		Jarimaya Waiba	Government of Nepal	2064/03/06	15
66		Jali Aalam	Government of Nepal	2064/03/06	15
67		Raja Dev Hajara called Kariman	Government of Nepal	2064/03/06	15
68		Raja Dev Hajara called Kariman	Government of Nepal	2064/03/06	15
69		Renu Adhikari	Government of Nepal	2064/04/02	Nibedan - 7
70		Government of Nepal	Gokul Thapa Magar including	2064/04/02	Nibedan - 5
71		Ijajuli Miya	Government of Nepal	2064/04/27	15
72		Shankar Chaudhari	Government of Nepal	2064/04/27	15
73		Ijajuli Miya	Government of Nepal	2064/04/27	15

74		Government of Nepal	Bijaya Thapa Magar including	2064/04/29	Nibedan – 5
75		Gokarna Thapa	Government of Nepal	2064/04/31	14
76		Dhumchhe Gombu Tamang	Government of Nepal	2064/04/31	14
77		Raj Kumar BK including	Government of Nepal	2064/05/02	15
78		Prakash Rajbansi	Government of Nepal	2064/05/02	15
79		Dhan Bahadur Gurung	Government of Nepal	2064/05/17	15
80		Phulamati Shrestha Maharjan	Government of Nepal	2064/05/17	15
81		Dhan Bahadur Gurung	Government of Nepal	2064/05/17	15
82		Phulamati Shrestha Maharjan	Government of Nepal	2064/05/17	15
83		Gopal Bhattarai	Government of Nepal	2064/05/20	15
84		Raju Kumar Singha	Government of Nepal	2064/06/09	14
85		Government of Nepal	Mitthu Luetel	2064/06/10	20
86		Renuka Lama	Government of Nepal	2064/07/22	15
87		Narayan Bahadur Shrestha	Government of Nepal	2064/07/22	15
		Attempted of Trafficking			
88	3655	Harka Bahadur Sunuwar including	GON through the write of Parbati Sarki	2062/12/17	14
89	3653	Harka Bahadur Sunuwar including 6 persons	GON through the write of Anita Bhattraï	2062/12/17	14
90	3660	Government of Nepal through the write of Parbati Sarki	Harka Bahadur Sunuwar including 6 persons	2062/12/17	14
91		Government of Nepal	Aasha Pariyar	2064/08/03	Nibedan-7

Source: Supreme Court of Nepal (data accessed on 28 November, 2007).

Appendix 6.3. The Number of trafficking cases registered in the district courts, 2001/02-2005/06

Sno	District courts	2001/02	2002/03	2003/04	2004/05	2005/06
1	Taplejung	0	0	0	0	0
2	Panchthar	0	0	0	0	0
3	Ilam	0	0	1	0	0
4	Jhapa	2	4	11	7	9
5	Sankhuwasabha	0	0	0	0	1
6	Terathum	0	0	0	0	0
7	Dhankuta	0	0	0	0	1
8	Bhojpur	0	0	0	0	0
9	Morang	3	0	4	2	3
10	Sunsari	1	0	14	11	16
11	Solukhumbu	0	0	0	0	0
12	Okhaldhunga	0	0	0	0	0
13	Khotang	0	1	0	0	0
14	Udayapur	3	0	0	1	1
15	Saptari	0	1	2	3	2
16	Siraha	3	2	0	0	1
17	Dhanusa	1	1	4	2	1
18	Mahottari	2	3	0	1	1
19	Sarlahi	8	3	5	1	0
20	Sindhuli	0	0	1	0	2
21	Ramechhap	0	1	0	0	0
22	Bara	4	4	6	9	10
23	Rautahat	1	1	2	5	2
24	Parsa	3	1	2	9	7
25	Chitawan	5	8	2	4	7
26	Makwanpur	5	6	4	13	13
27	Kathmandu	41	14	23	39	44
28	Bhaktapur	1	2	2	1	2
29	Lalitpur	1	1	1	1	1
30	Kavre	2	1	3	1	1
31	Sindhupalchok	0	1	5	3	0
32	Nuwakot	2	3	4	17	1
33	Dhading	0	0	1	1	0
34	Rasuwa	0	0	1	0	2
35	Dolakha	0	0	1	0	0
36	Gorkha	0	0	0	0	0
37	Tanahu	2	3	5	2	0
38	Lamjung	0	0	0	0	0
39	Manang	0	0	0	0	0
40	Kaski	0	3	5	3	3
41	Syangja	0	0	0	1	0
42	Parbat	0	0	0	0	0
43	Myagdi	3	0	0	0	0
44	Mustang	1	0	0	0	0
45	Baglung	1	0	1	1	1
46	Gulmi	0	0	0	0	0
47	Arghakhanchi	0	0	0	0	0
48	Palpa	0	0	2	1	0
49	Nawalparasi	0	3	3	0	2
50	Rupandehi	0	5	10	2	10
51	Kapilbastu	4	1	1	1	3
52	Rukum	0	0	0	0	0
53	Rolpa	0	0	0	0	0
54	Salyan	0	0	0	0	0
55	Dang	1	0	1	2	2
56	Pyuthan	0	3	0	0	0
57	Dolpa	0	0	0	0	0
58	Jumla	0	0	0	0	0

Contd. Appendix 6.3

Sno	District courts	2001/02	2002/03	2003/04	2004/05	2005/06
59	Mugu	0	0	0	0	0
60	Kalikot	0	0	0	0	0
61	Humla	0	0	0	0	0
62	Dailekh	0	0	0	0	0
63	Surkhet	3	3	3	2	2
64	Jajarkot	0	0	0	0	0
65	Banke	1	0	4	9	9
66	Bardiya	1	2	2	4	6
67	Bajhang	0	0	0	0	0
68	Doti	0	0	0	0	0
69	Bajura	0	0	0	0	0
70	Accham	0	0	0	0	0
71	Kailali	0	0	0	0	3
72	Darchula	0	0	0	1	0
73	Baitadi	0	0	0	0	0
74	Dadeldhura	1	0	0	0	0
75	Kanchanpur	1	5	6	6	7
	Total	107	83	142	166	176

Source: Annual Reports of Supreme Courts 2002/03, 2003/04, 2004/05, 2005/06.

Different activities of ONRT



Public Discussion Programme on 1st Anti Trafficking day
20th Bhadra 2064



Consultation Programme with NGOs



Public Rally on 1st Anti Trafficking day 20th Bhadra, 2064



Workshop with Stake Holders in Butwal



UN Special Rapporteur on Trafficking Ms. Sigma Huda
Visit NHRC



UN Special Rapporteur on Trafficking Ms. Sigma Huda
with the then Minister for Women Children and Social
Welfare Ms. Urmila Aryal

Different activities of ONRT



Consultation meeting on Anti-trafficking Bill



Consultation with INGOs - UN Special Rapporteur Ms. Sigma Huda



Consultation with media persons



Training Participants of the training on Human Trafficking Migration and Human Rights



Participants of the training on Human Trafficking, Migration and Human Rights



*Public Rally on 1st Anti-trafficking Day
20th Bhadra, 2064*

संस्कृतस्य समृद्धिस्तु यद्यपि अस्माकं देशे अल्पमस्ति । अतः संस्कृतस्य विकासस्य अत्यन्तं आवश्यकं भवति । अतः संस्कृतस्य विकासस्य अत्यन्तं आवश्यकं भवति । अतः संस्कृतस्य विकासस्य अत्यन्तं आवश्यकं भवति ।

सडक संघर्षमा बालबालिका

सडक संघर्षमा बालबालिकाहरूको जीवनमा अत्यन्तै खराब असर पार्छ । अतः सडक संघर्षमा बालबालिकाहरूको जीवनमा अत्यन्तै खराब असर पार्छ । अतः सडक संघर्षमा बालबालिकाहरूको जीवनमा अत्यन्तै खराब असर पार्छ ।



सडक संघर्षमा बालबालिकाहरूको जीवनमा अत्यन्तै खराब असर पार्छ । अतः सडक संघर्षमा बालबालिकाहरूको जीवनमा अत्यन्तै खराब असर पार्छ । अतः सडक संघर्षमा बालबालिकाहरूको जीवनमा अत्यन्तै खराब असर पार्छ ।

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विदेशी महिलाको संख्या बढेको
विदेशी महिलाको संख्या बढेको छ । अतः विदेशी महिलाको संख्या बढेको छ । अतः विदेशी महिलाको संख्या बढेको छ । अतः विदेशी महिलाको संख्या बढेको छ ।

मानव तस्करहरूको गिरोह सक्रिय
मानव तस्करहरूको गिरोह सक्रिय छ । अतः मानव तस्करहरूको गिरोह सक्रिय छ । अतः मानव तस्करहरूको गिरोह सक्रिय छ । अतः मानव तस्करहरूको गिरोह सक्रिय छ ।

यौन शोषणविरुद्ध एक जुट हुन आह्वान



युवा सहभागी परिचोञ्चका लागि शैक्षिक परामर्श बोर्डको सहभागी बसन्तेश, भारत र नेपालका प्रतिनिधि सोमवार प्रज्ञाप्रतिष्ठानको कोषालयाका साथ संविदर विचारार्थ ।

युवा सहभागी परिचोञ्चका लागि शैक्षिक परामर्श बोर्डको सहभागी बसन्तेश, भारत र नेपालका प्रतिनिधि सोमवार प्रज्ञाप्रतिष्ठानको कोषालयाका साथ संविदर विचारार्थ ।

मानव बेचबिखन तथा ज्यावनाधिक यौन शोषणविरुद्ध भएको नीति-निबन्ध तथा कानून बसोबसको मुनिविधान र आवश्यक परे नयाँ कानूनसमेत बनाई जावनाधिकारी संरक्षण गर्नुपर्ने' सिफारिसमा भनिएको छ ।

तीनै देशका युवाने जोधिममा परेका र ज्यावनाधिक यौन शोषणबाट प्रभावित युवाका लागि सरकारले सीपमुलक तालिम र रोजगारी सुनिश्चित गर्नुपर्ने सुझाव पनि दिएका छन् । कार्यक्रममा परराष्ट्रमन्त्री साहना प्रधानले दक्षिण एसियाका सबै मुलुकमा बेचबिखन र ज्यावनाधिक बाल यौन शोषण हुने गरेको बताइन् । उनले १५ औं भाकं सम्मेलनमा यौन शोषण एभिएनटी मुलुकमा बस्ना अग्रगण्यविरुद्ध अफ कटोर र सशक्त नीति अवलम्बन गर्ने सहमति भएको ध्यावनापि राखिन् । भारतीय कोर्टहरूका भन्दा एक लाख ६० हजार नेपालीको ज्यावनाधिक यौन शोषण भइरहेको छ, २० प्रतिशत बालिका छन् ।

विदेशी महिलाको संख्या बढेको छ । अतः विदेशी महिलाको संख्या बढेको छ । अतः विदेशी महिलाको संख्या बढेको छ । अतः विदेशी महिलाको संख्या बढेको छ ।

महिलाका मुद्दालाई प्राथमिकता दिनुपर्ने
महिलाका मुद्दालाई प्राथमिकता दिनुपर्ने । अतः महिलाका मुद्दालाई प्राथमिकता दिनुपर्ने । अतः महिलाका मुद्दालाई प्राथमिकता दिनुपर्ने । अतः महिलाका मुद्दालाई प्राथमिकता दिनुपर्ने ।

नयाँ नेपालको परिकल्पना : मानव बेचबिखन रहित समाजको सृजना

मानव बेचबिखन विरुद्धको प्रथम राष्ट्रिय दिवसको अवसरमा राजनैतिक दलहरूको प्रतिबद्धता

“नयाँ नेपालको परिकल्पना : मानव बेचबिखन रहित समाजको सृजना”को नारासहित मानव बेचबिखन विरुद्धको प्रथम राष्ट्रिय दिवस मनाउन लागिएको यस अवसरमा,

सार्क राष्ट्रहरूले प्रतिबद्धता जनाएको “वेश्यावृत्तिको लागि हुने महिला तथा बालबालिका बेचबिखन विरुद्धको महासन्धी २००२”, लाई कार्यान्वयन गर्न र बेचबिखन विरुद्धको अभियानमा ऐक्यवद्धता प्रकट गर्न,

मानव सभ्यतासँगै नेपालको कलङ्को रूपमा रहेको मानव बेचबिखनको समस्याको निराकरण गर्न साथै,

समग्र राष्ट्र संविधान सभाको निर्वाचनद्वारा नयाँ नेपालको निर्माणको मार्गचित्र कोर्न जुमुराई रहेको पूर्व सन्ध्यामा हामी तपसिलका राजनैतिक दलहरू मूल नारामा भनिए जस्तै मानव बेचबिखन रहित समाजको सृजना गर्न मानव बेचबिखन लगायतका लैङ्गिक हिंसा विरुद्धमा हाम्रा घोषणापत्र मार्फत सामुदायिक स्तरदेखि राष्ट्रिय स्तरसम्म अभियानको रूपमा हाम्रा सम्पूर्ण संरचनाहरूलाई परिचालन गर्ने कटिबद्धतासहित प्रतिबद्धता व्यक्त गर्दछौं ।

