

**NEPAL: THE PROBLEMS
OF
TRAFFICKING IN WOMEN AND CHILDREN**



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Honorable Chairperson

Distinguished participants,

Ladies and Gentlemen

I would like to express my thanks to you Mr. Chairman for giving me this opportunity to address this august gathering. It is indeed my honor and privilege.

Human trafficking in all its forms is a global phenomenon today and is most pervasive in Asia, home to more than 900 million of the world's poor who are considered the most vulnerable. Trafficking in women and children in Asia is particularly alarming as almost half a million Asian women and girls are sold into prostitution each year and the volume is continuously on the rise. According to a study, trafficking in women and children is the largest source of proceeds for international organized criminals after drugs and arms smuggling. The fact that it is a contemporary form of slavery, which not only involves exploitation but also physical and mental abuse of human beings in a massive scale makes the trafficking in women and children a serious violation of basic human rights and one of the most disturbing aspects of our lives today.

As many developing countries, Nepal too, is beset by the problem of women and child trafficking. In Nepal, the exploitation of women and children by forcing them into the sex industry, domestic and factory labor, organ transplantation and illegal adoption are among the most troubling aspects of trafficking. It is estimated that the number of women and girls trafficked every year range between 5,000 to 7,000. Some studies have put the number up to 15,000. The largest volume of trafficking exists in the form of cross-border trafficking in young women and children from Nepal to India. In recent years, however, trafficking has expanded to different parts of the world. Another new trend is the rise in internal trafficking from rural to urban areas for prostitution. A multitude of factors such as poverty, lack of education, social discrimination, dysfunctional family structures, demographic factors,

along with the lucrative nature of the prostitution business have been identified as major causes for the increasing trend in trafficking in women and girls in Nepal.

In view of the growing magnitude of the problem and the concern for safeguarding basic human rights of ordinary people in Nepal, there have been concerted efforts to tackle the problem of women and children trafficking. These include the reforms of legal frameworks adherence to international obligations to suppress trafficking, consolidation of institutional mechanisms, NGO and INGO initiatives and rescue and rehabilitation of trafficked victims and cross-border interventions.

In recent years, Nepal's national drive against trafficking involves various legislative and other policy efforts. The Constitution of the Kingdom of Nepal guarantees rights against exploitation and prohibits trafficking in human beings and forced labor in any form. Similarly, safeguards for the rights and interests of children are also emphasized. His Majesty's Government of Nepal has now adopted a national policy to combat women and child trafficking and their sexual exploitation, to uplift their socio-economic status and to prevent, protect and rehabilitate the victims of trafficking. The enactment of the Human Trafficking Control Act in 1986, the State Cases Act of 1993, and the Elimination of Offences in Person (Crime and Punishment) Act of 2000, have all sought to prohibit and prevent trafficking activities in the country, with severe punishment for the offenders.

Nepal is a party to several international instruments to curb trafficking. These include the Convention on the Suppression of Trafficking and the Exploitation of the Prostitution of Others, 1949, Convention on the Elimination of all Form of Discrimination against Women, 1979 and the Convention of Rights of Child, 1990, among others. On a regional level, Nepal as a member of the South Asian Association for Regional Cooperation, has strongly supported regional instruments such as the SAARC Convention on Regional Arrangements on Child Welfare in South Asia, as well as Regional Convention on Combating the Crime of Trafficking in Women and Children for Prostitution, which was signed by all the SAARC member states recently.

At present, about three-dozen NGOs, INGOs and UN agencies are involved in various ways in the struggle against trafficking. Their major areas of concern include awareness raising, advocacy, lobbying, prevention, rescue and reintegration. Many of them work in the area of income generation, health and education, research and surveillance activities along with necessary financial and technical support to the victims.

In spite of such efforts, the rate of trafficking continues to rise in Nepal. Much has to be done to bolster the implementation aspect of such endeavors. Widespread poverty, lack of education, deep-rooted patriarchal norms and values that exist in all section of society and are discriminatory to women make them very vulnerable to trafficking. Furthermore, the widening gap of rich and the poor, the expansion of the sex market also are important factors in the trafficking trade. But this is not all what one should not ignore is that trafficking in Nepal occurs mainly through the open international border between Nepal and India. While the local law enforcement machinery can be upgraded to deal with local inadequacies, trafficking as a cross-border phenomenon cannot always be dealt with effectively at the national level. Therefore it is high time that some special measures be initiated in the international borders.

The global nature of trafficking in women and children necessitates governments to develop strategies on domestic as well as international levels to combat the menace of such a transnational crime as well as preventing the gross violation of human rights. The dangerous repercussion of the rise in trafficking such as increase in illegal migrants and greater vulnerability in being exposed to HIV/ AIDS are extremely detrimental to the overall development of any country. As a developing country, Nepal is aware of the consequences and has therefore set out towards actively and firmly dealing with issue of the trafficking in women and children.

An important step taken recently by the National Human Rights Commission and the Ministry of Women, Children and Social Welfare is the establishment of the Office of the National Rapporteur on

Trafficking in Women and Children. This is in line with the recommendation of Beijing +5 Outcome Document 2000, which among other things calls on government to have a national Rapporteur on Trafficking. Nepal has become one of the first countries to create such a mechanism and it is hoped that the establishment of the Office will help investigate, monitor and report on the incidences of trafficking and also coordinate national, regional and international efforts to tackle the crime of trafficking in women and children.

Finally, I thank you once again for providing this opportunity to me to speak on the Nepalese situation.

Background Information

Anti-trafficking Initiatives

1. **Constitution of the Kingdom of Nepal, 1990**
2. **Human Trafficking (control) Act, 1986**
3. **Muluki Ain (Civil Code), 1963**
4. **The State Cases Act, 1993**
5. **Convention for the Suppression of the Traffic in Person and of the Exploitation of the Prostitution of Others-1949.**
6. **Convention on the Rights of Child-1990**
7. **Convention on the Elimination of all Form of Discrimination against Women, 1979**
8. **SAARC Convention on Prevention and Combating Trafficking in Women and Children-2002:** This convention has clearly stated that the purpose of this convention is to promote cooperation amongst member states so that they may effectively deal with the various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination.

National Policy:

HMG/ Nepal has adopted a national policy to curtail all discriminatory and exploitative practices directed against women, to uplift their socio-economic status and to prevent, protect and rehabilitate the trafficked victims. The main features of the National policy are as follows:

- public awareness campaign on trafficking will be carried out at a large scale
- action will be taken to remove laws that discriminates against women.
- Ministry of Women, Children and Social Welfare act as a Focal Point for carrying out programs against girls trafficking.
- HMG will take all necessary measures to protect human rights and the rights of women.

- various institutions of the government, NGOs, INGOs and private sectors will be mobilized to combat the problem of trafficking in women and children.
- HMG will take necessary steps to alleviate poverty and provide employment opportunities to women.
- heavy fines will be imposed on the traffickers and exploitation of women and children. The amount collected from such fines will be utilized to provide financial assistance to the victims.
- steps will be taken to control the spread of vulnerable disease and HIV/ AIDS, as they are associated with trafficking and commercial sexual exploitation of women & children.
- district level coordination committees will be formed to function as communication centers and for collecting data, coordinating local level activities and spreading messages to combat trafficking.
- provisions will be made for carrying out formal and vocational education and employment-oriented programs, which will help control trafficking.
- rehabilitation program for the rescued girls and women will be organized in collaboration with NGOs.
- HMG will open its door for co-operation with the bilateral and multilateral donors to combat the problem of trafficking.
- HMG will take all necessary measure to protect human rights and the rights of women.

National Plan of Action

The national plan of Action against trafficking in women and children for commercial sexual exploitation was formally approved by HMG on 29 July 1999. The approved plan of action describes the national strategy for combating trafficking and its root causes. The action plan, which is organized under six broad heading, has opened up avenues for multi-pronged and multi-sectoral implementation of programs. The National Plan of Action contains a variety of programs of short-term, medium-term and long-term nature in six main areas. The six areas of intervention are as follows:

- policy, research and institutional development
- legislation and enforcement
- awareness creation, advocacy, networking and social mobilization
- health and education
- income and employment generation
- rescue and reintegration

The Ninth Plan 1997–2002

The ninth plan has also recognized the growing problem of trafficking especially child trafficking and stressed the need of designing legislation measures in order to control sexual exploitation, sale and theft of children and other inhuman and heart rending activities. It has also recognized a need for designing a number of social, economic, legal and institutional measures for mainstreaming women in the national development, elimination of gender inequality and empowerment of women. In order to control all forms of violence and crime against women, the ninth plan shows commitment to implement programs encompassing such areas as identification of crimes, necessary punishment system, remedy and rehabilitation system and raising social consciousness.

Government Institutional Mechanism

1. ***Ministry of Women, Children and Social Welfare:*** MWCSW is responsible to formulate anti-trafficking policies, and accordingly coordinate, supervision and monitor the program activities.
2. ***National Coordination Committee to combat the problem of Trafficking:*** Under the chairmanship of Hon'ble Minister of MWCSW, a Committee is constituted. MWCSW is mandated by HMG/N as a focal point to implement the issues of women and children.
3. ***National Task Force on Trafficking:*** A National Task Force on Trafficking is set up with the representative of MSCSW, Home/

Labor and Transport, Health, Education and Sports, Law justice and parliamentary management, National Planning Commission, Police Headquarter, NGOs, ILO and UNICEF.

4. ***District Task Force***: District task force is responsible for program formulation on issues of trafficking, follow up and monitoring anti-trafficking initiatives in the district.
5. ***Women Cell in the Police Department***: This cell deals specifically with the crime against women and children.

Bilateral Talks

A High Level Committee has been formed by the government under the Chairmanship of Chief Secretary to initiate bilateral talks with India on the issues of trafficking. The committee comprises the representatives of National Planning Commission, Ministry of Labor, Home, Foreign Affairs and Laws.

Beijing Conference

Beijing platform of Action urged governments of countries of origin, transit and destination to take each and every necessary action for the prevention and control of the trafficking.

NGO Initiatives

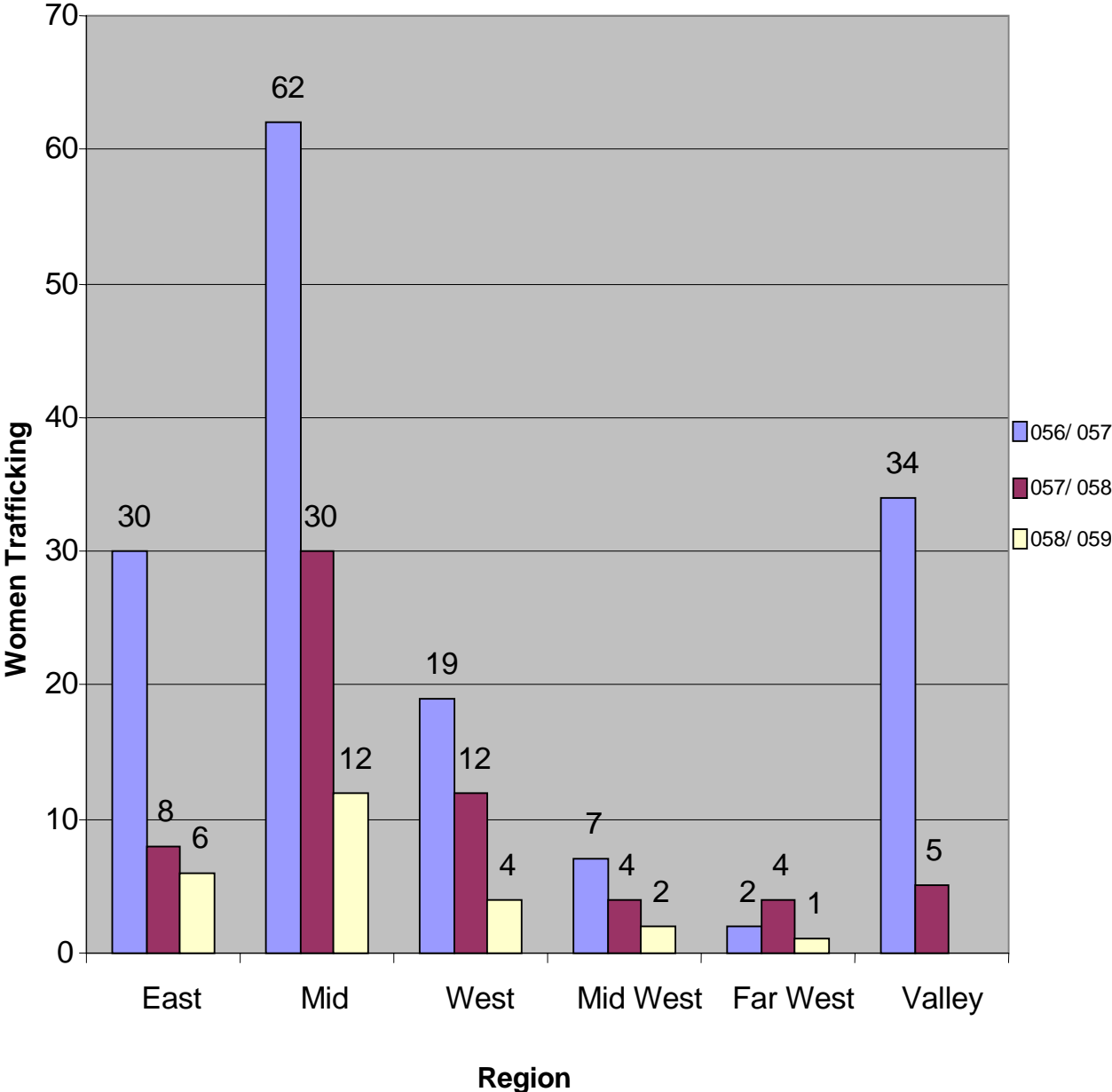
A number of NGOs and INGOs are currently working for the prevention of trafficking and also creating awareness on violence against women. ABC/Nepal, Maiti Nepal, Women Rehabilitation Centre, CWIN, SAATHI, Stri Shakti, Nari Bikas Sangh etc are actively working in this regards. Some NGOs have been providing rehabilitation support to the victims of violence. Some of the rehabilitation centers have also arranged marriage for the rescued girls. The NGOs have also organized networks in order to exert greater influence on governmental agencies. Networks have been established at the national and district level for the prevention of violence against women. Some of these Networks are National Network against Girls Trafficking, Action against Trafficking in Women, Safe Motherhood Network etc.

Existing Situation

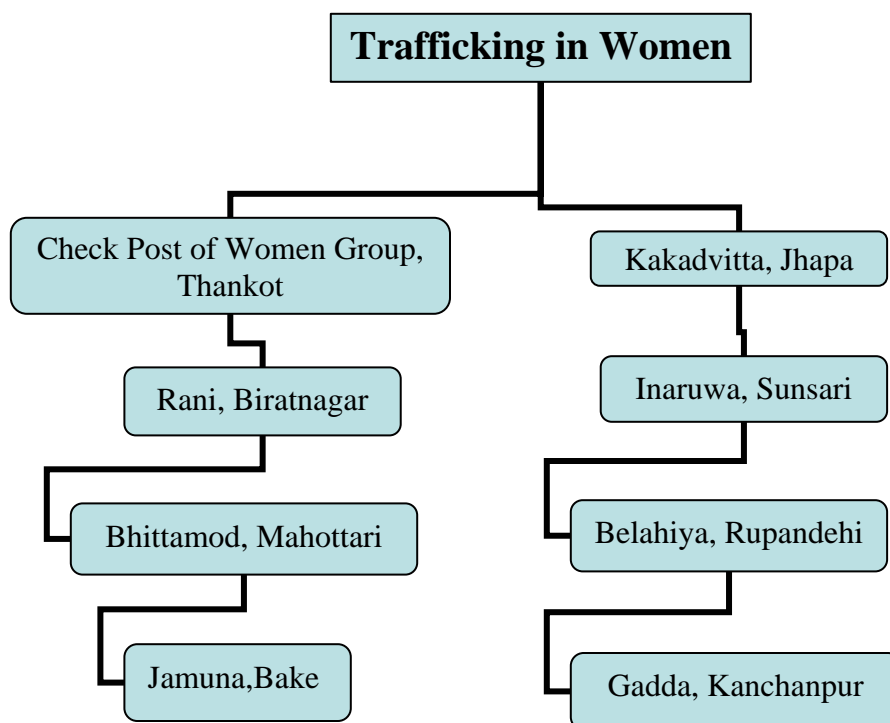
1. External Trafficking in Nepali Women and Girls:

It is believed that Nepalese girls are globally involved and the sex trade. More than 300,000 (an estimated numbers) Nepalese women and girls have been sold off to the sex market. Trafficking in women and girls from Nepal are mostly taken to India to enter into prostitution. However, the data from Police Headquarter/Nepal shows that the situation of trafficking is dwindling. But the other available sources indicate that 5000–7000 young girls are sold off to Indian brothels each year. The estimate also goes up to 10000–15000. Various NGOs/ INGOs have done research in this area but no actual data has been found due to the nature of case. Apart from India, Nepalese women and children are being sold to Gulf countries including Kuwait, Saudi Arabia, promising employment. Report has shown that about 150 Nepalese girls were taken to Bangladesh, and Hong Kong is the second biggest market of Nepalese women & children. Similarly. It is observed that many rural girls are trafficked to urban centers for prostitution within Nepal. Cities like, Kathmandu, Pokhara, Dharan, Biratnagar, Nepalgunj and Birgunj are reported to have child sex workers. The National Task Force on Trafficking has identified 26 most prone-districts of trafficking.

Three Years' Analysis of the Crime of Human Trafficking



Source: Police Headquarters/Nepal



Boarder Area - 8

Kathmandu Valley + Central Women Police Cell-2

Districts – 16

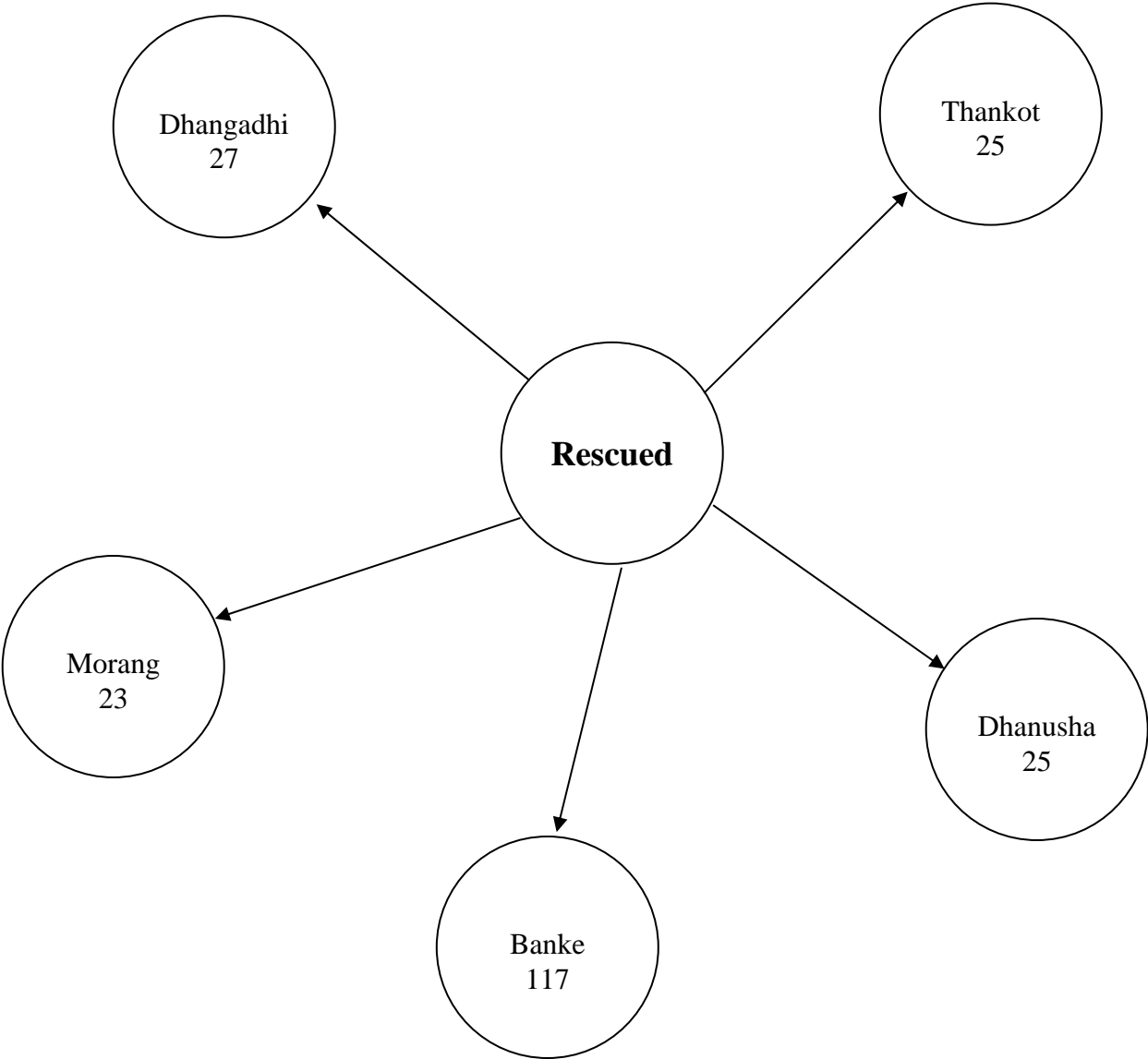
Total = 18 branch offices

3 years' Analysis of the Crime of Human Trafficking

Area	056/ 057	057/ 058	058/ 059
Eastern Area	30	8	6
Mid Area	62	30	12
Western Area	19	12	4
Mid Western	7	4	2
Far Western	2	4	1
Kathmandu		34	15
Total	120	92	40

Source: Central Women's Police Cell/Nepal

**Rescued by Nepal Police
2059 (2002)**



Sources: Central Women's Police Cell/Nepal.

2. Impact of Trafficking

Physical Impact

Most women in brothels are at high risk of being infected with HIV/ AIDS and other sexually transmitted disease. It is reported that nearly 50 percent of the girls working in sex industry have two or more sexually transmitted disease. In many instances, sex trafficking in women/ girls and return to the country is seen as one of the major reasons for increasing incidence of HIV/ AIDS in Nepal. Many people argue that many women/ girls who previously worked as propitiates in the brothels of foreign countries are likely to take up same profession in the home country due to social stigma and limited economic opportunities available to them.

Socio-Psychological Impact

The community often view that returned trafficked persons spoil girls in the community and therefore they should be kept in a

separate place and cared by the government. Similarly, community people reject marriage with the girls returned from India outright. The repatriated girls opine that they are hated by the society. An overwhelming majority of the rehabilitated girls do not live normal life and feel hated by society. They even attempt to commit suicide.

3. *Establishment of the Office of the National Rapporteur*

NHRC with the cooperation of UNS Task force has agreed to establish the Office of the National Rapporteur on Trafficking in Women and Children at the NHRC.

This is an extremely important and crucial step taken by the National Human Rights Commission, one that has no precedence, at a time when national as well as international community is feeling the need for such a position. Trafficking in women and children is a heinous crime and the worst form of violation of human rights that is gaining momentum with impunity instead of being eliminated.

The NHRC has listed trafficking among the worst forms of violence against women and as a violation against their human rights and called for its elimination. In recent years, the Government and the civil society too have been giving serious attention to address this inhuman crime from a human rights perspective.

It has been urgently felt that an official body mandated specifically to address the multiple challenges to effectively monitor and spearhead the efforts to eliminate the crime was required. This need was felt both by the National Human Rights Commission and the MWCSW, which is in fact the focal point on trafficking in the country.

We are confident that the establishment of the National Rapporteur will help to bring about conceptual clarity on trafficking and related vulnerabilities like illegal migrant status, exposure to HIV/AIDS, etc. The National Rapporteur will investigate, monitor and report on the incidences of trafficking and will co-ordinate national, regional and international efforts to combat the crime of trafficking and to

generate high level commitment to efforts aimed at improving the human rights situation of women and children.