

**TRAFFICKING IN PERSONS
ESPECIALLY ON WOMEN AND CHILDREN
IN NEPAL**

National Report
2009-2010

Office of the Special Rapporteur on Trafficking in Women and Children (OSRT)
National Human Rights Commission (NHRC)
Harihar Bhawan, Pulchowk,
Lalitpur, Nepal

Published by : National Human Rights Commission

Copy Rights ©: National Human Rights Commission
P.O. Box No.: 9182
Ph. No.: 5010015/16/17/18, Ext 138
E-mail: nhrc@nhrcnepal.org
Website: www.http//nhrcnepal.org

Edited by : **Mahesh Rimal**

Publised Date : November 2011

Copies : 3000

Supported by : Strengthening the Capacity of National Human Rights Commission (SCNHRC) Project

Printed at : United Graphic Printers P. Ltd.

The Commission

Chairperson

Hon. Justice Kedar Nath Upadhyay

Members

- Hon. Justice Ram Nagina Singh
- Hon. Gauri Pradhan
- Hon. Dr. Leela Pathak
- Hon. Dr. K. B. Rokaya

Secretary

Mr. Bishal Khanal

Foreword

Slavery had long been found exploitative and was therefore, disbanded by international community. The Universal Declaration of Human Rights also disapproved it as against life of dignity and contrary to norms of justice and equality. Even then; there is slavery like practices which are subversively carried out through trafficking of women and children or unsafe labour migration to foreign countries. Men, women and children are vulnerable to this modern form of slavery due to economic, social, cultural and political environment of the country in which they live. Comparatively, it is women and girl children who are more vulnerable and seriously affected. The cycle of Trafficking in Persons in the perspective of origin, transit and destination affects all countries around the world. Thus, Trafficking in Persons is a global issue.

There have been a series of national and international commitments for combating Trafficking in Persons (TiP). Commitments are followed in right earnest, first, by creating universal legal regime gradually embodying in treaties, conventions and resolutions, such as, CEDAW, CRC, and the UN Security Council Resolutions 1325 and 1820. The Palermo Protocol to prevent, suppress and punish Trafficking in Persons, especially women and children under the UN Convention Against Trans-national Organized Crime 2000, UN Convention on the rights of migrant workers and their family and the ILO Convention 189 on the decent work for the worker- 2011 are especial conventions in this respect dealing with Trafficking in Persons related areas. Considering the depth and magnitude of Trafficking in Persons, especially women and children in the SAARC member countries, the SAARC Convention on Trafficking (2002) took up Trafficking in Persons in South Asia, but the Convention only dealt with trafficking in women and children for prostitution.

As a signatory and ratifying state of these treaties, conventions and resolutions, the Government of Nepal (GoN) has formulated national laws, Plan of Action and policies, which are implemented both by the government and NGOs. The National Human Rights Commission (NHRC) has been paying special attention to dealing with the problem of Tip, especially women and children. The strategic plans of NHRC (2004-2008 and 2008-2010) stresses on combating Trafficking in Persons and regulating the immigration of populations as strategic objectives of the Plan. The Office of the Special Reporters on Trafficking in Women and Children, established under the agreement between GoN and NHRC is to conduct activities and studies which help to combat trafficking in women and children. In fulfilling this duty NHRC has been publishing the National Report on Trafficking in Person, especially women and children since 2005 along with recommendation to the government of Nepal. This Report 2010 is the fourth in the sequence.

National survey on the status of the Trafficking in Persons is still due to be conducted, the incepted victims, missing women and children as reported by NGOs, media and cases filed in police and different level of courts merely indicates the trend. The Report reveals that 250 cases were filed in the Directorate of Women Police as of 2010 where as vulnerability of trafficking in women and children is high in the context of missing women and children, adoption, circus, internal and external migration for jobs. The Report presents that the internal migration and trafficking in entertainment sector and foreign labour migration and external trafficking has changed the dimension of trafficking in the country resulting as a linkage issue of employment opportunities of the country. It raises the deep concern that the right to work as the major human right of the people has to be made safe to protect from the risk of trafficking – a modern slavery system.

The Report has reviewed the program implemented by the GoN, NGO and I/NGO and has come out with the findings that the program has to be conducted on the holistic mechanism to empower women by engendering development in policy and implementation. Livelihood option and employment should be created at local level. The interview from national and international dignitaries opines that there should be united effort to fight against trafficking in person and effective coordination and net working is the tool for it. Special Rapporteur on Trafficking in Persons OHCHR Geneva is strongly in favour of establishing regional and national Rapporteur as coordination mechanism regionally and globally. The concern has emerged with the increasing problem of human trafficking in the country and more vulnerability of trafficking due to unsafe foreign labour migration.

The Report has been prepared by collecting data and information from the concerned ministries and departments of Government of Nepal and NGOs working in the area. I would like thank to all those who have contributed to prepare this report.

The NHRC Commissioners deserve thanks for their inputs to prepare the report. Mr. Bishal Khanal, Secretary-NHRC, deserves special thanks for his sincere administrative and technical support to prepare the report. Ms. Padma Mathema, special Rapporteur on Trafficking in Person has worked hard in conceptualizing, writing, co-coordinating and organizing the consultation and interaction program with respective decision makers and partners to bring this Report to this stage. I duly acknowledge her efforts in this regard. The Project on Strengthening the Capacity of National Human Right Commission -2010 (SCNHRC) also deserves thanks for its technical and financial support to prepare this Report. Dr. Govind Subedi, the consultant to prepare and finalize the draft Report also deserves thanks for his efforts to prepare the Report in this shape.

I believe that this Report will contribute to provide a reference for monitoring and evaluating policies, Act and programs along with policy references. At the end, NHRC would consider this Report to be fruitful if it would contribute to bring effectiveness in the implementation of policies and program on combating Trafficking in Person.

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 lure and compel them to accept the 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 violation in contemporary Nepalese society. In the context of gravity of the challenges to ensure human rights of those vulnerable to trafficking 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 Special Rapporteur on Trafficking, especially Women and Children (OSRT).

The Report 2009-2010 presents overall situation of trafficking in women and children in the country with special focus on internal migration 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 congratulate Ms Padma Mathema, Special Rapporteur on Trafficking, and her team for the accomplishment of this monumental task. I would also like to extend my thanks to all those who have contributed for preparing this report. I perceive that this report will be useful for those working in this sector.

Bishal Khanal

Secretary

National Human Rights Commission

Preface

National Human Rights Commission (NHRC), a constitutional body of Nepal, has the mandatory responsibility to protect and promote human rights of the people of Nepal for justice, equality and dignity. Since Trafficking in Persons deprives the victim from all forms of human rights and puts the victim in a slavery-like situation, it is a serious violation of human rights. The depth of the problems and challenges crosses international, regional and national boundaries. The Universal Declaration of Human Right (UDHR) 1048, followed by Civic and Political Rights, Economic Social and Cultural Rights, CEDAW and CRC, UN Resolutions 1325, 1820 and Regional SAARC Convention on Anti Trafficking 2002 provide legal ground to fight Trafficking in Person globally. Based on these Conventions and Resolutions GON is implementing national laws, policies and Plans of Action for combating Trafficking in Person.

Trafficking in Persons in Nepal is rooted with patriarchal and feudal structure in the country. At the same time, the studies in the situation of trafficking especially in women and children show that the problem of trafficking has extended from rural to urban areas, and from India to other countries in the context of social, political and economic development of Nepal. However, due to the clandestine nature of the crime and lack of an effective national institutional reporting system, it has been difficult to monitor the updated numerical situation of trafficking and impact in combating trafficking from policy, program and judicial efforts. Nevertheless, NHRC has started publishing National Report on Trafficking in Person, especially women and children since 2005 by collecting information from the respective GOs and NGOs and present the report as a national effort to combat Trafficking in Person. This is the fourth Annual National Report published in the series. We are happy to share that a well coordinated institutional approach through consultation programs, annual report forms, research studies and interviews to prepare the report from national perspective has gained strengthen and made it possible to bring out this report as a national priority and concern.

The Report presents the statistical situation of Trafficking in Persons in Nepal as proxy indicator based on the annual data derived from reported cases in the police and NGOs with its changing dimension by magnitude, profile, route and mode of trafficking. The report deals with internal migration and foreign labor migration in the context of an emerging socio-economic scenario of development in the country and its link with trafficking vulnerability of women and men. The report reveals that the nexus between labor market and trafficking vulnerability demands effective implementation of the laws and regulations in the country of origin and the country of destination to ensure the right to work and justice to trafficked victims. International advocacy and commitment work as the promotional tool for the purpose.

Since protection of trafficked survivors is primarily the responsibility of State, the report monitors governmental and non-governmental interventions against TiP and reveals that effective coverage is still to be made with priority and resource provision, especially for women and children. The report deals with role of media as a contributor to advocate the policy makers to enhance general awareness to fight against trafficking. It also analyses the law enforcement status and judicial responses which provide the status of delayed justice. The Report draws the responses of national, regional and international dignitaries with responsibility to work in combating TiP, especially women and children. In this context, need of establishing National and Regional Rapporteur, strengthening the Embassies in the respective destination countries and contribution of national human right institutions are viewed as necessary steps to be taken to deal with the challenge of combating trafficking. The Report presents the way forward based on the findings in holistic approach, covering the areas of prevention, protection, prosecution and data and information.

The Report has been prepared and finalized under the policy direction of the Rt Hon'ble Chairperson of NHRC 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. I would also like to thank Mr. Bishal Khanal, Secretary of the NHRC, for his technical and management contribution to prepare the Report.

We are happy to express that the report is the result of joint and coordinated product of all the partners working for combating Trafficking in Person. We want to acknowledge all the GOs and I/NGOs who have contributed to this Report by providing data, information and technical inputs. The jointly organized consultation meetings in coordination with IACG, Pourakhi, and AATWIN facilitated us to dig the issues in depth in the respective areas of internal migration, trafficking and foreign labor migration together with protection and prosecution of the trafficked victims. In this respect, Ms. Muna Basnet, Regional Programmer Adviser TDH; Ms. Manju Gurung, Chairperson Pourakhi; and, Ms. Laxmi Karki and Ms. Benu Maya Gurung, Chairperson and Program Officer – ATTWIN, respectively, deserve thanks for their energetic cooperation. The Regional and sub regional Report finalization consultation meetings in Biratnagar and Butwal respectively provided the region specific issues on TiP for the Report. Mr. Kosh Raj Neupane, Director, Regional Office, and Deepak Jung Karki, Assistant Director, Butwal, also deserve thanks for their support and coordination to organise the meetings.

The participants from GOs, I/NGOs 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 Child and Social Welfare deserves special thanks for their cooperation and support to prepare the report. Ministry of labor and Transport Management, Department of Labor and Employment Promotion, Department of Immigration, Office of the Attorney General, the Women Police Cell, Central Child Welfare Board, and Social Welfare Council also deserve thanks for their contribution to prepare the report by providing data and information in the respective sectors. We are also grateful to all concerned officials from the ministries, departments and offices for their input and information for the report. Thanks also go to expert committee members and members of the technical committee of OSRT for providing expert opinions and technical inputs for the Report preparation and finalization.

Mr. Hemanga Sharma, National Program Manager of the Strengthening the Capacity of National Human Rights Commission (SC-NHRC) project also deserves our thanks for his support to complete this report. Dr. Govind Subedi, consultant for the report, deserves special thanks for his hard work to

prepare the report. He has worked whole heartily to collect information and analysed the information to make the Report informative.

Thanks also go to all staff of the NHRC Head Office and its Regional and Contact Offices for their contribution and feedback on consultation meetings to finalize the Report. Mr. Achyut Acharya, Deputy Director, Promotion and Advocacy Division, deserves special thanks for his technical input and management support for the Report. Mr. Kamal Thapa Kshetri, Human Right officer of the OSRT deserves acknowledgement and thanks for his untiring work to facilitate, manage, coordinate activities and provide valuable inputs to prepare and finalize this report. Thanks also go to Ms. Neelam Pariyar, Assistant First, and Ms. Tulasi Chhunju, Intern, for their secretariat support and Ms. Radha Dahal, Office Assistant for her logistics support.

We 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 reference to policy makers, legislative body and general public. Efforts have been made to minimize the errors. Nevertheless, there is always a room for improvement. Comments and queries from the distinguished readers will support us to prepare for a better report in the future.

Thank you.

Padma Mathema

Special Rapporteur

Office of Special Rapporteur on Trafficking in Women and Children

National Human Rights Commission

Report Writing Team

Ms. Padma Mathema

Special Rapporteur on Trafficking in Persons
Office of the Special Rapporteur on Trafficking in Women and
Children, NHRC

Mr. Achyut Acharya

Deputy Director, Promotion and Advocacy Division, NHRC

Mr. Kamal Thapa Kshetri

Human Right Officer, Office of the Special Rapporteur on
Trafficking in Women and Children -NHRC

Dr. Govind Subedi

National Consultant

Acronyms and Abbreviations

AATWIN	Alliance Against Trafficking in Women and Children in Nepal
OAG	Office of the Attorney General
CBS	Central Bureau of Statistics
CCWB	Central Child Welfare Board
CDO	Chief District Officer
CEDAW	Convention on the Elimination of All Forms Discrimination against Women
CMW	UN Convention on the Rights of Migrant Workers and Their Families
CRC	Child Rights Convention
CWIN	Child Workers Concerned Center in Nepal
DAO	District Administrative Office
DCWONHRIsUPROTC	District Children and Women Office National Human Rights Institutions Universal Periodic Review Organs, Tissues and Cells
DoFEP	Department of Foreign Employment Promotion
FEPB	Foreign Employment Promotion Board
FGD	Focus Group Discussion
FPAN	Family Planning Association of Nepal
FY	Fiscal Year
GBV	Gender Based Violence
GDP	Gross Domestic Product
GO	Governmental Organization
GoN	Government of Nepal
IACG	Inter Agency Coordination Group
ILO	International Labor Organization
I/NGO	International Non-governmental Organization
IOM	International Organization for Migration
MoES	Ministry of Education and Sports

MoFA	Ministry of Foreign Affairs
MoHA	Ministry of Home Affairs
MoLD	Ministry of Local Development
MoLRM	Ministry of Land Reform and Management
MoLTM	Ministry of Labor and Transport Management
MoPH	Ministry of Population and Health
MoWCSW	Ministry of Women, Children and Social Welfare
MSM	Men who have Sex with Men
NCCR	National Center for Children at Risk
NDC	National Dalit Commission
NGO	Non-governmental Organization
NHRCVDCINSECLACC	National Human Rights Commission Village Development Committee Informal Sector Service Center Legal Aid and Consultancy Center
NLFSEBTCDPS	Nepal Labor Force Survey Easter Benjamin Trust Central Department of Population Studies
NPA	National Plan of Action
NWC	National Women Commission
OSRT	Office of the Special Rapporteur on Trafficking, NHRC
SAARCFSWIDUs	South Asian Association for Regional Cooperation Female Sex Workers Injecting Drug Users
TiP	Trafficking in Persons
TVPA	Trafficking Victims Protection Act of USA
UN	United Nations
UN W	United Nations Women
UNODC	United Nations Office on Drugs and Crime
VAW	Violence Against Women
VDC	Village Development Committee
WCSC	Women and Children Service Center

Table of Contents

Executive Summary

Chapter 1

Introduction	1
1.1 Purpose of the National Report 2008-09	2
1.2 Definition of Human Trafficking	2
1.3 Methods of Study	4
1.4 Organization of the Report	5

Chapter 2

Situation of Trafficking in Persons	7
2.1 Changing Dynamics of Trafficking	7
2.2 Dimensions of Trafficking in Persons	9
2.2.1 Cross-Border Trafficking of Girls and Women for Commercial Sexual Exploitation	10
2.2.2 Cross-Border Trafficking of Children for Circus Performance	17
2.2.3 Internal Trafficking of Girls and Women in the Entertainment Industry: the Cabin and Dohori Restaurants, Dance Bars and Massage Parlors	17
2.2.4 Missing Women and Children and Trafficking	21
2.2.5 Internal Trafficking of Children (Boys) from Humla District	23
2.2.6 Sexual Violence against Children	24
2.2.7 Inter Country Adoption of Nepali Children and Trafficking	24
2.2.8 Illegal Extraction of Human Kidney: Evidence from Kavre District	25
2.2.9 Glimpses of Situation of Trafficking in Central Tarai Region: Evidence from Workshop	17
2.3 Existing Counter-Trafficking Database System for Combating Trafficking in Persons	30
2.4 Emerging Challenges	31

Chapter 3

Foreign Labor Migration and Trafficking	33
3.1 Magnitude of Foreign Labor Migration	34
3.2 Nexus of Foreign Labor Migration and Vulnerability of Trafficking and Exploitation	37
3.3 Implementation Status of Foreign Employment Act 2007	45
3.4 Law Enforcement and Judicial Responses	51
3.5 Status of Legal Protection of Rights of Nepali Workers in Destination Countries	53
3.6 Emerging Challenges	54

Chapter 4

Monitoring of Anti-Trafficking Activities	57
4.1 Nepal in TIP Reports	57
4.2 Government Activities in Response to Trafficking	58
4.3 United Nations, Donor Agencies and INGOs Responses	64
4.4 NGOs Responses	66
4.5 GOs and NGOs Responses at the Local Levels: Evidence from Central Tarai and Hill Regions	70
4.6 The Criminal Justice Responses	73
4.7 Media Responses	75
4.8 Emerging Challenges	77

Chapter 5

Monitoring of Implementation Status of Anti-Trafficking Laws and Policies	79
5.1 The Legal Framework	79
5.2 Status of Nepal's Compliance with SAARC Convention 2002	81
5.3 Implementation Status of Human Trafficking and Transportation (Control) Act 2007	82
5.4 Implementation Status of NPA against Trafficking in Children and Women for Sexual and Labor Exploitation	86
5.5 Emerging Challenges	93

Chapter 6

Commitments on Combating Trafficking in Persons: Perceptions of Key Line Ministries, CA Members, National Women Commission, Human Rights Defenders and UNSCT	95
6.1 Why Commitments?	95
6.2 Narratives of Commitments	97
6.3 Message of the Commitments	111
6.4 Implication of the Commitments	114

Chapter 7

The Way Forward	115
Reference Cited	125
Appendix	128

List of Tables, Boxes and Cases

Tables

Table 2.1	Complaints received in NHRC, FY 2007/08 and 2008/09	9
Table 2.2	Estimates of trafficking in persons, Nepal	11
Table 2.3	Distribution of trafficking cases and trafficking survivors over the years	12
Table 2.4	Number of trafficking cases in the FY 2008/09	13
Table 2.5	Number of trafficking cases registered in the courts of Nepal	13
Table 2.6	Number of trafficking survivors in the FY 2007/08 and 2008/09	14
Table 2.7	Distribution of trafficking survivors by means/types/purpose of trafficking in FY 2008/09	15
Table 2.8	Number of trafficking accused persons in the FY 2007/08 and 2008/09	16
Table 2.9	Estimates of female workers in entertainment industry	18
Table 2.10	Situation of working girls and women in cabin/dance restaurants, <i>Dohori</i> and massage parlors Kathmandu valley, 2008	20
Table 2.11	Number of women reporting missing, Kathmandu Valley	22
Table 2.12	Percentage distribution of missing children by regions and sex	23
Table 2.13	Percentage distribution of missing children by age and sex	23
Table 2.14	Distribution of number of events of sexual violence against children, 2007/08.....	24
Table 2.15	Distribution of victims of illegal extraction of kidney, Kavre district, Nepal.....	26
Table 2.16	Summary of situation of trafficking in persons, central Tarai and two central hill districts	28
Table 3.1	Number of foreign labor migrants, 1993/94 to 2008/09	34
Table 3.2	Distribution of foreign labor migrants by phase of migration, according to region and country of destination	35
Table 3.3	Distribution of foreign labor migrants, FY 2008/09.....	36
Table 3.4	Estimated number of woman migrants by country of destination as of December 2009	36
Table 3.5	Knowledge on foreign labor migration process among potentially migrants.....	37
Table 3.6	Summary of the process of recruitment	38
Table 3.7	Summary of status of preparation before going to abroad for work	39
Table 3.8	Summary of knowledge to workers about the rights of the migrant workers	39
Table 3.9	Summary of problem faced during departure.....	40
Table 3.10	Summary of working condition at the destination country	40
Table 3.11	Number of complaints handled in DoFEP	52
Table 3.12	Summary of the judiciary responses to fraud involved in relation to foreign employment	52
Table 3.13	Ratification status of ILO Conventions among major destination countries of Nepali workers for employment (as of April 30, 2010)	54
Table 4.1	Number of persons protected from trafficking by different NGOs, 2008/09	68
Table 4.2	Number of trafficking victims/unsafe migrants provided legal by different NGOs, 2008/09	69
Table 4.3	Number of women and children provided protection services by NGOs/GOs , 2008/09	72
Table 4.4	Number of women and children provided legal support NGOs/GOs FY 2008/09	72
Table 4.5	Number of trafficking crimes registered, convicted, acquitted and pending in the Supreme Court, 2003/04-2007/08	73
Table 4.6	Number of trafficking crimes registered, convicted, acquitted and pending in the Appellate Court, 2003/04-2007/08	74
Table 4.7	Number of trafficking crimes registered, convicted, acquitted and pending in the district courts, 2003/04-2007/08	74
Table 4.8	Number of trafficking cases registered in district courts in the FY 2007/08, Nepal.....	75
Table 4.9	Number of news published in leading national daily newspapers	77

Boxes

Box 2.1	Changing dynamics of trafficking in Nepal	8
Box 3.1	Nepal's compliance with Foreign Employment Act 2007	43
Box 3.2	Provision Relating to Establishment and Strengthening Structure	44
Box 3.3	Provision relating to license and current implementation status	46
Box 3.4	Provisions relating to prior approval and selection of workers and current implementation status	47
Box 3.5	Provision relating to foreign employment and current implementation status	48
Box 3.6	Provisions relating to classification of training and current implementation status	49
Box 3.7	Provision relating to protection of rights of workers	50
Box 3.8	Provisions relating to monitoring and inquiry and current implementation status	51
Box 4.1	Comparing Nepal's progress in combating trafficking in persons with other SAARC Countries	57
Box 4.2	Budget allocated in the Three-Year Interim Plan (2006/07-2009/10) on women specific program	58
Box 4.3	Budget allocated in the Three-Year Interim Plan on women specific program	59
Box 4.4	Programs related to women and children, MoWCSW	60
Box 4.5	Program of MoES relevant to the disadvantaged groups and vulnerable groups	62
Box 4.6	Women and children specific interventions of NDC	64
Box 4.7	Status of prevention related programs carried out by some leading NGOs, 2007/08	67
Box 4.8	Mapping of organizations working on anti-trafficking activities in 13 districts, Nepal	70
Box 5.1	Nepal's compliance with SAARC Convention	81
Box 5.2	Summary of compliance of HTT Act 2007	82
Box 5.3	Provisions of offence and investigation current implementation status	83
Box 5.4	Provisions of offence and investigation current implementation status	84
Box 5.5	Provision of Rescues, Rehabilitation and Reconciliation	85
Box 5.6	Summary of implementation status of NPA	86
Box 5.7	Intervention Area 1 Policy, Research and Institutional Development	87
Box 5.8	Legislation, Enforcement and Legal Awareness	88
Box 5.9	Awareness Creation, Advocacy, Networking and Social Mobilization	99
Box 4.10	Intervention Area 4 Health and Education	90
Box 5.11	Income and Employment Generation	91
Box 5.12	Rescue and Rehabilitation	92
Box 5.13	Trans-border, regional and international issues	92
Box 5.14	Monitoring and Evaluation	93

Cases

Case 2.1	Situation of Trafficking: a Survey among the Trafficking Survivors	10
Case 2.2	Suntoli trafficked for commercial sexual exploitation to India	12
Case 2.3	Geeta trafficked at her 12 with the parent consent in circus performance	17
Case 3.1	Sexual exploitation of woman migrant workers in destination countries	40
Case 3.2	Consequences of sexual exploitation to returnee women	40
Case 4.1	Legal rights training increase the self confidence of the trafficking survivors	69
Case 4.2	Efforts of WCSW of Chitawan in rescue and investigation of trafficking survivors	72

Executive Summary

The National Human Rights Commission (NHRC) is responsible for the protection, promotion, respect for and enforcement of human rights in Nepal. It has been working against trafficking in person from the beginning. In its objective 3 of the *Strategic Plan 2008-10*, the Commission has identified two key areas of intervention to combat human trafficking: recommending amendment in the statutory provisions relating to violence against women and human trafficking, and developing regional and international cooperation with organizations working to prevent and control human trafficking for social reintegration of the survivors.

The Office of the Special Rapporteur on Trafficking (OSRT) under the NHRC is mandated to monitor the incidence of trafficking; coordinate national, regional and international efforts to combat the crime of trafficking; extract high level commitment to efforts aimed at improving the human rights situation of women and children; develop checklist and indicators for monitoring the situation of Trafficking in Persons; determine focal persons in every district to collect information on trafficking; develop and maintain a comprehensive and up-to-date national database system on Trafficking in Persons, especially women and children and prepare and publish Annual Report on the situation of Trafficking in Persons.

This National Report 2009-10 is the continuation of the earlier three National Reports (2005, 2006-2007 and 2008-09). This Report examines the situation of trafficking between July 2009 and December 2010. It examines the linkages between internal migration and trafficking, especially in the entertainment industry, as the main theme of the Report. It discusses the interface between foreign labor migration and vulnerability of Trafficking in Persons, monitors the different programs of the N/GOs during the period from July 2009 to December 2010, and reviews the judicial response to trafficking and brings the commitments of international community to address the Trafficking in Persons issues at the regional as well as international levels.

This Report utilizes the definition of human trafficking of Palermo Protocol, definition developed by OSRT-NHRC in 2006 and the Human Trafficking and Transportation (Control) Act 2007. Considering these definitions, Trafficking in Persons encompasses trafficking for multiple reasons, such as, sexual exploitation, labor exploitation, illegal organ transplants and both internal as well as cross-border trafficking.

The Report has been prepared using secondary and primary data. Secondary data is derived from various annual reports, raw data and publications of the GOs, NGOs and the civil society.

Primary data were collected through self-administered questionnaire to the key stakeholders; interview with key stakeholders; consultation meetings with GOs, I/NGOs; FGD with female workers in the entertainment industry, written responses from the regional and international personages working against trafficking and human rights issues, and workshops held within and outside the Kathmandu valley. Consultation meetings with the GOs and NGOs were conducted with support from the TDH (on internal migration and trafficking issues), Pourakhi (foreign labor migration and trafficking), IACG (on contribution of I/NGOs to combat trafficking) and the National Committee. The Draft report was shared with the Chairperson and Commissioners of NHRC including the NHRC staff and the feedback was incorporated in the Final Report.

On Situation of Trafficking in Persons

The dimension of TiP in Nepal has been changing with the changes in socio-economic and political context from trafficking in girls and women for sexual exploitation to trafficking in girls and women for labor and sexual exploitation and men for labor exploitation. Both Internal and cross-border trafficking to India and beyond India are the main streams of trafficking prevailing in Nepal.

No recent household survey is available to estimate the magnitude of TiP in Nepal. The ILO-IPEC (2001) Rapid Assessment estimated 12,000 children under 18 are trafficked to India annually for commercial sexual exploitation. This National Report roughly estimated 5210 women and children were trafficked or attempted to be trafficked in the FY 2009-10 based on the service statistics of GOs and NGOs available. Of them, 1609 were intercepted from different boarder points, 207 were rescued within the country from sexual and labor exploitation, 112 were repatriated from Gulf countries and India, 365 were provided rehabilitation services, and 2917 applications were received for the missing women and children in Nepal.

The 5-yearly (2005/06-2009/10) average number of trafficking cases filed in Nepal Police comes to be 134 – a much lower number compared to what is believed to be the actual scale of trafficking in women and children. The average number of trafficking survivors during the same period is 175 while the average number of accused persons is 176. The accused include both males and females with the men forming a larger majority.

Half of the trafficking survivors fall between 17 and 24 yeras in ages. Children under 17 make up more than one third of them. The majority of trafficking survivors are literate only. An overwhelming majority of trafficking survivors are from agriculture sector but they are being trafficked from non-formal economic sectors. Those trafficked include both ever married and never married women and children. Trafficking phenomenon cuts across the caste and ethnic groups in Nepal, yet the majority of those vulnerable to trafficking are from Janajati (60%) and Dalits (10%); and they come from across Nepal.

Those accused of trafficking in women and children may be characterised as having characteristics similar to that of trafficking survivors. The accused persons at large (*pharara*) were 113 in FY 2005/06 and 91 in FY 2007/08. Data on absconding persons accused of trafficking was not available from the FY 2008/09 to FY 2010/11.

The five-yearly (FY 2005/06-2009/10) average number of missing women registered in Kathmandu Metropolitan Police Commissioner comes to be 588 and the untraced rates increased from 72 per cent in 2005/06 to 82 per cent in 2009/10.

The Palermo Protocol and Human Trafficking and Transportation (Control) Act 2007 includes definition of TiP for the organ removal as trafficking. Studies on human trafficking and transportation are scant in Nepal. According to Chhid Nepal estimates, nearly 300 persons from eight VDCs of Kavre Palanchowk had their kidneys removed in India. The victims included young children, women and men. And, it has been learnt that as many as five members of a single family had their kidney removed in one of the eight VDCs of this hilly district.

The kidney donors were paid little money – ranging from Rs. 10,000 to Rs. 50,000. Trafficking is managed by individuals and criminal rackets that extend from the village to Kathmandu to India. The poor and those living on the margins of society are vulnerable to trafficking.

The ILO-IPEC study indicated around 12,000 children under 18 have been trafficked to India for commercial sexual exploitation.

The three-yearly average (2007/08-2009/10) of child trafficking survivors, according to the records of the OAG and WCSC/Nepal Police were 25 and 62, respectively.

During FY 2009/10, a total of 2,186 children were reported missing in Nepal –52 per cent boys and 48 per cent girls. Nearly one-third of them fell between 14-16 years in ages. The overall untraced rate of missing children is 40 per cent with nearly half for girls and one-third for boys – establishing the possible linkage between trafficking and ‘missing children phenomenon’ as more girls over boys are vulnerable to trafficking for sexual exploitation.

As per the record of CCWB, altogether 160 events of sexual violence against children were published in the media in 2009 across the country. Altogether, 167 girls and 5 boys were the survivors of sexual violence.

Trafficking in children for labor exploitation to India has also been reported especially from central and eastern Terai of Nepal. This phenomenon is largely associated with the caste and class groupings. Dalit and marginalized communities who live in miserable conditions are at high risk of trafficking. Parents of these families provide their silent consent to send their children to work in India in the hope they will be able to get out of desperate economic situation.

Many child Workers in Brick Kilns and Embroidery Industries in Kathmandu Valley are reported to be trafficked for labor exploitation. Child Development Center (2010) studied 27 brick kilns out of 110 brick kilns in the Kathmandu valley and found 830 child laborers (469 girls and 361 boys). Of the total, more than half were under 10, another one-third were in between 11-14 years. These child laborers were brought by agents from outside the Kathmandu valley. These children are deprived from schooling, and they are forced to work more than 12 hours daily. The same study revealed that exploitative child labor prevails in embroidery industry. There are more than 140 embroidery industries in Thankot, Kathmandu and Bode, Bhaktapur. In the 73 embroidery industries that were studied, 290 child laborers were found working. Among them, 218 were under 14 and 72 were in the age range of 14-17 years. The study reported that almost 95 per cent of child laborers work 14-17 hours.

In the FY 2009/10, Easter Benjamin Trust (EBT) received five complaints that four boys and one girl were trafficked for circus performance in India from Makwanpur district. During the FY 2009/10, EBT also rescued other 12 children from different circuses in India.

There are evidence of intercountry adoption of Nepalese children and trafficking. According to the CCWB (2010), the number of intercountry adoption in between May 1993 to December 2010 was

2,361 in countries of Italy, USA, France, Sweden, Spain, Norway, Switzerland, Canada, Denmark and the UK.

The *Hague Conference on Private International Law (2009)* found a number of irregularities associated with adoption processes and violation of the Purposes, Principles and Safeguards set forth in the *1993 Hague Intercountry Adoption Convention*. In addition, other irregularities include: falsification of documents, false statements about the child's abandonment, origins, age and status, lack of transparency and accountability, the absence of a policy for an intercountry adoption as a child protection means and lack of alternative care salutation for the children without parental care; and biological parents are not sufficiently provided accurate information about adoption process.

In addition to the trafficking as the gender-based violence and human rights violation, it has also severe health consequences. Silverman, J. G. et. al (2007) studied 287 repatriated sex-trafficked girls and women from India and found that 38 per cent of them were infected with HIV positive being high risk among girls trafficked prior to age 15 years, girls trafficked in Mumbai and those remained longer duration in sexual servitude.

The key challenges to combat TiP are open border and political protection of the traffickers; impunity; threats to social workers; reluctance of the survivors in filing the cases; withdrawal of cases due to threats and financial compensation. Also, the lack of national data-system, effective security at the border points and institutionalized coordination efforts have made combating trafficking difficult.

On Internal Migration and Trafficking in Entertainment Industry

In addition to the utilization of data from different secondary sources, primary data were collected for understanding the linkage between internal migration and trafficking in entertainment industry. OSRT-NHRC interviewed 30 female workers in the entertainment industry and conducted four FGDs with them in collaboration with AATWIN.

Nepal has been tremendously experiencing internal as well as international migration especially after 1990s. Nepal Migration Survey (2010) estimated 772 thousand or 2.8 per cent of the resident population in Nepal are internal migrants. The rural-to-urban migration was very high i.e. nearly 96 per cent of the internal migrants were in urban areas. Numerically, out of the total internal migrants, 744 thousand were from rural areas and only 28 thousand were from the urban areas.

Migration of adolescents and young women in entertainment industry is also recent phenomenon in Nepal. Entertainment industries emerging in urban Nepal are cabin restaurants, dance bars, *dohori* restaurants and massage parlours including guest houses and *Bhatti Pasal*. The magnitude of female workers in the entertainment industry varies from one study to another. Terre Des Hommes (2009) estimated a total of 11,000 to 13,000 female workers while MoWCSW (2008) estimated it to be 30,000 to 40,000 alone in Kathmandu valley. Of which about 3,500 to 4,000 are child sex workers who can be considered as victims of trafficking as per the Human Trafficking and Transportation (Control) Act 2007.

As a process of recruitment, female workers' main source of knowledge on the job is initially from the friends and relatives. They are employed on the basis of their age, beauty and smartness rather than the educational qualification. Heavy rural to urban migration of youth, unemployment, family breakdown, lack of education and skills, the armed conflict (1996-2006) and poverty are the broader main push factors while increasing consumerism, high expectation and the nature of labor that the entertainment industry demands are the pull factors.

Female workers in entertainment industry can be characterized as both children and adult workers, migrants, both married and unmarried, mostly living with other than family members and with few years of schooling.

One-fourth to one-thirds of female workers in the entertainment industry is children (under 18). There are also cases of 'second victims of trafficking' i.e. children of the victim children in entertainment industry. More than 80 per cent of the female workers are migrants originating from Sindhupalchowk, Kavrepalanchowk, Dolakha, Nuwakot, Chitawan and Makwanpur including Sarlahi and Sindhuli districts. Janajati are the largest group (61%), followed by Chhetri (29%), Brahmin (6%) and Dalit (2.5%). In terms of living arrangement, nearly four-fifth have living arrangement other than with the own family members. In some cases, it is reported that restaurant owners hire the entire house and lodge the female workers and these workers are said to be much prone to be exploited, sexually abused, and are denied their freedom of mobility. In terms of education, one-third of the female workers is either literate only or has not education at all.

Working condition in the entertainment industry as reported by the FGD participants of female workers in the entertainment industry can be termed like modern slavery condition: no salary according to work; no equal salary for equal work; no sick leave; more than 8 working hours; additional work; no health insurance; and bearing of abusive words, sexual abuse and exploitation. The average working hours in the entertainment industry is 8 hours but there are 40 per cent of the female workers who work more than 8 hours. Nearly nine in 10 female workers do not have off-day and an overwhelming majority do not get paid leave during illness (76 %).

The entertainment industry does not pay full salary to the employees on a particular day or week. Monthly salary in the cabin restaurants ranges from Rs. 2,500 to Rs. 2,700. In massage parlors there is no fixed salary, and the informally hired workers receive upto a 25 per cent commission on the service charge or the amount that the clients pay.

The relation between employers and employees is also exploitative: no written employment agreement; no salary as per the agreed amount and not on time; forced to attend with the customers for the business; forced to develop bad habit, such as, taking alcohol and smoking; discrimination among the workers; night work and no fixed time for work; no freedom to change the employers; forced to wear the exposed dress unwillingly; deduction of remuneration and no provision of sick leave; bonded situation; no permission to talk with the NGO personnel; and compelling the employees to call the customers.

There is also unequal relation between the customers and the employees. The former appear to be predominant while the latter are subordinated. Employers are not supportive when it comes to protect employees from abusive behavior from the customers. Female workers reported that customers' behavior to the workers is not friendly, but rather it is abusive, humiliating and offensive.

Female workers said the police personnel were rather hostile towards them. According to them, the police on duty tend to check their vehicles and get them down often for no reasons. While on the way back home late at night, the police do not only make the restaurant workers sing and dance in the middle of the road, but also extort money from them.

The physical environment of the entertainment industry is miserable. The female workers are at high risk of contracting of STIs, HIV/AIDS, tuberculosis and developing psychological trauma. More than two thirds of female workers interviewed (n=30) were exposed to habits such as alcohol, smoking and drugs.

Entertainment sectors have also become origin and destination for trafficking. Among the 299 female workers interviewed by Maiti Nepal (2008), 17 per cent reported that they knew that their friends have been trafficked from their working places. The workers reported that they are forced to work unwillingly; they are sexually exploited giving the false promises; their mobility is restricted; they cannot change the employers or occupation willingly; they are not paid on time and they are forced to work on coercion or threats.

In relation to the implementation status of the Supreme Court Directive to Control Sexual Harassment towards Working Women in Work Places such as Dance Restaurants, Dance Bars, 2065 (2007), findings suggest that almost all the provisions set forth in the Directive have minimally implemented or not implemented at all.

For the protection of the female workers, especially for child workers, many NGOs have been working in entertainment industry in Kathmandu valley. They provide rescue, rehabilitation and temporary shelter and reintegration services; psycho-social counselling services at working places and at the police custody; referral for health services; formal and non-formal education support and skill development training; outreach visits and interaction with the police and government authorities for the protection and promotion of female workers' rights in the entertainment industry.

The key emerging challenges evolved from the study include: regulation of internal migration; institutionalization of the employment in the entertainment sector; difficult to intervene by GOs and NGOs; making provision of rearing and caring of the children of the female workers; promoting the victims' to file the cases; building trust between the female workers and the Police; protecting from the re-victimization of the female workers in case of Police raid; making media sensitive to gender issues and effectively implementation of the Supreme Court Directive.

On Foreign Labor Migration and Trafficking

Foreign labor migration has been become one of the major components of national economy in Nepal which contributed to 23.0 per cent of Gross Domestic Product (GDP) in FY 2009/10. According to the Nepal Labor Force Survey (NLFS) 2008, 30 per cent of the Nepalese households receive remittance and it has become a major contributor to reduce poverty. In spite of the large contribution, foreign labor migration has also become one of the major area for exploitation and vulnerability of trafficking and challenges for the protection of human rights of migrant workers including their families.

The Nepal Migration Survey 2009 estimated 3 million foreign labor migrants in Nepal (2.1 million current labor migrants and 817 thousand returnee migrants). This comes to be 10.8 per cent of the 27.5 per cent estimated resident population and 9.3 per cent of the 31.7 per cent estimated total population of Nepal in 2009. In terms of origin of the labor migrants, 9 out of 10 come from the rural areas. Of the 2.1 million current foreign labor migrants, nearly 41 per cent are in India, 38 per cent in the Gulf countries, 11.5 per cent in Malaysia and 9 per cent in developed countries. Migration to India is mostly from rural areas, hilly region, and mid and the far-western development regions.

The current migration patterns indicate that migration is age and sex-selective. Majority of migrants are males and belong to the age group of 18-40. Wealth of the households has no linear association with the probability of having a migrant in a household but household wealth has a significant impact in choice of destination. Poor migrants tend to choose India but it becomes less popular as household wealth increases. The probability of having a foreign labor migrant is the highest among the Muslims (44%), followed by hill Dalit (39%) and hill Janajati (34.5%) – some of the disadvantaged groups in Nepal.

Drawing data from Department of Foreign Employment (DoFE), more than 1.9 million people are in the foreign labor migration as of December 2010 and nearly the same number is believed to go via India. Examining the figures from FY 2006/07 to 2009/10, the migration flow is primarily in the Gulf countries (68.7%), followed by East and South East Asia (29.5%). Of the total migrants, female consists of 5 per cent and their share is very considerable in Lebanon (96.5%) and Israel (64%), Macau (32%) and Kuwait (23%).

Foreign labor migrants originate from all 75 districts in Nepal. Considering data during the period of July 2009 to December 2010, Mahottari has the highest number of foreign labor migrants – accounting for 10 per cent of the total migrants. There are seven Terai districts in which 10,000 to 20,000 foreign labor migrants originated accounting of 28 per cent of the total foreign labor migrants. The lowest number of foreign labor migrants was recorded in mountain districts such as Humla, Jumla, Mugu, Mustang and Dolpa.

There are a fairly low number of female foreign laborers as recorded in the Government source. Of the 1.9 million foreign labor migrants during the FY 1992/93 to 2009/10, there were only 28,419 females. However, data from the informal sources such as provided by Non-Residence Nepalese (NRN) Conference reveal that there are about 180,000 females in different countries as of December 2010. The major destination countries for females are Saudi Arabia (38%), Kuwait (14%), Qatar (11%), Malaysia (8%) and Israel (8%).

Evidence shows that there has been nexus of foreign labor migration and Trafficking in Persons. The elements of the trafficking encompass in the whole cycle of migration processes: during pre-departure, departure, transit and work abroad.

In the pre-departure phase, foreign labor migrants face problem right from the village or locations where they stay and start the process of migration – taking loan, high fee, paying of agents, and fraud in making the travel documents.

Drawing data from NMS, 2009, it is known that workers were cheated, deceived and exploited at the departure phase. Among the returnee migrant surveyed, half did not have contract letter; 77 per cent had not received pre-departure orientation training and another 22 per cent did not have work permit. During the transit phase, migrants face several types of problems such as coercion, deceived and exploitation. At destination, migrants face several difficulties. According to NMS 2009, of the migrants, 40 per cent reported excessive work; 30 per cent reported abuse; 40 per cent had language barriers; 63 per cent were not allowed to contact with the family – all these working conditions are related with the issue of Trafficking in Persons.

Although there is no data on the number of rescue and repatriation of victims of foreign labor migration, many women returned by developing psychological stress, forced pregnancy, unwanted births, and injured and wounded. Besides, death of Nepalese workers at abroad is also notoriously high. As per the record of FEPB, the number of deceased families supported was 398 in FY 2009/10. Large number of deaths was recorded in Saudi Arabia (31%), Qatar (26%), Malaysia (24%) and UAE (9%).

With regard to foreign labor employment policy, The GoN has prioritized the need of migrant workers rights and welfare in its policy documents and Annual Budget Speech. The *Three Year Plan Approach Paper (2010/11-2012/13)* comes with employment oriented plan to achieve its objective to reduce poverty.

The *Foreign Employment Act, 2064 (2007)* and the *Foreign Employment Regulation, 2064 (2007)* are the legal frameworks to regulate foreign employment and promote the rights of migrant workers. In

line with the provision of the Act and Regulation, the MoLTM has developed Operational Guidelines; conducted labor agreement with Qatar, UAE and Bahrain, Japan and Korea; appointed labor attaches in Saudi Arabia, Malaysia, Qatar and UAE; adopted standard norms and formats for sending a person for domestic work in Gulf countries where domestic law do not cover domestic workers' issues.

The Prime Minister Office has actively involved in combating Trafficking in Persons in Nepal. It has conducted a series of meetings in the FY 2009-10 with the inter-ministerial representation and ordered the concerned line agencies for the implementation of them. The NHRC of Nepal and NHRC of Korea signed the MoU on 27th December 2010 for a three-year aiming to promote and protect the human rights of migrant workers in their respective countries. Besides, NGOs have been actively involved in promotion of safe-migration and prevention of trafficking in Nepal. These NGOs services of rescue, repatriation, reintegration services to the victims.

In relation to law enforcement, the *Foreign Employment Act 2007* makes provisions of more than 15 categories of offences and punishments in case of contravention of the Act. The Act recognizes cheating, fraud or exploitation of a person in relation to foreign employment as a crime against the state. In FY 2009/10, the number of complaints registered in DoFE were 323 (individual basis) and 332 (institutional basis). Many of the cases related to institutional basis were disposed by the Department and only 12 were forwarded to the district court.

With respect to the judicial responses, there were 9 cases in the Supreme Court, of which 3 cases were decided – one convicted and two cases acquitted. In the Patan appellate court, there were 49 cases registered. Of which, 21 were decided (12 convicted and 9 acquitted). A total of 332 cases were registered in district courts of Kathmandu, Jhapa, Lalitpur and Lamjung. Of them, 119 were decided by the courts and the overall conviction rate was 78 per cent.

The key challenges in the regulation of foreign labor migration and promotion and protection of the rights of the migrants, especially women are; decentralization of foreign labor management system, coordination of cases related to Foreign Employment Act 2007 and Human Trafficking and Transportation (Control) Act 2007; revisiting the investigation procedures; sensitization of politicians to ensure the security of the victims, witnesses and the social workers; regularizing the recruiting agencies; establishing the effective system of verifying the passport and visa to Nepalese workers who fly from Indian airports; utilization of remittance at the grass-route level; strengthening the institutions; equipping the Embassies of the destination countries of Nepalese migrant workers; launching promotion and protection activities for migrant families including their children by delivering and extending welfare interventions.

On Monitoring of Anti-Trafficking Policies, Programs and Activities

Nepal's compliance in combating trafficking has been much satisfactory compared to other South Asian countries as Nepal has remained in Tire 2 since 2006. On the other hand, Bangladesh, Sri Lanka and Afghanistan have slipped into Tire 2 WL in 2010 from Tire 2 in the previous years.

The GoN has given priority to gender equality, gender empowerment and gender mainstreaming from the eighth plan (1992-97) onwards. The Plans have incorporated issues of social protection for the deprived groups, children, women and disadvantaged groups. Combating trafficking as an inter sectoral intervention encompassing the policies and programs of all Ministries and Departments. Trafficking has to be addressed as it affects the empowerment of women, including social security of health and education related activities.

The MoWCSW has formulated draft of the National Plan of Action (NPA) 2011-2016 against Trafficking in Persons. The draft NPA has identified five priority areas: prevention, protection, prosecution, capacity

building of the concerned organizations, and support and coordination. Although the NPA has rightly identified the areas for intervention for combating Trafficking in Persons, its implementation is the major concern in the context of the implementation status of previous NPAs.

In 2010 the Prime Minister's Office formulated NPA for Combating Gender-based Violence (GBV) 2010 for one-year. The NPA has achieved considerable success in raising awareness and enhancing coordination and linkages between different ministries and NGOs to address the GBV issues. It recognizes that a concerted efforts on different dimensions like health, education, legal rights, and security are necessary to address GBV.

The Complaint Management and Monitoring Unit of GBV stationed at the Office of the Prime Minister and Council of Ministers received 227 complaints; established 'district resource group' in all 75 districts; established complaint handling desk on GBV in 44 District Development Committees; maintained records of trafficking victims and other forms of violence; and conducted field monitoring on the implementation status of elimination of GBV.

The Women, Children, and Social Welfare Committee of the Legislature-Parliament of Nepal has made important recommendations for combating Trafficking in Persons, especially women and children. The key recommendations include: make reservation for women in foreign employment; make special effort to control rape, trafficking and violence against women and children; maintain data of trafficking victims and survivors and establish separate barrack for women in the Nepal Police, the Armed Police Force, and the Nepalese Army. In relation to combating trafficking in children, the Committee recommended the Government to make stringent punishment for the traffickers and criminals and to accord first priority to domestic child adoption and make intercountry adoption procedure transparent.

Several Ministries and Departments have implemented different activities that directly or indirectly contribute to combating Trafficking in Persons in Nepal.

The Ministry of Women, Children and Social Welfare carried out activities related to institutional development, legal reforms and policy initiatives and financial support in FY 2009/10. Under the Ministry, the National Committee against Trafficking in Persons and District Committees have been established and mobilized. The Ministry has formulated laws and policies related to domestic violence, sexual harassment at work place and operation of rehab centers. The Ministry has allocated budget for eight rehabilitation centers (Rs. one million for each); set up the Rehabilitation Fund (worth Rs. 10 million), set aside fund for the district Committees (Rs. 2.14 million) and for service centers in 15 districts (Rs. 800,000 for the mountain districts/per district; Rs. 1.2 million for the hill districts and Rs. 1.6 million for the Terai district)

Under this Ministry of Health and Population, National Population Program, AIDS and STI Control Program, Information and Communication Center are much relevant programs for the prevention and protection of the trafficking victims. Food for Education Program, Skills Program for Employment, Scholarship School Reform Program under the Ministry of Education and Sports provided support to the deprived communities for enhancing education.

The Ministry of Labor and Transport Management carried out activities for the protection of foreign labor migrants in the FY2009/10. Under the Ministry, among others, programs such as Employment Promotion Program and Employment Information Center have contributed to ensuring safe migration. The Ministry has also developed legal, policy guideline for the regulation of foreign employment.

Under the Ministry of Home Affairs, the Nepal Police has contributed to the protection of trafficking victims and law enforcement to the traffickers. It has extended Women and Children Service Center to all 75 districts in the country for dealing with the crime and violence against women and children. However, the WCSC lack physical and human resources and authority.

MoFA has arranged rescue of trafficking victims from the foreign land by actively mobilizing its Embassies and Missions, especially in Gulf countries and South East Asia and India. All the rescue and repatriation carried out by GOs or NGOs come through this Ministry. However, the Ministry has yet to develop institutionally recording and reporting system to provide overall situation of rescue status.

Ministry of Land Reform and Management through its Liberated *Kamaiya* and *Haliya* rehabilitation programs have contributed to enhance livelihood to the *Kamaiya* in western Terai and *Haliyas* in far-western hills, thereby contributing to prevention of trafficking. Ministry of Local Development has allocated grants to Village Development Committees and municipalities and has instructed to the local bodies to allocate at least 35 per cent budget for social sector development including programs that directly benefit women, children and deprived communities. Ministry of Peace and Reconstruction has provided financial assistance to deceased families, displaced families, relief to people whose private property was lost during the conflict; scholarship to children of the injured persons during the People's Movement II; relief to those who were abducted during the conflict and disappeared and for the conflict-induced disabled people.

National Dalit Commission (NDC), National Women Commission (NWC) and Poverty Alleviation Fund have also contributed to prevention of trafficking through their regular programs in the country.

In addition to government agencies, there are I/NGOs and donor communities that have directly contributed to the prevention, protection of trafficking victims and vulnerable groups and prosecution of the traffickers. These organizations have provided technical assistance and financial support to GOs and NGOs. NGOs carried out prevention related work such as anti-trafficking programs like law and policy intervention; awareness to the potentially victims and income generating activities, providing formal and informal education, advocacy to high level policy makers as well as the district level stakeholders.

Under the protection program, NGOs carried out interception, rescue, repatriation and reintegration of trafficking victims. In FY 2009/10, 1,609 children and women were intercepted (1,596 were children); 46 girls and 34 women were rescued from sexual exploitation and 127 from labor exploitation; 365 girls, boys and women were provided rehabilitation services.

A total of 2,917 applications of missing persons were received. Of them, the highest number were for women (1394), followed by girls (1037) and boys (276). Out of the total missing person applications, only 614 were found – resulting to the untraced rate of 79 per cent.

Besides, NGOs provided referral and legal aid to the victims of trafficking. In 2009/10, NGOs filed 93 cases in Police. Among them 77 were assisted for investigation and prosecution and 74 were assisted for court proceeding. In relation to legal aid on foreign labor migration, 18 cases were filed in Police. In relation to legal aid on violence against women, 190 cases were filed in the police and 290 cases were assisted for investigation and prosecution.

Media has also played key role in prevention and prosecution of the traffickers. During the period of July 2009 and December 2010, some 215 news were covered by nine leading daily newspapers related to foreign labor migration, Trafficking in Persons and violence against children.

The key challenges to effectively implementation of GOs and NGOs' anti-trafficking activities include the following: institutionalization of data and information system, enhancing capacity of implementing partners, increasing budget allocation for the trafficking related projects and programs, developing effective coordination system among the GOs and NGOs, ensuring provision of Umbrella fund to intervene in the sectoral needs, establishing rehabilitation or temporary shelters for the victims in the most risk districts; and linking trafficking related programs to the poverty alleviation programs and other targeted programs.

On Law Enforcement Status and Judicial Responses to Trafficking

Nepal has signed and ratified international human rights instruments including the Conventions and Protocols related to combating Trafficking in Persons. However, Nepal has yet to ratify UN Convention on Transnational Organized Crime 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 – Palermo Protocol and UN Convention on Migrant Workers and Their Families 1990.

Interim Constitution of Nepal 2007 is the overriding legal framework for protection and promotion of human rights of Nepalese citizen. The *Human Transportation and Trafficking (Control) Act 2007* and *Regulation 2008* are the legal frameworks for prosecuting traffickers as well as protection of human rights of trafficking survivors. The Act applies to any persons inside or outside Nepal who traffic a Nepalese citizen. It defines trafficking offences as multiple forms of trafficking, exploitation including the sale or purchase of persons, enforced prostitution, and illicit removal of human organs, engaging in prostitution both for internal and cross-border trafficking.

Other relevant laws which can be used to punish traffickers include the following: Domestic Violence (Crime and Punishment) Act 2009 and Regulation 2010; Children Act 1991; Immigration Act 1991; Foreign Employment Act 2007 and Regulation 2008 and Supreme Court Orders and Guideline for regulating women workers in dance bars, cabin restaurants and massage parlours. Besides, the following Bills tabulated in the Parliament are also relevant to prosecute traffickers: Bill on Mutual Legal Assistance; Draft Bill to Amend the Existing Extradition Law 2008, Sentencing Act and Bill to amend and consolidate some laws, civil code and civil procedural code.

With regards to judicial responses, the 5-year average (FY 2005/06- FY 2009/10) number of trafficking cases registered in the Supreme Court is 94 with conviction rate of 38. In the appellate courts, the 5-year average number of cases is 121 with conviction rate of 48. The highest 5-yearly average number of trafficking cases are the highest in Patan (35), followed by Hetauda (22), Nepalgunj (15), Biratnagar (11) and Ilam (7) appellate courts.

In the district courts, the 5-year average number of trafficking cases registered is 255 with the conviction rate of 63. The highest number of trafficking cases registered is in Kathmandu district court (78 cases), followed by in Nuwakot (19 cases), Sunsari and Rupandehi (17 cases each), Parsa (12 cases) and Kaski (11cases). On the other hand, there were no trafficking cases registered in 32 districts, all of which are in mountain and hill regions.

Doing an analysis of judicial responses that the conviction rates of the district courts on human trafficking cases are far higher than that of the upper layer courts of Nepal. While pending rates are much higher in the lower courts. the pending rates for human trafficking vis-à-vis other criminal cases cannot be taken as high in the Supreme court while the pending rates of human trafficking in appellate courts and districts courts fall in between the pending rates of drug smuggling and arm smuggling.

Key challenges to law enforcement emerged from the findings of the study include the following: formulation acts, regulations, guideline, policies necessary for the effective implementation of Human Trafficking and Transport (Control) Act 2007; prosecution of trafficking perpetrators; strengthening the

law enforcement agencies; increasing and upgrading women police status in Women and Children Service Centers; creating conducive environment for encouraging victims to file the cases in Police; ensuring the privacy of victims and witness during the court proceeding; developing mechanism for regular interaction among key line Ministries, Police and NGOs and prioritizing trafficking related cases in judicial system for timely delivery of justice to the victims.

Responses of National, Regional and International Communities on Combating Trafficking in Persons

This Report has incorporated responses from the UN Special Rapporteur on TiP, especially for Women and Children; SAARC General Secretary; Embassy of Nepal to India, Delhi and Malaysia and President of Maiti Nepal. The following query was made: perception on TiP as violation of human rights; perception on situation of TiP; perception on linkage between foreign labor migration and trafficking vulnerabilities; realization on the impact of the trafficking related international instruments including SAARC Convention; role of I/NGOs and civil societies to address the need of vulnerable population including victims of trafficking; role of Regional and National Rapporteur including UN Special Rapporteur in advocating and monitoring the international and national commitments in combating trafficking and the role of NHRIs in dealing with trafficking and perceived and/or realized challenges to implement the Conventions and national commitments in combating TiP.

All the responses reveal that TiP has widespread across the globe and unfortunately it has not been declining despite the national, regional and international efforts for combating TiP. Factors such as economic and financial crisis, migration, displacement and insecurity of human have accelerated process of the vulnerability to trafficking.

The responses focus on the greater need of coordination and networking among NHRIs for combating TiP as the TiP is both a cause of and consequence of violations of human rights. NHRIs can contribute in raising awareness, launching advocacy, making recommendations to the Government for program interventions. Besides, the responses focus on the importance of mobilization of NGOs and civil society for combating trafficking that they can be catalytic forces for anti-trafficking movement as well as supportive to the Government initiatives.

Palermo Protocol and SAARC Convention are viewed as important international and regional treaties for combating TiP. Ratification of Palermo Protocol is pre-requisite for addressing the multiple forms of trafficking currently taking place. SAARC countries are realizing that SAARC Convention has limited scope in its definition of trafficking which only includes trafficking for sexual exploitation.

Establishing Regional and National Rapporteur is viewed as important step for monitoring the incidence of trafficking, generating high level commitments as well as effectively implementation of the international, regional as well as national commitment in combating trafficking. It is also viewed that that Rapporteur must have expertise, independence, concerted thematic focus. The UN Special Rapporteur recommended a comprehensive framework for combating TiP. The framework will comprise of 5-Ps (prevention, protection, prosecution, punishment and partnership) and 3-Rs (redress, recovery and reflection period). The major gaps are seen in capacity building among law enforcement agencies, judiciary, lawyers, and prosecutors.

Finally, this National Report presents the Way Forward in matrix form by reiterating the recommendations forwarded by the previous National Reports as well as recommendations based on the findings in this Report in four areas: prevention, protection, prosecution and information needs. The Report identifies that Nepal has achieved much in legal and policy initiatives establishment of institutional mechanisms dealing with TiP especially women and children but much efforts are needed for their effective implementation and result oriented impact in combating TiP. □□

Introduction

The National Human Rights Commission (NHRC) was established in 2000 as a statutory body and elevated as constitutional body in 2007. The Commission is an independent and autonomous body responsible for the protection, promotion and enforcement of the human rights in Nepal. The International Coordination Committee of National Human Rights Institutions (NHRIs) has accredited NHRC with “A status”.

NHRC believes human rights should be at the heart of efforts to combat or eliminate Trafficking in Persons (TiP), which is a serious human rights violation. Trafficking in Persons violates the right to liberty, human dignity, and the right not to be held in slavery or involuntary servitude, in particular. Trafficking is often related to the violation of a wide range of fundamental human rights. Also, NHRC believes that trafficking is a transnational organized crime, which poses significant threat to individual/personal security.

The third objective of NHRC *Strategic Plan 2008-10* outlines two areas of strategic intervention related to combating human trafficking. One is related to recommending/amending statutory provisions relating to violence against women and human trafficking by analyzing compatibility of national laws; continuing consultation with key stakeholders for the prevention and control of human trafficking; reviewing of labor laws in line with the rights of overseas migrant workers and developing policy guidelines on rescue, reparation, rehabilitation and reintegration of victims and survivors of human trafficking. Second strategic intervention to combat human trafficking and enhancing safe migration is related to developing regional and international cooperation (NHRC, 2008:12).

The draft of *Strategic Plan 2011-2016* of NHRC states that combating trafficking in women and children has been a top priority and it proposes adopting strategies of prevention, protection, prosecution, and coordination and partnership.

The Office of the National Rapporteur on Trafficking (OSRT), established under a Memorandum of Understanding (MoU) between the Ministry of Women, Children and Social Welfare (MoWCSW) and the NHRC in 2002 was renamed as Office of the Special Rapporteur on Trafficking (OSRT) in 2009. The OSRT 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 efforts aimed at improving the human rights situation of women and children in Nepal. The monitoring covers all forms and manifestations of trafficking: i) trafficking in children (for sexual purpose, child labor, adoption, forced recruitment in armed conflict); ii) trafficking in women and girls for sexual exploitation, forced prostitution, forced marriage and forced labor, such as, domestic work and other sectors, iii) trafficking in men for forced labor and other exploitation, iv) trafficking in human beings for organs, human body parts and tissue and v) other forms of trafficking, including for ritual purposes.

OSRT-NHRC has developed indicators for monitoring Trafficking in Persons; appointed focal persons in each district to collect information on trafficking; developed institutional mechanisms to maintain an up-to-date national database system; and published annual national reports on the status of Trafficking in Persons, especially women and children in Nepal.

OSRT-NHRC published annual national reports on *Trafficking in Persons Especially Women and Children* in 2005, 2006/2007 and 2008/2009. The National Report 2005 focused on the situation of Trafficking in Persons in Nepal, analysed the Maoist-led armed conflict and trafficking during 1996-2006, and detailed initiatives for combating trafficking, scrutinised legal framework against trafficking, and studied the media's response to trafficking.

The National Report 2007 focused on i) situation of Trafficking in Persons in Nepal, ii) foreign labor migration and trafficking, iii) monitoring of anti-trafficking activities and initiatives ,iv) legal framework and status of law enforcement and judicial responses to trafficking, v) status of rescue, repatriation, rehabilitation and reintegration, and vi) the role of media in combating trafficking.

The National Report 2009 focused on foreign labor migration and trafficking including situation of trafficking, monitoring of the anti-trafficking laws, and policies and programs in place so far. The Report also brought the commitments of the local stakeholders, including national dignitaries in order to build public pressure and campaign advocacy to combat Trafficking in Persons in Nepal.

This National Report (2009-2010) deals with the situation of Trafficking in Persons in FY 2009-2010. The report analyses the nexus between internal migration and the entertainment industry, treating trafficking as the central theme. It analyzes the nexus and/or linkages between foreign labor migration and trafficking, and monitors anti-trafficking policies and programs launched by different ministries/ departments, NGOs, donor community and the media. This report also deals with response of the Supreme Court, appellate courts and district courts in prosecuting the traffickers.

1.1 Objective of the National Report 2010

The Universal Periodic Report 2010 of NHRIs of Nepal – NHRC, NDC and NWC – evaluates the implementation status of relevant laws for protection and promotion of women and child rights in Nepal. It points out that the existing laws, human rights action plan, and other national action plans have not been implemented effectively. According to the Report, Nepal has made some improvement in the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its optional protocols, and the Convention on the Rights of the Child (CRC) and its two optional protocols. However, it argues that 'gender violence in the form of trafficking, rape, domestic violence, sexual harassment and trafficking remain largely unaddressed' (OHCHR, 2010:13).

This Report examines the situation of trafficking in Nepal from July 2009 to December 2010. The overall objective of the Report is to explore the situation of Trafficking in Persons in Nepal.

The specific objectives of the Report are:

- To assess the status and emerging trends of trafficking in Nepal
- To examine the situation of internal migration and vulnerability of the women trafficked into entertainment sector/industry
- To study the situation of foreign labor migration and vulnerability associated with it, including trafficking
- To gauge the level of legal enforcement in prosecuting traffickers
- To coordinate the responses from national, regional and international figures on combating trafficking with reference to regional and international perspectives
- To recommend policies and programs for combating trafficking

1.2 Definition of Human Trafficking

This Report utilizes the definition of human trafficking of i) the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000, supplementing the UN Convention against Transnational Organized Crime (hereafter referred as the Palermo Protocol); ii) definition developed by OSRT-NHRC in 2006 and iii) the Human Trafficking and Transportation (Control) Act 2007.

The Palermo Protocol (Article 3) defines human trafficking as:

“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.

The ‘consent’ of the victim of trafficking shall be irrelevant where any of the means set forth above have been used. ‘Consent’ is irrelevant in case of children even if this does not involve any of the means set forth above.”

In line with the Palermo Protocol, the ONRT-NHRC had developed its own definition of trafficking in 2005. OSRT-NHRC has used the same definition in its national reports. The modified definition brought conceptual clarity on Trafficking in Persons in the Nepalese context. The definition reads:

“Trafficking is the 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).”

In line with the definition of OSRT and Palermo Protocol, the Government of Nepal legislated the Human Transportation and Trafficking Act, 2007. The Act distinguishes between human trafficking and human transportation. According to it, the following acts shall be deemed to have committed human trafficking:

- a) To sell or purchase a person for any purpose
- b) To use someone into prostitution, with or without any benefit
- c) To extract human organ, except otherwise, determined by the law and
- d) To go for prostitution

And, the following acts shall be deemed to have committed human transportation:

- a) To take a person out of the country for the purpose of buying and selling,
- b) To take anyone from his /her home, place of residence or from a place by any means such as enticement, inducement, misinformation, forgery, tricks, coercion, abduction, hostage, allurements, influence, threat, abuse of power and by means of inducement, fear, threat or coercion to the guardian or custodian and keep him/her into ones custody or take to any place within Nepal or abroad or handover him/her to somebody else for the purpose of prostitution and exploitation.

Considering these definitions, the Trafficking in Persons encompasses multiple forms of trafficking:

- Trafficking for sexual exploitation
- Trafficking for labor exploitation
- Trafficking for illicit activities, such as, involvement in pornography, drugs trafficking, forced begging, involuntary servitude or debt bondage or slavery
- Trafficking for the purpose of organ removal and trafficking in organs, tissues and cells
- Child trafficking

The definition also establishes the fact that trafficking can be internal and cross-border.

1.3 Methodology

The existing counter-trafficking database system for combating Trafficking in Persons in Nepal adopted by different organizations working in the country is, as follows:

1. Database available in assessing the status of law enforcement (Women and Children Service Center (WCSC) and Interpol)
2. Database available in assessing the status of prosecution and execution of trafficking (Office of the Attorney General and the Supreme Court)
3. Database available in assessing the status of protection of trafficked survivors and persons vulnerability to trafficking (Child Protection Desk–NHRC, the National Center for Children at Risk (NCCR), Child Helpline-Nepal, and different non-governmental organizations (NGOs)
4. Information system related to prevention of trafficking (different NGOs and I/NGOs)

5. Database available in assessing the status of foreign labor migration (Department of Labor and Employment Promotion, the Department of Immigration and the Supreme Court of Nepal).
6. Database available with police and NGOS to assess magnitude of trafficking in 2009/2010

This study uses both secondary and primary data. The secondary data was gathered through desk review:

- Relevant reports from Ministry of Women, Children and Social Welfare (MoWCSW) and Central Child Welfare Board (CCWB)
- Annual reports of the Office of the Attorney General, Nepal
- Annual reports of the Supreme Court of Nepal
- Annual and other relevant reports of NHRC
- Data records of the Department of Employment Promotion, Foreign Employment Promotion Board, Foreign Employment Tribunal
- Relevant reports from I/NGOs
- Data obtained from Women and Children Service Directorate (WCSD) and Nepal Police

Primary Sources

During the research process, this Report collected information through a participatory approach— involving a range of stakeholders, including survivors and victims of trafficking. Coordination was sought from different organizations, such as, National Committee on Anti-Trafficking at MoWCSW, TDH, Pourakhi and AATWIN in order to conduct consultation with the key stakeholders. TDH assisted in organization of NGOs working in the entertainment industry, I/NGOs and the donor community. Pourakhi coordinated with organizations working in the area of safe foreign labor migration while AATWIN organized female workers in the entertainment industry for FGD and individual interviews. The National Committee facilitated organizing the national committee members for the consultation. Consultation was also done with the US Embassy in Kathmandu to learn about the prosecution status of traffickers in Nepal.

The data gathering procedure entailed the following:

1. OSRT-NHRC developed a detailed questionnaire to collect information on anti-trafficking activities carried out by different GOs and I/NGOs. This was sent to the GOs and I/NGOs requesting them to fill in. The information provided by these agencies was used in preparation of this Report.
2. Individual consultation. The Report Writing Team members visited different GOs/NGOs to collect information. These individual consultations were intended to develop a perception on combating trafficking and to learn about the anti-trafficking programs, their strengths and challenges. The following organizations were visited:
 - Ministry of Women, Children and Social Welfare
 - Central Child Welfare Development Board
 - Ministry of Foreign Affairs
 - Ministry of Labor and Transport Management
 - Department of Foreign Employment and Promotion
 - Department of Foreign Employment Promotion Board
 - Ministry of Home Affairs

- Chief District Administration offices of Kathmandu, Lalitpur, Bhaktapur, Morang and Rupandehi
- Department of Immigration
- National Center for Children at Risk (NCCR)
- Women and Children Service Directorate, the Nepal Police Headquarters
- Women and Children Service Center, Valley Police
- The Supreme Court
- The Office of the Attorney General
- ABC Nepal, Alliance Against Trafficking in Women and Children in Nepal (AATWIN), Child Workers Concerned Center in Nepal (CWIN), Maiti Nepal, Pourakhi, SAATHI and Women's Rehabilitation Center (WOREC).

3. Consultation Meetings

Separate consultation meetings were held in Kathmandu with the following organizations/ individuals:

- NGOs working to combat trafficking in the entertainment business/industry in Kathmandu valley
- NGOs/GOs and donor community working for the promotion of safe-migration, especially for women
- Government Organizations in general
- I/NGOs and donor community working for combating trafficking in Nepal
- GOs and NGOs in Butwal (covering Arghakhanchi, Gulmi, Palpa, Kapilbastu, Rupandehi and Nawalparasi districts). In addition to the discussion during the workshop, one paper was presented by the District Attorney of Rupandehi on the situation of trafficking across Lumbini zone. The workshop participants' feed feedback is incorporated in the Report.
- GOs and NGOs in Biratnagar (covering Ilam, Jhapa, Morang, Sunsari, Saptari, Udayapur and Siraha districts). In addition to the consultations, a paper was presented by Mr. Jagat Thapa, the President of Jagaran Nepal**. The paper discussed situation and trends of trafficking in the eastern region of Nepal. This Report uses some information from the presentation.
- Expert group meeting (Technical Committee on Anti-Trafficking in NHRC)

4. Consultation Meetings with the Female Workers in the Entertainment Industry

A one-day consultation meeting was held with some 30 female workers from the entertainment industry. The consultation meeting was supported by AATWIN and the consultation meeting was held in Dhulikhel, Kavrepalanchowk district. Three group discussions were held. A semi-structured questionnaire was also administered to the female workers.

5. Sharing of the Preliminary Findings and Incorporation of the Feedback

The preliminary draft of the Report was shared with the Chairpersons and Commissioners of the National Human Rights Commission, and their feedback and suggestions have been incorporated in the final report.

Sharing of the preliminary draft was also done in Biratnagar and Butwal workshops with the GOs and NGOs. Their feedback has also been included in the report.

Box 1.1 Summary of primary data collection process

Consultation	Date of consultation	No. of participants	Venue
Technical Committee Meeting	2067/7/17	11	NHRC
Technical Committee Meeting	2068/2/30	11	NHRC
Expert Group Meeting	2067/9/14	14	NHRC
Expert Group Meeting	2067/10/14	14	NHRC
GOs and NGOs	2067/11/12	22	NHRC
NGOs (Internal Trafficking)	2067/11/6	19	NHRC
GOs and NGOs (Safe-Migration)	2068/1/23	21	CCWB Hall
Regional Workshop (Biratnagar)	2068/3/19-21	47	Biratnagar
Regional Workshop (Butwal)	2068/4/1-3	37	Butwal
Sharing with Commissioners	2068/3/13		NHRC
Number of GOs and NGOs visited for information in Kathmandu		32	
Discussion with Girls Working in entertainment sector (FGD and Individual Interview)		30	Dhulikhel
Written information received from GOs/NGOs and I/NGOs		24	
Received Written Interview from UN Special Rapporteur, General Secretary of SAARC, Ambassadors of Nepal to Malaysia and India and President of Maiti Nepal			

The list of participants in the workshops, consultation meetings, interaction programs, expert group meetings, feedback consultation is included in Appendix 1.1.

1.4 Organization of the Report

This Report is organized in 8 Chapters. **Chapter 1** outlines the purpose and methods of the study. **Chapter 2** reviews the situation of trafficking at the national and regional levels. **Chapter 3** discusses the linkage between internal migration and trafficking in the entertainment industry. **Chapter 4** analyses foreign labor migration and explores its linkage with trafficking. **Chapter 5** scrutinizes the anti-trafficking programs and activities carried out by the Government, the UN agencies, and I/NGOs during the FY 2009/10. **Chapter 6** assesses law enforcement status and response of the judiciary to trafficking. **Chapter 7** extracts commitment from individuals and institutions to combat trafficking. Chapter 8 concludes the Report with a set of recommendations in the light of conclusion drawn by the study team.



Situation of Trafficking in Persons

The chapter begins by reviewing the various dynamics and dimensions of Trafficking in Persons. Section two of this chapter deals with a range of themes, such as, magnitude of trafficking, process of trafficking, characteristics of trafficking survivors and accused persons, missing children and women, inter-country adoption, sexual violence against children, illegal extraction of organs, and cross-border trafficking in children for circus performance. Section five discusses the situation of trafficking in eastern and western regions of Nepal based on the findings from the workshops in Biratnagar and Butwal with the GOs and NGOs. Section six discusses the linkage between trafficking and HIV/AIDS and the final section draws the emerging challenges in combating Trafficking in Persons in Nepal.

2.1 Dynamics and Dimensions of Trafficking

Human trafficking has been in practice for a long time in Nepal. Girls and women have particularly been the target of unscrupulous traffickers nationwide. Needless to say, the dimensions of trafficking – purposes, vulnerable groups, destination places, approaches and modus operandi – have been changing constantly with the changes in socio-economic and political contexts. The changing dynamics can be divided in five phases.

The first phase dates back to pre-1950, which was a period characterized by a closed society, feudal social structure, oligarchy. This was also a period of internal trafficking. Anecdotal data have it, during this period, young girls used to be brought to Kathmandu mainly from the surrounding areas of the capital valley to be employed as housemaids and care takers. But they would be forced to be 'concubines' of the rich and the mighty in the palaces, trapped in slavery and servitude.

Nepal passed through phenomenal changes in political, social and economic spheres in the four decades between 1950 and 1990, which can be regarded as the second phase. The Rana oligarchy that ruled Nepal with an iron fist was overthrown in 1950, ushering in an era of multiparty democracy that would last only until 1959. A partyless *Panchayat* system was introduced in 1960. This system was under absolute command and control of the monarchy for three long decades. During this phase (1960-1989), Nepal continued to remain a semi-feudal social structure with marginalization of socially excluded caste and ethnic groups. In the economic sphere, especially

after early 1980s, Nepal entered the global economy with two exportable: hand-woven carpets and readymade garments. These industries in Kathmandu valley demanded a large number of cheap labors. Women and children from the rural areas filled in the gap. As time elapsed, trafficking within the national frontiers, mainly into the palaces in the capital valley, spiralled out of control, and thus began cross-border trafficking in girls and women to India for the purpose of sexual exploitation. Trafficking place from the place of origin from the working places of women and children (carpet and garment and other industries). A vast majority of trafficking victims come from the marginalized communities.

The third phase (1990-2000) has the distinct features compared to the first two. The Westminster model of multiparty system was restored in Nepal in 1990 and the country liberalized the economy, opening up labor and goods markets. The carpet and readymade garment industries flourished until mid-1990s, but slowly began to tumble. The country was engulfed by an armed conflict that began in 1996, resulting in the displacement of hundreds of thousands of people from the rural areas. Those displaced also included a large number of women and children, all of whom headed for the district headquarters and relatively safer urban areas, or crossed the border and travelled to Indian towns and cities.

The protracted armed conflict had heightened during the fourth phase (2000-2005), resulting in an even larger number of displacement from rural areas. In addition, to escape direct violence or being caught in between, young people turned to foreign employment in India and beyond. The situation led to children and women ending up in hazardous works and activities within Nepal in the entertainment business as well as in brick kilns and embroidering industries. Cross-border trafficking to India, especially for sexual exploitation and cheap labor, increased considerably. Increased attractions, and access to and availability of foreign labor also increased the risks of trafficking in women and men to destinations beyond India – the Gulf and other Asian countries.

The fifth phase – 2005 onwards – has witnessed a rapid increase in the magnitude of foreign labor employment and unsafe migration of women within and outside of the country. A number of factors may be attributed to this, including widespread unemployment in the country, poverty, impunity, political instability and weak management of foreign employment process. Also, internal trafficking in adolescent girls and young women especially in cabin restaurants, dance bars and massage parlours has increased.

Box 2.1 Changing dynamics and dimensions of trafficking in Nepal

Period	Dynamics	Dimensions		
	Socio-economic and political context	Trafficking victims/ survivors	Forms of trafficking/ exploitation	Types of trafficking
Pre-1950	Feudal socio-economic structure and oligarchy-based political system	Girls and women (housemaids, concubines)	Servitude, slavery and sexual exploitation	Internal
1950-1990	Feudal social structure and agrarian economy Brief period of multiparty system (1950-59) and partyless political system (1960-90)	Girls and women, especially of marginalized groups from the surrounding hills of Kathmandu Valley	Sexual exploitation	Cross-border (Mumbai, New Delhi, Kolkata among key destinations in India)

Period	Dynamics	Dimensions		
1990-2000	Reinstitution of multiparty system Adoption of open-market and privatization of economy, Incoming and fall of industries (carpet, garments) Country engulfed by internal armed conflict, causing displacement from the rural areas	Women and girls Children (including boys)	Sexual exploitation Labor exploitation Circus performance Organ transplant	Internal Cross border (India)
2000-2005	Armed conflict heightened and displacement increased, Increase in foreign labor migration Increase in entertainment industries Increase in brick kilns and embroidering industries	Children Adolescent girls and women	Sexual exploitation Labor exploitation Circus performance Organ transplant	Internal (dance, bars, cabin restaurants massage parlours and brick kilns, embroidery industries) Cross-border (India)
2005>	Rapid increase in foreign labor migration including females, remittance emerges as one of the main sources of GDP Continued increase in entertainment industries Post conflict political instability and armed violence in Terai region Increase in brick kilns and embroidery industries Lack of employment opportunities in the country	Adolescent girls, women and men	Labor and sexual exploitation Circus performance Organ transplant	Internal migration and trafficking – in entertainment industries Cross-border to India Cross-border beyond India (Middle East, South East Asia and other developed countries)

Note: Others include no legal treatment including 'others'.

Source: NHRC Annual Reports of 2007/08 and 2008/09 and for data 2009/10, data file.

Besides the broader processes of trafficking discussed above, impunity and violation of civil, political, economic, social and cultural rights in the country have led to the trafficking in children and women. The number of complaints lodged with demanding protection of human rights registered with NHRC in FYs 2007/08, 2008/09 and 2009/10 were 1137, 677 and 319, respectively (Table 2.1). Though the complaints of cases registered with NHRC is decreasing in the post-conflict situation, killings, disappearances, abductions, torture, threats, injury and displacement including violation of women's and children's rights are noticeable. Because of the prevailing threats and lack of employment opportunities in the country, the options for foreign employment have become more attractive in the recent past.

2.2 Situation of Trafficking in Persons in Nepal

2.1 Trafficking for Sexual Exploitation

There is no scientific, household based survey to examine the magnitude of Trafficking in Persons in Nepal. Nevertheless, studies conducted by different organizations reveal trafficking in women and children in different proportions. Such variations only put to contest the methodology used to collect data

As shown in Box 2.2, household-based or factory-based data on Trafficking in Persons in Nepal is not available. There are generally two broad sources from which some indications of Trafficking in Persons may be estimated: provided by different organizations and studies, and data generated by different law enforcement agencies and NGOs in their program implementation process.

The ILO-IPEC (2001) Rapid Assessment reported that an estimated 12,000 children under 18 are trafficked to India annually to work as commercial sexual workers. In the absence of the recent household survey or Rapid Assessment on Trafficking in Persons, the ILO-IPEC figure is a quick reference to show the magnitude of trafficking in Nepal.

Besides, the current situation of trafficking can be derived from the records of the police and the NGOs. During 2009-10, a total of 1,606 women and children were intercepted from different boarder points; 207 women and children were rescued from sexual and labor exploitation within the country; 112 women were repatriated from India and the Gulf countries; 365 women and children were provided rehabilitation services; and 2,917 applications were received for the missing women and children in Nepal. Thus, roughly 5,550 women and children were trafficked or attempts were made to traffick them in the FY 2009-10. These figures come from just a handful of NGOs.

Box 2.2 Estimates of Trafficking in Persons by different sources, Nepal

Source	Nature and extent of trafficking
Figures based on RA and guesimates	
CWIN, 1997	153,000 women and children trafficked to Indian brothels (20% of them below 16 years of age)
ILO-IPEC, 2001	12,000 children under age 18 trafficked to India annually for commercial sexual exploitation
STOP/Maiti Nepal, 2002	5,000-11,000 women and girls trafficked annually for brothel based prostitution
STOP, 2002	5,000-7,000 girls and women trafficked to India annually for brothel based prostitution
Population Council, New Delhi, 2002	200,000 girls and women trafficked to India for sex industry
Asmita, 2005	22,600 girls and women trafficked from Nepal to Mumbai, Delhi, Kolkata, Pune and other cities
Easter Benjamin Trust (EBT), 2007 EBT has published a recent article on this topic	600 children trafficked to India for circus performance
Figures Based on Service Statistics	
WCSC, 2007	2,216 children missing from various regions in Nepal between July 2007 and June 2008 3,258 women missing from Kathmandu valley between 1998 and 2007
Different NGOs*, 2008/09	3,164 and 322 intercepted and rescued by different national level NGOs in FY 2008/09
Different NGOs 2009-10	1,609 women and children intercepted 207 women and children rescued from sexual and labor exploitation 112 women repatriated from India and Gulf countries 365 women and children provided rehabilitation 2,917 women and children missing application received

Note* ABC Nepal, Maiti Nepal, WOREC, Shakti Samuha and Women Skill Center.

Source: ONRT, 2008.

Trafficking Crimes, Accused Persons and Trafficking Survivors

The number of trafficking cases reported to Nepal police is far lower than what is believed to be the actual number of trafficking in women and children in Nepal (Table 2.2). Despite this, the figures suggest that the number of trafficking cases registered with the police has been consistently increasing every year. For example, FY 2009/10 witnessed 46 per cent rise in the number of cases registered with the police as compared to that of FY 2008/09.

The 5-yearly average number of trafficking cases filed in Nepal Police comes out to be 134. In FY 2009/10, the highest number of trafficking cases reported in Kathmandu valley (58) followed by central (excluding Kathmandu valley) (29), western (29), eastern (22), mid-western and far-western development regions (11)

Table 2.2 Number of trafficking cases, accused persons and trafficking survivors registered with Nepal Police, FY 2005/06-2009/10, Nepal

Year	Trafficking cases		Trafficking accused persons			Trafficking survivors		
	No. of cases	% change (2006/07-2009/10)	Female	Male	Total	Female	Male	Total
2005/06	97	1.0	102	33	135	na	na	128
2006/07	112	15.5	102	36	138	117	30	147
2007/08	123	23.2	114	56	170	120	25	145
2008/09	139	34.1	143	58	201	179	18	197
2009/10	161	46.0	171	63	234	182	11	193
5-yearly average (2005/06-2009/10)*	134		126	49	176	150	21	175
% change (2006/07-2009/10)			+ 67.6	+ 90.9	+ 73.3	+ 55.6	-63.3	+31.3

Source: data obtained from WCSC, Nepal Police Headquarters, Kathmandu, March 2011.

Note: * in case of trafficking survivors, the average figures represent 4-year averages (2006/07-2009/10).

As in the case of trafficking, the number of trafficking survivors registered with Nepal Police is also far lower than what is believed to be. However, the data also reveals that the trafficking survivors registered with Nepal Police have been increasing over the years. The 4-yearly average (FY 2006/07-2009/10) number of trafficking survivors comes out to be 175. An overwhelming majority of trafficking survivors are female (150 out of 175 of the 4-yearly average number). Note that the figures suggest males (especially boys) are also trafficking survivors in Nepal.

The 5-yearly (2005/06-2009/10) average number of those accused of trafficking in women and children is 176. While the accused include both males and females, but the majority are men.

Nepal Police has not maintained data on the means, types and purpose of trafficking so it makes it difficult to analyse the magnitude of trafficking by purpose, types and extent of exploitation.

Number of Female Trafficked Survivors and Women Defendants as Per Record of Office of the Attorney General (OAG)

The Annual Report of the OAG has been maintaining data on the number of women survivors and defendants against different criminal cases since the FY 2007/08. Accordingly, the number

of women survivors of trafficking was 168, 134 and 237 in the FYs 2007/08, 2008/09 and 2009/10, respectively. Data reveal that the number of women trafficking survivors maintained by OAG is higher than that of the police records, as discussed in Table 2.3.

One tenth – about 10-12 per cent – of women defendants against trafficking cases are women.

Table 2.3 Number of female trafficking survivors and defendants as per Office of the Attorney General, Nepal

Year	Women Survivors	Women Defendants	% of women Defendants to total Defendants	Total Defendants
2007/08	168	90	12.3	729
2008/09	134	96	12.1	793
2009/10	237	37		

Source: Annual Reports of 2007/08, 2008/09 and 2009/10, OAG.

2.2.1 Characteristics of Trafficking Survivors

Data obtained from Nepal Police gives some insight into the characteristics of trafficking survivors in Nepal (Table 2.4). The number of trafficking survivors and traffickers by sex according to district is presented in Appendix 2.1.

A considerable proportion of trafficking survivors consists of children under 17s. The figures were 44 and 33 per cent during the FYs 2008/09 and 2009/10, respectively. Half of the trafficking survivors fall within the age range of 17-24 years. Quite a few survivors, however, are 35 years or older.

With regard to the educational status of the trafficking survivors, an overwhelming majority comes from the 'literate only' category. Data reveal that only five per cent of trafficking survivors have passed the School Level Certificate (SLC) exams or done some education beyond the school level.

An overwhelming majority of trafficking survivors were found to be involved in agriculture before they were trafficked (83% in the FY 2008/09 and 75% in the FY 2009/10). There is a slight shift in the occupation of the trafficking survivors from agriculture sector to the non-agriculture sector. This indicates that women and children are being trafficked increasingly from non-formal economic sectors.

Both ever married and unmarried women and children were trafficked. Yet, the proportion of never married accounted for 70 per cent in the FY 2009/10 and 76 per cent in the FY 2008/09. Trafficking cuts across the caste/ethnic groups. Both marginalized and non-marginalized social groups are victims of trafficking. Yet a large majority comes from the marginalized groups such as Janajati (60%) and Dalits (10%) while a non-marginalized group, such as, Chhetri makes up (25%). Trafficking survivors come from all regions of Nepal.

Table 2.4 Number of trafficking survivors in the FY 2008/09 and 2009/10

Characteristics	FY 2008/09				FY 2009/10			
	Female	Male	Total	% of total	Female	Male	Total	% of total
Age groups								
< 17	81	6	87	44.2	61	2	63	32.6
17-25	85	8	93	47.2	95	3	98	50.8
26-35	50	7	57	28.9	18	3	21	10.9
36 and above	4	3	7	3.6	17	3	20	10.4
Education								
Illiterate	5	0	5	2.5	28	1	29	15.0
Literate only	161	15	176	89.3	121	8	129	66.8
Secondary	7	2	9	4.6	26	0	26	13.5
SLC and above	6	1	7	3.5	8	1	9	4.7
Occupation								
Agriculture	148	15	163	82.7	136	8	144	74.6
Service	1	0	1	0.5	4	1	5	2.6
Business	2	0	2	1.0	2	2	4	2.1
Wage labor	22	2	24	12.2	20	1	21	10.9
Study	6	1	7	3.6	18	1	19	9.8
Marital status								
Ever married	37	11	48	24.4	54	4	58	30.1
Never married	142	7	149	75.6	128	7	135	69.9
Social groups								
Brahmin	NA	NA	NA	NA	8	1	9	4.7
Chhetri	NA	NA	NA	NA	45	4	49	25.4
Others	NA	NA	NA	NA	111	4	115	59.6
Dalits	NA	NA	NA	NA	19	1	20	10.4
Region								
Eastern	38	6	44	22.3	23	4	27	14.0
Central	45	3	48	24.4	27	7	34	17.6
West	39	3	42	21.3	42	0	42	21.8
Mid-west	32	4	36	18.3	18	0	18	9.3
Far-west	9	2	11	5.6	11	0	11	5.7
Kathmandu valley	16	0	16	8.1	61	0	61	31.6
Total	179	18	197	100.0	182	11	193	100.0
Row %	90.9	9.1			94.3	5.7		

Source: data obtained from WCSC, Nepal Police Headquarters, Kathmandu, March 2011.

2.2.2 Characteristics of Persons Accused of Trafficking

Those accused of trafficking in women and children come from early age to middle age. The large majority fall in the age group of 26-35 years. There are a few children who are also accused of trafficking. An overwhelming majority of trafficking-accused persons are in the 'Literate Only' group (78% in FY 2009/10 and 90% in FY 2008/09). There are also accused persons who have done secondary level of schooling, or passed SLC.

The majority of accused persons were involved in agriculture, followed by wage labor. They also came from other non-agriculture sectors as well. Among the social groups, the highest proportion

of trafficking-accused persons is Janajati (56%), followed by Chhetri (32%) and Dalit (11%). Similarly, trafficking-accused persons come from all regions in Nepal (Table 2.5).

Table 2.5 Number of trafficking accused persons in the FY 2008/09 and 2009/10, Nepal

Characteristics	FY 2008/09				FY 2009/10			
	Male	Female	Total	% of total	Male	Female	Total	% of total
Age groups								
13-16	1	2	3	1.5	1	1	2	0.9
17-25	47	20	67	33.3	35	14	49	20.9
26-35	51	21	72	35.8	71	22	93	39.7
36 and above	44	15	59	29.4	64	26	90	38.5
Education								
Illiterate	0	2	2	1.0	15	4	19	8.1
Literate	126	55	181	90.0	131	51	182	77.8
Secondary	8	1	9	4.5	17	6	23	9.8
SLC and above	9	0	9	4.5	8	1	9	3.8
Occupation								
Agriculture	105	43	148	73.6	139	55	194	82.9
Service	5	0	5	2.5	2	0	2	0.9
Business	3	3	6	3.0	8	1	9	3.8
Wage labor	27	11	38	18.9	19	6	25	10.7
Study	3	1	4	2.0	3	1	4	1.7
Social group								
Brahmin					1	2	3	1.3
Chhetri	na	na	na	na	19	56	75	32.1
Janajati	na	na	na	na	38	93	131	56.0
Dalits	na	na	na	na	8	17	25	10.7
Region								
Eastern	35	11	46	22.9	24	15	39	16.7
Central	32	9	41	20.4	43	12	55	23.5
West	26	15	41	20.4	26	14	40	17.1
Mid-west	20	12	32	15.9	15	6	21	9.0
Far-west	13	3	16	8.0	14	7	21	9.0
Kath valley	17	8	25	12.4	49	9	58	24.8
Total	143	58	201	100.0	171	63	234	100.0
Row %	71.1	28.9	100.0		73.1	26.9	100.0	

Source: data received from WCSC, Nepal Police Headquarters, Kathmandu, March 2011.

The Nepal Police record also shows a large number of the accused could not be or are yet to be brought to justice. The absconding accused persons – categorised by the police as *pharara* – were 44 in the FY 2003/04, 113 in FY 2005/06 and 91 in FY 2007/08. No data was available on the accused traffickers at large between FY 2008/09 and FY 2010/11.

Missing Women in Kathmandu Valley

There is a large number of women reported missing from the Kathmandu Valley, according to the Office of the Metropolitan Police Commissioner (Table 2.6). In the last five years (FY 2005/06-2009/10) as many as 588 women were reported missing from the Valley. Data reveal that the number of missing women reported increases year by year, and has gone up by whopping 61 per cent during the same period. Further, the number and percentage of those who have never been traced also increases as the time passes. The increase in number as well as the untraced rate indicates the following. First, the people have become increasingly aware about the importance of police in the rescue of the missing. Second, it may be due to the increase in the phenomenon of missing women in recent years. The increasing number of missing women reported to the police in the Kathmandu Valley every year indicates that vulnerable women are at high risks of being trafficked out of the capital valley.

Table 2.6 Number of women reported missing by year in the Kathmandu Valley

Year	No. of women reported missing	No. of women continue to remain missing	Untraced rate
2005/06	436	314	72.0
2006/07	546	416	76.2
2007/08	555	445	80.2
2008/09	702	579	82.5
2009/10	702	573	81.6
2010/11*	417	348	83.5
5-yearly average	588	465	
% change (2005/06-2009/10)	+ 61.0	+ 82.5	

Note: * Figure for 2010/11 refers to figures from July 2010- December 2010

Source: data obtained from WCSC, Office of the Metropolitan Police Commissioner, Kathmandu Valley, March 2011

2.3 Illegal Extraction of Organs and Trafficking in Persons for Kidney Removal

The Palermo Protocol as well as Human Trafficking and Transportation (Control) Act 2007 defines Trafficking in Persons for the organ removal as trafficking. Trafficking in Persons for organ removal and trafficking in organs, tissues and cells (OTC) are not the same forms of trafficking (OSCE, 2010), though. In the former case, as per the Palermo Protocol, a combination of three components, namely, action, means and purpose is present. Here, the object of trafficking is persons. In the second form of trafficking, these three components may not necessarily require to be in place. The object of trafficking is OTC and it may not imply exploitation. However, it entails serious health threats to individuals.

Studies in both forms of trafficking in Nepal are scant and it is difficult to estimate the number of victims, process, causes and consequences of these forms of trafficking on individual lives as well as in the community at large. Despite this, an NGO – Chhid Nepal – has been working to protect persons from trafficking for organ removal in Kavrepalanchowk district. In late 2009, it estimated that nearly 300 people from eight VDCs have had their kidneys removed. The organization was able to collect detailed information on 69 persons by providing each with an intervention package of food, clothes and medicines worth Rs. 10,000 per person. Among the 69 victims, 43 were males and 26 were females. It is also reported that in a particular household, there were five

family members who were victims of kidney removal. It is reported that people were paid an amount ranging from Rs. 10,000 to Rs. 50,000 for the kidney removal.

Such trafficking is managed by criminal rackets and individuals, whose network extends from village to Kathmandu to India. In the village, the agents are neighbours, relatives, husbands – all of them victims of kidney removal. The village agents are said to be paid Rs. 5,000 per person as commission for motivation locals to ‘donate’ one of their kidneys. In process, they are lured by false promises, usually a huge amount of money that rather easily entices the gullible villagers. Sometimes people have offered to sell one of their kidneys to pay the loan or to buy land because of the poverty. People living in impoverishment and vulnerable conditions are at a high risk of slipping into such type of exploitation. It is also reported that the brick kilns in Kathmandu valley have also emerged as transit points for luring persons for ‘donation’ of kidney. Much research is needed to identify the criminal network whether it extends to hospitals, health professionals and travel agencies.

The effects of “selling” kidney have started surfacing in Kavrepalanchowk district at individual level. Out of 300 people who had sold their kidney, five have already died, as has been reported. The victims turn to excessive consumption of alcohol to relieve pain after having removed the kidney. Risks of death have increased due to excessive consumption of alcohol by these victims.

Chhid Nepal has created four surveillance groups in Kavrepalanchowk district to protect people from trafficking in kidney removal. However, according to the staff of Chhid-Nepal, the victims urgently require income generation programs, school support and health awareness. Chhid-Nepal has not been able to provide these due to its own financial constraints.

2.4 Child Trafficking

As discussed in Box 2.2, the magnitude of child trafficking in Nepal is very high. The ILO-IPEC study indicated around 12,000 children under 18 had been trafficked to India to work as commercial sex workers. Child trafficking has been widespread in the country for sexual, labor exploitation and for other purposes (Subedi, 2009). However, no other national level studies have been conducted so far. But, annual reports of Nepal Police and the Office of the Attorney General indicate child trafficking situation in Nepal.

Child Trafficking Survivors as Per Nepal Police and Office of the Attorney General

Data on child trafficking survivors are available from WCSC and the OAG (Table 2.7). The OAG data only shows the child trafficking survivors registered in the district courts. There is wide gap in data between the records of WCSC and OAG. The number of child trafficking survivors are far lower as per the record of OAG (25) compared to the record of WCSC (62). As per the record of WCSC, more than one-third of the trafficking survivors are children while it is only 12 per cent as per the OAG.

Table 2.7 Number of child trafficking survivors, Nepal

Year	Record of OAG		Record of WCSC	
	Number	% out of total survivors	Number	% out of total survivors
2007/08	24	12.5	35	24.1
2008/09	6	4.3	87	44.2
2009/10	45	16.0	63	32.6
3-year yearly average	25	12.2	62	34.6

Source: Annual Reports of 2007/08, 2008/09 and 2009/10 the OAG and WCSC, Nepal Police Headquarters, Kathmandu, March 2011.

Missing Children

The 'missing children' has often been understood as 'missing children only' in Nepal, but studies carried out outside of the country show that the majority of missing children fall under trafficking (Nair and Sen, 2005). Thus, we have attempted to examine the number of missing children in Nepal drawing data from WCSC and National Center for Children at Risk (NCCR).

The number of missing children reported is considerable in FYs 2008/09 and 2009/10. In the FY 2009/10, As many as 2,186 children were reported missing. Of them, 52 per cent were boys and 48 per cent girls. Nearly one-third of the reported missing comprised children aged 14-16 years. This reveals that this age group may be vulnerable and the missing girls may have been trafficked.

Table 2.8 presents the number of missing children and untraced rate by sex according to regions. The untraced rate is defined as the number of children continues to remain missing to the total number of children reported missing. Four in every 10 children who go missing are never traced or found. The ratio is considered very high. This establishes the possible linkage between trafficking and 'missing children phenomenon' as girls are more vulnerable boys when it comes to trafficking for sexual exploitation. The untraced rate is considerably low in Kathmandu valley while the rates are pathetically higher in other regions, as the table below shows.

Table 2.8 Distribution of children missing and untraced rate, 2009/10, Nepal

Regions	Number of children missing			Number of children continue to remain missing			Untraced rate		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Eastern	97	128	225	92	120	212	94.8	93.8	94.2
Central	82	124	206	57	89	146	69.5	71.8	70.9
Kathmandu valley	751	487	1238	59	42	101	7.9	8.6	8.2
Western	109	201	310	86	167	253	78.9	83.1	81.6
Mid-western	51	60	111	47	51	98	92.2	85.0	88.3
Far-western	49	47	96	46	45	91	93.9	95.7	94.8
Total	1,139	1,047	2,186	387	514	901	34.0	49.1	41.2

Source: CCWB, Annul Report 2010.

The Office of the Metropolitan Police Commissioner, Kathmandu Valley, maintains data about the missing persons covering three districts of the capital valley (Kathmandu, Lalitpur and Bhaktapur). The number of reported missing children maintained by Kathmandu Valley Police and NCCR do not match.

The four and half-yearly average number of reported missing children is 984 with 506 for girls and 478 for boys. The reported number of missing children has increased by 7 per cent in between the FY 2006/07 and 2009/10. This increase is higher for girls (10%) against boys (4%). Six in every 10 missing children go completely untraced every year. This particularly holds for girls (Table 2.9).

Table 2.9 Number of children reporting missing by years in Kathmandu Valley

Year	Number of missing			Number continue to remain missing			Untraced rate		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
2006/07	489	492	981	283	347	630	57.9	70.5	64.2
2007/08	453	500	953	261	346	607	57.6	69.2	63.7
2008/09	477	484	961	298	336	634	62.5	69.4	66.0
2009/10	507	540	1047	287	339	626	56.6	62.8	59.8
2010/11 (July 2010 –Dec 2010)	223	260	483	130	176	306	58.3	67.7	63.4
4.5-yearly average	478	506	983	280	343	623			
% change (2006/07-2009/10)	+ 3.7	+ 9.8	+ 6.7	+ 1.4	-2.3	-0.6			

Source: data obtained from WCSC, Office of the Metropolitan Police Commissioner, Kathmandu Valley, March 2011.

Sexual Violence against Children

Sexual violence against children is a proxy indicator of vulnerability of children to be trafficked once they are victimized. As per the record of CCWB, altogether 160 cases of sexual violence against children featured in the media in 2009 (Table 2.10). The main districts in which cases of sexual violence against children reported are Tanahu (31), Surkhet (27), Gulmi (16), Nawalparasi (8), Bardiya (8), Udayapur (7), Rupandehi (7), Rolpa (5), Sindhupalchowk (5) and Kanchanpur (1) and other districts (43). Altogether, 167 girls and 5 boys were survivors of sexual violence.

Table 2.10 Number of sexual violence against children and number of survivors

Categories	Cases/Numbers
Number of cases of sexual violence reported	160
Number of survivors	
Girls	167
Boys	5

Source: CCWB, 2010, pp. 130 and 132

Trafficking in Children for Labor Exploitation in India

Hundreds of children are reported missing for years especially in central Terai districts of Nepal (WOREC, 2009). The incidence of missing boys is reported to be higher than that of girls.

There are indications that trafficking/missing phenomenon is largely associated with the caste and class grouping of the Madheshi population. Dalit families who survive in miserable conditions are at a higher risk of being trafficked. Historically, their livelihood depended on the patron-client relations in semi-feudal agricultural system and the elements of this unequal social relation still prevail. One fourth of the Dalit families have remained as *Haruwa/Charuwa* - the semi-bonded agricultural labor in central and eastern Terai of Nepal (ILO-CDPS, 2009).

Due to human poverty and social discrimination, parents tend to give their silent consent to send their children to work in India, basically to get out of the poverty trap. They also receive money in advance from the traffickers for their children's work. As reported in ILO-CDPS (2009) study, once their children are transported, they do not have contact for a long time such as the following cases suggest:

In Bastipur, Padariya, Govindapur Village Development Committees (VDCs) of Siraha district, it is reported that more than 200 children have gone missing for the last 5 or 6 years. It was reported that these children were trafficked to New Delhi and Punjab and live virtually like bonded labor.

In March 2008, one Satuna and his second wife trafficked four girls and two boys from their own community in Sunsari. The trafficked children were 14-17 years. One of the mothers of the missing girl went to New Delhi to look for her daughter. But she could not meet her daughter. Instead, Satuna's second wife had given her Rs. 8,000 as advance of her daughter's 'work'.

Child Workers in Brick Kiln and Embroidery Industries in Kathmandu Valley

A survey carried out by Child Development Center (2010) reveals that there are 110 brick kilns in Kathmandu valley. Among them, 27 brick kilns were surveyed and a total of 830 child laborers were found (469 girls and 361 boys). Of the total, 51 per cent were less than 10 years of age, 32 per cent in between 11-14 years and rest 16 per cent were 14-17 years. Almost all child labors were outside of the Kathmandu valley and the main origin districts include Kavrepalanchowk (231), Rukum (159), Rolpa (127), Sarlahi (63), Dang (47), Lalitpur (36), and Salyan (28). It is reported that about 62 per cent of the child workers earned less than Rs. 1000/per month. The majority of children come from middle persons and thus these children are in exploitative situation and are trafficked for labor exploitation.

The same study revealed that exploitative child labor prevails in *Embroidery* or in embroidery industry. There are more than 60 industries in Thankot, Kathmandu, and more than 80 in Bode, Bhaktapur. The organization studied 73 *Embroidery* industries in Kathmandu and Bhaktapur and found 290 child labors. Among them, 218 were under 14 years of age and 72 in the age range of 14-17 years. The study reported that these children had long hours every day. Almost all children work more than 8 hours/day and nearly 95 per cent work 14-17 hours – from 8 am to 10 pm. Given the high magnitude of child workers under 14 and too long working hours and low income of the children all reveal that these children are trafficked in *Embroidery* industry for labor exploitation.

Trafficking in Children for Circus Performance in India

In the FY 2009/10, Easter Benjamin Trust (EBT) received five complaints that four boys and one girl were trafficked for circus performance in India from Makwanpur district. Of them, two boys and one girl were rescued. During the FY 2009/10, EBT also rescued 12 other children from different circuses in India.

EBT is a leading I/NGO working to combat trafficking in children for the purpose of circus performance. It works in Makwanpur, Bara and Rautahat districts, which are hit hard by trafficking in children for circus performance. Its key activities in this direction include rescuing children and trafficking survivors from different border points and India, and rehabilitating and reintegrating them back in society.

Intercountry Adoption of Nepalese Children and Trafficking

Nepal amended the National Code of 1964 and legalized intercountry in 1976. The Government signed the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption in 1995 in order to upgrade the adoption procedures to international standard and to

make it transparent. However, the intercountry adoption was suspended abruptly but briefly in May 2007 when it was discovered that a girl who had been declared an orphan for the purpose of adoption actually had parents and that she did not want to leave the country. The Government resumed adoption in May 2008.

There is no record available on the number of intercountry adoption before 1993. According to the CCWB (2010), the number of intercountry adoption in between May 1993 and August 2008 stood at 2,234 and 127 during May 2008 -December 2010. To date, 2,361 children have been adopted since signing the convention on intercountry adoption in 1995. Of the 127 children adopted between 2008 and 2010, 52 were adopted in Italy, 36 in the USA, 15 in France, 8 in Sweden, 6 in Spain, 3 in Norway, 3 in Switzerland, 2 in Canada, 1 in Denmark and 1 in the UK.

A study conducted by UNICEF and Terre Des Hommes Foundation, (2008) reveals a nexus between adoption and trafficking in children. They studied eight child centers in Kathmandu Valley during the 2005-2007. These child centers facilitated a total of 297 intercountry adoptions between 2005 and 2007. Of them, 92 per cent were reported to have been abandoned and 88.5 per cent of the adopted children were said to have been found by Nepal Police and referred to the child centers. Abandonment is one of the conditions for intercountry adoption of children. On the other hand, if we compare the children already adopted with the children currently residing in the same child centers, the results tell a different story. Only 31 per cent of total children in child centers are abandoned children and 22 per cent of the total children are found by Police (Table 2.11). The discrepancy of children abandoned currently in the child centers (31.4%) and the said abandoned children already adopted from the same child centers (91.9%) suggests that abandonment procedures are undertaken specially for adoption purposes.

Table 2.11 Comparison of abandonment between current residents in child centers and adopted children, 2008, Kathmandu valley

Categories	Children currently at child centers	Children already adopted
Number of children at child centers	366	
Number of children reported abandoned	115	297
Number of abandoned children reported found by Nepal Police	82	273
% of children abandoned	31.4	91.9
% of children found by the police out of the total	22.4	85.5

Source: adopted from UNICEF and Teres Des Hommes Foundation (2008).

The *Hague Conference on Private International Law* - an inter-governmental organization - studied the situation of intercountry adoption in Nepal in 2009. It found a number of irregularities associated with adoption processes and violation of the Purposes, Principles and Safeguards set forth in the *1993 Hague Intercountry Adoption Convention*, which Nepal signed on 28 April, 2009.

The Report made the following comments on the legal framework of intercountry adoption of Nepal i.e. *the Terms and Conditions 2008*. It highlighted the following omissions on the Terms and Conditions 2008:

1. The Principle of Article 21 of the CRC 1989 has not been included or applied, in particular, the principle of the best interests of the child is completely absent; there are no criteria or procedures to determine if a child is adoptable; the subsidiarity principle is not clearly mentioned or followed;

the biological parents do not receive support or counseling about the legal effects of relinquishing their child for adoption.

2. None of the important principles and safeguards set forth in *1993 Hague Intercountry Adoption Convention* is in the Terms and Conditions, 2008. Rather, the Terms and Conditions are primarily concerned with the administrative structure and functions of number of committees.
3. The Terms and Conditions allow the inclusion of the orphanage representatives on the Investigating, Recommendation and Monitoring Committee which makes conflicts of interest between the orphanages and the Government authorities

Besides, the Report points out the other challenges for fair intercountry adoptions. They include: falsification of documents; false statements about the child's abandonment, origin, age and status; lack of transparency and accountability; the absence of a policy for an intercountry adoption as a child protection means; and lack of alternative care salutation for the children without parental care; and biological parents are not sufficiently provided accurate information about adoption process or the implications.

The suspension of intercountry adoptions has been reported by the media in different countries. This is an example from Canada:

Canada: Imposed Suspension on Adoptions from Nepal (Ottawa, Ontario - (Marketwire - June 4, 2010)

"We know how disheartening this must be for the parents concerned, but several authoritative sources, such as The Hague Conference and UNICEF, have raised serious concerns about the use of fraudulent documents and the prevalence of child trafficking in Nepal," said Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism. "It is important to get a reformed system in place in Nepal before proceeding with adoptions."

"There are a number of Canadian parents seeking to adopt children from Nepal who are understandably anxious but our priorities remain the best interests of the child and the prevention of child trafficking," added Minister Kenney.

Source: www.twitter.com/CitImmCanada (accessed on April 11, 2011).

2.5 Glimpses of Situation of Trafficking in Eastern and Western Regions: Evidence from Workshops

Participants of workshops held in Biratnagar and Butwal were requested to share what they knew about the situation of trafficking in their districts. A guideline was provided to discuss the trafficking issues considering the magnitude, prone areas/VDCs, most vulnerable social groups, most vulnerable sex and age, mode of transport used, means used to lure the survivors, nature of the criminal groups, purpose of trafficking, factors leading to trafficking and challenges in combating trafficking (Appendix 2.2).

Some of the key dimensions and dynamics of trafficking that came up in the course of sharing at the workshops are as follows:

- Data on trafficking has not been systematically collected or compiled, and thus, it is difficult to even estimate the magnitude of Trafficking in Persons.

- While trafficking takes place across the districts there are pockets that are vulnerable to trafficking in each district.
- Hills people, Madheshi, Dalit, Janajati and marginalized groups are most vulnerable while others are also victims of trafficking.
- In addition to trafficking in women and children, trafficking in men is also occurring, especially in foreign employment sector.
- Most vulnerable age group for trafficking is the adolescent girls' including young women who desire to go for foreign employment.
- Traffickers use different routes including unofficial border points.
- Traffickers invariably/often are the trusted persons, such as, friends and family members, relatives and neighbors.
- Trafficking takes place for multiple reasons, such as, sexual and labor exploitation, forced marriage and circus performance.
- Traffickers use different means to press victims into servitude or slave-like situation, such as, force fraud and coercion.
- The key factors leading to trafficking are: domestic violence, poverty, illiteracy, unemployment, child marriage, unmatched marriage and polygamy, fictitious and pornographic advertisements from electronic media, increased consumerism, and demonstration effects among Nepalese youth.
- The key challenges against combating Trafficking in Persons are: i) open border, lack of effective security along the border, indulgence in corruption by the security personnel; ii) political protection of the traffickers, impunity, threats to social workers; iii) reluctance on part of the survivors in filing the case against the traffickers and withdrawal of cases due to threats and economic promises, and v) lack of an institutionalized coordination effort to combat trafficking among NGOs and GOs and the District Committees not functioning effectively, and lack of human, logistics and financial resources.

2.6 HIV/AIDS and Trafficking

In addition to trafficking, the gender-based violence and human rights violation also has severe health consequences. Human Immunodeficiency Virus (HIV) infection has been listed as a major consequence.

According to recent estimates of the National Center for AIDS and STD Control (NCASC, 2010), there are 63,528 persons infected with HIV in Nepal. The number of males is nearly twice as high as that of females while children make up 5.6 per cent. Adolescents and youths (15-24 years of age) make up nearly 15 per cent and 58 per cent are in the age range of 25-44 years. Overall, the ratio of females-to-males is 53 - implying that there are 53 females infected with HIV per 100 males.

Silverman, J. G. et al (2007) study provides the clues that Nepalese girls and women trafficked for sexual exploitation have high prevalence of HIV infection. They studied 287 repatriated trafficked girls and women from India who were receiving rehabilitative services between January 1997 and

December 2005. Their results indicate that of the returnees, 38 per cent tested HIV positive. The risk of HIV infection varies with age at trafficking, destination city, duration of sexual servitude and servitude in the number of brothels. Girls trafficked prior to the age 15 years were three-times more at risk of HIV infection as compared to those trafficked at the age of 18 or more. Girls trafficked to Mumbai were 6 times more at risk of HIV infection compared to those trafficked to other Indian cities, such as, New Delhi, Pune,. In addition to longer duration in sexual servitude, girls who were forced to in multiple brothels were at a higher risk of HIV infection (Table 2.12).

Table 2.12 Overview of linkage between trafficking experiences and HIV infection status, Nepal

Characteristics	N	HIV infected (%)	Odds Ratio
Age at the time of trafficking			
7-14	33	20 (60.6)	3.42*
15-17	76	30 (39.5)	1.45
18-32	100	31 (31.0)	1 (Reference)
Missing	16	3 (18.8)	
Marital status			
Never married	150	60 (40.0)	1.45
Ever married	73	23 (31.5)	1 (Reference)
Destination city			
Mumbai	131	65 (49.6)	6.27*
Other cities	81	11 (13.6)	1 (Reference)
Missing	13	8 (61.5)	
Duration of brothel servitude (in months)			
<1	28	8 (28.6)	1.02*
1-6	47	10 (21.3)	
7-12	28	4 (14.3)	
13-24	35	15 (42.9)	
25-72	50	34 (68.0)	
72 and above	15	10 (66.7)	
Missing	22	3 (13.6)	
Servitude in multiple brothels			
Yes	39	21 (53.9)	2.02*
No	164	60 (36.6)	1 (Reference)
Missing	22	3 (13.6)	
Total	287	109 (38.0)	

Note: * The values are significant at less than 0.05 level.

Source: Silverman, J.G. et al., (2007:563-542).

2.7 Emerging Challenges

In Nepal, Trafficking in Persons has emerged as a multipurpose, multifaceted phenomenon, especially after the political change of 1990 that opened up the country to the world labor market. Trafficking is found taking place not only for the purpose of sexual exploitation, but also for labor exploitation, organ removal and other forms of exploitation. The trafficking victims include not just the girls and women, but also the boys and men. Broadly, trafficking has taken place within the

country (internal trafficking especially in entertainment industry), cross-border trafficking to India and cross-border trafficking beyond India to the Gulf countries, Malaysia and other destinations. The means used to trafficking persons are not necessarily illegal and coercive all the time. The traffickers apparently seem to use all possible legal means in the course of trafficking, including passports of the victims. These new trends have brought new challenges to combat trafficking in Nepal, to say the least.

- Conducting a national survey on the situation of Trafficking in Persons based on the definition of the Palermo Protocol to reveal both quantitative and qualitative scenario of Trafficking in Persons in the local and national contexts.
- Protecting and promoting women's rights on mobility and employment in the context of increasing female migration within and outside the country.
- Discouraging the relatives or the trusted people as perpetrators by raising awareness and addressing poverty and unemployment at the community level.
- Launching target based awareness and formal education program especially in the Terai districts where the parents are found giving silent consent to sending their children for exploitative works in India.
- Bringing effectiveness at large in the implementation of Gender Based Violence laws, policies and program to address domestic violence, discrimination and social exclusion
- Regulating the intercountry adoption in line with the recommendations provided by the *Hague Conference on Private International Law*
- Finding out the facts about some of the rumors doing the rounds in Nepal in order to analyze the changing dimensions of Trafficking in Persons for policy reforms. For example, trafficking in Trafficking in Persons the Bangladeshi citizens from Nepal using the Nepalese passports; fake marriages to traffick Nepalese girls/women to South Korea and other countries and trafficking in girls/women to Khasa, Tibet, Trafficking in Persons.
- Adopting effective border security measures, including setting up Security Units along the official and unofficial transit points. Because Nepal and India share a long porous border, there are too many unofficial points for to and fro movements between the two neighbors.

□□

Internal Migration and Trafficking in Entertainment Industry

This chapter examines internal migration and trafficking in entertainment industry in Nepal. It begins with outlining the profile of the entertainment industry and goes on examining the magnitude, characteristics of the female workers, and their working conditions including abuse, exploitation and vulnerability of trafficking. It critically analyses the implementation status of the Supreme Court directive to regulate the entertainment industry to protect the female workers. The final section discusses the major challenges and ways to combat exploitation and trafficking in the entertainment industry in Nepal.

In addition to consulting the data available through different secondary sources, primary data were collected for better understanding the linkages between internal migration and trafficking in the entertainment industry. OSRT-NHRC interviewed 30 female workers from the entertainment industry and conducted four FGDs with them in collaboration with AATWIN. Thus, the findings in this chapter represent the feelings and sentiments of the victims in the entertainment industry.

3.1 Magnitude of Internal Migration in Nepal

Various macro-level studies have indicated that Nepal has been going through phenomenal internal as well as international migration, especially after the 1990s. Based on the 2001 Population Census, (KC2003) nearly one-fourth of the town population in Nepal is made up of internal migrants. Internal migration is found to be the highest in five valley towns (31.6%), followed by 29 Terai towns (23%), 22 hill towns (17%) and two mountain towns (5 per cent). In the capital valley, Kathmandu alone witnessed 42 per cent internal migrants from both rural and urban areas.

Nepal Migration Survey (2010) has estimated 772 thousand (2.8 per cent of the resident population) to be internal migrants. The rural-to-urban migration was very high with nearly 96 per cent of the internal migrants moving in to the urban areas. Numerically, out of the total internal migrants, 744 thousand came from the rural areas and just a handful (28 thousand) from the urban areas. The huge exodus from rural areas was observed during the armed conflict (1996-2006). The trend continues even after the post-conflict situation and the migration of youth from rural to urban areas has been considerable. Poverty and lack of employment opportunities in the rural areas

are the key push factors driving migration to the urban centers. High expectations on part of the migrants for better opportunities and a better quality of life invariably is probably the single pull factor spurring internal migration. The expansion of entertainment industry especially after 2000 in the Kathmandu Valley and other urban areas has created space and opportunities for a large number of unskilled and low paid female workers.

3.2 Profile of the Entertainment Industry

The major entertainment industries/places of sexual exploitation emerging in that have sprung up in the urban centers, towns and cities of Nepal are the numerous cabin restaurants, dance bars, *dohori* restaurants and massage parlours. Guest houses and *Bhatti* (retail outlets that mainly serve local food and home-made and domestically brewed alcoholic beverages) are not the part of the entertainment industry but they certainly serve to sexual abuse and exploitation.

Cabin restaurants are small establishments, usually with a counter and several cabins separated by a curtain or thin wooden frames. Some cabin restaurants have their own kitchen while others order food from the neighboring eateries and restaurants. The cabins are roomy enough to allow masturbation, sexual abuse and even sexual intercourse inside the restaurants.

It is a lot easier to identify cabin restaurant at night as it usually is decorated with colorful front window or entrances. Depending upon the size of the set-up, there are three to ten female workers in a cabin restaurant.

On an average, there are 30 to 60 female workers in a cabin restaurant in the Kathmandu Valley; and it is estimated that there are 1000 to 1200 cabin restaurants in the capital valley alone.

In these cabin restaurants the comfort girls are usually the victims of sexual abuse and exploitation. It is reported that the customers feel they deserve and demand sexual services from the comfort girls. On its 2 August, 2010, Kantipur daily carried this news report from Nepalgunj: *Banka Police raid hotels, arrest 49, including 29 girls indulged in sex*

Dance bars are places where they perform 'item' songs/music and dances, mainly from the Bollywood and Hollywood films. Some dance bars also perform Nepalese folk music, though. And, there are some dance bars having 'VIP dance stages' where nude dances are performed after 10 pm. It is reported that there are more than 200 dance bars in

Kathmandu Valley, where 20 to 50 female professional dancers work.

Dancers and comfort girls are often subject to sexual abuse and exploitation. Comfort girls are required to sit with the customer's at their table and do every bit to entertain and keep the visiting clients happy. Employers or the dance bar owners expect the comfort girls to give company to the customers in order to keep the visitors longer – the longer the customers stay the more the business. The customers get to choose their comfort girls and may negotiate meeting outside the restaurant for sex through the other girls in-charge of guest relations.

The customers normally buy snacks and alcoholic beverages at a very high price. Even if the customers take only coffee or tea – which as such is a rare case – they have to pay 5 or 6 times more than what a tea of coffee would cost in a normal restaurant. The customers tend to interpret

that the high price that they pay also includes the cost of entertainment with the dancers, the comfort girls and the waitresses in the dance bar.

The *Dohori* restaurants are established especially in the tourist areas, market centers and major urban areas across Nepal. These restaurants provide entertainment to the customers through Nepalese *Dohoris*, duets sung amidst typical folk music and dances. In some *Dohori* restaurants, folk songs are performed between customers and the troupe of artistes/singers.

Singers, comfort girls and captain girls are the working girls in *Dohori* restaurants. The singers sing; the comfort girls provide services to the customers such as beverage and food and the captains form the bridge between the employers and the comfort girls. When a customer orders food and/or beverage, the comfort girl reports the order to the captain, who in turn reports it to the manager/owner. Thus, the comfort girls are virtual commodities for the customers.

Massage parlors are mainly located in Thamel, Kathmandu. Estimates have it there around 200 such massage parlors in the capital city's tourist hub. These massage parlors operate in small flats that are partitioned into several rooms. A client may locate a massage parlor through newspaper advertisements or through the 'pimps' working on behalf of the parlor operator. Once a client – often a male in search of sexual adventures – comes into the parlor, he will have an encounter with the receptionist (often females) where money is arranged. The receptionist escorts the client to one of the rooms where the client can select a girl to provide the massage service. There are 3 to 9 female workers in a massage parlor in Thamel area.

Massage parlours are as such not meant to be a place where men can buy sex. Rather, they are places for providing traditional health services, such as, sauna and steam bath. The massage has separate items on the menu, each with a different price tag, such as, foot massage, hand massage and whole body massage. A Nepalese client pays somewhere between NRs 1200 and 1500 for a spa.

In reality, massage parlors in Kathmandu valley have evolved as the places of sexual exploitation. 'Unlike other establishments, their purpose is to directly provide sex on the premises. Customers are provided with masturbation, oral sex or intercourse. The majority of massage parlors are in the business of providing sexual services, and the police launch surprise raids and make arrests once in a while (as supported by the news published in The Himalayan Times below). However, there are a small number of massage parlors that provide non-sexual massage' (Terre Des Hommes, 2010:34-35).

Police arrested a massage parlour accusing her operation of illegal sex trade – THT/26 May 2010/Kathmandu

Police raided massage parlours and arrested 14 persons involved in immoral activities – THT, 29 May/Kathmandu.

Guest houses are meant to serve as lodges, but many of these facilities, especially in and around the new bus terminal at Gongabu, are places for illicit sexual trade.

Bhatti Pasal are the small local pubs established around the street, highway heads, and even in the downtown of major urban areas. Nepal is a country where alcohol production and selling has

not been regulated. These shops are not only the places of selling alcohol, meat and food, but they have also become the places of sexual exploitation. It is reported that some of the *Bhatti Pasa* in Kathmandu valley use girls for sexual entertainment for the customers within the premises of the shop or they arrange place for sexual entertainment. In such restaurants, girls are paid very low for their commercial sexual exploitation i.e. Rs. 300 to Rs. 500/month.

3.3 Number of Female Workers in the Entertainment Industry

The magnitude of female workers in the entertainment industry varies typically from one study to another. Terre Des Hommes (2009) estimated a total of 11,000 to 13,000 female workers in this industry while MoWCSW (2008) estimated it to be somewhere between 30,000 and 40,000. It is estimated that about 3,500 to 4,000 are child sex workers in the entertainment industry. These child sex workers can be considered as victims of trafficking as per the Human Trafficking and Transportation (Control) Act 2007.

Table 3.1 Estimates of female workers in entertainment industry in Kathmandu Valley

Source	Entertainment industry	Estimated number of establishments	Estimated number of female workers	Estimated number of female worker per establishment*
Terre Des Hommes, 2009	Cabin restaurants	1000-1200	6,000 - 7,000	5-9
	Dance bars	150-180	3,400 - 4,000	30-50
	<i>Dohori</i> restaurants	50	900 - 1,100	30-60
	Massage parlours	200	750 - 850	3-9
	All types of entertainment industry		3500-4000 child sex workers	
MoWCSW, 2008	All types of entertainment industry	1200-1500	30,000-40,000	

Note: * Number of female workers per establishment is based on the information provided by the female workers in the focus group discussion (FGD).

Process of Recruitment

The female workers get to know of the job prospects initially through their friends and relatives, and not the strangers (Maiti Nepal, 2010). They are employed on the basis of their age, beauty and smartness rather than the educational qualification. Younger girls with beauty, glowing skin and face are preferred for recruitment. According to the female workers, they were first employed after measuring their hips, thighs and the height.

Social networks of the female workers are weak in the entertainment industry because the employers discourage employees to befriend each other. The employers tend to discourage unionization to escape from labor demands.

Factors Pushing Girls and Women in this Sector

There are both pull and push factors that attract female workers to the entertainment industry. Heavy rural to urban migration of youths, rampant unemployment, family breakdown, lack of education and skills, the armed conflict (1996-2006), poverty are among the main push factors. On the other hand, the main pull factors include increasing consumerism, high expectation and the nature of labor that the entertainment industry demands. In the dance bars, massage parlors and other entertainment sectors, education is not as valued as girl's beauty, body or the age.

The following three cases, as presented in Box 3.1, were developed after discussing with female workers in the entertainment industry in Kathmandu valley. As the case studies below suggest, the first girl ran away from the village due to heavy work load at home as well as fear of conflict. While the second girl joined a cabin restaurant because an NGO that she worked for did not pay her salary. And, the third girl joined the cabin restaurant after returning from foreign employment.

Box 3.1 Factors pushing girls in entertainment industry

Case 1: Mingma ran away from home due to fear of conflict and hard work (Name Changed)

Mingma, 23, is from Solukhumbu district. She came to Kathmandu 10 years ago. In the village, she had to take care of a herd of 40-50 yaks. She would have to attend to them, take them to the pastures and milk them. It was too much of a work for the young girl. "It was very cold in my village, and because of the work, my hands and feet would swelling in winter," she said. On top of that there was constant fear from the Maoists, As a result, she ran away from the village to escape the armed insurgents and came to Kathmandu. She worked as a domestic servant for two years. The house owner promised paying her Rs. 500 per month in addition to bed and bred accommodation. But she would not get the promised monthly salary. When she was 16 years, she left the house and joined a restaurant in Bouddha and continues to work in the restaurant till date.

Case 2: Sandhya work in a restaurant because she did not get paid in her previous work

I am from a Tharu family of Dang district. I used to work for an NGO that works for the Kamalari (daughters of the liberated Kamaiya – the bonded labor). I worked for a year but the NGO in question did not pay me. Enough was enough and I left the NGO. Today, I work for a restaurant in Baneshwor for a monthly salary of Rs. 3,500 per month.

Case 3 Victimized, Kamala turns to cabin restaurant

I am from a Chhetri family of Kavrepalanchowk district. I went to Kuwait as a cleaner but I was employed as a housemaid. I came back in two years in Kathmandu and joined in a cabin restaurant in Baneshwor.

3.4 Characteristics

Drawing on the Maiti Nepal (2010) study¹ as summarized in Table 3.2, Terre Des Hommes (2009) and our discussion with the female workers, the female workers in the entertainment industry are typically migrants with some years of schooling and mostly living not with family members but with others. And, they include children and adults, married and unmarried.

¹ Maiti Nepal (2010) carried out study among working in restaurants, bars and massage parlours in Kathmandu from December 2008 to October 2009. The sampling locations were purposively selected such as Kalanki, Gaushala, Koteshwor, Gwarko and Baneshwar. A total of 299 female workers were interviewed (114 from the cabin restaurants, 102 from dance bars, 20 from massage parlours and 63 from *dohori* restaurants).

Table 3.2 Overview of personal attributes of female workers in the entertainment industry

Customer behavior	Maiti Nepal (2010) (N=299)	OSRT-NHRC (2011)(N=30)
% under 18 years of age	15.7	23.3
% migrants (outside of the Kathmandu valley)	80.3	90.0
% single (never married)	56.2	53.3
% divorced	2.3	6.7
% living other than family members	62.9	80.0
% no education or literate only	34.8	10.0
% with SLC and more education	11.1	

Maiti Nepal (2010) study showed that nearly 16 per cent of the female workers were under 18. While Terre Des Hommes (2009) study indicated one-third of the female workers in the entertainment industry are children. Our discussion with the female workers in the entertainment industry revealed that 23 per cent of the female workers in the entertainment industry are under 18. In the course of consultation meetings with the organizations working for the cause of the female workers in the entertainment industry in Kathmandu, it has been known that the proportion of female workers under 18 have been increasing by the day. In 2004, female child workers were reported to be about 4 per cent which increased to 8 per cent in 2008 and to 25 to 33 per cent by 2010.

News published in The Himalayan Times also confirms that there are a considerable number of female children in the entertainment industry in Kathmandu Valley.

Police uncover half a dozen house-cum brothels in Kathmandu where under aged girls were forced to engage in sex – THT, 13 May, 2010/Kathmandu.

A NGO report reveals that 250 girls aged 14-18 years are involved in sex work in Itahari, Sunsari district – THT, 20 May 2010/Itahari.

There are also cases of 'second generation victims of trafficking' i.e. children of the victims in the entertainment industry. These children are at a high risk of exploitation and are by and large deprived of educational opportunities, proper raising and caring. Almost one-third of the female workers bring their children to their working place. Early and consistent exposure to the culture of the entertainment industry only increases the likelihood that the children of the victims may tend to follow suit as they grow up.

An overwhelmingly majority of working females are migrants. The Maiti Nepal study reveals that 80 per cent of the working girls come from outside of the Kathmandu Valley. According to Change Nepal, 92 per cent of the project's 462 beneficiaries were migrants. In our own sample of 30 female workers, 28 were out of the Kathmandu valley. All these studies, conducted independent of each other, show that the majority of migrants are from the surrounding districts of Kathmandu, such as, Sindhupalchowk, Kavrepalanchowk, Dolakha, Nuwakot, Chitawan and Makwanpur including Sarlahi and Sindhuli.

Female workers in the entertainment industry represent wide-ranging social groups in Nepal. Yet based on the project beneficiaries of Change Nepal, Janajati are the largest group (61%), followed by Chhetri (29%), Brahmin (6%) and Dalit (2.5%).

Both married and unmarried girls/women are working in this sector. Out of the total 299 female workers interviewed by Maiti Nepal, 56 per cent were single, 37 per cent married, 2 per cent divorced.

In terms of living arrangements, our study indicated that nearly four-fifth of the female workers have living arrangement other than with the own family members. In some cases, it is reported that restaurant owners hire the entire house and lodge the female workers (Change Nepal, 2010). The female workers, camped in a house, are more prone to be exploited, sexually abused, and denied their freedom of mobility.

Nearly one-third of the female workers is either literate only or has had no education at all. One-fourth has completed primary level of education, 23 per cent secondary education and 11 per cent has passed SLC and more education.

3.5 Working Conditions

According to female workers, the working condition in the entertainment industry is comparable slavery-like situation, as shown in Box 3.2.

Box 3.2 Working conditions of female workers in entertainment industry

- Salary not commensurate with work
- Salary is not paid as per the Supreme Court Directive. (Salary is largely dependent on the place, beauty and age. No equal salary for the equal work among the workers.
- Female workers are compelled to work on the remuneration that is provided by the employers.
- Workers are not entitled to sick leave. In case the workers fall sick and stay on leave, then their salary will be cut. In many restaurants there is no such thing as sick leave. Longer working hours than what has been stated or communicated verbally.
- There always is an extra mile to walk for the workers. For example, waitresses have to clean the restaurants, kitchens and toilets.
- Employers do not take the responsibility in case the workers get injured at the working place
- Female workers have to bear with abusive words, sexual abuse and exploitation
- There are threats against quitting the work

The majority of female workers have no knowledge about their basic labor rights, such as, contract letter, 8-hour work, provisions of overtime and sick leave or public holidays, maternal facilities and a safe working environment (Terre Des Hommes, 2009).

The average working hours in the entertainment industry is 8 hours a day. According to a Maiti Nepal study, 40 per cent for the female workers work for more than 8 hours a day. An OSRT-NHRC study, however, puts the percentage figure to 53 (Table 3.3). Nearly nine out of 10 female

workers are not even entitled to a weekly off-day and an overwhelming majority – 76% and 97%, according to Maiti Nepal study and OSRT-NHRC studies, respectively – stated that they do not get paid leave during illness.

Table 3.3 Overview of working conditions

Customer behavior	Maiti Nepal (2010) (N=299)	OSRT-NHRC (2011)(N=30)
% reporting job through friends	77.9	80.0
% reporting more than 8 working hours per day	40.0	53.3
% reporting no day-off per week	89.0	93.3
% reporting not able to travel at night	22.0	40.0
% reporting not getting paid leave during illness	75.9	96.7
% reporting no sufficient income	43.5	46.7

Salary, Benefits and Deduction

In the entire entertainment sector, no full salary is paid on a particular week of the calendar month. In cabin restaurants, monthly salary ranges Rs. 2500 to Rs. 2700. Deduction and fines are imposed in case there is a small mistake. Remuneration for dancers is higher than that of waitresses, hostesses and guest relations workers (comfort girls). Comfort girls receive a certain percentage of profit by encouraging the customers to buy more food and beverage. Employees are required to buy their own dress for work.

In massage parlors, there is no fixed salary. They receive up to 25 per cent of their services as commission. Thus, if a worker does not have work on a particular day, she runs the risk of ending up in the prostitution for her survival.

Besides, they make little extra income through TiPs and commissions. Sometimes, they could also earn up to Rs. 1,000 from a client on a single night. The study team found out some of the girls earning as much as Rs. 10,000 per month. 'As long as you are beautiful and look sexy, you are likely to earn more', stated an FGD participant. It was also found out that some of the girls have opened their own bank accounts and do send money to their parents back home. The girls spend money on their daily expenditures – mainly food and accommodation – and, use part of the earning to buy ornaments, and new and fashionable clothes, and watching films.

The level of stress of the working girls/women differs by the type of the entertainment industry they are engaged in. In cabin restaurants, it is in the evening; in massage parlors, it is in the day time; in dance bars and *dohori* restaurants, it is at night.

3.6 Abuse, Exploitation and Vulnerability of Trafficking

Employers as Exploiters

Our study figures out that there is patron-client relation between the employers and employees in the entertainment industry in Nepal as suggested by the workers' complaints towards the employers:

- No written employment agreement is made
- No salary as per the agreement and never paid on time

- Forced to attend to the customers for the business – If girls do not give company to the customers, they are either fired from the job or scolded and, at times, even beaten up.
- Forced to develop bad habits, such as, taking alcohol and smoking – The employers use different tactics to motivate the girls to take alcohol. They promise a handsome commission, mobile phones and taking care of their family if the girls start drinking. If a girl pushes, say, one double peg of whiskey worth Rs. 450 to the customer, she is entitled to a commission of Rs. 50. If girls do not drink alcohol or want to, the employers do not like to hire her in the first place, and even if she is hired, she will soon be fired.
- Discriminations between the workers – while dancers are provided with good food the waitresses do not get good food; and dancers may get food at any time while the waiters are not allowed to eat even when they are hungry. The waitresses do more physical labor and work, but they are paid less.
- Night work and no fixed working hours - FGD participants told us that the nature of work that the girls are required to carry out once they join the work is different from what had been stated earlier. A participant says 'girls enter a cabin restaurant as a waitress. But they not only work as waiters, they end up spend the nights with clients; they try to appeal clients letting them (clients) see their sexy dress and body.
- Encouragement to girls who are young and beautiful
- Sometimes employers get the workers arrested if they demand salary on time
- No freedom to change the job - One girl reported that she ran away from a restaurant in Bouddha but she was found by the previous employer and she was again brought back to the same restaurant and beaten up. It was also reported that if a worker moved from one restaurant to another, she is fined up to Rs. 10,000. She will be scolded and beaten up.
- New comers are mostly exploited as they do not have friends, or relatives to protect them.
- Forced to wear the exposed dress unwillingly
- Deduct the remuneration of one-day if the worker is only one minute late at work and if the worker is absent for a day, she gets her three days' salary cut. And, if by chance the customers tiptoe without paying the bills, the workers get the bill amount deducted from their monthly salary. No provisions for sick leave and or festival leave
- If police arrest the workers, employers do stand in and get them released from the custody. In circumstances they employer has had to bail out the worker, then the worker in question will have to work for free for at least six months. No permission to talk to the NGOs and standing instruction to dodge any NGO outreach programs
- If there are just a few customers, the employers press the girls to invite the customers

Customers as Abusers

In the entertainment industry, the customers are predominant and the employers appear to be the subordinates. Employers are not supportive when it comes to protecting the employees from abusive customers. Female workers stated that customers are not just unfriendly, but also abusive, humiliating and offensive.

A working girl says,

Customers take us as commodities. They say odd things, something like, you have already been exposed to the many, why not with us? They are of the view that they are paying a high price (as much as 3 to 5 times) for the service.

More than one third of the 299 female workers interviewed by Maiti Nepal (2010) reported that they were forced to maintain physical contacts with the customers. While in our sample of 30 female workers, 77 per cent reported that customers always intended to exploit or abuse them sexually. Invariably, each customer seeks and wants them to give company (Table 3.4).

Table 3.4 Customers behavior towards the female workers in the entertainment industry

Customer behavior	Maiti Nepal (2010) (N=299)	OSRT-NHRC (2011)(N=30)
% reported offensive language	18.4	46.7
% reporting misbehave by the customers	38.0	73.3
% reporting physical including sexual contact by the customers	46.1	60.0
% reporting customers wanting waitresses to join the table and give them company	67.0	76.7

Nepal Police as ‘Abuser and not the Protector’ of Female Workers

In the FGD with the female workers, the female workers have reported several complaints that Nepal Police has not been friendly with them. The respondents say, ‘Nepal Police takes bribes from the entertainment industry and many set-ups are run with the help of the police’.

They reported that the police, often without any reasons, check the vehicle at night and make them get down from the vehicle. As the respondents reported, the police make them dance and sing (in the middle of the road?) when they are returning to their residence at night. Police also make arrests, accusing the girls of performing nude dances and shows when they are actually changing the get-up for the next show. Police, they say, arrest even when they are having tea or taking bath and/or rest (where?).

Police extort money from the workers in the course of checking. It is reported that they collect Rs. 100 from the male workers and Rs. 50 from the female workers. Without any reason, police charge female workers on Pubic Offence Act.

A working girl says,

“Police arrest us. But, why don’t they arrest the employers? Some police men in civil dress visit guest houses for sex. The same persons came back the next day in police uniform and arrested us from I have a bitter experience with the police. Months ago, police arrested my friends from Sorakhutte, Kathmandu, and kept them in custody. In order to release them, I had to ‘exchange sex’ with the police. Can you tell me whether the police protect or exploit us?”

Another girl shared her bitter experience in the police custody that it is difficult to go to toilet at night. A working girl says:

I was arrested from Sorakhutte, Kathmandu and kept in custody in Hanuman Dhoka – the District Police Office. I stayed the whole night in the custody. That night, when the police man on duty escorted me to the toilet, he scolded me and accused that I have had sex with many. Why not with me? He asked angrily.

The FGD participants reported that in the last year, police arrested female workers from Mitra Nagar, Kathmandu, without any warrant letter. These girls were not arrested when they were working but when they were taking rest, taking bath, and going to the toilet and while having tea.

Health Risk at Work

The physical environment of the entertainment industry is miserable. There is insufficient light and fresh air, smell of alcohol and cigarettes. Workers have to work for several hours behind closed doors. In dance bars, workers get continued exposure to bright artificial lights and loud music. Many of the dance bars and massage parlors are located on the upper or top floors of houses. There is also risk of physical safety in case of fire and earthquake.

Findings indicate that female workers are at high risks of contracting STIs, HIV/AIDS, tuberculosis and developing psychological trauma.

Female workers are exposed to unsafe sex – resulting in sexually transmit infections (Change Nepal, 2010). Maiti Nepal (2010) study indicated that more than one-fourth of the female workers did not know about HIV/AIDS such as the case in Nepalgunj as reported by the Kantipur National Daily:

More than 1400 women sex workers are said to be involved in Banke and are at a high risk of HIV/AIDS – Kantipur, 14 Aug 2010/Nepalgunj.

More than two thirds of female workers we interviewed (n=30) were exposed to intoxication through alcohol, smoking and drugs. In the FGD with female workers, it is reported that there is a commission system that motivates workers to make customers buy more alcohol. If the worker is able to sell alcohol worth Rs. 500 to the customer, she gets Rs. 50 in commission. Thus, the workers are motivated to push as much alcohol as possible to the customers. However, the down side is that when the customers buy more the girls are also to sit through and join their clients with drinks to keep the guests happy and enjoying.

In addition, it is reported that nearly half of the female workers have early pregnancy and child bearing – and this requires them to stay on with the job for longer (Change Nepal, 2010).

Female workers also go through psychological trauma because of exploitation, abuse and humiliation. NGOs personnel reported that there are some cases of attempted suicides.

There is also no provision for the health insurance in case of accidental injuries. According to the female workers, police beat up and injured six workers in Baneshwor last year, but the employers did not bear or share the treatment cost. Female workers also run the risk of being injured when the customers engage in fights or drunken brawls with each other. In such cases also, the workers have to bear the treatment costs themselves.

Vulnerability of Trafficking

On the basis of the discussion with the female workers in the entertainment sector, it can safely be stated that this sector is a haven for trafficking. The workers reported that they are forced to work unwillingly; they are sexually exploited giving the false promises or taking the advantages of

poverty; their mobility is restricted; they cannot change the employers or occupation at their will; they are not paid on time and they are forced to work on coercion or threats.

The entertainment industry has become a destination for the village girls and this is perhaps where the idea of cross-border trafficking forms and takes shape. There is a tendency to give false promises to the female workers, only to encourage them to go on foreign employment. Agents working on behalf of the recruiting agencies play the vital role in process. Some female workers have also been reported to be involved in pornography and exposed to the criminal gangs.

Among the 299 female workers interviewed by Maiti Nepal (2008), 17 per cent reported that they knew that their friends have been trafficked from their working places.

The children of female workers are extremely vulnerable and even subjected to abuse and exploitation. These children face social discrimination and low chances of acceptance by the community.

Miss AP's case adopted from Maiti Nepal (2010) study is evidence that internal trafficking does take place in Nepal, and that the massage parlor in this case is comparable to a brothel (Box 3.3).

Box 3.3 Internal Trafficking to a Massage Parlor

Miss AP (age 14, name changed) and her sister are from Makwanpur district. Their family was approached by a distinct relative – 'sister'. She got AP and her sister work as a domestic help in Kathmandu.

Miss AP comes from a poor family who agreed to send her to Kathmandu to earn some money. When AP was initially brought to Kathmandu, she was employed as a domestic worker. After a few days, she was taken to work at a massage parlor run by her employer's sister.

When she was taken to the massage parlor, she was locked inside the room located in the fifth floor of a building in Thamel. She was told that she was expected to have a sexual relation with the customers visiting the massage parlor. She was mentally and physically tortured when she refused.

She was then given two tablets (drugs) and intoxicated. When she realized that she had no way to escape, she was forced to accept the job. Miss AP explained, 'We are not required to provide the massage services; instead we are expected to provide other services in the parlor'. After work, they were kept in separate rooms located in the same building which was always locked. She had to serve 15 to 16 customers on a day. She could not say that she was tired or sick. Any tips she received, she had to return to the cashier. And if there were no customers, she had to clean the entire house.

Miss AP family had no knowledge of the work she was engaged in. She was allowed to communicate with her family on the telephone; however, she was monitored during her conversation and not allowed to communicate about work-related discussion. The girls were rarely taken outside by the employers and when they were taken out, they would be under close surveillance.

Employers of these establishments use several strategies to discourage employees from escaping. They incite conflict among the employees, so one does not assist in the other's escape plan. Miss AP realized that some of her regular customers were police officers from the local police station. She believes that the local police were bribed by the employer and the police themselves guarded them on behalf of the employers. She did not believe that it would be possible to ask customers for their help in escaping. According to her, customers used to visiting the massage parlors would do nothing to rescue her from the mess.

Source: Maiti Nepal, 2010.

The case of Nimalamu suggests that internal trafficking in girls takes place for sexual exploitation in Nepal (Box 3.4).

Box 3.4 Internatal trafficking for sexual servitude

Nimalamu, 15, comes from a poor family living in a VDC of Morang district. Her family lives in a squatter settlement in Kathmandu. Nimalamu was sent as a domestic worker to a person living in Baneshwor, Kathmandu on rent. The house owner used to sell alcohol. Nimalamu was forced to produce aldochol, sell it and later she was also forced to engage in sex with the customers who come to drink alcohol. She was promised good education and even marriage to rich and good boy by the owner, but she was virtually in sexual servitue for about 2 years.

Later, Nimalamu's reality came to the knowledge of Mahila Srijanshil Pariwar, Sindhupalchowk, and she was rescued with the helpf of Nepal Police. She is now in a rehabilaition center in Sindhupalchowk and her employer is arrested by the police.

Source: Mahila Srijanshil Pariwar, Sindhupalchowk, 2011.

3.7 Implementation Status of the Directive of the Supreme Court

In 2007, the Supreme Court issued the *Directive to Control Sexual Harassment towards Working Women in Work Places such as Dance Restaurants, Dance Bars, 2065 BS (2007)*. The Directive was issued responding to a writ petition filed by Pro-public (Pro-public v. GoN, Write no. 2822 of 2065) upon reviewing a study report on cabin and dance restaurants and massage parlours facilitated by the MoWCSSW. The Directive aims to fulfill the need for a law that protects working women and guarantees safe and dignified environment in their work places until a law on this is legislated by the Constituent Assembly.

The provisions enriched in the Directive can be categorized into i) provisions relating to registration and operation of business; ii) provisions relating to forbidden activities and duties of owners and customers, and iii) provisions relating to establishment of committee and complaint handling. Box 3.5 presents the level of compliance by the Government of Nepal.

Level of compliance has been assigned as low, low-to-moderate and moderate. Low compliance refers to the conditions in which provisions embodied in the Directive have not been implemented at all or implementation is highly unsatisfactory. Low-to-moderate level of compliance is defined as the movement towards satisfactory conditions. Moderate compliance refers to the conditions in which provisions have been implemented only to a level of satisfaction.

Box 3.5 Government’s compliance with the Supreme Court Directive to control sexual harassment of women in the entertainment industry, 2065

Provisions in the Directive	Government’s level of compliance
Provisions relating to registration and operation of business	Low
Provisions relating to forbidden activities and duties of the owners and customers	Low
Provision relating to establishment of committee and complaint	Low

Provision of Registration and Operation of Business

A number of provisions have been set forth in the Directive to regulate the entertainment industry: requirement of entertainment business to register in the District Administration Office (DAO), submission of each employee’s profile to the office, not disturbing the neighbors while operation the business, no permission for operation of business after 11:00 p.m., employing no one without paying and displaying a notice board listing the activities not permissible in the entertainment industry.

The implementation status of these provisions can be said to be **low**, but in some provisions they are low-to-moderately implemented. The Chief District Officers of Kathmandu and Lalitpur issued public notices in daily newspapers for the registration of the entertainment industry within the three-weeks in order to implement the Order of the Supreme Court. As per the letter of CDO to the NHRC, 12 entertainment establishments (six dance restaurants and six dohori restaurants) applied for the registration and the CDO provided the permission letter to all the applicants. The establishments can be run till 11:00 p.m. as per the permission of the CDO of Lalitpur.

As per a letter from the Kathmandu CDO Office to NHRC, the CDO of Kathmandu has continually conducted the meeting for the implementation of the Order of the Supreme Court. A Code of Conduct has been developed by the business persons and the operators have sent it to the Home Ministry for the approval. Kathmandu District Administration Office has organized meetings with the business operators, who have agreed to implement the CoC and monitor the business. In case of Bhaktapur and Lalitpur, there were one or two meetings held to regulate the stakeholders.

Despite the meetings, the CDO does not have updated information on the number of entertainment establishments running, number of workers and any complaints against any entertainment industry. And, the situation remains the same. Further, FGD conducted with the female workers revealed that workers are still not paid on time; they are not paid the agreed amount and many establishments have yet to display the notice boards listing the activities not permissible in their premises.

Box 3.6 Provisions relating to registration and operation of business

Provisions in the Directive	Government's level of compliance
Sec 3, Business not to be conducted without registration: A business like a restaurant, massage parlor shall not be allowed to be conducted without registration; it should be registered with the District Administration Office within three months after the issuance of the Guideline.	Low: There is no record as to how many restaurants, cabin restaurants, dohoris, dance bars and massage parlours are running without permission of DAO.
Sec 4, Details and description need to be presented: Personal details of the employees should be submitted to the nearest police station and the District Administration Office.	Low: No workers' lists by age and sex is available in the DAO in Kathmandu, Lalitpur, Bhaktapur, Morang and Rupandehi districts where the research team visited.
Sec 5, Terms and conditions of conducting a business and its duration: The business shall be conducted without causing any disturbance in the neighborhoods or the residential houses next door; has to have soundproof system in place; operate the business within the hours fixed by the Govt.; employers are responsible for safe return of the workers to their residence; keeping the working environment neat and clean; power of monitoring to Police, CDO and Monitoring and Action Committee; in contravention of the prescribed terms and conditions, the committee may order the closure of the business.	Low: As there is no effective monitoring, it is difficult to find out whether or not this provision is implemented. Yet, discussion with the NGOs and working girls reveal that working condition is miserable.
Sec 6, Provision employing anyone without remuneration: No one shall be employed without giving the minimum wage	Moderate: FGD participants reported that they are not paid regularly with few exception of deduction of wages for a small mistake
Sec 7, Displaying a notice board: A notice board listing the activities not permissible shall be displayed at a restaurant, massage parlor at a place where it is easily visible to all on entry.	Low: FGD participants reported that some entertainment sectors in some locations have displaced a notice board; yet majority of the entertainment business has not done so.

Provision of Forbidden Activities and Duties of the Owners and Customers

The Supreme Court Directive outlines forbidden activities at the working places, such as, sexual harassment and sexual exploitation. It also outlines duties of employers and customers that they will protect the female workers from disrespectful behaviors and not compel them to consume alcohol or smoke.

The provisions have at best been **implemented only minimally**. Sexual harassment – teasing, using abusive and offensive languages, sexual innuendoes and lewd behavior – has been widely reported in all types of entertainment industry. Sexual exploitation such as smooching and getting physical, luring, compelling to have sex, masturbation, oral sex and intercourse have also been widely reported. As discussed in Section 3.4, the customers and employers behavior towards the female workers have been embarrassing and humiliating, and at times, insensitive and even inhumane. Although the Police launch raid and swoop down on the business premises, the police interventions appear only targeting the workers rather than punishing the business operators and the pimps working on their behalf. This has developed negative attitudes towards the police among the female workers.

Box 3.7 Provisions relating to forbidden activities and duties of the owners and customers

Provisions in the Directive	Government's level of compliance
Sec 8, Sexual harassment: The following acts performed or caused at a workplace shall be treated as an act of sexual harassment of women: proposing sex, teasing, cracking jokes with sexual undertone, and showing lewd behavior	Low: NGOs and FGD participants reported that teasing and sexual harassment are common in the entertainment sector.
Sec 9, Sexual exploitation: The following acts performed or taking place at a workplace shall be treated as an act of sexual exploitation: making unwanted physical contacts, or luring, coaxing or compelling to have a sexual relationship	Low: FGD participants reported that physical contacts by the customers, touching of body parts and masturbation prevails in the majority of the industry.
Sec 10, Indecent behavior not to be allowed: Women shall not be forced to smoke or drink with customers, or to conduct nude performance	Low: FGD participants reported that they are exposed to smoking and they are encouraged or even forced to consume alcohol by the customers as well as the employers.
Sec 11, Functions and duties of the owner: Protect women workers from disrespectful, harassing or exploitative behavior of customers, as well as abide by the existing labor laws	Low: FGD participants reported that some entertainment establishments have provision for security persons and these bouncers protect female workers from exploitative behaviors by the customers
Sec 12, Functions and duties of service users: Require the customers to show respectful behavior and not to make noise	Low: FGD participants reported that more than three-fifth of customers are not friendly with them, they use abusive words and venture to touch their body parts sensitive organs including sexual abuse and exploitation.

Provision Related to Establishment of Committee and Complaint

As per the Supreme Court Directive, the provisions relating to establishment of committee and complaint include: formation of permanent monitoring and action committee under the Chair of the Chief District Officer, duty of monitoring and action committee to supervise and monitor the entertainment industry regularly and lodging of complaints by the victims or by any persons.

These provisions are only **minimally implemented**, especially in Kathmandu and Lalitpur while it has not been implemented at all in Bhaktapur. In Kathmandu and Lalitpur, the monitoring and action committees have been established and their minutes show that there has been regular meeting in order to regulate the entertainment industry. In the case of Bhaktapur and Morang districts, there have been no regular meetings of the monitoring and action committee. As discussed in Section 3.4, very few victims would want to lodge complaints with the Nepal Police and the monitoring and action committee mainly for the lack of trust in the law enforcement mechanisms. Also, the victims would not want to put themselves to risk.

Box 3.8 Provisions relating to establishment of committee and handling of the complaints

Provisions in the Directive	Government's level of compliance
Sec 15, District monitoring and action committee: The Committee comprises the CDO, Chief of the District Police and the District Children and Women Officer (DCWO) and the committee shall be permanent	Low: The committees have been formed in Kathmandu, Lalitpur and Bhaktapur, but it does not meet regularly
Sec 13, Functions, duties and powers of the committee: The committee may conduct supervision as and when necessary; make workplace more dignified; take action in case of contravention of the guidelines or the prevailing law – can issue warning or order closure of the business.	Low: Our visit with CDO offices of Kathmandu, Lalitpur, Bhaktapur and Morang revealed that the Police conduct occasional supervision, but it has not been a regular duty of the committee.
Sec 14, Complaint: Victims or any person may lodge a complaint with the committee, police or the CDO; health check and security of the victims by the police; Police present complaint to the committee; all actions and proceedings remain confidential; and if prohibited activities undertaken, a necessary directive may be issued to comply with the directive	Low: FGD participants and NGO personnel reported that victims do not want to register complaints with the police because of a lack of trust on the police. The victims do not think that the police will provide justice and they fear the response/reaction of their employers.

3.8 NGOs Responses

Many NGOs have been working to protect the rights of female workers in the entertainment industry, especially in Kathmandu valley. The NGOs that participated in our consultation meetings were: Change Nepal, Bishwas Nepal, Helpline, SASA Nepal, CAP Nepal, Sundar Nepal, SAATHI and Samrakshak Samhuha Nepal, Raksha Nepal, SAATHI, Maiti Nepal, Shakti Samuha and WOREC. Terre des Hommes has been supporting these NGOs technically and financially. In the FY 2009/10, these organizations carried out the following:

- Rescue, rehabilitation and temporary shelter and reintegration;
- Psycho-social counselling service at working places and at the police custody;
- Referral for health services (STIs, gynaecological camps);
- Formal education support, non-formal education and skill development training;
- Outreach visits in the restaurants for monitoring;
- Interaction with the police and government authorities for the protection and promotion of female workers' rights in the entertainment industry.

3.9 Emerging Challenges

- Regulate internal migration as part of vital registration,
- create employment opportunities and more liveable environment in the villages
- Institutionalize and formalise the employment in the entertainment sector
- Difficult for the GOs and NGOs to intervene for the protecting the female workers in the many establishments due to the apparent threats. NGO personnel reported that employers manage to keep the children out of sight when they go for outreach programs. For them, it is difficult to

reach out to the workers for intervention as employers do not easily allow the social workers to monitor the establishments because of the fear of police.

- Issue citizenship certificates to the female workers in the entertainment industry. Many do not have the national ID cards as they joined the entertainment industry long before they were 16 and eligible to apply for one. And, the citizenship certificate is required to avail of the opportunity to get vocational training provided by the Government of Nepal and the driving licenses.
- Make provisions of child care centers/units for the female workers in the entertainment industry because they have to work during the night.
- Encourage the victims to file cases. Almost 95 per cent of the victims do not file the case, according to Samrakshak Samuha Nepal, 2009. Even if they file the case, the cases become hostile mainly because of three reasons. First, the victims details – name and address, among others – submitted to the police do not often match with the descriptions submitted to the court. Second, the victims themselves withdraw the cases fearing that the court proceedings would take a long time and put them in difficulty. And, thirdly, the police charge perpetrators of sexual exploitation on Public Offence Case while it should have been charged in as sexual abuse and exploitation.
- Build the trust between the female workers and police by educating the latter on the value of respecting the human rights of the female workers in the entertainment industry.
- Prevent the re-victimization of the female workers in case of police raid. Once the victims are arrested, they are released after the employers pay the bail. This means the workers will have to work for free to compensate for the bail paid on their behalf by the employers.
- Make the media sensitive to the gender issues and respect the victims while broadcasting or publishing police raids.
- Implement the Supreme Court Directive effectively for regulating the entertainment industry to protect and promote the rights of female workers in the entertainment industry.



Foreign Labor, Migration and Trafficking

The Chapter discusses the emerging trends in the foreign labor and migration in Nepal, and examines the magnitude, patterns and characteristics of migrant workers based on the information obtained from the Government of Nepal and a household survey. Section three examines the linkages between foreign labor, migration and trafficking right from the beginning to the end – process recruitment and destination. Section four reviews foreign labor employment policy; while section five deals with the institutional mechanisms in place for regulating of foreign labor and migration. Section six analyzes the law enforcement status and judicial responses to fraud and mismanagement in the process of recruitment of the labor. The final section draws the emerging challenges to regulate the foreign labor migration and promotion and protection of the migrant workers.

Foreign labor migration has been enlisted as one of the major components Nepal's economy. It contributed 23.0 per cent to the Gross Domestic Product (GDP) in FY 2009/10. Its share in the GDP comes after the share of agriculture sector (37%) employing 80 per cent of the population. The contribution of foreign labor employment has led to transformation of the economy from agriculture to remittance-based.

The remittance it generated was worth Rs. 21600 million or nearly US \$ 302.7 million (US \$ 1= Rs. 71.36 in June 6, 2011). According the Nepal Labor Force Survey (NLFS) 2008, 30 per cent of the Nepalese households receive remittances. Remittance has contributed substantially to reduce poverty level that has decreased to 30.7 per cent (2003/04) from 42.3 per cent (1995/96). It has been learnt that a quarter of the remittance is spent in education and health. The sharp decline in poverty level despite the conflict, violence and impunity in the last decade is largely attributed to foreign employment (CBS, 2006).

The unemployment and underemployment problem in the country has pushed youth to seek employment in foreign countries. The NLFS 2008 shows that nearly 400 thousand people require job each year. The current unemployment rate, time related unemployment rate and overall rate of labor underutilized are 2.1 per cent, 6.7 per cent and 30 per cent, respectively, in Nepal (CBS, 2009). These figures are fairly higher for the youths, especially those between 20-29 years of age.

Demographically, the proportion and absolute number of youths have been increasing in Nepal over the years, and they are projected to increase in the coming years due to high fertility rates in the past. In 2001, the proportion of youths (15-39 years of age) was 39 per cent and it is projected to increase to 40.1 per cent in 2011 and 40.6 per cent in 2016. In terms of absolute numbers, there were 9.1 million youths in 2001 and it is projected to increase to 11.7 million in 2011 and 13.1 million by 2016. Given the high fertility rate 15 to 20 years ago, the population of youths will not be stabilized for at least another 20 to 25 years. The implication of this increase is the large number of youths entering the labor market each year. Thus, unemployment and underemployment of youths have resulted in the increase of demand for the foreign labor employment.

In spite of the large contribution, foreign labor and migration has become one of the major areas for exploitation and trafficking, posing challenges for the protection of human rights of migrant workers and their families. The major challenge has been contain trafficking in the Nepalese workers, mainly females, due to close nexus between migration and trafficking. While flying from the national airport s/he has the legal mandate in line with the Foreign Labor Employment Act 2065. In the destination country, however, so many cases have been reported related to trafficking in persons. The workers end up in trafficking, get paid low salary and have to work outside of the contract terms and conditions or face domestic violence including sexual exploitation in slavery-like situations.

4.1 Magnitude, Patters and Characteristics of Foreign Labor Migrants based on Nepal Migration Survey 2009

4.1.1 Magnitudes and Patterns

The Nepal Migration Survey 2009¹ estimated 3 million foreign labor migrants in Nepal (2.1 million currently working abroad and 817,000 returnees). This comes to be 10.8 per cent of the 27.5 per cent estimated resident population and 9.3 per cent of the 31.7 per cent estimated total population of Nepal in 2009 (Table 4.1).

Table 4.1 Estimated number of foreign labor migrants, Nepal

	Estimated number ('000)	% of resident population	% of total population
Current foreign labor migrants (members away from home)	2137.1	7.8	6.7
Returnees (currently at home)	817.2	3.0	2.6
Total	2954.3	10.8	9.3
Estimated population of Nepal (in millions)		27.5	31.7

Source: Nepal Migration Survey 2009 (The World Bank, 2010).

Table 4.2 summarizes the place of origin and destination countries/regions of the foreign labor migrants in Nepal.

Nine out of 10 migrants come from the rural areas. While half of the migrant workers come from the 22 Terai districts, 45 per cent are from the hilly region and the remaining four per cent from the mountains.

¹ The survey was carried out in May-June 2009 by the World Bank. It is a two-stage probability sampling: in the first stage, wards were selected and in the second stage, households were selected. The survey covered 3,200 households (199 wards * 16 households/per ward) and covered all the development regions and ecological belts and captured three types of households: i) households with current migrant abroad; ii) households with returnee migrant from abroad and iii) households with non-migrants for abroad.

The eastern development region accounts for 28 per cent of foreign labor migrants and the central region 22 Per cent. The western development region also sends out 28%, followed by mid-western and far-western development regions making up 11 and 10.5%, respectively.

Table 4.2 Place of origin and destination of current foreign labor migrants (in %)

Place of origin	Destination countries/regions					Estimated number ('000)	% of estimated number
	India	Gulf	Malaysia	Other countries	Total		
Rural-urban							
Rural	42.7	38.8	11.5	7.0	100.0	1,937	90.6
Urban	25.7	34.9	13.0	26.4	100.0	200	9.4
Ecological belt							
Mountain	43.8	37.1	10.9	8.2	100.0	92	4.3
Hill	47.8	31.4	10.9	9.9	100.0	963	45.1
Terai	35.0	44.8	12.3	8.0	100.0	1,082	50.6
Development region							
Eastern	17.6	56.0	15.1	11.3	100.0	606	28.4
Central	29.5	43.5	13.8	13.3	100.0	477	22.3
Western	43.1	36.8	12.6	7.5	100.0	589	27.6
Mid-western	70.5	19.6	7.1	2.8	100.0	240	11.2
Far-western	93.1	4.1	0.0	2.8	100.0	225	10.5
Estimated number ('000)	867	810	245	186		2,137	100.0
Row %	40.6	37.9	11.5	8.7	100.0		

Note: Other countries include developed countries like the United Kingdom, the United States of America and Japan. Destination countries of some 29,000 is not known and therefore not presented in the Table.

Source: Nepal Migration Survey 2009 (The World Bank, 2010).

Of the 2.1 million current foreign labor migrants, nearly 41 per cent are in India, 38 per cent in the Gulf countries, 11.5 per cent in Malaysia and nearly 9 per cent in the developed countries. More migrants originate from urban areas than from the rural areas. Migrants originating from the hills and the central region are headed for the developed countries, as compared to migrants from other regions.

Migration to India is mostly from the rural areas, hill region, mid and the far-western development regions. For example, 93 per cent of 240,000 foreign labor migrants of far-western region, 70 per cent of 225,000 in mid-western region have left for India. The share of foreign labor migrants in the eastern and central development regions going to India is 18 and 30 per cent, respectively. Data suggests that the share of migrants going to India increases sharply when one moves west from the east.

4.1.2 Characteristics of the Current Foreign Labor Migrants

Table 4.3 reveals the selected characteristics of the foreign labor migrants. The following inferences may be made. First, migration is age-selective i.e. 18-40 years, and the average age of the migrant worker is 30 years. Second, migration is still sex-selective being dominated by males. However, the share of females is considerable especially in developed countries (22%). Third, all the migrants to the developed countries are literate. Very high percentage (82%) of migrants going to India is

literate too. In terms of educational level, the majority of foreign labor migrants have secondary level education. This holds valid, especially for those in Malaysia and the Gulf countries. More than one-third of the migrants in developed countries have a Bachelor's degree or above.

Table 4.3 Characteristics work migrants of abroad, Nepal, 2009 (in %)

Characteristics	Total current work migrants abroad	Out of total current work migrants abroad			
		India	Gulf	Malaysia	Other countries
Average age (in years)	29.76	29.92	29.44	28.87	31.71
Female (% out of total)	6.9	5.5	6.3	0.0	21.8
Never married (% out of total)	34.3	37.0	31.5	30.9	37.6
Literacy rate (%)	87.0	81.7	88.3	91.0	100.0
Primary Schooling (1-5 grade)	21.4	30.8	16.7	16.5	5.6
Secondary (6-10 grades)	53.4	45.6	61.1	68.1	34.1
Higher (10+2)	7.9	4.2	9.6	6.1	20.6
Bachelors and above	4.4	1.7	1.0	1.6	35.0

Note: Data on internal migration and international migration other than labor has not been presented in Table and hence, total may not be 100.0

Source: Nepal Migration Survey 2009 (The World Bank, 2010).

4.1.3 Probability of a Household having a Migrant

Wealth of the households has no linear association with the probability of having a migrant in a destination country. The proportion of migrants among the first quintile of households (the poorest 20%) is 31% which drops to 27.5% for the second quintile, and increase to 42% for fourth quintile and drops to 28.5% for the richest quintile. The household economy plays vital role while choosing the destination countries. Poor migrants tend to choose India as their first or preferred destination but the priority change as households become more economically sound.

In terms of caste and ethnic groups, the probability of having a foreign labor migrant is highest among the Muslims (44%), followed by hill Dalit (39%) and hill Janajati (34.5%). All these groups have been categorized as disadvantaged in Nepal. Migration probabilities are lowest among Newars (21%) and among the Terai Dalits (24%). The former is relatively advantaged group while the latter is highly marginalized. Thus, there is no one-to-one relation between caste/ethnic group and probability of having a migrant household. Despite this, the choice of a destination country differs by caste or ethnicity. Hill Dalits, Madheshi caste and hill Brahmin/Chhetri tend to migrate to India.

Table 4.4 Probability of households having work migrants by wealth quintiles and caste/ethnic groups, Nepal, 2009

Characteristics	Total current work migrants abroad	Destination countries/regions			
		India	Gulf	Malaysia	Other countries
Wealth Quintiles					
Poorest	30.7	22.3	7.3	0.8	0.6
Second	27.5	16.1	9.0	3.0	0.6
Third	32.2	10.7	17.2	4.5	2.8
Fourth	41.6	10.6	22.1	8.4	4.1
Richest	28.5	4.3	11.3	5.9	7.8
Caste/ethnic groups					
Brahmin/Chhetri	33.1	13.6	12.5	4.2	3.7
Madheshi Middle Caste	30.6	15.1	10.9	7.4	0.0
Hill Dalits	39.4	27.6	9.2	1.5	2.8
Terai Dalits	24.0	8.2	15.8	0.0	0.0
Newar	20.9	5.4	6.1	4.5	4.9
Hill Janajati	34.5	9.1	17.4	6.5	5.4
Terai Janajati	22.0	8.0	12.0	1.9	0.4
Muslim/Others	44.1	10.8	34.3	2.3	2.0

Source: Nepal Migration Survey 2009 (The World Bank, 2010).

4.2 Magnitude and Trends of Foreign Labor Migration: Data from Department of Foreign Employment

The Department of Foreign Employment (DoFE) has maintained records of the labor going overseas for work through recruitment agencies duly registered with the government since FY 1992/93. Since 2006, however, the Department has started maintaining the data also of those who go abroad for work through informal channels at individual level. More than 1.9 million people are engaged in foreign labor migration as of December 2010 (Table 4.5). (Note that this set of data does not provide information about those going for foreign employment via India.) It is believed that nearly 1.9 million people in foreign employment went via India. Currently there are nearly 3.8 million Nepalese migrant workers in different countries. Data reveal the magnitude of foreign labor migration has been increasing in Nepal each year. During the FY 1992/93-FY 2005/06, 7.6 million foreign labor migrants were recorded.

Table 4.5 Distribution of foreign labor migrants by year and sex, 1992/93-2010/11, Nepal

Year	Number			% change (base year=2006/07)	Percentage		
	Male	Female	Total		Male	Female	Total
1992/93-2005/06	758,675	na	758,675	-	100.0	0.0	100.0
2006/07	204,143	390	204,533	1.0	99.8	0.2	100.0
2007/08	244,366	4,685	249,051	21.8	98.1	1.9	100.0
2008/09	211,371	8,594	219,965	7.5	96.1	3.9	100.0
2009/10	284,038	10,056	294,094	43.8	96.6	3.4	100.0
2010 July-Feb.2011	205,699	4,694	210,663	3.0	97.6	2.2	100.0
Total	1,908,292	28,419	1,936,981		98.5	1.5	

Source: DoFE, (data file), 2011

Table 4.6 presents the trends of foreign labor migration since FY 2006/07 by country and regions of destination, according to sex of the migrants. The trend has been examined since FY 2006/07 to 2010 as foreign labor migrants' data by sex is not available before this date. The migration flow is primarily in the Gulf countries (68.7%) Qatar (28.7%), Saudi Arabia (20%) and UAE (14%) are the major destination countries in the Gulf.

This is followed by East and South East Asia (29.5%). There are also migrant workers in Europe, USA and Australia. The share of migrants in South Asia is 0.6 per cent to the total migrants. The destination countries in South Asia are Afghanistan and Maldives. In South East Asia, Malaysia accounts for a larger proportion.

Of the total migrants, females make up five per cent. According to the destination country of female migration, the female share is very high in Lebanon (96.5%) and Israel (64%) Macau (32%) and Kuwait (23%).

Table 4.6 Distribution of foreign labor migrants by country and sex, 2006/07 to 2009/10, Nepal

Country	Male	Female	Total	% of total migrants to the country	% of female migrants to total
Gulf Countries	643956	21647	665603	68.7	3.3
Qatar	276407	855	277262	28.7	0.3
Saudi Arabia	193469	353	193822	20.0	0.2
UAE	132450	2940	135390	14.0	2.2
Bahrain	15795	1098	16893	1.7	6.5
Kuwait	11502	3452	14954	1.5	23.1
Oman	9795	872	10667	1.1	8.2
Lebanon	341	9389	9730	1.0	96.5
Israel	1535	2674	4209	0.4	63.5
Libya	2150	0	2150	0.2	0.0
Jordan	512	14	526	0.1	2.7
South Asia	5483	269	5752	0.6	4.7
Afghanistan	3834	21	3855	0.4	0.5
Maldives	1649	248	1897	0.2	13.1
South East Asia	284572	1190	285762	29.5	0.4
Malaysia	273137	498	273635	28.3	0.2
South Korea	1083	50	1133	0.1	4.4
Hong Kong	669	58	727	0.1	8.0
Singapore	113	25	138	0.0	18.1
South Korea (ESP)	5219	0	5219	0.5	0.0
Japan	3490	159	3649	0.4	4.4
Macau	861	400	1261	0.1	31.7
USA/Europe/New Zealand	1663	181	1844	0.1	9.1
USA	1090	118	1208	0.1	9.8
Russia	199	6	205	0.0	2.9
Sisals	145	1	146	0.0	0.7
Canada	94	22	116	0.0	19.0
Cyprus	92	20	112	0.0	17.9
New Zealand	43	14	57	0.0	24.6
Others	8244	438	8682	0.9	5.0
Total	943,918	23,725	967,643	100.0	

Source: DoFE, (data file), 2011.

4.2.1 Origin Districts of Foreign Labor Migrants

Foreign labor migrants come from all 75 districts in Nepal. Appendix 4.1 and Table 4.7 presents the number of foreign labor by their districts of origin for the period of July 2009-December 2010. During this period, 344,000 Nepalese migrated for foreign employment in different countries. Of the total, males accounted for 340,000 and females about 4,000.

Among the districts, Mahottari accounted for highest number of foreign labor. Of the total migrants, during the period, nearly 10 per cent originated from this district. There are seven districts – all of them from the Terai region – from where 10,000 to 20,000 foreign labors originate, accounting of 28 per cent of the total foreign labor migrants. In eight districts – six from Terai and two from hills – in which foreign labor migrants were in the range of 6,000 to 10,000. The lowest number of foreign labor migrants was recorded in mountain districts, such as, Humla, Jumla, Mugu, Mustang and Dolpa.

Data reveal that although Terai districts account for large number of foreign labor, there are very few female migrants. This may be due to two reasons. First, in many communities women's mobility is still restrained due to the rigid socio-cultural norms and values. Second, female migration has been taking place via India which is not recorded in DoFE data. However, there has been an increasing trend of mobility of women from the hills, especially among the Janajati.

Table 4.7 Distribution of origin districts of foreign labor migrants, July 2009-December 2010, Nepal

Districts	No. of districts	No. of migrants in range	Male	Female	Total
Nepal	75		339,773 (100.0)	3,959 (100.0)	343,732 (100.0)
Mahottari	1	34,045	34,045 (10.0)	56 (1.4)	34,101 (9.9)
Dhanusa, Jhapa, Siraha, Morang, Kailali, Saptari and Nawalparasi	7	10,000- 20,000	96,465 (28.5)	792 (20.0)	97,257 (28.3)
Sunsari, Sarlahi, Dang, Tanahu, Chitawan, Rupandehi, Ilam and Dhading	8	6,000-9,999	57,642 (16.9)	641 (16.1)	58,283 (16.8)
Panchthar, Udayapur, Syangja, Sindhuli, Makwanpur, Gorkha, Kaski, Baglung, Salyan, Khotang, Rolpa, Bara, Palpa, Dhankuta and Bhojpur	15	4,000-5,999	72,825 (21.4)	896 (22.5)	73,721 (21.5)
Sindhupalchowk, Kavre, Sankhuwasabha, Nuwakot, Lamjung, Kapilbastu, Rautahat, Gulmi, Taplejung and Banke	10	3,000-3,999	35,838 (10.6)	818 (20.7)	36,656 (10.8)
Ramechhap, Parbat, Myagdi, Terhathum, Kathmandu, Arghakhanchi, Okhaldhunga, Rukum, Dolakha, Bardiya, Parsa and Kanchanpur	12	2,000-2,999	29,904 (8.7)	545 (13.9)	30,449 (8.9)
Pyuthan, Surkhet, Solukhumbu, Lalitpur, Dadeldhura and Bhaktapur	6	1,000-1,999	8,402 (2.4)	150 (3.8)	8,552 (2.4)
Jajarkot, Rasuwa, Dailekha, Baitadi, Darchula, Achham, Bajhang, Bajura, Kalikot, Doti and Manang	11	100-999	4,414 (1.2)	56 (1.4)	4,470 (1.1)
Humla, Jumla, Mugu, Mustang and Dolpa	5	20-99 (0.0)	238 (0.2)	5	243 (0.0)

Note: Districts are arranged from the highest number of migrants to the lowest one in each category. For example, Dhanusa has nearly 20,000 migrants while Nawalparasi has nearly 10,000. Figures in parentheses indicate percentage.

Source: Appendix 4.1.

4.2.2 Magnitude of Female Foreign Labor Migration from Informal Sources

According to official figures, only negligible numbers of women go abroad on foreign employment. Of the 1.9 million foreign labor migrants during the FY 1992/93 to 2009/10, there were only 28,419 females. However, the numbers pronounced during Non-Resident Nepalese (NRN) Conference or figures from Pourakhi – an NGO working in safe-migration sector in Nepal – reveal that there are about 180,000 females in different countries as of December 2010. The wide gap between the Government record and the informal sources reveal that an overwhelming majority of females have moved via India to third countries. Those who migrated via India often lack proper travel and work permit documents, and are engaged in domestic or unorganized sectors. Thus, they are most at risk of trafficking and sexual or labor exploitation.

According to the NRN Conference and Pourakhi data, there are nine countries in which female migrants exceed more than 1,500 (Table 4.8). Of the 178,249 female migrant workers, the highest proportion is in Saudi Arabia (38%), followed by Kuwait (14%), Qatar (11%), Malaysia (8%) and Israel (8%).

Table 4.8 Guestimated number of female migrants as of first quarter of 2011, Nepal

Country	Number	Percentage
Saudi Arabia	67,449	37.8
Kuwait	25,000	14.0
Qatar	19,000	10.7
Malaysia	15,000	8.4
Israel	14,000	7.9
Lebanon	14,000	7.9
Oman	10,300	5.8
UAE	7,000	3.9
Bahrain	5,000	2.8
South Korea	1,500	0.8
Total	178,249	100.0

Source: NRN Conference and Pourakhi, 2011

4.3 Nexus between Foreign Labor, Migration and Trafficking

Various studies indicate that there has been a strong nexus between foreign labor, migration and Trafficking in Persons (OSRT/NHRC, 2008; MoLTM and IOM, 2010 and the World Bank, 2010). Further, such evidence was also corroborated from the consultation workshop conducted by OSRT-NHRC in Kathmandu in collaboration with Pourakhi with participation from other stakeholders, including the recruiting agencies. The consultation workshop reveals that the elements of the trafficking encompass the whole cycle of migration process: during pre-departure, departure, transit and work abroad.

Pre-Departure Phase

In the pre-departure phase, foreign labor migrants face problems right from the village or locations where they live and take the first steps towards foreign employment even before starting the

process of migration. According to a study conducted by WOREC (2009) in Morang, Udayapur, Siraha, Dhanusa and Dang, in the majority of cases people manage expenditure for foreign employment by taking loan from the local money lenders against the house or land as collateral at exorbitant interest rate (36% to 60% per annum).

In the end, the costs for foreign employment goes as high as three to five times of the actual/required amount, due mainly to involvement of agents at different levels. There is a strong network of agents from village to district headquarters and from the district headquarters to either Kathmandu or India. In some districts, local travel agencies also work as agents for sending workers to Kathmandu or India. The immediate agents usually are the neighbours and/or relatives.

Drawing on the discussion of the workshop in Butwal and Biratnagar, it is known that the majority of rural women still are not fully aware about the travel documents that they need or require while going to another country on employment. One Rita of Rupandehi district was taken to India from her home district saying that all her travel documents, including citizenship certificate and passport, would be issued in India.

Departure Phase

The *Nepal Migration Survey 2009* reveals that half of the migrant returnees did not have a contract letter of employment with them. This proportion is much higher among marginalized groups, such as, Hill Dalit (80%), among females (43%), among poorest, in rural areas and among those who have left for Gulf countries. About 77 per cent of the returnees had not received pre-departure orientation training (Note that pre-departure training is mandatory.). Similarly, 15 per cent of current migrants and 22 per cent of the returnees did not have work permit. Knowledge on working conditions at the destination country is important to avoid exploitation and trafficking.

Transit Phase

Kathmandu has become the transit point for those who go via using domestic International airport. New Delhi, Mumbai and other cities of India have emerged as the transit points for Nepalese migrants going to the Gulf countries or beyond. Migrants face several types of problems while they are in transit points. News published from the leading daily news papers establishes the fact that migrant workers are coerced, deceived, and exploited in this phase.

Four Nepalese who flew to Sudan were left stranded in Bhutan for 3 months – THT, April 30, 2010/Kathmandu

Fifteen Nepalese sent by a recruiting agency to Saudi Arabia are said be stranded there – Kantipur, July 12, 2010/Kathmandu

Nepal Embassy in New Delhi and Prabasi Nepalese Mitra Manch rescued a woman from New Delhi Airport. A resident of Inaruwa -4, she was taken there 15 days ago with a fake passport. Along with three other girls, she would have been sold in India if she had not been rescued. – Kantipur, Sept 6, 2010/Inaruwa

Two Nepalese women were handed over to Embassy of Nepal at New Delhi. The victims were possibly being trafficked to Saudi Arabia and rescued from Pahargunj – THT, January 7, 2011/Kathmandu.

Three men have stranded to get back their passport at New Delhi from a manpower agent on way to job at Latin American countries. Delhi Police arrested the trafficker – THT, Feb 19, 2011/ New Delhi

Work Abroad (Destination)

Drawing information from Nepal Migration Survey 2009, Table 4.9 reveals the overview of working condition at the destination country. Data shows that 40 per cent of the migrants reported excessive work; 30 per cent reported abuse; 40 per cent have language barriers; 63 per cent did not contact with the family – all these working conditions are related with the issue of Trafficking in Persons.

Table 4.9 Overview of working condition at the destination country (out of the total migrants)

Indicators	
Problems related to getting jobs	
% who did not get job immediately after arrival	22
Average waiting time for getting job (weeks)	4.82
% who faced difficulties because of disagreement over the advance payment	22
% who faced difficulties because of disagreement over the fees/contract conditions	25
% who did to get work/job as per their qualification	40
Problems related to physical safety at work	
% who received injuries while working	25.3
% who became ill caused by the work	45
% reporting they would be fired if they had fallen ill	22.4
Problems related to payment	
% who got less than expected salary	37
% delayed payment	21
Problems related to excessive working hours and work other than agreed	
% who had to work in the condition other than what was agreed	26
% reporting excessive work-time	40
Problems related to violation of other labor rights	
% who were transferred to different employers	18
% whose ID was confiscated	22
% threatened with deportation	21
% reporting violence/abuse at work	30
Other problems	
% reporting language barrier	40
% reporting bankruptcy of the company	13
Contact with the family**	
% not in contact with the family	63
% of those who did not contract with the family due to not allowed by the employer	36
% of those who did not contract with the family feared that employer would harm	17

Note: ** data on contract with the family is obtained from Samrakshak Samuha Nepal (SASANE), 2011. SASANE conducted a study with the 406 returned woman migrants during 2007 to 2010.

Source: Nepal Migration Survey 2009 (The World Bank, 2010).

The case of Asha (Case 4.1) represents the working condition of many of Nepalese women working in the Gulf countries as domestic workers. It also reveals the process of foreign labor migration mostly occurring for women in Nepal.

Case 4.1 Labor exploitation of female migrants in Saudi Arabia: the Case of Asha

Ms. Asha, a resident of Hetauda municipality, with the dream of earning a handsome money and build a house, went to Saudi Arabia through a local agent in January 2008. She had to stay 25 days in Mumbai and then she arrived in the Gulf state as a domestic worker.

Asha used to work for approximately 20 hours a day, from the pre-dawn hours through the mid-night. Despite toiling tirelessly, her owner was not satisfied and did not provide adequate food. She spent 5 months in that house. One day with the support of house owner's driver (who was a Nepalese); she ran away from the house and began working in another house. She had good hope with that house-owner. After a few days, the new house-owner would also use foul words, beat up and spit on her. One day, Asha's house-owner threw some chemical on her head and that caused loss of hairs.

She sent a letter from the jail to her family in Nepal with a Nepalese woman. When the family received her letter, they informed the Vigilant Committee (VC) formed by WOSCC in Simaltar. The VC attempted to register a case with the police but, only to be turned down time and again. The case was registered with the police eventually, after six months. Police then arrested the agent and his wife, who had arranged for Asha's travel to Saudi Arabia. The agent agreed to buy Asha's air-fair back home and committed to support her within a month. But it took three months for her return to Nepal.

WOSCC supported her for health treatment. These days, Asha shares with friends, family and well-wishers her painful life in the Gulf and she advises her audience not to go on foreign labor without getting complete information about employment and the employers in Middle East.

Source: Women Skills Creation Center, 2010

Drawing information from the leading daily newspapers, it is evident that many female migrant workers in the Gulf countries face several problems including sexual abuse and physical torture.

Kuwaiti Police rescued one Nepalese woman from a brothel in the Arab state. She was kidnapped and sold her to a brothel. – THT, 23 April 2010/Kathmandu

One recruiting agency in Kuwait has taken 48 Nepalese women captive to indulge in prostitute – Kantipur, 24 June, 2010/Kathmandu

Some 15 Nepalese women workers committed suicide within a year in Lebanon due to torture. There are around 18,000 Nepalese workers in Lebanon – Kantipur, 08 Aug 2010/Lebanon

Of 147,000 Nepalese migrant women engaged in overseas jobs, 16 per cent are said to be facing several problems in the destination countries. – THU, 17 Aug 2010/Kathmandu

A woman from Kapilbastu, who had gone to work in Oman as housemaid was sexually abused by her employer for months before being sent back to New Delhi in a wheelchair. She is undergoing

treatment at Hindu Rao Hospital she cannot move her lower body parts– THT, 04 Oct 2010/ Kathmandu

A woman has issued a public appeal seeking help to rescue her daughter from Kuwait. The young girl is said to be sheltered in Maiti Nepal office in Kuwait – THT, 05 Nov 2010/Udayapur

Back Home

During consultation meetings GOs and NGOs, it was known that many women migrants have had to return, physically injured and psychologically stressed and traumatised. In some cases, they have returned home with forced pregnancy and unwanted births.

Besides, deaths of Nepalese workers abroad are also notoriously high (Table 4.10). Note that the number of deaths may have been much higher than what the table shows. This is because i) Foreign Employment Promotion Board (FEPB) only provides financial support to only those who are documented migrants, and ii) those whose deaths have been registered with FEPB within six months of the casualty.

The number of deceased families supported was 87 during FY 2008/09 with the majority of deaths reported in Qatar, followed by Saudi Arabia, Malaysia and the United Arab Emirates (UAE). In FY 2009/10, a total of 398 deaths were reported, 95% of them males and five per cent females. Large number of deaths was recorded in Saudi Arabia (31%), Qatar (26%), Malaysia (24%) and UAE (9%).

Although the disaggregated data are not available explaining the causes of death, according to FEPB officials, there are four main causes of deaths: i) traffic accidents, ii) death at night while sleeping, iii) suicide and iv) death in the working place. The majority of those committing suicide cases are women. The women seem to choose suicide when there is sexual violence and when a person develops and goes through tremendous psychological stress. Thus, the deaths of females among foreign labor establish the linkage between foreign labor migration and sexual exploitation/ trafficking.

Table 4.10 Distribution of deaths of Nepalese foreign labor as per record of FEPB, 2008/09 and 2009/10, Nepal

Country	2008/09				2009/10			
	Male	Female	Total	% of total	Male	Female	Total	% of total
Gulf countries	83	3	86	98.9	366	20	386	97.0
Other countries	1	0	1	1.1	12	0	12	3.0
Total	84	3	87	100.0	378	20	398	100.0

Source: Annual Report, 2009/10, FEPB, Kathmandu.

The workshop held in Biratnagar and Butwal revealed that there is no data on the women victims in the districts. Yet in Jhapa, about 300 women were reported to be victims of foreign labor migration process. In Udayapur, in 2009/10, four dead bodies of women were brought from different Gulf countries.

In Palpa, there is no information on the number of women returning from the Gulf or job abroad.

The majority of victims have developed psychological stress, they are socially stigmatised and the stigma makes it difficult for them to adjust with the family back home. Some women were victims of forced pregnancy.

Condition of Spouses of Migrant Men Back Home

As was revealed during the consultation workshops in Biratnagar and Butwal, the situation of wives of migrants back home is often severe while some participants also shared positive sides of the story, as presented in Box 4.2.

Box 4.2

Positive Impact

Increase household income, remittance supporting children's education, increased capacity to buy fixed assets – land, house, ornaments, and increased capacity of households in observing social and cultural events.

Negative Impact

Increased consumerism, increased domestic violence, extra-marital/sexual relation of wives, second marriages (both men and women), no persons for taking care of the family, misuse of the remittance by the wives at home, husbands losing faith on wives, sexual exploitation by the fathers-in-law and by others to the daughters-in-law, heavy workload, no economic power given to women, psychological and physical torture, forced divorced, discrimination and humiliation, restrictions in mobility by the family, separation from the family and community and high risk of HIV.

4.4 Foreign Labor Employment Policy

The Government of Nepal (GoN) has prioritized the need of migrant workers rights and welfare in its policy documents and Annual Budget Speech. The *Three Year Plan Approach Paper (2010-2013)* comes with employment oriented plan to achieve its objective of reducing poverty. It aims to reduce the unemployment by developing skilled human resources as per the demand of the foreign and domestic labor market; ensuring and managing foreign employment and searching for new areas of labor market and increasing the access to employment to women, young people, Dalit, Janajati, Madheshi, Muslims and conflict affected people.

The working policy of the approach paper relevant to making foreign employment safe, decent and dependable is presented in Box 4.2.

Box 4.2 Working Policy for the Promotion of Foreign Employment

1. An integrated operational system will be adopted in the consultation with all stakeholders and dealing with the foreign labor will be expanded down to the local level.
2. Labor Attaché will be appointed in the embassies in the destination countries and there will be more diplomatic presence of Nepal in the destination countries. The association of NRN will be mobilized to expand and promote Nepalese labor market as well as to protect and support migrant workers.

3. A special channel will be established at International airport to facilitate outbound and incoming Nepalese migrant workers.
4. Collaboration with the countries in the SAARC region will be explored to develop security and support systems for female workers in the destination countries.
5. Labor agreement will be done with more countries to ensure safe and systematic foreign employment for Nepalese workers.
6. Awareness programs will be implemented down to the local level.
7. Institutional/corporate responsibility will be encouraged among remitting agencies and effective packages will be implemented for the productive use of remittance.
8. Foreign Employment Welfare Fund will be mobilized for ensuring security, protection, economic relief and reintegration of migrant workers and for education and health of their family members along with awareness programs.
9. Foreign employment oriented quality training will be provided especially focusing on women, Dalits, poor and marginalized communities and people living in remote areas. Policy will be formulated to encourage outbound migrant workers to fly from Nepal instead of other countries. Special packages will be devised to help women decide on foreign employment option based on informed consent.
10. Arrangements will be made to send people on foreign employment as skilled and semi-skilled labor after carrying out the test of their acquired training or skills.
11. Collaboration with financial institutions will be sought and made to facilitate loans for foreign employment for those who seek employment within the country.
12. The security and protection related concerns of people going to India for employment will be addressed.
13. Documentation and record system of foreign employment will be improved, systematized and updated giving emphasis on disaggregation.

4.5 Legal Framework for the Regulation of Foreign Employment

The *Foreign Employment Act, 2064 (2007)* and the *Foreign Employment Regulation, 2064 (2007)* (under amendment) are legal frameworks to regulate foreign employment and promote the rights of migrant workers. The provisions embodied in the Act can be categorized into i) provisions relating to establishment and strengthening of the structure; ii) provisions related to regulation, transparency and accountability of the recruiting agencies; iii) provisions related to non-discrimination and equity; iv) provision relating to protection of workers and vi) provision related to offence and punishment and vii) provisions relating to monitoring, investigation and prosecution.

There are more than 15 categories of offences and punishment. The key offences and penalties are as follows:

Offenses	Punishment
Operating a foreign employment business without a license	A maximum penalty of Rs. 500,000 fine and imprisonment for 7 years
Sending a worker overseas without the GoN permission Sending a minor overseas for employment	A maximum penalty of Rs. 500,000 fine and imprisonment for 7 years
Sending a worker in a country in which GoN has not opened for employment	A maximum penalty of Rs. 700,000 fine and imprisonment for 5 years
Transportation of a person with the purpose of labor exploitation within the country	Imprisonment of 1 to 2 years
Transportation of a person with the purpose of labor exploitation within the country	Imprisonment of 2 to 5 years
Sending worker with false promises or without proper documentation	Imprisonment of 3 to 7 years and some fine

In line with the provisions of the Act and Regulation, the Ministry of Labor and Transport Management (MoLTM) carried out the following tasks for strengthening its structure in the FY 2009/10.

- Developed Operational Guidelines for i) Department of Foreign Employment, 2066 (2009); ii) Foreign Employment Promotion Board, 2067 (2010); iii) Research, 2066 (2009); iv) JITCO, 2066 (2009) and EPS, 2066 (2009) and v) Regulation of Foreign Employment Tribunal (being developed);
- Conducted labor agreement between three countries (Qatar, UAE and Bahrain), Japan and Korea, and labor agreement process is going on for Lebanon and Malaysia
- Appointed labor attaches for Saudi Arabia, Malaysia, Qatar and UAE.
- Formed *Committee to Hear the Issue of Undocumented Workers* with an objective to deal the cases relating to undocumented workers. Under the coordination of Director of DoFE, the other members of the committee include representatives of the Foreign Employment Promotion Board, Nepal Foreign Employment Federation, Pourakhi and an investigating officer from the DoFE.
- Adopted an *Operational Guideline for the Regulation of Domestic Workers of Nepalese Foreign Labors (2010)*. The Guideline was prepared by the inter-ministerial coordination committee, which was chaired by the Chief Secretary. The other members of the Committee were Secretaries of MoLTM, MoHA and MoFA. The Guideline regulates the foreign labor migration for Kuwait, Qatar, Saudi Arabia and the UAE where labor laws do not cover the domestic workers from abroad. The Guideline takes a coordinated approach with specific responsibilities of the Embassy, Department of Foreign Employment and Nepal Police for sending or re-sending Nepalese workers for domestic work at abroad. The Embassy has to send approval (or, disapproval) letter to the Department of Foreign Employment confirming the demand of the labor by a recruiting agency; the Nepal Police has to issue the Police Report of the person going abroad and the Foreign Ministry has to send the Police report to its Mission abroad.

- Developed specific formats to be filled up by the Embassy, Department of Foreign Employment and Ministry of Foreign Affairs for sending a person for domestic/household work.
- Established the standard norms for sending a person to a foreign country for domestic work. The standard format consists of approval letter, minimum salary, insurance, economic condition and social status of the employer, provisions for safe-shelter for the workers, provision of security, regular communication and contact, and any skilled required for the domestic workers.

Major support provided by the FEPB for the foreign labors in the FY 2009/10 is presented in Box 4.3

Box 4.3 Major Support provided by the FEPB for the foreign laborers in the FY 2009/10

Types of support	Description of support
Economic support of the families of deceased persons	Provided Rs. 100,000 per family for 348 bereaved families Provided Rs. 99,000 per family for 50 bereaved families Provided some economic support for 3 injured persons Provided some economic support for 75 persons Sent home 15 bodies migrant workers Brought home 8 bodies from foreign countries Initiated diplomatic initiatives for bringing 29 bodies, receiving remuneration/salary (36 persons), seeking and rescuing (36 persons) and letter of correspondence for rescue (101 letters)
Economic support for the workers who returned due to economic recession	In FY 2008/09, Rs. 1,609,687 supported to 193 persons from Malaysia, Saudi Arab, Qatar and the UAE In FY 2009/10, Rs. 6,875,00 supported to 63 persons from the UAE, Malaysia and Bahrain
Economic support for the sick and injured workers	Supported Rs. 33,480 for two women from Lebanon and Dubai
Education and health support to the families of the deceased	Supported Rs. 430,000 for 26 families
Reimbursement for female workers who received orientation training	Reimbursed Rs. 700 per person for 1018 females

Source: Annual Report, 2009/10, FEPB, Kathmandu.

Activities of the Prime Minister's Office for Safe Migration to Prevent Trafficking in Women to the Gulf Countries

The Prime Minister's Office has been actively involved in combating Trafficking in Persons in Nepal. It conducted a series of inter-ministerial meetings in the FY 2009-10 and ordered the line agencies to implement the recommendations. The key decisions and orders are the following:

- Preparing information on traffickers
- Giving permission to workers going to the Gulf countries only after verification of approval letter
- Imposing stringent punishment to those involved in illegal transportation of persons
- Providing information to the public about the fraud and deception involved in foreign labor migration
- Revising and amending the laws if and when required
- Using a standard format to maintain records of Nepalese workers in Kuwait, Saudi Arabia, Qatar and the UAE

- Maintaining high alert in high trafficking risk areas and investigating the organized rackets and bringing them to justice
- Initiating steps to open the embassies of Kuwait, Saudi Arabia, Qatar and the UAE in Nepal
- Requesting the Government of India to implement Nepal Government's earlier request: that Nepalese workers flying from India to third countries produce the approval letters from the Embassy of Nepal in New Delhi

While these decisions and orders have been made, the Prime Minister's has not maintained any data as to what extent these orders have been implemented.

Memorandum of Understanding (MoU) between NHRC of Nepal and NHRC of South Korea on Cooperation on the Protection of the Migrant Rights

The NHRC of Nepal and NHRC of South Korea signed an MoU on 27th December 2010 for a period of three-years aiming to promote and protect the human rights of migrants residing in their respective countries. The MoU is in line with the Seoul Guidelines on the Cooperation of National Human Rights Institutions for the Promotion and Protection of Migrants Rights in Asia. According to the MoU, the agreed parties shall attempt to carry out the following activities: i) monitoring and investigation on the violation and abuses of the human rights of migrants in their respective countries; ii) research and policy review relating to the human rights of migrants, and iii) education, training and public awareness initiatives relating to migrant workers (for detailed see Annex 4.2). The MoU is the key initiative to protect the human rights of Nepalese migrants in Korea and combat Trafficking in Persons and it has also opened up opportunities to study the situation of Nepalese migrants in South Korea. The MoU also allows Nepalese migrants to lodge complaints in Nepalese language in NHRC of Korea.

4.5.2 Response of NGOs to Promotion of Safe Foreign Labor Migration

There are national as well as local level NGOs for promotion of safe-migration and prevention of trafficking in Nepal. At the national level, the leading NGOs working in safe-migration include: Pourakhi, WOREC, ABC Nepal, Saathi, Shakti Samuha and HimRights. For detail activities carried out by each of these organizations, except for Pourakhi, please refer to chapter five.

Pourakhi was established in 2003 by the returnee migrant workers. It works to ensure the rights of the migrant women workers in the entire process of foreign employment. Pourakhi received 290 complaints from April 2009 to August 2010 from women migrants or from the migrants' families from abroad as well as from within the country. The nature of complaints differs case by case. Yet, the complaints are common in the following areas:

- Rescue
- Request for finding the missing/abandoned persons
- Brining dead bodies of migrant workers from the foreign land
- Compensation to families of the workers who die (to be given by the employers, Government of Nepal and Insurance Company)
- Seeking support from the Foreign Employment Promotion Board to help the migrant workers who are ill or mentally disturbed

- Complaints related to domestic workers who are not paid, physical torture by the employers, no provision of adequate food, abuse, threats, heavy workload and no leisure time
- Workers barred from returning home even after the contract is over
- Ending up as illegal migrants due to different reasons beyond their own control
- Compelled to take up a job other than what has been agreed upon originally in Nepal, no salary or wages and facilities commensurate with the nature of the job
- Not provision for a receipt of the money paid, demand letter and contract letter
- Not returning the passports.

4.6 Law Enforcement and Judicial Response

4.6.1 Complaint Handling

The *Foreign Employment Act 2007* makes provisions for more than 15 categories of offences and punishment in case of contravention of the measures and provisions set forth in the Act. Until 2 February, 2010, the DoFE was the enforcement agency.

The Act recognizes cheating, fraud or exploitation of a person in relation to foreign employment as a crime against the state. The Foreign Employment Tribunal (FET) established in 2010 is responsible hear and act on complaints related to foreign employment; investigate the case; issue warrant letters; arrest the accused; ask for bail or release the accused without bail; proceed with the trial and send the accused to imprisonment.

Table 4.12 shows the number of complaints filed in the DoFE during the last three fiscal years. The DoFE has categorized complaints into i) individual basis and ii) institutional basis. An individual complaint means that a person is cheated by a middle person in the process of sending the person on foreign 'employment. An institutional complaint means that a recruiting agency is accused of cheating a person in the process of sending a person to foreign employment.

Table 4.12 Number of complaints handled in DoFE during 2007/08-2009/10

Categories	2007/08	2008/09	2009/10
<i>Individual basis</i>			
Number of complaints registered	505	506	323
Number of complaints withdrawn	Na	100	17
Number of complaints disposed by the Department			105
Number of cases filed in the courts	122	94	65
<i>Institutional basis</i>			
Number of complaints registered	436	359	332
Number of complaints withdrawn	Na	Na	65
Number of complaints disposed by the Department			125
Number of cases filed in the courts	0	0	12

Note: 'Na' refers to not availability of data

Source: data obtained from DoFE, Complaint Handling and Research Section, 2011 (data accessed on 25 April, 2011).

According to the DoFE officials, cases of different nature are registered with the DoFE². They include: promising one job but providing another one; proposing employment one company but placing workers in another; differences in salary, wages and perks, no receipt of payment, showing labor approval for a company at first but sending on individual-basis, running business as a recruiting agency but providing receipt of a consultancy firm, medical clearance from Nepal but rejection from the destination country, people dealing with unauthorized agents, producing written documents by force, kidnapping by the individual groups, fraud by foreigners, taking money and disappearing, and fraud cases and human trafficking. All these fraud and mismanagement are related to trafficking issues as per the Palermo Protocol and Human Trafficking and Transport (Control) Act 2007.

In addition to complaints by the individuals, the DoFE also has the right to cancel the registration of a business if it is found guilty or violating the laws of the land. In the FY 2009/10, the DoFE received 875 applications for registration of foreign employment business. Of them, 919 were registered and 214 were cancelled.

4.6.2 Judicial Response to Victims of Foreign Labor Migration Process

The caseload and decision status of the cases on foreign labor migration in the Supreme Court, appellate court, district courts and Foreign Employment Tribunal in the FY 2009/10 were as follows:

- In the Supreme Court, nine cases were registered. Of which three were decided – one convicted and two were acquitted.
- In the Patan appellate court, 49 foreign labor migration cases were registered. Of which, 21 were decided (12 were convicted and nine acquitted). There were two cases in foreign labor migration registered in Biratnagar.
- A total of 332 cases were registered in Kathmandu, Jhapa, Lalitpur and Lamjung district courts (Table 4.13). There were no cases registered in other districts in Nepal. Data reveal that Kathmandu district is the only district where there are large numbers of cases (327). Of the total cases registered in all district courts, 119 were decided by the courts and the overall conviction rate is 78 per cent.

Since the establishment of Foreign Employment Tribunal on February 3, 2010, the Tribunal registered 224 cases, of which 15 were convicted.

Table 4.13 Number of foreign labor migration cases registered, convicted, acquitted and pending in the District Courts, 2009/10, Nepal

District Court	Total cases	No. of cases convicted	No. of cases acquitted	No. of cases pending	Total cases decided	Conviction rate (%)	Acquittal rate (%)	Pending rate (%)
Kathmandu	327 (420)	91 (143)	15 (27)	8 (15)	114	79.8	13.2	7.0
Jhapa	3 (33)	-	-	3 (33)	3	-	-	100.0
Lalitpur	1(1)	1 (1)	-	-	1	100.0	0.0	0.0
Lamjung	1 (2)	1 (2)	-	-	1	100.0	-	-
Total	332 (498)	93 (146)	15 (27)	11 (48)	119	78.2	12.6	9.2
No of cases in FET*	224	15	0.0	158	15			

Note: Figures in parenthesis refer to the number of defenders. FET refers to Foreign Employment Tribunal.

Source: Annual Report of the OAG, Nepal, 2010 and 'for office' record of FET.

² Paper presented in a workshop organized by Ministry of Labor and Transport Management and ILO/Projection of Migrant Workers' Project, in 28 April 2011 in Kathmandu.

According to Pourakhi (2010)³, there are several problems that the migrant women workers face in the run-up to getting justice, such as, no proper documents, centralized case handling system, long and complex process of case handling, lack of security to the victims and witness, pressure for the disposal of cases in informal ways, few number of organizations to support the victims of foreign employment, no access to the Government of Nepal to the labor laws of the destination countries of Nepalese migrants, non- applicability of the Foreign Labor Employment Act 2007 to the offenders who are out of the country and weak law enforcement in regulating the recruiting agencies.

4.7 Emerging Challenges

- Managing increasing foreign labor migration and decentralized foreign labor management system.
- Coordinating cases related to Foreign Employment Act 2007 and Human Trafficking and Transportation (Control) Act 2007 to ensure justice to the victims in relation to foreign labor migration.
- Revisiting the investigation procedures of DoFE in the context of dealing with the cases against recruiting institutions so that culprits do not escape from the law of the land.
- Sensitization of politicians and their cadre to ensure the security of the victims, witnesses and the social workers.
- Regularizing the recruiting agencies in line with the Foreign Employment Act 2007 for safer foreign labor migration and combating Trafficking in Persons.
- Establishing the effective system of verifying the passport and visa to Nepalese workers flying from Indian airports as a process of institutionalizing undocumented foreign labor migration.
- Utilization of remittance at the grassroots to create employment opportunities and to speed up development activities
- Investing in resources and logistics to strengthen the institutions so that they can function effectively with a decentralised approach to deal with foreign employment and labor management
- Equipping the Embassies in the destination countries of Nepalese migrant workers to be able to deal with rescue and repatriation of the victims in relation to foreign labor employment
- Launching promotion and protection activities for migrant families, including their children by delivering and extending welfare interventions.



³ Based on paper presented by Manju Gurung, Executive Director of Pourakhi in the Seminar on Human Trafficking and Forced Labor organized by MoLTM and ILO in Kathmandu on 20-22 April 2011.

Monitoring of Anti-Trafficking Policies, Programs and Activities

This Chapter critically reviews Nepal's position vis-a-vis the SAARC countries in terms of efforts to combat trafficking and goes on to review policies, government programs; and initiatives of donors and NGOs, including the media. It also takes a look at the role of the National Human Rights Institutions in the fight against Trafficking in Persons. The final section draws the emerging challenges in relation to monitoring of anti-trafficking policies, programs and activities.

5.1 Nepal in TiP Reports

The United States Government has been publishing *Trafficking in Persons Report* annually since 2001. It places countries around the globe in monitoring of trafficking in four categories: i) Tire 1; ii) Tire 2; Tire 2 Watch list (WL) and iv) [Tire 3](#)¹.

Nepal's compliance in combating trafficking has been satisfactory as compared to other South Asian countries (Box 5.1). Nepal has remained in Tire 2 since 2006 while Bangladesh, Sri Lanka and Afghanistan have slipped into Tire 2 WL in 2010 from Tire 2 in earlier years. Pakistan continues to remain in Tire 2 since 2005. India has been placed in Tire 2 WL over the years. That country has made significant progress in law enforcement for combating sex trafficking but has yet to demonstrate sufficient progress in law enforcement, and protection and prevention efforts to address labor trafficking, particularly bonded labor (within the country and the Middle-East). In India, 90 per cent of the victims are victims of internal trafficking. In Afghanistan, internal and cross-border trafficking in men and women for the purposes of sexual and labor exploitation, forced marriage and children's recruitment in armed group are the major problems. As Afghanistan did not prosecute or convict trafficking offenders in its 2008 law, it has been placed in Tire 2 WL. In case of Bangladesh, it did not show evidence of increased efforts to prosecute and convict labor trafficking offenders and prevent the forced labor of Bangladeshi workers abroad.

¹ **Tire 1** are countries whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards; **Tire 2** are countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards; **Tire 2 Watch list** are countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards and **Tire 3** are countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

Box 5.1 Comparing Nepal's progress in combating Trafficking in Persons with other SAARC Countries

Country	2005	2006	2007	2008	2009	2010
Nepal	Tier 1	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2
Bangladesh	Tier 2 WL/2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2 WL
India	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2 WL
Pakistan	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2
Sri Lanka	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2 WL
Afghanistan	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2 WL

Source: TiP Reports 2005, 2006, 2007, 2008, 2009 and 2010 of the Government of USA.

5.2 Key Policy Initiatives

The GoN has accorded priority to gender equality, gender empowerment and gender mainstreaming from its Eighth Five Year Plan (1992-97), and these continue to get priority in the successive plans. The plans have incorporated issues of social protection for the deprived groups, children, women and disadvantaged groups.

National Plan of Action against Trafficking in Persons (2011-2016) - Draft Report

The MoWCSW has formulated a new draft of the National Plan of Action (NPA) against Trafficking in Persons. The draft report of the new NPA has identified five priority areas: prevention, protection, prosecution, capacity building of the concerned organizations, and support and coordination. These are explained below.

With respect to prevention, the draft of NPA focuses on mapping the high risk communities; reducing the risk of trafficking in children among the risk groups; introducing both formal and non-formal education; formulating policies to empower the disadvantaged groups; establishing and strengthening effective regulating and monitoring mechanism; developing employment opportunities for potential migrants; increasing public awareness; and establishing an Information Desk on safe migration in the migration prone districts and mobilization of media for safe migration.

Under protection, the draft of NPA focuses on maintaining data on the victims; provisions of rescue and effective mechanism for the repatriation of the victims; making necessary arrangements to ensure the right of identity of the victim is guaranteed; addressing the security concerns of victims in all stages; ensuring reintegration of victims with the family and with the community; managing preventive and curative health care services for the victims of trafficking and establishing Fund for rescue and rehabilitation of victims.

The key strategies for prosecution mentioned are: developing effective criminal justice system; amending prevailing laws to support the victims; strengthening all legal procedures by taking all forms of trafficking in children as crime; developing accountability and responsibility of law enforcement agencies and establishing monitoring mechanism for monitoring trafficking cases regularly.

On capacity-building, the NPA focuses on strengthening WoCSW, Department of Women and Children, CCWB, DCWB and Women and Children Development Offices and National and District

Committees; increasing capacity of law enforcement agencies and border authorities including NGOs and Youth and Child Clubs; developing Women and Children Service Center as special authority Police Unit and developing capacity of Nepalese Embassy and labor attaches and increasing capacity of monitoring bodies – NHRC and NWC.

The NPA envisions developing support and coordination between and among all stakeholders; revisiting laws and policies for combating Trafficking in Persons; increasing support and coordination of existing network and mechanism of combating trafficking among the SAARC countries; increasing support and establishing coordination with the neighbouring countries and coordinating contact with the relevant stakeholders at the local level for the prevention of trafficking.

Although the NPA has rightly identified the areas of intervention for combating Trafficking in Persons, its implementation is the major problem. The NPA also seems to be ambitious in targeting communities at risk throughout the country. It also fails to rightly link the foreign labor migration and trafficking, intercountry adoption and trafficking, internal migration and trafficking.

UPR Country Report – National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to the Human Rights Council Resolution 5/1

The UPR Country Report reviews the situation of civil, political, social, economic and cultural rights of the country, including women's rights and child's rights in Nepal, during 2009-10. On women's rights, the UPR states that Nepal, being a party to CEDAW and its Optional Protocol, has been prioritizing gender mainstreaming, inclusion and equality in its Plan documents. Since 2002, the Gender Responsive Budget Initiative has been implemented and the allocation of gender budget in the FY 2009/10 is 17.3 per cent. In pursuance of the recommendations of the CEDAW Committee, 65 discriminatory legal provisions have already been eliminated and more than 150 laws provide for affirmative provisions for women in education, health and employment, and securing gender justice.

On Child Rights issues, the UPA evaluates that Nepal is party to the CRC and its two Optional Protocols. The GoN has implemented a 10-year National Plan of Action (2004/05-2014/15). In legal area, the GoN has already set up 28 juvenile benches in 28 district courts and six district courts are implementing the program for the improvement of legal and institutional framework for the protection and promotion of the rights of the child. The GoN has adopted a zero-tolerance strategy in relation to child recruitment in armed forces, and efforts are being made to provide rehabilitation and reintegration measures to the 4,008 non-qualified combatants, including 2,973 minors realised from the Maoist cantonments in 2009.

National Plan of Action for Combating Gender-based Violence, 2010

The GoN has formulated National Plan of Action for Combating Gender-based Violence (GBV) 2010 for one-year. It details a health sector response to GBV and recognizes that a concerted effort on different dimensions like health, education, legal rights, protection and security is necessary to address GBV. The Plan of Action is multi-sectoral one. Its key strategic are to increase access to legal/justice to the victims of GBV; establish and strengthen community based and rural health services for the security of the victims of GBV; strengthen the health sector for the effective address of GBV; increase awareness among people against GBV and promote zero tolerance; provide social and economic support to girls and women at risk of GBV and ensure the coordination, communication and monitoring of the program implementation stakeholders.

Recommendation of Women, Children and Social Welfare Committee, Legislative-Assembly

The Women, Children, and Social Welfare Committee is one of the Committees in the Legislature-Parliament formed as per Article 58 of the Interim Constitution 2007 to help work of Legislature-Parliament. In the FY 2009/10, the Committee has formed sub-committees on Women, Children and Population and Health. The Sub-committee on women has recommended different measures aimed at empowering women to the concerned Ministries/Departments.

Some directly relevant recommendations related to combating trafficking in women are to i) make reservation for women in foreign employment; ii) make special efforts to control rape, trafficking and violence against women and children; iii) maintain data of trafficking victims and survivors and iv) establish separate barrack for women in Nepal Police, Armed Police, and the Nepalese Army.

In relation to combating trafficking in children, the Committee recommends making stringent punishment for the traffickers and criminals and providing first priority to domestic child adoption and making intercountry transparent.

5.3 Anti-Trafficking Programs

5.3.1 Government Programs

Ministry of Women, Children and Social Welfare (MoWCSW)

The Ministry's activities in the FY 2009-10 can be categorized into: institutional development, legal reforms and policy initiatives and financial support.

In relation to institutional development, under the Ministry, the National Committee against Trafficking in Persons against Trafficking in Persons carried out important decisions such as formulation of NPA on trafficking, establishment of a Rehabilitation Fund, and provision of budget for the rehabilitation centers. Control of Trafficking in Persons (C-TiP), USAID project has provided technical support for strengthening the National Committee.

Although District Committees have been formed in all 75 districts, there is no information on the programs and activities carried out or being implemented by them. The participants in consultation workshops on this National Report 2009-10 in Biratnagar and Butwal stated that the District Committees have become ineffective in many districts. The key problems reported were lack of adequate budget, lack of orientation to the Committee members on the anti-trafficking issues and complete absence of monitoring from the central level to the district level.

The Ministry's Women Development Program reached to 3,043 VDCs and has organized 478,690 women in self-help groups. The group comprises 15.5 per cent and 33.9 per cent Dalit and Janajati, respectively. In addition, 113 women cooperatives, and 15 service centers for victims of domestic violence in 15 districts were also established.

The Ministry has adopted the following policy initiatives and legal aspects in the FY 2009-10: Domestic Violence (Crime and Punishment) Regulation 2009; Control of Sexual Harassment at Workplace (Control and Punishment) Act 2010; and Fund for Combating GBV Regulation (Operation) 2010; and a draft report under the Guideline for the Operation of the Rehabilitation Centers.

In financial support area, the Ministry has allocated budget for the following activities:

- Allocated budget for eight-rehabilitation centers (Kathmandu, Sindhupalchowk, Kailali, Jhapa, Parsa, Rupandehi, Banke and Chitawan) and allocated Rs. one million for each rehabilitation center² (see Appendix 5.1 for rehab centers supported).
- Allocated a budget of Rs. 10 million for the Rehabilitation Fund since FY 2008/09 and in the FY 2009/10, but fines acquired from conviction of traffickers have not been initiated yet. The Fund has been mobilized for supporting the Rehabilitation centers.
- Allocated a budget of Rs. 2.14 million to the district committees against Trafficking in Persons (Rs. 50,000/district for 26 high risk districts; Rs. 20,000 per district for another 14 districts and Rs. 16,000 for other 35 districts). In addition, for each district committee, Rs. 6,000 has been allocated for meeting general/miscellaneous expenditures. Thus, a total of Rs. 2.59 million has been allocated for the district committees against Trafficking in Persons in the FY 2009/10 (see Appendix 5.2 for budget allocation by districts).
- Allocated grants to 15 districts (Rs. 800,000 for each of the mountain districts; Rs. 1.2 million for each hill district and Rs. 1.6 million for each Terai district) for the district service centers³.

Ministry of Health and Population (MoHP)

Under this Ministry, the following programs are indirectly contributing to prevention of Trafficking in Persons, especially in the areas of HIV/AIDS, reproductive health and health awareness.

The National Population Program - aims to encourage couples to have small, happy and prosperous family. In the FY 2009/10, the program was implemented in 35 districts and the Ministry is planning to establish Youth Information Centers in the 35 districts. The Population Perspective Plan has already been approved by the Cabinet. One of the key intervention areas of this program is to increase awareness on safe-migration.

AIDS and STI Control Program – Under this program, 101,706 people were given counselling on HIV Positive and blood samples of 3,772 were tested free of cost. Of the blood samples tested, 889 tested HIV Positive and 187 with AIDS. Among others, the program also provided orientation training to the Female Health Community Volunteers (FCHV) on HIV/AIDS.

Information and Communication Center – Under this program, the following activities were carried out in FY 2009/10.

- Awareness program on STI and health in vegetable markets, carpet factories, hotels and restaurants
- Promotion program for women on reproductive health, gender equality, and empowerment of women in health
- Radio series on building awareness about family planning, child health and communicable diseases

² The key service interventions provided by these centers include: health treatment, legal aid, psycho-social counselling, skill oriented training, income generating activities, provision of seed money, reintegration with the family/community.

³ The service centers are in Makwanpur, Nawalparasi, Baglung, Doti, Dang, Kanchanpur, Jumla, Solukhumbu, Kavre, Sunsari, Bardiya, Panchthar, Saptari, Tanahu and Sarlahi districts. Besides, there are 84 community service centers. The Ministry received 987 complaints related to GBV through the service centers and 10,145 complaints through the para-legal committees (See Appendix 5.3 for the types of complaints).

Ministry of Education and Sports (MoES)

Two activities conducted by this ministry in FY 2009/10 – educating and empowering communities and vulnerable population to fight Trafficking in Persons in the country – are relevant till date (Ministry of Finance, 2011).

Food for Education Program – As per the agreement signed between the GoN and the World Food Program in 2007, the program will be in operation until 2012. A total of 194,000 primary level students of Doti, Dailekh, Baitadi, Darchula, Achham, Bajhang, Bajura, Salyan, Jajarkot, Rukum and Solukhumbu were provided day-meal throughout the year. Similarly, the girl students having minimum 80 percent school attendance a month were provided 2 liters of cooking oil/kerosene per month from above districts including Parsa, Rautahat, Sarlahi, Dhanusa and Mahottari. A total of 25,066 school students from the five districts of Karnali zone received Rs. 15 per day, per student for afternoon snacks. A total of 239,560 students studying in 14 districts – Sunsari, Saptari, Siraha, Sindhupalchowk, Rasuwa, Bara, Dhading, Nawalparasi, Kapilvastu, Dang, Bardiya, Kailali, Pyuthan and Rolpa – were provided Rs. 12 per, day per student for day-meal.

Skills Program for Employment – The program aims to provide short-term skills training to 80,000 people during the program period (2006-2011). The program aims to include at least 50 per cent women and 25 per cent people from the disadvantaged groups.

Scholarship Program – The Ministry has provided various scholarships to Dalit, girls, disabled, Martyr’s children, bonded laborers, marginalized group in the country. The detail of the scholarship provided by the Ministry in the FY 2009/10 is presented in Box 5.2.

Box 5.2 Scholarship provided by the Ministry of Education, FY 2009/10

SN	Types of scholarship	Number of beneficiaries
1	Class 1-8: Scholarship for Dalit students (Rs. 400 per student annually)	1,133,835
2	Class 1-8: Scholarship for Girls (Karnali package) (Rs. 400 per student annually)	229,374
3	Scholarship for Martyr’s child (Primary Rs. 10,000; Lower secondary Rs. 12,000; Secondary Rs. 12,000 and Higher Secondary Rs. 18,000 annually) per head	58
4	Scholarship for Extinction Victims (Primary Rs. 10,000; Lower secondary Rs. 12,000; Secondary Rs. 14,000 and Higher Secondary Rs. 16,000 annually) per head	8,000
5	Efficiency development and Scholarship for Kamlari (General Rs. 1,000; Boarding Rs. 15,000 per head annually)	12,000
6	Scholarship for students who live in Himali hostel (per head Rs. 400 annually)	437
7	Scholarship for students who live in EFDER hostel (per head Rs. 1500 annually)	400
8	Scholarship for Model School (per head Rs. 5,400 annually)	148
9	Scholarship for Himali boarding school student (per head Rs. 3,600 annually)	140
10	Secondary school scholarship (per head Rs. 1700 annually)	6,000
11	Dalit Scholarship class 9-10 (per head Rs. 500 annually)	55,650
12	Disabled students scholarship class 9-10 (A group Rs. 15000, B group Rs. 5000; C group Rs. 3000 and D group Rs. 500 per head annually)	4,950
13	Scholarship for marginalized and backward (bonded laborers, Haliya and Charuwa family) per head Rs. 100 annually.	14,012
14	Scholarship for disabled student class 1-8 (A group Rs. 1500; B group, Rs. 5000; C group Rs. 3000 and D group Rs. 500 per head annually)	65,830
15	Scholarship for targeted group students studying in Primary level (Janajati and marginalized groups, bonded labors Haliyas and Charuwa family) per head Rs. 500 annually)	108,046
16	Scholarship for Under Privileged and Financially weak targeted to Secondary School student (per head Rs. 3000 annually)	12,500

Source: Ministry of Finance, 2011 (Economic Survey Fiscal Year 2010/11).

Ministry of Labor and Transport Management (MoLTM)

The Ministry is responsible for creating and promoting employment opportunities for all citizens across Nepal. Under the Ministry, the following activities were conducted in FY 2009/10 to protect foreign labor migrants (for details please refer to Chapter 4).

MoLTM Program - Strengthened the foreign employment administration by establishing Foreign Employment Tribunal and creating the Welfare Fund under the Foreign Employment Promotion Board. The Ministry has revised the Foreign Employment Act 2007 and Regulation 2008.

Employment Information Center - Collected personal data of unemployed persons. In the FY 2009/10, personal details of some 20,000 unemployed people were collected and computerised.

Ministry of Home Affairs (MoHA)

The MoHA is responsible for the maintenance and enforcement of law and order. It has a Special Program for Effectiveness of Peace and Security, End to Impunity and Defending Human Rights, 2009. Under this, there are institutions of Nepal Police, Armed Police Force and National Intelligence Department. Nepal Police and the Armed Police Force have central human rights units and human rights cells at their regional and local level offices. Human Rights is included in training manuals for police employees at all levels. These institutions have mechanisms to examine petitions against police employees implicated in human rights violations and the findings are circulated internally/ made public. In addition, under the Nepal Police, there is a WCSD mainly responsible for controlling violence against and trafficking in women and children. All 75 districts in the country has WCSDs (please refer to Chapter 2 for the details).

Ministry of Foreign Affairs (MoFA)

The main role of the MoFA is to conduct Nepal's foreign relations in consonance with the policies and guidelines of Government of Nepal. In relation to safe-migration, foreign employment and combating Trafficking in Persons, MoFA and its missions abroad have to act as first point of contact for Nepalese people in the respective countries. Accordingly, the missions have to protect the rights and interests of the Nepalese people abroad. It has the responsibility to rescue and repatriate the victims of trafficking. Note that all rescue operations and repatriation of the victims of trafficking conducted by GOs and NGOs in the FY 2009-10 were processed through the MoFA and its missions in the respective country.

It has been learnt through MoFA officials that the ministry has yet to set up a systematic computerised database of the victims of migration and trafficking and the rescue and repatriation missions carried out.

Ministry of Land Reform and Management (MoLRM)

Liberated Kamaiya and Haliya rehabilitation program – Under this program, 6588 liberated Kamaiya families were provided with land ownership certificates (*lal purja*); and 16,219 families were given Rs. 10,000/per family for house construction. Data was collected on the liberated Haliya of western hills and 242 families received land in compensation (*land satta-bharna*).

Ministry of Local Development (MoLD)

The following programs, among others, carried out by this Ministry in the FY 2009/10 are relevant in the prevention of Trafficking in Persons, especially women and children.

Village Development Committee Grant Program – All 3,915 VDCs of the country received the grant for infrastructure development, capacity building and inclusive development. Little over a third (35%) of the grant is allocated for social sector. The Ministry provides each VDC with a grant ranging from Rs. 1.5 million to Rs 3.0 million annually. The grant and should be spent as per the *VDC/Municipality Grant Implementation Guideline 2009*. According to the guideline, five per cent of the grant should be allocated for activities that directly benefit the poor and deprived women; five per cent for activities that directly benefits the children of poor and deprived groups and another 5 per cent for initiatives intended for the disadvantaged groups.

Decentralized Program for Women and Children – This program aims to improve the health status of women and children. The program initiated in 2002 was, however, terminated in 2010. By FY 2009/10, 8,435 community-based organizations, 457 para-legal committees and 7,000 child clubs were established across the country. They are working effectively for the promotion of women and children's health.

Karnali Employment Program – This program was initiated in 2005. It aims to provide one-house-one employment for at least 20 days a month to 71,400 families in Karnali zone. By the FY 2009/10, the Ministry collected data on the unemployed families, formed their groups and implemented 212 small-scale income generating activities.

Ministry of Peace and Reconstruction

The ministry provided financial assistance to a total of 14, 064 of the 16,729 families of conflict-victims and; 25,000 of the 78,689 displaced families. Also, relief package was given to 4,238 people, who lost their private property during the armed conflict; scholarship to 25 children of the injured persons during the II People's Movement (April 2006); relief to 221 persons who were abducted during the conflict; relief to 1179 families whose family member(s) was/were disappeared during conflict and 1297 conflict-induced disabled people.

Complaint Management and GBV Monitoring Unit at the Office of the Prime Minister and Council of Minister

During the FY 2009/10, the Unit carried out the following activities:

- Received 227 complaints (including 32 murders; 22 domestic violence; 13 accused of witchcraft; and 24 rapes - including 5 children, 9 gang rapes and 8 sexual harassment). Of the total, 219 complaints were forwarded to the concerned authorities for implementation. Among the 48 districts from which the complaints were received, the highest number was from Kathmandu district. Other major districts from which GBV complaints were received include (in order): Morang, Mahottari, Saptari, Rautahat and Myagdi.
- Established 'district resource group' in all 75 districts to address the GBV. With the coordination of district resource committee, VDC/Municipality level resource group have also been extending.

- Established complaint handling desk on GBV in 44 District Development Committees in the country.
- Maintained records of trafficking victims, threats and abduction, attack, sexual exploitation, polygamy, disappearance, child marriage, child torture and exploitation/fraud and foreign labor migration processes.
- Conducted field monitoring of the implementation status of elimination of GBV by different concerned organizations in 14 districts (Sunsari, Morang, Saptari, Panchthar, Ilam, Jhapa, Gorkha, Dhading, Tanahu, Chitawan, Makwanpur and Kailali).
- Published and distributed books/pamphlets related to 'Free Gender-based Violence Nepal' and national and international laws related for the elimination of gender-based violence.
- Prepared a Draft Working Guideline 2010 for the effective coordination of GOs and NGOs activities related to elimination of gender-based violence.
- Developed one-year plan of action of National Plan of Action against GBV.

National Dalit Commission (NDC) – aims to protect and promote Dalit rights by carrying out mobile legal services, Dalit empowerment program, handling complaints about caste discrimination and forwarding complaints to Police and courts. The NDC also prepared and submitted 17th, 18th and 19th Periodic Reports to the UN as per the requirement of Convention on Elimination of All Forms of Racial Discrimination to which Nepal is a party.

National Women Commission (NWC) - the scope of NWC includes conducting research and review of government policies and existing legal framework; recommending necessary actions to the government; and monitoring implementation of those policies and programs, legislations and international human rights instruments ratified by the government. Commission officials said there were no trafficking specific programs implemented in the FY 2009/10.

Poverty Alleviation Fund (PAF) - Established in 2004 with the Prime Minister as chairperson, PAF aims to contribute in poverty reduction, especially among women, Dalit, Janajati and extremely poor through social mobilization, income generation, infrastructure development and capacity building of CBOs and women's organizations. The PAF implements its programs in 40 districts. As of FY 2009/10, the PAF has launched 3,404 social mobilization and leadership programs, 760 income generation schemes, 97 infrastructure projects and as many innovative projects. The various projects benefit a total of 155,127 people in the 40 districts. In Nepal, poverty is one of the causes, or one of the effects, of trafficking in women and children. It can safely be anticipated that the projects and initiatives will contribute to combat trafficking as they target reducing poverty and raising the awareness, and building the local capacity through social mobilization.

OSRT-NHRC - During the FY 2009-10, OSRT-NHRC carried out the following activities:

- Coordinated the investigation of human trafficking cases registered in its Investigation Department;
- Organized regular meetings of the Technical Committee for preparing the National Report 2009-10 and disseminating and sharing of information on trafficking issues. The Committee comprises representatives from the GOs and NGOs.

- Prepared the Draft Report on Standard Operating Procedure for Monitoring, Enquiry and Investigation of human trafficking cases from human rights perspective;
- Prepared a policy draft on rescue, repatriation, rehabilitation and reintegration of the victims of trafficking through the human rights perspective. The draft policy was prepared by a series of consultations with the key stakeholders.
- Conducted two-day training in Pokhara and Kathmandu, both targeting the law enforcement agencies – Nepal Police, District Attorney and Investigation Officers from NHRC with support from the American Bar Association Rule of Law Initiatives. The training helped develop conceptual clarity in human trafficking and monitoring, and research and investigation of human trafficking cases from the human right perspective;
- Conducted 3-day workshops in Biratnagar and Butwal in finalizing the draft of National Report 2009-10. In Biratnagar, representatives of GOs and NGOs were from Ilam, Jhapa, Morang, Sunsari, Saptari and Siraha, Udayapur and in Butwal, the participants were from Arghakhanchi, Gulmi, Palpa, Kapilbastu, Rupandehi and Nawalparasi. The participants actively participated in the workshop and provided feedback to the Draft National Report. They expressed their concerns and shared the situation and experiences in combating trafficking in their respective districts.
- Held meetings and consultations with stakeholders to collect common, reliable and timely information and data on trafficking, to effectively monitor Trafficking in Persons in Nepal.
- Provided suggestions and feedback especially on draft report on NPA against Trafficking (2011-2016), National Policy for Foreign Labour Migration, Impact of Foreign Labor Migration and Remittance on National Economy and situation of women and adolescent girls' in the aftermath of post-conflict situation by participating in different seminars, workshop and interaction programmes as special rapporteur on combating trafficking in person

5. 3.2 Donor Agencies and I/NGOs Efforts

On the basis of the consultation meeting with IACG-group⁴, Box 3.2 summarizes the major I/NGOs and donors that provided support for anti-trafficking initiatives in areas of prevention, protection and prosecution in Nepal. Note that not all organizations have provided fund and thus it was difficult to estimate the total annual amount spent in combating trafficking in Nepal.

In the FY 2009-10, these organizations provided technical assistance to realize agreed international standards, such as, policy advocacy, campaign, safe migration messages, and awareness among the key stakeholders, including the line agencies from the central to the district level through talk programs, interactions, workshops and trainings. This has contributed to increase the commitment of government agencies to assess the magnitude of unsafe migration, trafficking and vulnerability of exploitation in the process of migration.

Besides, ICAG-Group, UN Women is the major UN organization for providing technical and financial support for combating Trafficking in Persons in Nepal. It has been working in partnership with MOWCSW, MoLTM, Pourakhi, NIDS and IFAD for combating trafficking, promotion of safe migration and combating Trafficking in Persons, especially women and children.

⁴ Note that only the organizations that provided information to OSRT-NHRC on request are presented in Box 3.2.

Box 5.2 contd... Overview of Activities of Combating Trafficking in Nepal – IACG Group

Organization	Broad area of work	Coverage	Project period	Sources of Funding	Funding amount
Terre Des Hommes Foundation	Protection	Nuwakot, Dhading, Sindhupalchowk, Kailali and India	2009 –2012		EUR 142,325
	CSE of children	Kathmandu and Kaski	2010 – 2012		US\$ 539,881
Free the Slaves	Protection of Children	Humla, Jumla, Rolpa, Salyan	Jan 2010 to December 2012		US\$ 120'000
	Survivor-led advocacy and solutions to slavery	Kathmandu Valley, Sindhupalchowk, Makwanpur, Dhangadhi, Jhapa, Bardiya and Kailali	Initiated from January 2009	Multiple donors	US \$ 7 million for 3 years
Plan Nepal	Prevention and protection	Morang, Sunsari, Rautahat, Bara, Makwanpur, Banke, Bardiya, Dang, Kailali and Kanchanpur	Continue from 1998		
	Behavioral change and Communication	The same districts as above	Continuous intervention		
	Community surveillance	The same districts as above	Continuous		
	Skill and vocational training	The same districts as above	Since 2005		
	Psycho-social counselling	The same districts as above	Partial support		
	Rescue, rehab & reintegration	Banke			
	Children's Rescue and Retrieval Agency	Nepal and India		Project launched on 1 Jan 2011	Own fundraising, mainly in UK
UNICEF	Women's Empowerment and Promotion of Rights	26 districts covering the Far West, Mid West, East, central and eastern hills, and the Terai	2009 -2012	DFID UN Trust Fund	US\$ 10 million US\$ 530,266
Planete-Enfants (PE)	Empowering Girls and Women	Rautahat, Kathmandu, Makwanpur, Bara, Sindhupalchowk, and Nuwakot	Ongoing		
Save the Children	Community based - protection	Makwanpur and Bara	Nov 2010- April 2012		
	Capacity building of Rehabilitation center	Kathmandu Valley	2009 to Dec. 2010		
UN Women	Safe Migration	Banke, Bardiya and Surkhet districts	2008 – 2011		
	Capacity enhancement of returnee WMMs	Sunsari, Kaski, Makwanpur, Chitawan, Rupandehi, Nawalparasi, Jhapa and Bardiya	2009-2010		
	Support for alternative livelihood	600 returnee WMMs	2010-2011		
	Capacity building of MoLTM	Develop national strategy, national plan of action, directive for social mobilizers	2010-2011		

Source: Information obtained from IACG group (access on June 19, 2011).

5.3.3 Activities of NGOs: the Context of Prevention, Protection and Legal Services

As stated in Chapter one, OSRT-NHRC requested 30 organizations working against Trafficking in Persons in Nepal to give details of what they had achieved by the end of the year. Only 6 of them provided OSRT-NHRC with complete information while another 4 provided partial information. This section, therefore, is unable to include achievements made by all 30 organizations engaged in combating Trafficking in Persons.

Prevention

As presented in Box 5.3, many organizations have carried out different programs aimed at preventing trafficking, such as, legal and policy intervention; awareness for the potential victims and income generating activities; providing formal and informal education; advocacy targeted for policy makers as well as the district level stakeholder. Some NGOs have run safe homes and formed surveillance groups along the highway, bus parks, and key border points.

Box 5.3 Status of prevention related programs carried out by some leading NGOs, 2009/10

Anti trafficking programs	Maiti Nepal	AATWIN	WOREC	HimRights	Shakti Samuha	Women Skill Creation Center	ABC Nepal
Law and policy interventions	More than 40 organizations, including district line agencies, made aware on legal issues of trafficking and safe migration	Reviewed the existing acts and conducted interactions and workshop with key stakeholders, including GoN	50 times at the district, national and international level 350 interaction at the district, national level	One in Makwanpur with stakeholders from 26 districts	2,464 people made aware about prevention of trafficking and provided legal awareness	3,760 people of 6 VDCs of Makwanpur district made aware on legal and policy issues related to anti-trafficking	International program with GOs, line agencies in districts and at the VDC level about VAW (Morang, Sunsari, Rupandehi and Nawalparasi)
Awareness raising	More than 18,000 persons were made aware about human trafficking, safe migration and gender issues	Awareness to end VAW, Legal capacity building and conceptual clarity of the stakeholders in its working districts were increased.	8,360 people 7 districts benefited on safe-migration and anti-trafficking: 3,500 participants from 70 districts received safe migration info – 14,200 from 7 districts	5,000 people in its working districts	4,564 people made aware in prevention of trafficking and provided legal awareness	7,000 people of 6 VDCs of Makwanpur district made aware about trafficking issues through street drama, awareness class and IEC materials	Awareness campaign on Violence Against Women in Morang, Sunsari, Rupandehi and Nawalparasi
Community surveillance group	More than 40 Surveillance Groups established to fight human trafficking and to promote safe migration			76 surveillance groups formed in its working districts	33 groups formed in all its working districts	56 surveillance groups were formed in 6 VDCs of Makwanpur	Formation of teachers' network for ending VAW in six project districts (15 networks)
Advocacy	The President and the Prime Minister expressed solidarity and pronounced commitment to strengthen the policy	Advocacy workshops and different programs on Domestic Violence Act and Regulation and Review in coordination/collaboration with different partner organizations	1,200 in 35 districts (VAW)			Advocacy programs intended for the district line agencies on Human Trafficking Act, the gaps and safe migration	Interaction programs among school representatives in six project districts
Income-generation activities	Supported 50 girls for micro credit loan: shop, "Muda" candle making				61 girls and women benefited from 7 districts	202 persons benefited from IG	Provided IG for the victims of VAW and trafficking in Kathmandu shelter
Formal education	More than 30 girls and boys provided formal education		10 girls (VAW)		328 persons of Kaski, Nuwakot, Bara, Makwanpur, Sindhupalchowk and Rautahat	Formal education – 283 persons of 6 VDCs of Makwanpur were provided formal education to the children from deprived and marginalized group	Provided non-formal education to the victims of VAW and trafficking in Kathmandu shelter
Non-formal education	More than 200 girls received NFE in Nuwakot, Makwanpur, Nawalparasi, Kavrepalanchowk, Kathmandu, Rasuwa districts				423 boys and girls of Nuwakot, Bara and Makwanpur benefited	Non-formal education – 600 persons of 9 VDCs of Makwanpur district	Provided non-formal education for the victims of VAW and trafficking in Kathmandu shelter
Prevention Homes	More than 220 girls trained on income generation and leadership skills in the working districts: Nuwakot, Makwanpur, Nawalparasi, Kavrepalanchowk, Kathmandu, Rasuwa		470 women benefited (VAW)				Support for rescue, rehab, and reintegration of survivors – project area Kathmandu shelter home

Source: Based on written information provided by the concerned NGOs to OSRT-NHRC 2011.

Protection

Interception

NGOs have established the surveillance groups along the several border points between Nepal and India, major bus parks and transport routes in different parts of the country. In FY 2009/10, a total of 1,609 girls and women were rescued in suspension of being trafficked (Table 5.2).

Maiti Nepal has deployed surveillance groups in eight border points between India and Nepal. Of the total 1,322 girls under 18 intercepted by Maiti Nepal, 132 were from Pasupatinagar, 102 from Kakarbhitta, 146 from Birgunj, 186 from Nepalgunj, 180 from Bhairahawa, 17 from Nawalparasi, 80 from Biratnagar, 441 from Nagdhunga, 1 from the airport, 2 from Makwanpur and 45 from Kailali. WOREC's intercepted 8 girls and 1 boy from Hetauda Municipality when they were being trafficked. Gramin Mahila Srijanshil Pariwar intercepted girls and women Sindhupalchowk, Bhaktapur and Kathmandu including from border areas of China and India.

Table 5.2 Number of trafficking victims/survivors provided protection services, by different NGOs, FY 2009/10, Nepal

Categories	Children (<18 years)		Adult (>18 years)		Total
	Girls	Boys	Women	Men	
Interception	1,596	1	12	0	1,609
Rescue					
Sexual exploitation	46	0	60	0	106
Labor exploitation	40	69	18	0	127
Repatriation					
Indian brothels	17	0	46	0	63
Gulf countries	0	0	40	19	59
Rehabilitation	183	15	184	0	382
Reintegration	472	19	752	0	1,243
Referral to other orgs.	30		25	0	55
Referral received from other organizations	3	0	31	0	34
Applications about missing persons received	1,037	276	1,394	210	2,917
Missing persons found	291	101	222	0	614

Note: The figures above were given by the following NGOs: Maiti Nepal, WOSCC, Shakti Samuha, HimRights, Gramin Mahila Srijanshil Samuha, WOREC, CWIN and ABC Nepal. In case of 'interception' figures also includes interception by Nepal Police.

Rescue

NGOs have rescued girls and women from different sexual and labor exploitation centers, including victims of domestic violence. A total of 46 girls and 34 women were rescued from sexual exploitation and 127 from labor exploitation by NGOs. WOREC rescued 28 girls and 59 boys from labor exploitation, such as, child domestic workers, those working in carpet factories and hotels in Kathmandu. Box 5.4 shows NGO efforts to rescue victims of trafficking.

Box 5.4 NOGs effort to rescue a trafficked woman

Anjana, 23, - a resident of Hatiya VDC in Makwanpur - has been reported missing from July 27, 2010. She has three kids- twin daughters and a son. Her husband Mr. Lal Bahadur, along with the rest of her family members, tried to trace her whereabouts but to no avail. According to them an unidentified person used to call her up on her cell phone from time to time. They suspect that the unidentified person might have been a trafficker, who could have persuaded Anjana away from the family. On July 29, 2010, Lal Bahadur submitted an application to HimRights, requesting the latter to search for her.

Subsequently, HimRights then contacted Kalimati Police Station in Kathmandu. Ultimately, with information from Lal Bahadur, with the initiation of HimRights, and with support from the police, Anjana was rescued on August 2, 2010 from the Kalimati Guest House. The police have arrested the perpetrator.

According to Anjana, one Bhimsen Shrestha, a resident of Harnamadi Dovanchour, Makwanpur used to call her up constantly. He said he loved her and persuaded the young housewife to move to Kathmandu with him to get married and to live comfortably. "He even told me he was unmarried, and I went to Kathmandu with him on July 27, leaving my three children and husband behind in Makwanpur," she told the study team. "Two days later, Bhimsen's wife locked me in a room and began threatening me. At this point I feared I may have been trafficked. Then, I called up my sister-in-law and husband to come to my rescue."

Based on this information; with the initiation of HimRights and support of the police, Anjana was rescued. Anjana is back with her family now and has started working at a privately-run local school.

Source: HimRights, 2011

Repatriation home

Repatriation here refers to a victim rescued in a foreign country and safely returned to Nepal. Maiti Nepal rescued 17 girls and 46 women from different brothels in India brought them back to Nepal in. Likewise, 40 women and 19 men were rescued from the Gulf countries by Maiti Nepal, WOREC and Gramin Mahila Srijanshil Pariwar.

Rehabilitation Services

NGOs – Maiti Nepal, WOREC, Shakti Samuha and Gramin Mahila Srijanshil Pariwar, in particular – provide two types of rehabilitation services: temporary shelter and long term rehabilitation. Under both services, the organizations provide food, shelter, health treatment, skill development program, income generating program and seed money to help the victims start up small businesses, psychosocial counselling, and legal aid.

Data reveal that in FY 2009/10, 365 girls, boys and women were provided rehabilitation services by these NGOs.

Reintegration

Reintegration is a key component to ensure justice for a victim. NGOs have played a major role in reintegrating trafficking victims with back to their families, communities. Some of them have become self-employed. Out of the total 188 girls reintegrated by Shakti Samuha, 38 went back to the family, 99 to the community and 51 were provided skills training and are self-employed. WOREC reintegrated 223 with the family and 48 with the community, while 395 were provided skills training for starting up small enterprises.

Missing and Found Persons

NGOs receive applications from friends and families about girls, women, boys and men reported missing. As soon as the NGOs receive the applications from the family/friends, they begin the search mobilizing their own network within and outside of the country and turn to the police for their help as and when necessary.

A total of 2,917 applications of missing persons were received. Of them, the highest number was for women (1,394), followed by girls (1,037) and boys (276). Out of the total missing person applications, only 614 were found while four-fifth (79%) remained out of trail completely. The high percentage of the untraced may be attributed to two reasons: First, many of the missing persons may have been trafficked within or outside of the country. Second, parents/family members of the missing persons may not have reported back to the NGOs even after the missing persons were found.

Referral Services

NGOs also provided referral services to the trafficking survivors in FY 2009/10 as follows:

- WOREC referred 20 mentally disturbed to Maiti Nepal, CWIN and Women Development Center.
- HimRights referred 3 girls and 22 women to Saathi, Shakti Samuha, Kathmandu District Police Office for psychosocial, legal and medical treatment and temporary shelter. Many of them were victims of domestic violence. One girl was victim of sexual exploitation and one was victim of rape.
- Gramin Mahila Srijanshil Pariwar received four referral cases sent by Women Human Rights Defender Network, Dolakha. Among them, three girls were sexually exploited and they were in a state of depression. One woman was victim of domestic violence.
- Shakti Samuha referred many domestic workers and women victimized by polygamy to other organizations for legal counselling. Shakti Samuha referred them to Maiti Nepal, District Police Office and Family Planning Association of Nepal (FPAN) and Share and Care medical home.
- WOREC referred 5 girls and one woman to other organizations. A 16-year old trafficking victim girl, was referred to Shakti Samuha; three girls (11-14 years) who were victims of domestic violence and were referred to CWIN Nepal; one girl, 15, who was a victim of domestic violence was referred to Sisha. One woman who was a victim of domestic violence was referred to Police Cell and Asha Deep for medical treatment. It received 30 victims of VAW and trafficking from other organizations. These victims were provided safe shelter

and counselling. It received referral cases from Sisha, hotels, District Police Office, LACC, Pro-public, INSEC, Nari Bikash, WHRD Networks, Paralegal, Pairabi Munch, and Mahila Bikash.

Legal Aid for Trafficking Survivors

In relation to legal aid for the trafficking survivors, NGOs have filed 93 cases with the police.

- In relation to legal aid on foreign labor migration, 18 cases were filed with the police. Among them, one case was assisted for investigation and prosecution and one case for court proceeding.
- In relation to legal aid on violence against women, 190 cases were filed with the police.

5.4 Media Responses to Trafficking

Table 5.3 presents news stories reported by nine daily newspapers between July 2009 and December 2010 on these themes: violence against girls and women, foreign labor migration, Trafficking in Persons and violence against children.

For analytical purpose, news has been categorized into three groups: i) news related to physical violence (beating), ii) news related to psychological violence (accused of witchcraft, threats, threats to kill or abandonment), and, iii) news related to sexual violence (rape, attempted rape and sexual abuse or harassment). News categorized under foreign labor migration includes fraud, deception, cheating, mismanagement including rescue and repatriation of the victims of unsafe migration. News under Trafficking in Persons includes news related to trafficking in a person, interception, and rescue and rehabilitation. News under violence against children includes the missing children, and both physical and psychological violence.

We browsed 215-news in the nine leading national dailies during the study period. More than half of the news (52%) is related to violence against women, followed by foreign labor migration (23%), violence against children (17%) and Trafficking in Persons (8%).

Combining the nature of news presented in Table 5.3, the Gorkhapatra Daily covers the highest number of news, followed by Kantipur. The share of news in Karobar among the news paper is the lowest, and is followed by Rajadhani Daily.

Table 5.3 Number of news published in leading national daily newspapers, July 2009-December, 2010, Nepal

Newspapers	Related to violence against women	Related to foreign labor migration	Related to Trafficking in Persons	Related to violence against children	Total news	Per cent of total news
Kantipur	17	8	0	4	29	13.5
Gorkhapatra	22	1	3	10	36	16.7
The Himalayan Times	2	19	4	1	26	12.1
Annapurna Post	16	6	0	3	25	11.6
Nepal Samacharpatra	17	2	2	6	27	12.6
Naya Patrika	12	6	2	5	25	11.6
Nagarik	13	5	4	6	28	13.0
Karobar	0	2	3	0	5	2.3
Rajadhani	12	0	0	2	14	6.5
Total news	111	49	18	37	215	100.0
Row %	51.6	22.8	8.4	17.2		

Source: news papers clipping by NHRC, 2010.

5.5 Role of National Human Rights Institutions in the Fight against Human Trafficking

The Conference of 17 National Human Rights Institutions (NHRIs) of the Asia Pacific region held in [Seoul](#)⁵ in June 2010 identified the role of NHRIs in the fight against human trafficking as per the UN Office of the High Commissioner for Human Rights 'Recommended Principles and Guidelines on Human Rights and Human Trafficking'. As per the Principles and Guidelines, the State shall consult with NHRIs in the development, adoption, implementation and review of anti-trafficking legislation, policies and programs. NHRIs can undertake educational, advisory, monitoring and even investigate activities to protect and promote the rights of victims of trafficking.

On educational activities, NHRIs can undertake advocacy for the inclusion of trafficking into National Human Rights Action Plans and providing human rights training to law enforcement agencies and the judiciary.

On monitoring and advocacy activities, NHRIs can undertake the following: advocacy for the incorporation of the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking into national legislation; monitor anti-trafficking activities/responses; recommend extradition arrangements for the traffickers; recommend to develop procedural guidelines for rescue and rehabilitation; encourage States to implement comprehensive birth registration; conduct advocacy to develop minimum human rights based standards for victim identification and assistance; conduct advocacy for a human rights based approach to repatriation and reintegration of victims; encourage governments to provide victims of trafficking with temporary shelter in the destination country; conduct advocacy for the victims' right to employment prior to repatriation; recommend the need for extra protection measures for child victims and advocacy for safe and voluntary repatriation.

As the NHRIs have the quasi-judicial powers, they can undertake *suo moto* investigations into complaints; maintain links with victim support agencies; develop follow-up mechanisms for tracking outcomes of investigations and conduct inquiries into the situation of victims of trafficking.

On the international level, NHRIs can undertake the following i) encourage governments to issue standing invitations to relevant UN Special Procedures; ii) make statements to the UN Human Rights Council, to highlight the plight of women and child victims of trafficking; iii) contribute to the Universal Periodic Review process; iv) submit alternative reports to UN Treaty Bodies including CEDAW and CRC on the implementation of treaty obligations relating to the rights of victims of trafficking; v) submit individual complaints on behalf of victims of trafficking to relevant UN Treaty Bodies and vi) collectively advocate for independent participation rights within the UN Committee on the Status of Women.

5.6 Emerging Challenges

- Institutionalize data and information collection system to regularly update about the situation of trafficking and analyze the monitoring of trafficking activities conducted by the GOs and NGOs.
- Enhance capacity of implementing partners in combating trafficking policies and programs as a part of priority concern for women's rights.

⁵ This section is drawn from the outcome of Asia Pacific Forum of National Human Rights Institutions (NHRI) Seoul International Conference against Trafficking in Migrant Women on 28th June 2010.

- Increase budget allocation for the trafficking related projects and programs to strengthen the National Committee and District Committee.
- Develop effective coordination system with regular interaction and consultation among the GOs and NGOs.
- Facilitate creation of an umbrella organization to intervene in the context of intersectoral needs to fulfill the existing gaps of resources and overcome the duplication of resources in trafficking related programs.
- Establish rehabilitation or temporary shelters for the victims in the most risk districts of trafficking.
- Link Poverty Alleviation Program and other related targeted programs with the program addressing the vulnerable districts and communities of Trafficking in Persons, especially women and children.



Law Enforcement Status and Judicial Responses to Trafficking

This chapter reviews the legal framework for combating Trafficking in Persons adopted by Nepal. It examines the institutional arrangements for the enforcement of law, and levels and trends of trafficking cases registered in the courts of Nepal.

6.1 The Legal Framework

Nepal has signed and ratified several international human rights instruments, including the Conventions and Protocols related to combating Trafficking in Persons:

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949 (Signed and ratified on December 27, 1995);
- Convention on the Elimination of all Forms of Discrimination against Women, 1979 (Ratified on April 22, 1991);
- Convention on the Rights of the Child, 1989 (Ratified on September 14, 1990)
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000 (Ratified on October 31, 2005);
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000 (Ratified on October 31, 2005);
- SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution 2002 (Signed in October 31, 2005);
- UN Convention on Transnational Organized Crime 2000 (Signed on December 12, 2002 and ratified in June 24, 2011, the Convention was ratified while this Report was under preparation)

Nepal has yet to ratify:

- UN Convention on Transnational Organized Crime 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 – Palermo Protocol;
- UN Convention on Migrant Workers and Their Families 1990.

The Palermo Protocol envisions developing mutual cooperation between and among the UN member states to control and combat Trafficking in Persons, especially women and children; respect full human rights of the trafficking victims; and guarantee full protection and support for the victims.

AATWIN and other NGOs have initiated a signature campaign as part of lobby and advocacy strategy to build pressure for the ratification of the Protocol by the Legislature-Parliament of Nepal. Ministry of Home Affairs is in the process of forwarding the Protocol to the Legislature-Parliament. Ratification of the Protocol is essential to strengthen the four ways to combat Trafficking in Persons, viz., prosecution, protection, prevention and developing partnership among GOs and NGOs and among international organizations (bilateral as well as multilateral).

Assessment of the Existing Legal Framework

The Interim Constitution of Nepal 2007 provides the legal framework for the protection and promotion of human rights of Nepalese citizens. Article 29 (3) of the Constitution states that no person shall be subject to human trafficking, slavery or bonded labor. The *Human Transportation and Trafficking (Control) Act 2007* and *Regulation 2008* are two sets of legal framework that sanction prosecution of traffickers as well as protection of the human rights of trafficking survivors. The Act is applicable to any person inside or outside of Nepal accused of being involved in trafficking in a Nepalese citizen.

Definition of trafficking: As discussed in Chapter One, the trafficking offences encompass multiple forms of trafficking and exploitation, including the sale or purchase of persons, enforced prostitution, illicit removal of human organs, and engaging in prostitution for internal and/or cross-border trafficking. The definition of human trafficking and transportation offences is at par with the requirements of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000. The Act also establishes extraterritorial jurisdiction in case of the offences that are committed outside of Nepal.

Difference in TiP between adults and children: While the Act does not differentiate between adults and children, it provisions for different levels punishment for adult and child trafficking.

Protection of the privacy and identity of the victim: The Act prohibits filming the hearings, breach of confidentiality (both informants and victims) and dissemination of confidential information without the consent of the victims, or publication and/or broadcast of photographs or any information detrimental to the victims.

Procedure to provide trafficking victims with information on relevant court and administrative proceedings: The Act provisions for giving access to independent legal counsels and interpreters during the trial process, and grants the victims statutory rights to compensation.

Measures to provide for the physical, psychological and social recovery of trafficking victims: It provides for the rescue of victims and their rehabilitation. In this direction, the GoN supported three rehabilitation centers in FY 2008/09 and additional five in FY 2009/10 in high risk-districts; and a Rehabilitation Fund has been set up for the rehabilitation of the victims.

Measures for the physical safety of victims during the court proceedings: The burden of proof lies on the defendants and video recording of the hearing may be done on the survivor's request.

Measures to offer compensation for the damage inflicted: Victims are given 50 per cent of the imposed fine and the rest goes to the Rehabilitation Fund that supports rehabilitation of similar victims.

Provision of repatriation of trafficking victims: The GoN should make necessary arrangements for the rescue of a Nepalese citizen sold within or outside of the country and establish rehabilitation centers for the provision of medical treatment, psychological counselling and any other services required for social reintegration.

Punishment criteria: The Act establishes proportional penalties and a more stringent penalty structure for several aggravating factors, and allows judicial discretion in sentencing. Prescribed penalties for trafficking offences range from 10 to 20 years imprisonment in combination with a fine. The maximum penalty for internal trafficking is 10 years of imprisonment and a fine of Rs. 100,000, but if the victim is an adult, the trafficker will be subject to a 10-year sentence and a fine of Rs. 100,000.

Section 10 of the Act makes the provision for non-bailable offence, which means the accused can be kept in custody in the course of trial. However, the Supreme Court repealed the provision, except in case of trafficking for prostitution.

Other relevant laws which can be used to punish traffickers include the following:

- Domestic Violence (Crime and Punishment) Act 2009 and Regulation 2010
- Children Act 1991
- Immigration Act 1991
- Foreign Employment Act 2007 and Regulation 2008
- Supreme Court Orders and Guidelines for regulating women workers in dance bars, cabin restaurants and massage parlours 2008

The following Bills are also relevant to prosecute traffickers if they are passed by the Parliament.

- New Bill on Mutual Legal Assistance – approved by the Cabinet on January 3, 2010, and tabled at the Legislature-Parliament on January 20, 2011;
- Draft Bill to Amend the Existing Extradition Law 2008 - approved by the Cabinet on January 3, 2010, and tabled at the Legislature-Parliament on January 20, 2011. The current India-Nepal Extradition Treaty 1855 (1953 revised) lacks method of determining extraditable offences, obligation to extradite and obligation under International Convention. It also lacks a clause for the extradition of third-country nationals. The Draft Bill proposes to amend these shortcomings, including others.
- First Amendment to the Anti-Money Laundering Act 2008 – approved by the Cabinet on August 16, 2010 and tabled at the Legislature-Parliament on September 17, 2010;
- Sentencing Act – approved by the Cabinet on January 16, 2011 and tabled at the Legislature-Parliament on February 1, 2011;
- Civil code – approved by the Cabinet on January 26, 2011 and tabled at the Legislature-Parliament on February 1, 2011
- Civil Procedures Code – approved by the Cabinet on January 26, 2011 and tabled at the Legislature-Parliament on February 1, 2011

- Bill to Amend and Consolidate Some Laws – approved by the Cabinet on January 26, 2011 and tabled at the Legislature-Parliament on February 1, 2011

6.2 Law Enforcement Agencies

As discussed in Chapter 5, the Ministry of Home Affairs (MoHA) is responsible for controlling of sale and trafficking in children and women. Under the Ministry, Nepal Police and Immigration Department are the law enforcement agencies. The Police Headquarters has Crime Investigation Department, which overlooks the Women and Children Service Directorate (WCSD) responsible for controlling and preventing crime against women and children, including trafficking related cases. By mid-2010, Women and Children Service Centers (WCSCs) were set up in all districts to advance the objective of controlling and preventing crimes against women and children.

The Act punishes persons involved in the issuance of fraudulent passports and visas or carrying any forged document in order to travel abroad. Many fraud cases, including misuse of passports, were reported in the FY 2009-10.

Interpol Nepal collects information and documents related to criminal activities including Trafficking in Persons and proceeds with the investigation of the missing persons.

The Office of the Attorney General prosecutes traffickers as stated in Chapter Two.

In addition, the National Human Rights Commission-Nepal, National Women Commission (NWC), and National Dalit Commission (NDC) work as quasi judicial bodies. Their activities have been dealt with in Chapter Five.

6.3 Judicial Responses to Trafficking

The Supreme Court and Office of the Attorney General (OAG) are two authorities to examine the levels and trends of prosecution of trafficking-related cases. They publish Annual Reports covering their activities, registration and dismissal of criminal cases, including the trafficking cases. The OAG provides a detailed break-down of data on Trafficking in Persons like total number of trafficking crimes registered in a court, number of cases dismissed, number of cases pending and the number of cases returned/*multabi*. The Supreme Court records only show a total number of trafficking crimes registered in the different layers of the court in Nepal and do not provide any disaggregated data on the status of the verdict. Therefore, the Report draws data availed from the Office of the Auditor General to make analysis of the levels and trends of trafficking cases registered in the courts, and conviction and acquittal of the cases.

The Supreme Court

Table 6.1 reveals the magnitude and status of trafficking cases disposed by the Supreme Court of Nepal from FY 2005/06 to FY 2009/10. A 5-year average of the number of trafficking cases registered in the Supreme Court comes to be 94. The Supreme Court gave its verdict on an average of 27 cases during the five year period. Of them 10 cases were convicted while 17 cases were acquitted. The 5-year conviction rate, the percentage of convicted cases to the total decided cases, is 38 with the lowest in FY 2006/07 (30%) and highest in FY 2008/09 (43%). Every year, The Supreme Court gives verdict on a limited number of cases, as reflected by the high number pending cases – ranging from 63% to 89%.

Table 6.1 Number of trafficking crimes registered, convicted, acquitted and pending cases in the Supreme Court, 2005/06 -2009/10, Nepal

Years	Total cases	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
2005/06	94	9	10	19	47.8	50	53.2
2006/07	129	38	45	83	45.8	46	35.7
2007/08	97	19	17	36	52.8	61	62.9
2008/09	132	33	27	60	55.0	72	54.5
2009/10	155	38	50	89	42.7	67*	43.2
5-years average	121	27	30	57	47.7	59	49.0

Note: the same as in Table 6.4.; * one case *multabi* also includes in this category.

Source: the same as in Table 6.4.

The number of trafficking cases registered in the appellate courts varies from one to another. The highest number of cases was registered in the Patan appellate court, followed by Hetauda, Nepalgunj, Biratnagar and Ilam (Table 6.3).

Table 6.3 Number of trafficking cases registered in the appellate courts, 2005/06-2009/10, Nepal

Name of appellate courts	2005/06	2006/07	2007/08	2008/09	2009/10 (2006/67)	5-year average number
Ilam	1	7	11	11	7	7
Dhankuta	1	0	1	3	4	2
Biratnagar	8	7	9	13	20	11
Rajbiraj	4	3	3	6	7	5
Janakpur	5	5	2	2	2	3
Hetauda	7	27	19	28	27	22
Patan	32	48	24	33	39	35
Pokhara	2	2	1	1	2	2
Baglung	1	0	1	0	0	0
Butwal	7	2	5	1	10	5
Tulsipur	0	0	0	5	5	2
Nepalgunj	4	17	17	17	19	15
Surkhet	0	0	0	1	3	1
Jumla	0	0	0	0	0	0
Dipayal	0	0	0	2	4	1
Mahendranagar	2	4	4	3	6	4
Total	74	122	97	126*	155	115

Note: Annual Reports of Supreme Court * Note 6 cases do not match from the total of 132 cases.

District Courts

The 5-year average of trafficking cases registered and disposed comes to be 255 and 98, respectively (Table 6.4). The 5-year average conviction rate is 63% and it was much higher in the

FY 2005/06 and FY 2006/07. The rate dropped to 59 per cent in the succeeding FYs. The 5-year average pending rate is 63% and the rate appears to fluctuate every year.

Table 6.4: Number of trafficking cases registered, convicted, acquitted and pending in the district courts, 2005/06-2009/10, Nepal

Years	Total cases	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction Rate (%)	No. of pending trials	Pending rate (%)
2005/06	183	36	22	49	73.5	124	67.8
2006/07	245	78	33	111	70.3	134	54.7
2007/08	257	44	30	74	59.5	183	71.2
2008/09	290	82	56	138	59.4	152	52.4
2009/10	299	71	47	119	59.7	214*	71.6
5-years average	255	62	38	98	63.3	161	63.3

Note: *1 case *multabi* also includes in this category.

Source: Annual Reports of the OAG.

The follow case shows how court's decision on traffickers of kidney.

The District Court of Kathmandu convicted and sentenced two men to four years and 18 years in jail for, first, removing and selling a kidney of a girl and then selling the girl herself to a brothel in Pune, India, in 2007-THT, June 3, 2010/Kathmandu

The District Court of Kathmandu remanded a man to judicial custody on issue of human trafficking charge-THT, February 23, 2011/ Kathmandu

The District Court in Hetauda sent three youths to jail for 10 years on charge of trafficking three girls to India. They were also fined of Rs 50,000 each - Kantipur, March 12, 2011/ Hetauda

The number of trafficking cases registered in the district courts in Nepal in the FY 2009/10 is presented in Table 6.5 and Appendix 6.1. Among 75 districts in the country, there were no trafficking cases registered in 32 districts. All of these districts are in the mountains and the hilly regions. On the other hand, the highest number of trafficking cases registered is in the Kathmandu District Court (78 cases), followed in Nuwakot (19), Sunsari and Rupandehi (17, each), Parsa (12) and Kaski (11). There are two districts, where 10 trafficking cases were registered.

Table 6.5 Number of human trafficking cases registered in the district courts, FY 2009/10, Nepal

District courts	No. of districts	No. of trafficking cases registered	Total number of cases
Kathmandu	1	78	78
Nuwakot	1	19	19
Sunsari and Rupandehi	2	17	34
Parsa	1	12	12
Kaski	1	11	11
Nawalparasi and Banke	2	10	20
Jhapa and Kanchanpur	2	8	16
Rautahat, Sindhupalchowk and Kapilbastu	3	7	21
Bara, Chitawan and Kailali	3	6	18
Udayapur, Siraha, Dang and Bardiya	4	5	20
Sindhuli, Bhaktapur, Dhading and Surkhet	4	4	16
Ilam, Terhathum, Saptari, Tanahu, Syagja and Palpa	6	3	18
Dhanusa, Sarlahi and Pyuthan	3	2	6
Panchthar, Morang, Solukhumbu, Mahottari, Makwanpur, Baglung, Arghakhanchi, Jajarkot, Baitadi and Sankhuwasabha	10	1	10
Taplejung, Dhankuta, Khotang, Okhaldhunga, Ramechhap, Kavrepalanchowk, Lalitpur, Rasuwa, Lamjung, Gorkha, Manang, Mustang, Myagdi, Parbat, Gulmi, Salyan, Rolpa, Rukum, Dailekh, Dolpa, Jumla, Mugu, Kalikot, Humla, Bajhang, Bajura, Achham, Doti, Darchula and Dadeldhura	30	0	0
Total			299

Note: districts have been categorized with the same number of trafficking cases registered in the district courts.

Source: Annual Reports of OAG, 2009/10.

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

Table 6.6 summarizes the conviction rates of human trafficking, drugs smuggling and arms smuggling registered in the different courts of Nepal during the period of 2005/06 to 2009/10.

The Supreme Court decisions over the years reveal that the conviction rate of trafficking cases appears to be satisfactory, as compared to other criminal cases. For example, the 5-year average conviction rate for trafficking (38%) from 2005/06 to 2009/10 is slightly higher than conviction rate of drug smuggling (34%) and much higher than that of arm smuggling (20%).

Table 6.6 Comparing the conviction rates for human trafficking with other criminal cases decided by the Supreme Court, appellate courts and district courts, 2005/06-2009/10, Nepal

Year	Human trafficking	Drugs smuggling	Arms smuggling
The Supreme Court			
2005/06	30.8	31.3	0.0
2006/07	29.6	41.0	0.0
2007/08	41.2	29.3	*
2008/09	42.9	33.8	25.0
2009/10	37.5	38.5	25.0
5-year average	37.6	34.3	20.0
Appellate Court			
2005/06	47.4	25.0	50.0
2006/07	45.8	34.7	25.0
2007/08	52.8	64.7	25.0
2008/09	55.0	65.3	33.3
2009/10	42.7	62.9	23.8
5-year average	47.7	50.7	25.7
District Courts			
2005/06	62.7	81.9	92.2
2006/07	70.3	80.0	98.1
2007/08	59.5	81.7	90.7
2008/09	59.4	81.0	87.3
2009/10	59.7	87.6	88.3
5-year average	62.3	83.0	89.4

Source: Annual Reports of OAG, FY 2008/09 and FY 2009/10.

* There were no cases in this year.

In the appellate courts, the 5-year average conviction rate for trafficking is 48% which is slightly lower than that of drug smuggling (51%) but much higher than that of arms smuggling (26%).

In the district courts, the conviction rates for human trafficking ranged from 59% to 70% during the year of 2005/06 to 2009/10, meaning the five-year average would be 62%. Data reveal that conviction rates for human trafficking are much lower compared to the rates of drug smuggling and arm smuggling.

The conviction rates of the district courts on human trafficking cases are far higher than that of the upper layer courts of Nepal. More than 60% of the cases decided by the district courts are successful in each of the year considered here, the comparable figures for the appellate courts and Supreme Court range from 43 to 55% and 30 to 43%, respectively.

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

Table 6.7 compares the 5-year average pending rate (from 2005/06 to 2009/10) of trafficking cases with the other criminal cases in the courts of Nepal. In the Supreme Court, the pending rate

for trafficking (38%) is much lower compared to rates of drug smuggling (58%) and arms smuggling (81%).

In the appellate courts, the 5-year average pending rate for trafficking is 56 per cent. This rate is lower than the rate of arms smuggling, but is higher than that of drug smuggling. This indicates that although the pending rate of trafficking is high in the appellate courts, this rate appears not to be considerable compared to the pending rate of arm smuggling.

In the district courts, the 5-year pending rate for human trafficking is 60% which is lower by nearly 11 percentage points by the rate of drug smuggling and lower than 13 percentage points by the rate of arms smuggling.

Two inferences may be made from the data. First, pending rates are much higher in the lower courts of Nepal. Second, the pending rate for human trafficking vis-à-vis other criminal cases cannot be taken as high in the Supreme Court. The pending rates of human trafficking in appellate courts and districts courts fall in between the pending rates of drug smuggling and arm smuggling.

Table 6.7: Comparing the average pending rates for human trafficking of five years to the different criminal cases in the courts of Nepal (2005/06-2009/10)

Criminal cases	Supreme court	Appellate courts	District courts
Human Trafficking	38.4	56.2	60.8
Drugs trafficking	58.2	31.7	50.3
Arm smuggling	80.6	71.3	73.2

Source: Annual Reports of OAG, FY 2008/09 and FY 2009/10.

6.4 Emerging Challenges

Drawing on the information from the workshops and findings of this Chapter, there is a wide gap between the prevailing laws and their implementation, mainly due to political instability, extensive impunity and political protection to the perpetrators of trafficking; and the following challenges can be revealed.

- Formulate acts, regulations, guideline, policies necessary for the effective implementation of Human Trafficking and Transport (Control) Act 2007, such as, 'Witness Protection Act', policy and guideline of Rescue, Repatriation and Rehabilitation and Reintegration (4-Rs), Standard of Operating Procedure dealing with trafficking cases with the human rights concern.
- Prosecution of trafficking perpetrators due to increasing impunity and increasing political interference.
- Strengthening the law enforcement agencies with skilled human resources, physical, logistic and financial support and by establishing joint separate unit of police and prosecutor for criminal investigation relating to trafficking cases.
- Increase and upgrade women police status in Women and Children Service Centers for discharging its responsibility with impact.

- Create conducive environment for encouraging victims to file the cases in Police, investigation authorities and social workers by decreasing fear of threats, hostile behavior and other compromising factors.
- Ensure the privacy of victims and witness during the court proceedings, security of victims and witness and reduce the duration and complexity of court proceedings.
- Develop mechanisms for regular interaction among Ministry of Home Affairs, Chief District Officers, and the Police and NGOs in context of boarder districts of India to deal with the trafficking related issues in border points.
- Enlist the trafficking related cases under prioritized cases of judicial system for timely delivery of justice to the victims.



Response of National, Regional and the International Community in Combating TiP

The objective of this Chapter is to facilitate mobilization of stakeholders and generate the high level commitment and advocacy for the effective implementation of the laws, policies and programs both at the national, regional and international level. This Chapter consists of the responses from the UN Special Rapporteur on Trafficking in Persons, the Secretary General of SAARC, Nepalese Ambassadors to Malaysia and India, and President of Maiti Nepal. The responses was possible to collect from UN Special Rapoorteur on Trafficking in Person thorough the coordinated and facilitated from the Office of the High Commissioner on Human Rights, Nepal (OHCHR). Similarly the Ministry of Foreign Affairs coordinated and facilitated to obtain the response from the respective embassies.

The response of these dignitaries was obtained by providing a questionnaire (Appendix 7.1). The questionnaire was developed based on the findings of the National Report 2008-09 on 'Commitment on Combating Trafficking in Persons: Perception of Key Line Ministries, CA Members, National Women Commission and Human Rights Defenders and the UN Country Team'.

7.1 Responses

Even in the 21st century, and with the UN Convention against Transnational Crime and three protocols for the Palermo Protocol, 2000, and two others for combating Trafficking in Persons remains a global challenge and modern day slavery against human being. It is a criminal activity as well as violation of human rights since the victim is forced to accept the situation and live in an utterly inhuman environment. The victim is barred from even enjoying the basic rights, including the rights to movement and work. Further, increasing opportunities for foreign employment has balanced the demand and supply of the labor market on inter-country basis, but it has also increased the vulnerability of Trafficking in Persons due to legal and procedural delay in the country of origin country and/or the country of destination. In addition, unemployment of youth and unsafe foreign labor migration has created further risk of Trafficking in Persons.

Trafficking in Persons, especially of women and children in Nepal, is one of the major causes of violence against women. In spite of putting constitutional/legal arrangements in place and implementing the Plan of Action and programs accordingly, data reveals that trafficking in women

and children is increasing in the country. The increasing attraction of foreign labor employment has not only increased the vulnerability of trafficking, has also changed the dynamics of Trafficking in Persons. The case studies of the Nepalese workers show that the Nepalese women go to the UAE to work as domestic workers, but later on, due to illegal activities, they become victims of trafficking. Initially, they may enjoy right to movement and right to work but later they end up with violation of their own human rights.

In this context, combating Trafficking in Persons needs meaningful effort from OHCHR and other NHRIs to deal with the challenges from the human rights approach. In this context, the role of Nepalese embassies abroad is crucial to record and regulate foreign employment.

7.2 Responses from dignitaries

Joy Ngozi Ezeilo, UN Special Rapporteur on Trafficking in Persons, Especially Women and Children, OHCHR Geneva (Telephone Interview)

Situation of trafficking, especially women and children, at the regional and international level

Human trafficking unfortunately is not declining. Though a lot of effort is on the ground globally and regionally to combat human trafficking we are yet to see its decreasing trend. On the other, the dimension of Trafficking in Persons has been widened in different approaches making more vulnerable situation of Trafficking in Persons. So, it is not only women and children but also men who are vulnerable to trafficking. The current economic and financial crisis has also helped as much as to increase the problem of human trafficking. Further, we are also seeing growing cases of trafficking due to increasing trends of migration, both internal and external. This especially affects women and children and, of course, we also see growing cases of trafficking in men. The countries of destination themselves realize increasingly the problem of identifying persons who are victims of trafficking.

Need of Coordination and Networking among NHRIs for Combating Trafficking

Human trafficking is both a cause of and consequence of violations of human rights. Human trafficking affects cumulative; in fact, it is cumulative breaches or violation of human rights of victims which affects women, girls, boys and men equally. Of course, it affects proportionally more the human rights of women. If we look at the root causes of trafficking, we find gender discrimination, social exclusion, violence against women and various forms of gender based violence. In the analysis of poverty from gender perspective, we know that women and children are the poorest of the poor and poverty has been enlisted as one of the major causes of trafficking due to its direct linkage with job and income. When you look at human rights violation which ranges from right to dignity of person to right to justice and security, the trafficked victim has to be deprived from the right of self –determination, including issue of right to health, right to defend work and right to livelihood. In short, it affects human security as a whole. Human insecurity is also a cause of human trafficking. The point here is, NHRIs have to see human rights with an integrated approach to address human trafficking.

For the NHRIs, they have crucial role to play. They are working at national level. The national mechanisms are very important in combating human trafficking. I want to re-emphasize that apart from having focal agent on human trafficking at national level, the NHRIs should get involved

in the issues of combating Trafficking in Persons because the human trafficking is also, a violation of human rights of people. So, what we need them to do is to adopt more developed approaches, a holistic and integrated approach that will address all forms of trafficking, including sex-trafficking, trafficking for labor exploitation, slavery practice similar to slavery, removal of organ which enforces the victim in a situation of exploitation as against his aspiration for the human life with dignity and justice.

We are aware of the fact that women are trafficked mainly for sex and domestic work. And men are trafficked mainly for construction industries. We need to address this in a comprehensive manner and one of the ways is to have a national plan of action and strategic framework for the implementation, which involves all stakeholders in development, implementation and monitoring. This, I view as a very good way forward. I think there should be a focal agency in the respective government as a state party to take the responsibility to ensure the rights of the targeted vulnerability and victim of trafficking. The NHRIs as an independent institution for care taking human right based on Paris Principle should take a lead for monitoring all of these interventions and directions. In this respect, Special Rapporteur on trafficking in person especially on women and children, NHRI Nepal can be given as an example institutional mechanism for the purpose. This ultimately will contribute to achieve the goals of combating trafficking and end the modern slavery from the world.

Role of UN Special Rapporteur in Advocating and Monitoring the International Commitment in Combating Trafficking in Persons

The role of Special Rapporteur is very important. My work is to report at the level of importance on the global situation of human trafficking to UN, Human Rights Council and General Assembly. I also work on country basis which is like a fact finding mission on the particular country and at the end of this there would come recommendations that would be forwarded to the concerned country. I also deal with cases related to allegation on violation of human rights related to trafficking involving women, children and men from around the world, and it is my responsibility to communicate this to the governments involved and to get appropriate response and then follow up on that. We also issue press releases on the global situation of human trafficking, including thematic specific issues on Trafficking in Persons.

I also have to deal with implementation of International Conventions that are really advantageous in dealing with issues of Trafficking in Persons. The major one is UN Protocol to Prevent, Suppress and Punish the Persons in Trafficking, 2000, which is in supplementary to the Convention on the Transnational Organized Crimes. This protocol is more comprehensive to define Trafficking in Persons; it is much comprehensive in context of state's obligations in terms of victim's protection to ensure them to have medical, legal assistance, and language support (translation) etc. All of these are very important to ensure that the victims should not be criminalized.

I have tried also in my work to focus a lot on a victim's rights. My last report to Human Rights Council is on the rights to effective remedy to the victims of human trafficking and it is also important to emphasize the various options the victims of human trafficking are perfectly safe from criminalization that arise directly from where they are being trafficked. So, we send to lobby the case.

We are also advocating on facilities that the victims of trafficking which may include rehab centers for temporary and permanent lodging which will enable them to seek home address, employment

and education that the trafficked persons might need. I have developed a framework, what I believe is a comprehensive framework for combating human trafficking which comprises 5-Ps - prevention, protection, prosecution, punishment and partnership. Partnership is very important that include public/private partnership on human trafficking and 3-Rs are about *redress, recovery and reflection period* in which we provide psycho-social support that will enable the victims to get medical assistance. Then, the issue of reintegration begins. If a victim is regretting or under stigma, it is important to ensure their safe-return and there is no likelihood for victim being re-trafficked.

With regard to the 3-Ps, we speak directly to the gap found in my work at global level. The gaps are on capacity. There is not enough capacity in legal areas to address human rights and trafficking, capacity of law enforcement agencies, judiciary, lawyers, and prosecutors is questionable. They need to have adequate capacity especially for those law enforcement officers who work at the check points. They need to be capacitated to identify the incidents of deporting all irregular migrants; they need to ensure there is protocol, a check list and that they are familiar with human trafficking phenomena and dynamic for reporting the case.

There is an issue of coordination earlier I have mentioned. The gap within countries and the combating trafficking efforts are not properly coordinated. In international level it, is even worse. So, we need to ensure a proper coordination mechanism and at country and regional level so that we can effectively monitor the impact of our work, in prevention and protection work addressing the root causes of trafficking, including demand.

Finally my concern is on the issue of financing and cooperation. Cooperation is imperative for us to succeed in the fight against human trafficking which is a modern day slavery; and that is a shame for all of us. We need to work together that is every country of the world irrespective of sending or destination country. We need to work together in sub-regional, regional and global level and also at national level to end human trafficking.

We also have to ensure that civil society organizations including other stakeholders are involved because they are the ones who provide statistics and it is important that we will cooperate with them. I also see it important to advocate the voice against the protection of human traffickers at all level of its organized crime devise the way which will guide us to expose the traffickers and investigate the crime of traffickers and respective persons involved are punished accordingly.

Establishing Regional and National Rapporteur as a Focal Mechanism in Advocating and Monitoring of International, Regional and National Commitments

Right from the one in 2008 one of my recommendations in my post on the need of every member state is to ensure that they have a national report to have sent and sub-regional level report as well I am advocating this. And I am happy that the European Union has already the regional report issued to Council of Europe. We also need to move to other regions. We need to have this not just at national level, but also in regional level. Then it will also feed into my work and also at the Global level as a UN Special Rapporteur on human trafficking.

It is important when you look at issues of reliable data, issues about standardization and the adoption of tools that will enable us not only to identify but also to monitor our work. You will see that if you have a focal person at national and regional level that can tap progress and development

and monitor in the national and regional action plan there would be a clear collection of information, determination on trafficking strategies with action plan. If we have the correct statistics and information on national and regional level, it will support to estimate the problem of human trafficking as well. Currently, most of the statistics are unreliable and lack of data in this area is the major challenge in formulating policies on combating trafficking. So it is important for me and I am hoping that in near future I could have a forum for national Rapporteur, regional Rapporteur and trafficking networks on our working relationships. This I believe will have direct impact in sustainable manner in our effort to end human trafficking.

Collaboration with OSRT-NHRC-Nepal and UN Special Rapporteur on TiP

I really appreciate and I look forward to collaborating with OSRT-NHRC. The information I might seriously think should come to my attention. Please I will appreciate that we will be in contact with you. And if I am having any forum for National Rapporteur, I will be very glad to involve you. If you have any program there in Nepal that you think I should come and add my voice do not hesitate to invite me.

Fathimath Dhiyana Saeed, Secretary General, South Asian Association for Regional Cooperation (SAARC)

On Situation of Trafficking

Trafficking in Persons is one of the major concerns under violence against women and is against human rights.

According to the International Journal of Gynaecology and Obstetrics (2006), on an average, some 1 million Asian women and children are victimized every year due to trafficking for sexual exploitation and South Asia bears the most of this figure. Trafficking targets women mostly, because they are disproportionately affected by poverty and discrimination and factors impeding their access to opportunities of education, employment and other resources. The National Commission for Women in three countries - Thailand, India and Sri Lanka - states that promises of a better job account for over 50 per cent of the trafficking cases¹.

Displacement and migration, among others, in the absence of protection mechanisms, are likely to increase trafficking vulnerabilities. Globalization has facilitated easy acquiring of human labor from the international market thereby triggering movement of people across boundaries.

On Palermo Protocol 2000 and SAARC Convention 2002

It is very difficult for the Secretariat to comment on this question in precise terms. Maybe, you may like to direct this question to the authorities that would have conducted an impact assessment following the entry into force of these Conventions.

The SAARC Convention signed in 2000 promotes cooperation amongst the Member States to enable them to effectively deal with the various aspects of prevention, interdiction and suppression of trafficking in women and children; repatriation and rehabilitation of victims of trafficking; and prevention of 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.

¹ <http://www.stimson.org/images/uploads/research-pdfs/ruchira.pdf>

At the Tenth SAARC Summit Declaration (Colombo, July 1998), the Heads of States or Governments expressed the view that the scope of the Convention should be broadened to cover purposes other than prostitution. The Meeting of Interior/Home Secretaries (Islamabad, June 2010) made the following comments on the scope of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution:

- The definition and forms of exploitation are limited only to prostitution;
- Leaving out other forms of trafficking and practices like sexual exploitation, forced labor service, bonded labor, slavery or practices similar to slavery, removal of organs from living body, practice of forcing young boys as camel jockeys, begging etc.
- Exclusion of the male victims;
- Lack of differentiation between voluntary migration and trafficking; and
- Lack of specific accountabilities on the parts of source and destination countries.

I believe the foremost requirement to achieve this end would be to implement the provisions of the Convention both in letter and spirit. I am glad to mention that a Regional Task Force constituted to implement the Convention meets regularly to monitor the progress thereon. The Fourth Meeting of this Task Force will be held in Kabul, Afghanistan on 15 July 2011.

On Mobilization of I/NGOs and Civil Society

To develop effective protection measures against trafficking in South Asia, there is a need for extensive knowledge and capacities of civil societies about the underlying social, cultural and economic causes that contribute to the victimization of trafficked persons.

The Secretariat supports enhancing capacity of service providers like NGOs, professional groups, media and private sectors and Community Based Organizations (CBOs) to increase the access of the program to the target group of vulnerable population including victims of trafficking.

Establishing Regional and National Rapporteur as a Focal Mechanism in Advocating and Monitoring of International, Regional and National Commitments

Establishing Regional and National Rapporteur will help regional as well as national efforts; to monitor the incidence of trafficking, coordinate national, regional and international efforts to combat crime of trafficking, and generate high level commitment to efforts aimed at improving the human rights situation of women and children.

UN Special Rapporteur can play a key role to get political commitment at the highest level to combat all forms of trafficking through working closely with government, and international and region organizations.

Role of NHRIs

Roles of NHRIs can include, among others, advocacy and sensitization of the public, law enforcement and civil society about the existing means to protect the rights of vulnerable target population and victims of trafficking, and develop guidelines for all officials and service providers with emphasis on the primacy of human rights of those who have been trafficked.

On Challenges in Implementation

Implementing the Conventions and national commitments in combating TiP requires effective and integrated approaches which should be guided by a clear gender perspective and human rights issue requiring preventive, law enforcement as well as rehabilitative components. Therefore, countries need strengthening institutional mechanisms, such as, human rights commission, judiciary, police and public health systems that can protect and support victims.

Equal importance should be given to address the root causes of trafficking which include poverty, unemployment, violence against women and discrimination. Unless countries in South Asia address poverty and unemployment, vulnerable groups will be at very high risk of being the victims of trafficking. Finally, greater coordination and co-operation among key stakeholders (international, regional, national governments, and NGOs) are needed to increase human resources (capacity building) to support the victims in rehabilitation.

Nepalese Ambassador to India, Delhi

On Situation of Human Trafficking

Nepalese nationals, both women and children, are being trafficked to India for different purposes: as commercial sex workers, household assistants and also for entertainment and other purposes. There seems to be a high demand of Nepalese women especially for commercial sexual exploration and demand of children for household works. On the supply side, a number of cases have been found in which friends, relatives and even parents have agreed, encouraged and motivated their relatives to come to India. Children as young as seven years have been found and rescued by the Embassy. In one case, a father was found to have brought his daughter to New Delhi and forced her into prostitution.

On Mobilization I/NGO and Civil Societies

I/NGOs and civil societies are playing important roles in conducting different programs for target group of vulnerable population including victims of trafficking.

They are especially working for

- Prevention of trafficking.
- Protection of vulnerable target groups and victims of trafficking.
- Primary and secondary information sharing for both target group and governmental and non-governmental agencies and
- Helping in identification and prosecution of the trafficking.

In practice, there are some NGOs in New Delhi which have been closely working with the Embassy in searching and identifying victims, rescuing them from their places of stay and repatriating them to Nepal. Many of them have arranged for repatriation cost by bus, by train and also by plane and depending on the situation. Close cooperation between the government and civil society organizations seems very effective in handling this problem.

In view of the above, I/NGOs and other civil society organizations should be recognized and accepted by government agencies and public at large for the smooth implementation of programs related to human trafficking control.

On Challenges in Implementation

From Nepal to India mostly women are trafficked for sexual exploitation and children are trafficked for labor exploitation at households and in circuses and sometimes in garment industries. Nepal Embassy in New Delhi also rescues women trying to fly to the Gulf countries using airports of India, especially in Delhi and Mumbai, which is illegal for Nepalese workers. These women are lured by Nepalese and foreign agents promising better jobs with better salary and facilities. But in reality they are being trapped for sexual exploitation. Strong emigration procedures and monitoring at Tribhuvan International Airport and border areas of Nepal can significantly reduce women and child trafficking.

The main challenges perceived by the Embassy of Nepal while dealing with Trafficking in Persons are:

- The open border and loose emigration procedures pose threats to the vulnerable groups and motivates trafficking. So, the exit points from Nepal should be closely monitored.
- Lack of required facilities and financial resources. Added to these, human resource dedicated to anti-trafficking and rescue purposes are lacking in the Embassy.
- Needs better co-ordination between the Embassy and the NGOs and civil societies working in this field.
- Lack of proper reintegration of the victims of trafficking into the society. In many cases, it is found that the rescued victims are re- trafficked due to non-adoption/non-acceptance by the society.
- Need coordination between NGOs and civil societies
- Embassy does not have adequate funds to provide shelter, food to the rescued persons.

On Suggestion to Solve the Challenges

- Creating and raising awareness among the people of Nepal about the worse situation being faced by the victims.
- Realistic planning and implementation of project for poverty alleviation and education
- Strong law and rules in this area, and their effective implementation, impunity and lack of punishment to identify offenders
- The Embassy needs to be properly equipped to handle the situation and address the problem. It should be provided with adequate budget and human resource to rescue and repatriate the victims as well as to establish and run a shelter house.
- A mechanism needs to be developed to establish better coordination between the Embassy and NGOs working in the field.
- Effective NGOs should be given monetary and other incentives such as letter of appreciation for their praiseworthy works.
- A mechanism between the two governments would be helpful in controlling this social scourge.

Commitment: Nepalese Ambassador to Malaysia (Mr. Rishi Raj Adhikari)

On Situation on Trafficking

Trafficking in women and children is the worst form of violation of the human rights of women and children and it is also one of the greatest human rights challenges. Trafficking is going on unabated at all the national, regional and at the global levels. It is the illicit and clandestine movement of persons across national and international borders.

Globalization of migrant workers and their movements across the countries has increased the cases of Trafficking in Persons. We can take the case of Malaysia. Malaysia is a destination, and to a lesser extent, a source and transit country for women and children. The majority of trafficking victims are foreign workers who migrate willingly to Malaysia from Indonesia, Nepal, India, Thailand, China, the Philippines, Burma, Cambodia, Bangladesh, Pakistan, and Vietnam.

There were over two million documented migrant workers in Malaysia in 2010, and an additional estimated 1.9 million are undocumented migrants. Documented Nepalese migrant workers consist of about 273 thousand of which female accounts for 498. Some Malaysian employers reportedly did not pay their foreign domestic workers three to six months' wages in order to recoup recruitment agency charges, making them vulnerable to trafficking. Embassy in Malaysia has been working for the protection of Nepalese workers such as the cases of Puja and Dil Kumari.

Case 1. Ms. Puja Lama

A resident of Makwanpur district, Puja was recently rescued by the Embassy from her abusive employer in Selangor.

The Embassy requests all concerned not to send Nepalese women as housemaids in Malaysia which is not legal and it would not be possible for the Embassy to have information on Nepalese women who are already working here or are intending to come to work as housemaids. As a result, they would have suffered immeasurably before the Embassy gets to learn about it.

Case 2. Dil Kumari Sunuwar

One Mahendra Shah was involved as an agent in bringing Dil Kumari to Malaysia in April 2008 through SMART SDN. BHD. To work as a domestic worker in Penang. The sister of Dil Maya complained that Mr. Shah took RM 5,000 of Dil Maya from the employer and did not give her any of it.

The owner of the restaurant forced the worker to work in the restaurant as well as in his house. Dil Kumari has not been paid the salary for the last two years. Embassy received this information from the Department of Foreign Employment in Kathmandu in June, 2010. After numerous attempts, Embassy was able to contact the owner of the restaurant and talked to Dil Maya. It was observed that she was quite innocent and also ignorant. During the inquiry it was learnt that there were three girls brought by this company. One girl had returned to Nepal and another girl, Radhika, is still in Malaysia. The company was asked to arrange visit with these two female workers or to bring them to the Embassy. The company gave assurance to bring the workers to the Embassy. However, the commitment was never fulfilled.

In the mean time, a social worker in Penang Ms. Kai Lee Wong contributed a lot towards meeting Dil Maya. Embassy forwarded the request letter to the police and Labor Department. With the help of the Investigating Officer, Dil Maya was brought to the police station. It was found that she was not paid the salary of last two years. Her salary was settled with the rate of RM 500.00/month, which is equivalent to a domestic helper, not of a general worker. However, she was brought to Malaysia as general worker for whom a basic minimum salary is fixed by Nepal government at (RM21/day x 26 days x 8hrs) RM 546/month.

Embassy of Nepal is still investigating further this case seriously and is trying to find Radhika and the persons/agents involved in this and other such cases.

On Palermo Protocol and SAAC Convention

Palermo protocol is very important and deals with preventing and combating Trafficking in Persons. The protocols are also part of an organized crime initiative and critics say that much trafficking is done by unaffiliated individuals. The Convention on Migrant Workers, while reaffirming and complementing existing human rights instruments has forged new grounds and placed human rights in the specific context of migrant rights.

In order to implement the conventions, there is need to:

- Strengthen the domestic legal framework;
- Adopt of rights-based assistance and protection measures for trafficked persons;
- Establish effective bilateral and regional cooperation;
- Undertake a situational analysis of human trafficking and
- Improve the national collection and analysis of official trafficking data
- Strengthen cooperation mechanisms at domestic levels as well as cross border levels through the mechanisms detailed in the Protocol articles.
- Carry out an audit of existing machinery to ensure that those who are given the task of working on trafficking are aware of their responsibilities, are sensitized and trained to perform them.

On Role of I/NGOs

The I/NGOs could be supportive to government initiatives in the areas of research and documentation, advocacy at various levels, awareness and social mobilization, prevention, recovery, repatriation and reintegration, housing and shelter, medical care and counselling, education and child care, skills training, alternative income generation and economic empowerment, policy and legislative reform.

Establishing Regional and National Rapporteur as a Focal Mechanism in Advocating and Monitoring of International, Regional and National Commitments

As a special mechanism, the regional and national Rapporteur must have expertise, independence, concerted thematic focus, and an ability to engage directly through country visits, ongoing accessibility to victims.

The Special Rapporteur has a mandate to collect and analyze comprehensive data and to recommend measures aimed at eliminating violence at the international, national and regional levels. The Special Rapporteur's work is structured on the basis of the substantive framework set out in Declaration of Violence Against Women (DEVAW) 1993.

On Role of NHRIs

NHRIs can play a vital role in awareness raising, data collection and researching on the scale, type and recommend and put pressure on the respective governments against trafficking in women and children. They can mobilize legal as well as social resources to persuade governments towards implementing the existing laws and also come up with additional laws and actions to alleviate this grave social malady in the country.

Anuradha Koirala, Chairperson, Maiti Nepal

On Situation of Trafficking

Trafficking in Persons is the worst form of violence against women and it is the severe breach of human rights. Human trafficking is the problem of global concerns. South Asian countries are vehemently affected by this malady. It exists in all countries - some countries remaining on demand side while some remain in the supply side. In south Asia, Nepal and Bangladesh are the principal supply countries while India is the demand country.

Globalization and foreign labor migration have increased organized form of trafficking. Risks have multiplied with the lifting of ban imposed on women to work in the Gulf countries as housemaids.

On The Palermo Protocol, 2000 and SAARC Conventions and Other Conventions

With the ratification of the Palermo, the countries should make enough provisions in the local laws and policies so as to lessen the risks of trafficking, and enhance protection and prosecution of survivors of trafficking. SAARC convention assumes trafficking only for commercial sexual exploitation. Trafficking for other purposes should also be incorporated. Evaluation and monitoring system of the convention is not strong.

In order to strengthen the implementation of SAARC Convention, strong monitoring mechanism has to be set up. The Convention has to be amended to incorporate the trafficking takes place for other purposes other than sexual exploitation. The issue has to be dealt with right based approach. Repatriation and rescue mechanism have to be carried out with bilateral understanding.

Role of I/NGOs and Civil Society

I/NGOs and civil societies should reach out to the needy and high risks population with much stronger initiatives, coverage and programs. The real target group have to be identified and they should make maximum benefit from the programs launched by the concerned stakeholders.

On Role of Regional and National Rapporteur and UN Special Rapporteur

With the advent of violence against women and human trafficking problem booming everyday with changing modes and manifestations, roles of regional and National Rapporteur has become much essential in advocating and monitoring the international and national commitments in combating trafficking.

As United Nations is the umbrella organization and a supreme body, the role of UN Special Rapporteur holds greater meaning in the advocacy and monitoring the international commitments in combating Trafficking in Persons. The UN Rapporteur should effectively examine whether the commitments made by the states are really translated into actions. It can play a pivotal role in developing network among National Rapporteurs of the respective countries.

On NHRIs

NHRIs should strengthen their efforts in dealing with trafficking issues. Prevention programs and protection services should be conducted with broader coverage and result yielding approach.

Regarding prosecution of trafficking cases, setting up of a fast-track court that can deliver prompt decision would be one of the better options.

Challenges to Implementation

Human trafficking has emerged with wider modes, magnitudes and diversified manifestations. NGOs are always facing financial run out to tackle with it. Though incidents of trafficking has reduced in the areas where NGOs are already working, they are in need of extra funding as the problem has spread to other areas. Resource constraint is always a major challenge.

7.3 Message of the Responses

Situation of trafficking especially women and children at the regional and international level

The responses reveal that TiP has spread across the globe and unfortunately it has not been declining despite the national, regional and international efforts for combating Trafficking in Persons. The UN special Rapporteur viewed that the dimension of TiP has been widened where women, children and men are victims/vulnerable of trafficking. Factors such as economic and financial crisis, increasing internal and external migration have fuelled TiP. The SAARC Secretary viewed that displacement, migration and globalization all have facilitated easy acquiring of human labor from the international market and mismanagement of foreign labor migration. Nepalese Embassy to India viewed that Nepalese women and children are being trafficked to India for commercial sex workers, domestic workers and for entertainment and other proposes. Nepalese Embassy to Malaysia documented cases of trafficking in Nepalese workers in Malaysia. Similar view was expressed by the President of Maiti Nepal – that the lifting of ban by GoN for women to work in the Gulf countries as housemaids without proper protection measures increased vulnerability of trafficking in women.

Need of Coordination and Networking among NHRIs for Combating Trafficking

There is greater need of coordination and networking among NHRIs for combating TiP as it is both a cause of and consequence of violation of human rights. NHRIs can contribute to raising awareness, initiating advocacy, giving recommendations for interventions to the Government in areas of root causes of trafficking, gender discrimination, social exclusion, violence against women and human insecurity. They can also act as the monitoring and quasi-investigation organizations. Intra and inter-country cooperation and partnership between NHRIs are vital for addressing the violation of human rights and protection and promotion of migrant workers' rights in both origin and destination countries.

On the effectiveness of Protocol 2000 and SAARC Convention 2002

Palermo Protocol and SAARC Convention are viewed as important international and regional treaties for combating TiP. Ratification of Palermo Protocol is pre-requisite for addressing the multiple forms of trafficking currently taking place. It also guides a comprehensive intervention in areas of prevention, protection, prosecution, cooperation and partnership between the countries.

According to the SAARC Secretary, the meeting of Home Secretaries of SAARC countries realized that SAARC Convention has limited scope in its definition of trafficking – it only includes trafficking

for sexual exploitation, it excludes male as victims and that there is ambiguity between voluntary migration and trafficking. The President of Maiti Nepal argued that SAARC convention assumes trafficking only for commercial sexual exploitation. Trafficking for other purposes should also be incorporated and a strong monitoring mechanism should be developed.

Nepalese Embassy to Malaysia viewed that in order to implement Nepal's commitment to combating trafficking, there is need to strengthen the domestic legal framework by adopting rights-based approach; establish effective bilateral and regional cooperation; improve the collection and analysis of official trafficking data and strengthen cooperation mechanisms and carry out an audit of existing machinery.

On Mobilization of I/NGOs and Civil Society

Mobilization of I/NGOs, CBOs, media and civil society is viewed as crucial for combating trafficking. The SAARC Secretary General viewed that in South Asia, 'there is a need for extensive knowledge and capacities of civil societies about the underlying social, cultural and economic causes that contribute to the victimization of trafficked persons'. It is noted that I/NGOs could be supportive to government initiatives in prevention of trafficking and providing protection to the trafficking victims.

Role of Regional and National Rapporteur

All the responses show that establishing Regional and National Rapporteur would help regional as well as national efforts in order to monitor the incidence of trafficking and generating high level commitments. The SAARC Secretary General opined that the UN Special Rapporteur can play a key role to get political commitment at the highest level to combat all forms of trafficking. The President of Maiti Nepal argued that the UN Rapporteur should effectively examine whether the commitments made by the states are really translated into actions. Nepalese Embassy to Malaysia viewed that the regional and national Rapporteur must have expertise, independence, concerted thematic focus, and an ability to engage directly through country visits, ongoing accessibility to victims.

The UN Special Rapporteur recommended a comprehensive framework for combating human trafficking. The framework will comprise of 5-Ps – prevention, protection, prosecution, punishment and partnership and 3-Rs *redress, recovery and reflection period*. She viewed that there were gaps in terms of capacity among law enforcement agencies, judiciary, lawyers, and prosecutors.

On Challenges in Implementation

Drawing all the responses in this Report, the key challenges for the implementation of the International Conventions and national commitments are the following:

- Effective and integrated approaches, guided by gender perspective and human rights approach
- Strengthening institutional mechanisms such as human rights commission, judiciary, police and public health systems
- Addressing the root causes of trafficking - poverty, unemployment, violence against women and discrimination.

- Establishing and expanding coordination and co-operation among international, regional, national governments and NGOs
- Increasing human resources to support the victims in rehabilitation.
- Establishing regular, unified and standardized reporting system - reliable data

The key challenges as perceived by the Nepalese Embassy to India and Malaysia and President of Maiti Nepal are: open border requiring close monitoring; lack of required facilities and financial resources in the Embassy; need of better co-ordination between the Embassy and the NGOs and civil societies; lack of proper reintegration of the victims; and the resource constraint.



The Way Forward

The National Report 2009-10 recommends the future areas of interventions on trafficking in four broad areas: i) prevention, ii) protection, iii) prosecution, and iv) information needs. The Way Forward is presented in the matrix: the areas of interventions, lead ministry/department to implement the program, implementation status and explanation of the recommendation based on this Report.

In addition to the new recommendations based on the findings, this report has incorporated and reiterated the recommendations provided by the earlier National Reports on *Trafficking in Persons, Especially Women and Children* since 2005. Further, the recommendations cover full cycle of combating Trafficking in Persons which demands inter-sectoral approach and participation of respective Ministries and Departments of the Government of Nepal. At the same time, it also strongly reiterates the active contribution of I/NGOs and the donor community who play vital role in combating Trafficking in Persons to prevent the vulnerable population from the risk of trafficking, rehabilitate the victims, ensure the justice with responsible judicial system and reintegrate the victims in the family and community by ensuring the best interest of the victims.

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

Areas	Lead Ministry/Department	I Recommendation From/Implementation Status	Explanation based on findings of National Report 2009-10
Formulation of Policy			
1.1 Formulate anti-trafficking policy in the context of changed dimension of TIP (as Nepal is origin, transit as well as destination)	Ministry of Women Children and Social Welfare (MoWCSW)	Recommendation National Report (NR) 2009-2010	Mainstream trafficking issues in the development plans with effective inter-sectoral coordination and implementation through national policies.
Economic			
1.2 Integrate trafficking issues with poverty alleviation and empowerment programs	National Planning Commission (NPC)	Continued recommendation from NR 2008-09	Focus targeted programs of the Ministries and Departments in migration prone areas to contribute to prevention of trafficking
1.3 Develop mechanisms to use the remittance in productive sector	Ministry of Finance (MoF)	Recommendation of NR 2009-2010	Ensure productive use of remittance in the form of investment to generate employment in the country
1.4 Lunch target-based poverty alleviation programs by linking with trafficking prone area	National Planning Commission (NPC), Poverty Alliviation Fund	Recommendation of NR 2009-2010	Need to enhance the employment opportunities in the rural areas to reduce the out flow of labor migration abroad
1.5 Lunch inter-sectoral training program, agricultural, health and financial management	Ministry of Agriculture and Health and Population	Recommendation of NR 2009-2010	Consider combating trafficking as cross-cutting issue by providing inter sectoral specific training programs.
Elimination of gender discrimination			
1.6 Eliminate domestic crime and violence against women and children.	Office of the Prime Ministry and Ministry of Council ,Ministry of Women, Children and Social Welfare (MoWCSW)	Continued recommendation from NR 2008-2009	Effective implement the Domestic Violence (Crime and Punishment) Act 2008 and Regulation 2009.
Maintaining surveillance			
1.7 Maintain effective surveillance in the Kathmandu International Airport and border points between Nepal and India; and between Nepal and Tibet	Department of Immigration ,Nepal Police,Armed Police Force	Continued recommendation from NR 2008-2009	Equip the Immigration Department Desk in the International Airport including in Khasa with modern equipment to verify the travel documents, including passports

Areas	Lead Ministry/Department	IR Recommendation From/Implementation Status	Explanation based on findings of National Report 2009-10
Inclusion in school and college curriculum			
1.8 Include trafficking and other forms of violence against women and children in school and University level curriculum	Ministry of Education and University	Continued recommendation from NR 2008-2009	Incorporate TiP in its Gender and Empowerment curriculum
Sensitization of media			
1.9 Sensitize media persons on trafficking issues and re-orient them towards research and fact-based news	Ministry of Information and Communication (MoIC)	Continued recommendation from NR 2008-2009	Collaborate with the media persons/houses to promote the code of ethic with media and publish fact-based news and views
Ratification of UN Conventions			
1.10 Advocacy and Ratify the UN Protocol on Trafficking (Palermo Protocol) 2000 to address all required pillars for combating trafficking i	National Human Rights Commission and NGOs Ministry of Women Child and Social Welfare and Ministry of Law	Continued recommendation from NR 2008-2009	Continue advocacy to ratify the Palermo Protocol in collaboration with different GOs and NGOs
1.11 Advocacy and Ratify the Convention on Migrant Workers and their families 1990	National Human Rights Commission and NGOs Ministry of Labour and Transport Management and Ministry of Law	Continued recommendation from NR 2008-2009	Continue advocacy dialogue among the key stakeholders to ratify the Convention in collaboration with GOs and NGOs
Regulate intercountry adoption			
1.12 Make effective policy, implementation plan and monitoring provision for intercountry adoption	Ministry of Women, Children and Social Welfare (MoWCSW)	Recommendation of NR 2009-2010	Ensure the effective regularization of adoption process set forth in 1993 Hague Intercountry Adoption Convention
Continuation of NGOs Efforts and Mobilization of Donor Communities			
1.13 Encourage NGO and civil society to intervene in the more challenging areas and communities in line with the new NPA	Ministry of Women, Children and Social Welfare (MoWCSW) and Social Welfare Council (SWC)	recommendation from NR 2008-2009	Ensure that the programs be implemented in the needy communities/areas, and duplication is avoided for providing the access to service to the needy population.
1.14 Mobilization of Bilateral, UN and I/NGO Support.	Ministry of Finance (MoF)	recommendation from NR 2008-2009	Ensure filling the resource gap in terms of financial and technical assistance.

Areas	Lead Ministry/Department	Implementation status	Explanation based on findings of National Report 2009-10
Awareness Programs			
1.15 Raise awareness on community people on safe migration including legal process required for foreign labor migration	Ministry of Labor and Transport Management (MoLTM)	Continued recommendation from NR 2008-2009	Need to reach out to the unreached communities and vulnerable groups
1.16 Establish Information Booth on Safe Migration to prevent Trafficking in Persons at the District Administration Offices, and at the community level	Ministry of Home in coordination with the Ministry of Labor and Transport.	Continued recommendation from NR 2008-2009	Need to continue Information Booth at the District Administration Offices, especially in major migration districts and at the community level
1.17 Raise awareness about HIV/AIDS	National AIDS and STD Control Center	Continued recommendation from NR 2008-2009	Focus on HIV/AIDS awareness programs among vulnerable population/victims of violence/trafficking
1.18 Broadcast message of anti-trafficking and safe migration from media: National Radio, National Television and community Radios (FM Station)	Ministry of Information and Communication (MoIC)	Continued recommendation from NR 2008-2009	Encourage community Radio to incorporate issues of safe-migration; Community Radios are more effective at the local context and are also technically accessible in the district
Registration of Vital Statistics			
1.19 Make compulsory vital registration system	Ministry of Local Development (MoLD)	Continued recommendation from NR 2008-2009	Ensure births and migration records are regularly updated in the context of regularising the age and citizenship.

2. Protection: Towards Adoption and Effective Implementation of a Comprehensive 4Rs (Rescue, Repatriation, Rehabilitation and Reintegration) Policy

Areas	Lead Ministry/ Department	Implementation status	Explanation based on findings of National Report 2009-10
2.1 Adopt i) national policy, ii) action plan and iii) SOP on rescue, repatriation, rehabilitation and reintegration (4Rs) policy	Ministry of Women, Children and Social Welfare (MoWCWSW)	Recommendation of NR 2009-2010	Build policy support for ensuring rights of victims at every stage of 4Rs as per the Human Trafficking and Transportation (Control) Act 2007.
2.2 Formulate the Act based on the Supreme Court Directive for the protection of female workers in entertainment industry	Ministry of Women, Children and Social Welfare (MoWCWSW)	Recommendation of NR 2009-2010	Formulate the Act as per the provisions and measures in the Supreme Court Directive to effectively ensure the rights the female workers in the entertainment sector
Rescue			
2.3 Regularize and increase the rescue fund to be allocated to the embassies	Ministry of Foreign Affairs and Ministry of Women, Children and Social Welfare	Continued recommendation from NR 2008-2009	Facilitate the Embassies to cope with the high pressure of rescued women and repatriate them timely
Mobilize NGOs in the country and country of destination for the return of the rescued victims	do	Recommendation of NR 2009-2010	Coordinate the joint work between GOs and NGOs to work in this area.
Increase fund for the rehabilitation Fund	Ministry of Women, Children and Social Welfare	Recommendation of NR 2009-2010	Need to increase the budget from Rs. 10 million to more for the Rehabilitation Fund for its effective service
2.4 Develop WCSCs as special authority Police Unit for addressing both internal and cross-border trafficking in person	Ministry of Home Affairs (MoHA)	Recommendation of NR 2009-2010	Make functional WCSCs effectively through adequate provision of physical, financial and human resources
2.5 Monitor the community-based surveillance groups	Ministry of Women, Children and Social Welfare (MoWCWSW)	Recommendation of NR 2009-2010	Monitor grass-root organizations such as para-legal committees, women pressure groups, self-help groups for recognizing and rewarding their efforts and effective functioning
2.6 Effective surveillance at major border points between Nepal and India; and Nepal and Tibet	Ministry of Home Affairs (MoHA)	Continued recommendation from NR 2008-2009	Effectively implement border surveillance by enhancing the capacity of service providers and making effective joint surveillance by mobilizing NGOs as well.

Areas	Lead Ministry/Department	Implementation status	Explanation based on findings of National Report 2009-10
2.7 Strengthen the bilateral cooperation between Nepal police and Indian police along major stretches of Nepal-India border	Ministry of Home in coordination with Ministry of Labor and Transportation	Recommendation of NR 2009-2010	Develop MoU and strategy for implementation
Repatriation			
2.8 Establish the rescue and repatriation Special Unit in the Ministry of Foreign Affairs	Ministry of Foreign Affairs (MoFA)	Recommendation of NR 2009-2010	Maintain profile of rescued and repatriated persons to provide necessary services
2.9 To protect the migrant workers review the contribution of Labor Attaché where they have already been appointed and appoint more Labor Attachés in other countries.	Ministry of Labor and Transport (MoLTM) and Ministry of Foreign Affairs	Recommendation of NR 2009-2010	Need to review the contribution of Labor Attachés to the protection of Nepalese workers abroad. Need to establish Labor Attaché in major Nepalese worker destination countries.
2.10 Equip Embassies/Diplomatic missions abroad to deal with the problem of migrant workers and to verify demand of foreign labor	Ministry of Foreign Affairs (MoFA) Ministry of Labor and Transport (MoLTM)	Recommendation of NR 2009-2010	Provide policy guideline with fund and human resources depending upon the pressure and magnitude of migrants and rescue of workers.
2.11 Set up temporary shelter for trafficking survivors at the destination countries, where the number of female labor is high and establish a mechanism for their repatriation.	Ministry of Foreign Affairs (MoFA) Ministry of Labor and Transport (MoLTM)	Implemented in four countries	Need to establish Safe Houses in countries with high number of women migrant workers and strengthen their capacity with financial support
2.12 Include trafficking protection clause in labor migration agreements with the destination countries	Ministry of Labor and Transport (MoLTM)	Continued recommendation from NR 2008-09	Need to make provision to protect the workers

Areas	Lead Ministry/Department	Implementation status	Explanation based on findings of National Report 2009-10
Rehabilitation			
2.13 Increase support to rehabilitation centers and expand the rehabilitation centers especially in highly trafficking prone districts. Monitor the rehabilitation centers	Ministry of Women, Children and Social Welfare (MoWCSW)	Implemented Recommendation of NR 2009-2010	Need to establish temporary shelters in other prone areas and make them functional with enhanced capacity. Monitor the rehabilitation centers for maintaining their minimum standards
2.14 Activate the NC/DCs to regularly monitor the rehabilitation centers to protect the best interest of the trafficking survivors.	Ministry of Women, Children and Social Welfare (MoWCSW)	Recommendation of NR 2009-2010	Need to activate DCs to monitor the rehab centers as well as anti-trafficking activities in the concerned districts
2.15 Manage provision of special health care services in rehab centers for trafficking victims	Ministry of Population and Health (MoPH)	Continued recommendation from NR 2008-09	Need to provide the special health services to the trafficking victims, especially on HIV/AIDS and SRH
Reintegration			
2.16 Monitor whether the best interest of trafficking survivors has been served in the process of re-union with their community and family	Ministry of Women, Children and Social Welfare (MoWCSW)	Recommendation of NR 2009-2010	Need monitoring to ensure the best interest of the victims in the family is protected.
2.17 Involve reintegrated survivors with the existing women collectively through micro-credit, self-help groups and survivors group	Ministry of Women, Children and Social Welfare (MoWCSW)	Continued recommendation from NR 2008-09	Need to expand the provisions so that they can be saved from re-victimization
2.18 Ensure access to education and vocational training and job placement	Ministry of Women, Children and Social Welfare (MoWCSW)	Continued recommendation from NR 2008-09	Need to expand this provision to avoid slipping into re-victimization

3. Prosecution: Towards Reorienting the Law Enforcement and Judiciary System to strengthen prosecution from Human Rights and Gender Perspectives

Areas	Lead Ministry/ Department	Implementation status	Explanation based on findings of National Report 2009-10
3.1 Develop OSRT-NHRC as educational, advocacy, monitoring and investigative agency	National Human Rights Commission (NHRC)	Continued recommendation from NR 2008-09	Need to develop OSRT-NHRC as a vital Human Rights Institution to combat trafficking from human rights perspective to ensure the human rights of women and children
Amend and implementation of trafficking and foreign employment laws			
3.2 Amend the Human Trafficking and Transport (Control) Act 2007 and Foreign Employment Act 2007 to deal with trafficking in relation to foreign employment	Ministry of Labor and Transport Management (MoLTM) and Ministry of Women, Children and Social Welfare	Recommendation of NR 2009-2010	Needs to be amended to ensure the rights to victims in the context of foreign employment and trafficking, free legal services to the victims, physical security to the victim's family and effective implementation of video hearing and bring the offenders to justice
3.3 Effectively implement the Human Trafficking (Control) Act 2064 (2007) and regulation 2008	Ministry of Women, Children and Social Welfare (MoWCSW)	Continued recommendation from NR 2008-09	Need to effectively mobilize a range of stakeholders combating trafficking in TIP
3.4 Implement the Foreign Employment Act 2064 (2007) effectively.	Ministry of Labor and Transport Management (MoLTM)	Continued recommendation from NR 2008-09	Need to mobilize a range of stakeholders
Strengthening the law enforcement agencies			
3.5 Strengthen Nepal Police Women children Service Centre, especially in the trafficking prone districts	Ministry of Home	Continued recommendation from NR 2008-09	To be made effective and functional with resource, logistic and human resource.
3.6 Make effective coordination between Police, attorney and court in order to effectively provide the justice to the victims and bring the offenders to the justice	Office of the Attorney General (OAG)	Recommendation of NR 2009-2010	Make effective coordination by forming a joint Committee to deal with status of judicial response on the case

Areas	Lead Ministry/ Department	Implementation status	Explanation based on findings of National Report 2009-10
3.7 Reorient the Police personnel for the protection of the female workers in the entertainment industry	Police Headquarters	Recommendation of NR 2009-2010	Need to provide training and orientation on human rights and women rights to Police personnel
3.8 Establish separate female-custody (only run by female police) to protect the females in custody from abuse and sexual exploitation by fellow policemen	Ministry of Home	Recommendation of NR 2009-2010	Need to operate in order to protect the women rights in custody
3.9 Strengthen the Monitoring and Action Committee to effectively monitor and investigate the entertainment industry	Ministry of Home Affairs (MoHA)	Recommendation of NR 2009-2010	Make Monitoring and Action Committee headed by the Chief District Officers established in line with the SC directives 2065 and make the committee functional and effective
Judiciary System			
3.10 Need to deal trafficking related cases with priority concerns.	Ministry of Law, Supreme Court	Continued recommendation from NR 2008-09	Make provision to avoid chances of delay by the court to give its verdict and ensure timely judicial response.
3.11 Capacity development of public prosecutors, court officials on anti-trafficking, human rights and gender justice issues.	National Judicial Academy and National Human Right Commission	Continued recommendation from NR 2008-09	Enhance the capacity of the prosecutors and Judicial Officials by providing them appropriate training
Monitoring and Coordination			
3.12 Increase support and coordination of existing network and mechanism of combating trafficking among the SAARC countries	Ministry of Foreign Affairs (MoFA)	Continued recommendation from NR 2008-09	Need to build the support and coordination mechanism across the SAARC countries
3.13 Increase capacity of National Human Rights Institutions	National Human Right Commission, National Women Commission, National Dalit Commission	Recommendation of NR 2009-2010	Need to increase the capacity of the NHRIs – NHRC, NWC and NDC

4. Information Needs: Strategies for Acquiring Primary and Secondary Data

Areas	Lead Ministry/ Department	Implementation status	Explanation based on findings of National Report 2009-10
4.1 Strengthen OSRT-NHRC to prepare National Report on TIP with institutionalized data system Equip the data collection and reporting system of GO/ NGO on Trafficking in Person issues	Office of the Special Rapporteur on Trafficking in Women and Children (OSRT-NHRC) National and District committee on Anti Trafficking, the respective GOs and NGOs	Recommendation of NR 2009-2010 Do	Develop integrated reporting system for timely publication of Annual National Report on TIP Make uniformity in reporting system from national perspective.
Maintaining data on foreign labor migrants			
4.2 Maintain data on foreign labor migrants.	Department of Foreign Labor Employment (DOFL)	Implementation continued	Continue the management of data with disaggregate facts and figure
4.3 Maintain data on returnees, number of persons deported, number of persons in detention in the destination countries and their nature of problem, loss of life in relation to work in the foreign country and other nature of violation of human rights and labor rights.	Ministry of Labor and Transportation Management (MoLTM)	Implementation started	Ensure the data on returnee migrant for their rehabilitation plan.
4.4 Build up bilateral relations with Government of India to maintain data on the Nepalese workers heading for a third country via India	Ministry of Foreign Affairs (MoFA),	Recommendation of NR 2009-2010	Need to introduce this provision for maintaining records of undocumented migrants and regulate them accordingly
Conducting Research			
4.5 Conduct studies on these areas: Rapid Assessment on Trafficking in Children and Women in Nepal; Study the situation of women workers in the Gulf countries; Situation of intercountry adoption, organ transplant; and Conditions of the wives of the migrant husbands at home	Office of the Special Rapporteur on Trafficking in Women and Children (OSRT-NHRC), GOs and I/NGOs	Continued from NR 2009-10	Need to conduct studies to understand the emerging trends of human trafficking

References

- Government of Nepal (2010) *National Report Submitted in Accordance with Paragraph 16 (A) of the Annex to the Human Rights Council Resolution 5/1 Nepal* (unpublished report).
- OHCHR (2010) *The Report of the NHRIs of Nepal on the UPR Process* (Geneva: Office of the High Commissioner for Human Rights).
- Silverman, J.G. et al., (2007) 'HIV Prevalence and Predicators of Infection in Sex-Trafficked Nepalese Girls and Women', *Journal of the American Medical Association*, 298 (5): 536-542.
- National Center for AIDS and STD Control (2010) *National Estimates of HIV Infection 2009 Nepal* (Kathmandu: NCASC).
- Ministry of Finance (2011) *Economic Survey Fiscal Year 2010/11*, Vol. 1 (Kathmandu: Ministry of Finance, Government of Nepal).
- Subedi, Govind (2009) 'Trafficking of Child Workers in Nepal', in Hugh D. Hindman (ed.) *Child Labor World Atlas: a Reference Encyclopaedia* (New York: ME Sharpe).
- CCWB (2010) *The State of Children of Nepal 2010* (Kathmandu: Center Child Welfare Board).
- CWIN and Save the Children (2010) *A study on Sexual Abuse of Street Boys in Kathmandu* (Kathmandu: CWIN).
- KC, Bal Kumar (2003) 'Internal Migration in Nepal' in *Population Monograph of Nepal*, Vol. II (Kathmandu: CBS).
- OSCE (2010) *Combating Trafficking as Modern-Day Slavery: A Matter of Rights, Freedoms and Security, 2010 Annual Report of the Special Representative and Coordinator for Combating Trafficking in Human Beings* (Vienna: Organization for Security and Co-operation in Europe, OSCE).
- World Bank, (2010) *Large-Scale Migration and Remittances in Nepal: Issues, Challenges, and Opportunities* (Kathmandu: Poverty Reduction and Economic Management Sector Unit South Asia Region, the World Bank).
- MoLTM and IOM (2010) *Foreign Employment, Remittance and Its Contribution to Economy of Nepal* (Kathmandu: MoLTM and IOM).
- CBS, (2009) *Nepal Labor Force Survey 2008* (Kathmandu: CBS).
- CBS, (2006) *Resilience Amidst Conflict: An Assessment of Poverty in Nepal, 1995-96 and 2003-04* (Kathmandu: Central Bureau of Statistics, the World Bank, DFID and ADB).
- SASANE (2011) *Return and Reintegration: Experiences of Nepalese Women after Leaving Exploitative Labor Situations* an unpublished Research Report (Kathmandu: Samrakshak Samuha Nepal).
- WOREC (2009) *To Protect the Human Rights of Nepalese Migrants through Ensuring Safe-Migration*, an unpublished Evaluation Research Report (Kathmandu: WOREC).
- Annual Report of the of the Committee of Women, Children and Social Welfare, Legislative-Assembly 2009/10
- Office of the Attorney General (2062/063) *Annual Report of the Attorney General, 2062/063* (Kathmandu: the Office of the Attorney General).
- Office of the Attorney General (2063/064) *Annual Report of the Attorney General, 2063/064* (Kathmandu: the Office of the Attorney General).

Office of the Attorney General (2064/065) *Annual Report of the Attorney General, 2064/065* (Kathmandu: the Office of the Attorney General).

Office of the Attorney General (2065/066) *Annual Report of the Attorney General, 2065/066* (Kathmandu: the Office of the Attorney General).

Office of the Attorney General (2066/067) *Annual Report of the Attorney General, 2066/067* (Kathmandu: the Office of the Attorney General).

ONRT (2009) *Trafficking in Persons Especially on Women and Children in Nepal, National Report 2008-09*. Kathmandu: ONRT/NHRC.

Supreme Court (2062/063) *Annual Report of the Supreme Court, 2062/063* (Kathmandu: the Supreme Court).

Supreme Court (2063/064) *Annual Report of the Supreme Court, 2063/064* (Kathmandu: the Supreme Court).

Supreme Court (2064/065) *Annual Report of the Supreme Court, 2064/065* (Kathmandu: the Supreme Court).

Supreme Court (2065/066) *Annual Report of the Supreme Court, 2065/066* (Kathmandu: the Supreme Court).

Supreme Court (2066/067) *Annual Report of the Supreme Court, 2066/067* (Kathmandu: the Supreme Court).

US Department of State, Office to Monitor and Combat Trafficking in Persons (2006) *Trafficking in Persons Report 2004*. Washington D.C.: US Department of State.

US Department of State, Office to Monitor and Combat Trafficking in Persons (2007) *Trafficking in Persons Report 2005*. Washington D.C.: US Department of State.

US Department of State, Office to Monitor and Combat Trafficking in Persons (2008) *Trafficking in Persons Report 2006*. Washington D.C.: US Department of State.

US Department of State, Office to Monitor and Combat Trafficking in Persons (2009) *Trafficking in Persons Report 2006*. Washington D.C.: US Department of State.

US Department of State, Office to Monitor and Combat Trafficking in Persons (2010) *Trafficking in Persons Report 2006*. Washington D.C.: US Department of State

Women and Children Service Center (2010) *Raw Data on Missing Women and Children 2009-10*. Kathmandu: Valley Police.



Appendices

Appendix 1.1 List of Participants in Research Process

Technical Committee Meeting

Date : 2067/7/17

Venue : National Human Right Commission Hall

S.No	Name	Designation	Office
1	Padma Mathema	Special Rapporteur	National Human Right Commission, Nepal
2	Manohar Rimal	Senior Superintendent of Police	Police Head Quarter Crime Investigation Department
3	Prajwol Sharma Aryal	Under Secretary	Ministry Of labor and Transport Management
4	Santa Bhattarai	Under Secretary	Department of Women and Children
5	Bnadana Rai	Section Officer	Ministry of Home Affairs
6	Jhaindra Prasad Guragain	Section Officer	Office of the Prime ministers
7	Ghanashyam Bhandari	Section Officer	Ministry of Foreign Affairs
8	Benu Maya Gurung	Programme Coordinator	Alliance Against Trafficking in women in Nepal
9	Gauri K.C.	Police Inspector	Police Head Quarter women and children service center
10	Kamal Thapa Kshetri	Human Right Officer	National Human Right Commission Nepal
11	Neelam Pariyar	Assistant First	National Human Right Commission Nepal

Technical Committee Meeting

Date : 2068/2/30

Venue : National Human Right Commission Hall

S.No	Name	Designation	Office
1	Padma Mathema	Special Rapporteur	National Human Right Commission, Nepal
2	Manohar Rimal	Senior Superintendent of Police	Police Head Quarter Crime Investigation Department
3	Prajwol Sharma Aryal	Under Secretary	Ministry Of labor and Transport Management
4	Santa Bhattarai	Under Secretary	Department of Women and Children
5	Bnadana Rai	Section Officer	Ministry of Home Affairs
6	Jhaindra Prasad Guragain	Section Officer	Office of the Prime ministers
7	Ghanashyam Bhandari	Section Officer	Ministry of Foreign Affairs
8	Benu Maya Gurung	Programme Coordinator	Alliance Against Trafficking in women in Nepal
9	Gauri K.C.	Police Inspector	Police Head Quarter women and children service center
10	Kamal Thapa Kshetri	Human Right Officer	National Human Right Commission Nepal
11	Neelam Pariyar	Assistant First	National Human Right Commission Nepal

1st Expert Group Meeting**Date** : 2067/9/14**Venue** : National Human Right Commission Hall

S.No	Name	Designation	Office
1	Padma Mathema	Special Rapporteur	National Human Right Commission, Nepal
2	Ishu Lama	Plea Assistant	U.S. Embassy
3	Israel Moya	Human Rights TiP Analyst	U.S. Embassy
4	David Billing		USAID
5	Darlene Foote		USAID
6	Sewa Lamsal Adhikari	Joint Secretary	Ministry of Foreign Affairs
7	Sangeeta Thapa	Programme Coordinator	UNIFEM Part of UN women
8	Benu Maya Gurung	Program Coordinator	AATWIN
9	Prasuna Sakha		IOM
10	Muna Basnyat	Program Coordinator	TDH
11	Hemanga Sharma	NPM	SCNHRC, NHRC
12	Acharya Chandeswor	U.S	MOLTM
13	Achyut Acharya	Deputy Director	National Human Right Commission Nepal
14	Kamal Thapa Kshetri	Human Right Officer	National Human Right Commission Nepal

1st Expert Group Meeting**Date** : 2067/9/14**Venue** : National Human Right Commission Hall

S.No	Name	Designation	Office
1	Padma Mathema	Special Rapporteur	National Human Right Commission, Nepal
2	Israel Moya	Human Rights TiP Analyst	U.S. Embassy
3	Sewa Lamsal Adhikari	Joint Secretary	Ministry of Foreign Affairs
4	Benu Maya Gurung	program coordinator	AATWIN
5	Prasuna Sakha		IOM
6	Rabindra Prasad Chudhary	Section Officer	Ministry Of Home Affairs
7	Muna Basnyat	program coordinator	TDH
8	Hemanga Sharma	NPM	SCNHRC, NHRC
9	Acharya Chandeswor	U.S	MOLTM
10	Achyut Acharya	Deputy Director	National Human Right Commission Nepal
11	Kamal Thapa Kshetri	Human Right Officer	National Human Right Commission Nepal

Consultation meetings with GOs and NGOs
For preparation
Trafficking in Persons (Especially on Women and children)
National Report 2010
Date: Feb 24, 2011 (Falgun 12 2067)

S.N	Participant Name	organization	Designation	Phone	Mobile	Email
1.	Hon'ble Ram Nagina Singh	National Human Right Commission Nepal	Hon'ble Member			
2.	Puspa Raj Koirala	Office of the Attorney General	Deputy Attorney general	4262695		
3.	Kewal Prasad Bhandari	National women's commission (NWC)	secretary	4255411	9851033333	secretary@nwc.gov.np
4.	Namuna Bhusal	Central Child Welfare Board	Program manager	9751001178		namuna@ccwb.gov.np bhusal.namuna@gmail.com
5.	Gargi Thapa	NCCR, Bhrikutee Mandap	Program officer	9841500154		Gargi thapa@hotmail.com
6.	Ramesh Thapa	NCCR	Assistant Sub Inspector	104		Ramesh thapa22@yahoo.com
7.	Saroj Raj Thapa	NWC	Legal expert	9851054721		Surajthapa@hotmail.com
8.	Benu Maya Gurung	AATWIN	Programme coordinator	4240709	9841647926	aatwin@ntc.net.np
9.	Mithu Thapa	MOWCSW	Section Officer	4200164	9841785572	mithuthapa@yahoo.com
9.	Rupa Shrestha	WOREC	Database manager	9841548928		Database.worec@gmail.com
10.	Kashi Raj Dahal	Ministry of Labor and Transport Management	Under secretary	4211733	9851123112	dahalkashi@yahoo.com
11.	Kishori Yadhav	Social Welfare Council	Assistant director	9841270623	4418111	info@swc.org.np Kishori.yadhav@swc.org.np
12.	Uma Tamang	Maiti Nepal	Advocate	4494816	9841308090	program@maitinepal.org legal@maitinepal.org
13.	Krishna Prasad Neupane	Peoples forum	Advocate	4423973	9841422471	Krishna neupane17@yahoo.com
15.	Arun Paudel	Nepal Rug mark foundation	Executive Director	9841501854		Arun_paudel@yahoo.com
17.	Bimala Thapa	Women Children Service Directorate , Nepal Police Naxal	Deputy Inspector General of Police (DIGP)	4440582	9851016750	Bimala.thapa@gmail.com
16.	Tara Devi Thapa	Women Children Service Directorate , Nepal Police Naxal	Deputy Superintendent of Police (D.S.P)	4414745	9849409327	Taradevi_thapa@hotmail.com
18.	Surya Nepal	Nepal Trade Union congress-I	CM Media department	9741074513	4107677	
19.	Bhadrakali Pokharel	Supreme court	Under secretary	4250742	9841808499	Pokharel03@gmail.com
20.	Yagya Raj Bohara	Department of Immigration	Director	9741064449		
21.	Rabi Raj Thapa	AIGP		5620820		Thapa.rabiraj@gmail.com
22.	Gopi Krishna Luitel	Shakti Samuha	M. officer	9841505761	4494815	Luitelgopikrishna@gmail.com

**Consultation Meetings on Internal Migration and Trafficking:
With Reference to Women in Entertainment Sector
(Massage Parlour, Cabin, Dance bar and Dohori)**

For the Preparation of National Report 2010

Date : Feb 18, 2011 Falgun 6 Fri

Venue : HRC Hall

S.N	Participant Name	Designation	Organization	Phone	Mobile
1	Sukriti Bhattarai	Coordinator	Helpline	16205039	9841328366
2	Sara Mattsson	Volunteer	Samrakshak Samuha Nepal (SASA) Nepal	2291341	
3	Shyam Pokhrel	MD	SASA Nepal	2291341	9841462442
4	Rajendra Ramtel	Chairman	Sundar Nepal	984973209	
5	Srijana Tuladhar	Social Worker	CAP Nepal	4721441	9841537279
6	Anusha Thapa	Volunteer	Helpline		9808044445
7	Januka Bhattarai	MD	Voice of Women Survivors		9841642239
8	Anita Subba	Director	Raksha Nepal		9841895599
9	Bidhay Rai	Anit Trafficking Program assistant	TDH	5555348	
10	Muna Basnyat	At Program coordinator	TDH	5555348	
11	Joseph Aguetent	Country Representative	TDH	5555348	9851035503
12	Pramesh Pradhan	Program Manager	Change Nepal	4257813	
13	Khanna Limbu	Board Member	SWAN	5202451	98035553182
14	Madhu Gurung	Chairperson	Biswas Nepal		9841828036
15	Sujata Lama		Biswas Nepal		9849564681
16	Sulakshana Rana	Coordinator	SAATHI	1500063	9851096689
17	Uma Limbu	Officer	SAATHI	'	98511159
18	Beenu Rawat	Sama-Resource Group for Women Health			
19	Anjali Shetti			011-65637632, 26692730	

Consultation Meetings with Safe Migration Stakeholders

Date: 2068/1/23

Venue: Central Child Welfare Board Hall

S.N	Participant Name	Organization	Designation	Mobile	Email
1	Sthaneswar Devkota	Executive Director	Foreign Employment Promotion Board	9851055530	dsthaneswer@yahoo.com
2	Chandeshwar Acharya	Under Secretary	Ministry of Labor and transport management	9841551585	chandeshware@gmail.com
3	Sapana Basyal	Chairman	Nepalese migrant unity Network	9851128458	Nepalese migrant unity network@gmail.com
4	Vid		I.N.F.	9841274867	vinchey@
5	Bijaya Raj Shertha	Director	Pourakhi	9841404337	bijayarajsthe@hotmail.com
6	Saktida Sing	Programme Officer	UN women	9851105138	saktida sing@unwomen.org
7	Manju Gurung	President	Pourakhi	9841382573	pourakhi@mail.com.np
8	Usha Lal	Volunteer coordinator	Maiti Nepal network	9849158936	
9	Dharma Raj Shrestha	Executive Director	CCWB	985110448	dhame@ccwb.org.np
10	Rudhra Prasad Bhatta	Section officer	Department of Foreign Employment	9841404998	rudhra@hotmail.com
11	Ganesh Bhandari	Reporter	Khabar National Daily	9841842169	ganesvandari@yahoo.com
12	Ram Subba Gurung	International officer	Pourakhi	9849135206	Ramsuba_grg@hotmail.com
13	Pitamber Bhattarai		SWM	9851002726	
14	Hom Karki	Reporter	Kantipur	9841179426	Hom.repoter@gmail.com
15	Som Lal Battaju	President	NAFEA	9851141550	
16	Hari Thapa	Reporter	HTV (bideshi program)	9841628656	Prem_hari@yahoo.com
17	Susila Srestha	Program Officer	World Education.	9849248617	sunila@wei.org.np
18	Hari Joshi	Programme Officer	World Education	,	hari@wei.org.np
19	Yadav Raj Joshi	Sr. Reporter/Sub-editor	The Himalayan Times	9849191491	Yrj200@yahoo.com

Regional Workshop on Trafficking in Persons (Especially Women and Children)

National Report 2010 Preparation

Venue: BIRATANAGAR

Date: 2068/3/19- 21 (July 3-5, 2011)

SN	Name	Organization	District
1	Komal Pd Dulal	Purwanchal University	Morang
2	Jagat Thapa	Jagaran Nepal	Morang
3	Purna Maya Rai	DCWB	Sunsari
4	Awasar Maden	Birata Vision College	Morang
5	Sunila Gosain	Birata Vision College	Morang
6	Binod Pokharel	Maiti Nepal	Morang
7	Badhu Kala Pathak	Sakti Samuha	Jhapa
8	Arun Pariyar	NGO Federation	Morang
9	Ram Kumari Gurung	WCSC	Siraha
10	Krishna Kumari Adhikari	WCSC	Ilam
11	Manju Ghimire	WCSC	Udayapur
12	Uma Satyal	Janachetana	Sunsari
13	Sanju Kumari Kewat	WCSC	Saptari
14	Khusbu Mahara	SEDS	Ilam
15	Ganga Dahal	INSEC	Morang
16	Bishnu Tamang	Jagaran Nepal	Morang
17	Khagendra Baskota	PAG Nepal	Ilam
18	Lal Bahadur Pradhan	WCSC	Jhapa
19	Sudesh Bhagat	ABC Nepal	Morang
20	Sanu Chaudhari	WOREC	Siraha
21	Santi Danuwar	WOREC	Morang
22	Rama Magar	WOREC	Udayapur
23	Nirmala Mishra	WDO	Siraha
24	Sumitra Chaudhari	Integrated Women Development Center	Sunsari
25	Sabitri Timilsina	WDO	Jhapa
26	Soma Kumari Tamang	WCSC	Sunsari
27	Renu Sha	Sajha Nepal	Sunsari
28	Sita Thakur	Manaba Adhikar Mancha	Sunsari
29	Nirmala Pokheral	Para-legal Aviyon Kendra	Saptari
30	Bhagawati Neupane	WCSC	Morang
31	Sarita Rai	NHRC	
32	Kosha Raj Neupane	NHRC	
33	Nanda Kishor Prasad Yadav	NHRC	
34	Arjun Koirala	NHRC	
35	Shambu KC	NHRC	
36	Bishnu Parajuli	NHRC	
37	Dr. Govind Subedi	NHRC	
38	Padma Mathema	NHRC	
39	Kamal Thapa Chhetri	NHRC	
40	Devendra Regmi	NHRC	
41	Bijaya Shrestha	ABC Nepal	Sunsari
42	Som Raj Thapa	INSEC	Morang
43	Muna Osti	WPRDC	Morang
44	Sunita Tamrakar	DCWB	Morang
45	Rajya Laxmi Shrestha	DCWB/WDO	Morang
46	Mukti Raj Subedi	Sun Sai Boarding School	Sunsari
47	Ram Chetan Yadav	Nepal Bar Association Unit	Siraha

Regional Workshop on Trafficking in Persons (Especially on Women and children)

National Report 2010 Preparation

Venue: Butwal

Date: 2068/4/1- 3 (June 15-17)

SN	Name	Office	District	Phone
1	Prabha Khanal	Maiti Nepal	Rupandehi	071-523534
2	Dhaniswor Poudel	District Attorney General Office	Kapilvastu	9841364105
3	Murari Prasad Poudel	District Attorney General Office	Nawalparasi	078-520210
4	Prakash Dhungana	District Attorney General Office	Rupandehi	
5	Puspa Regmi	Paralegal Committee	Kapilvastu	9847040332
6	Rajendra Prasad Upreti	Prerana Project	Rupandehi, Kapilvastu	9847268102
7	Bel Kumari Pariyar	Women and Children Service Center Nepal Police	Arghakhanchi	077-420252
8	Laxmi Pathak	Women Human Rights Defenders' Group	Palpa	9847055337
9	Shanti Gahatraj	Feminist Dalit Organization	Palpa	
10	Shanti B.K.	Radio Lumbini	Rupandehi	
11	Maya K.C.	Journalist		
12	Tara Poudel	Nepal Police Zonal Office Lumbini	Lumbini	9847088244
13	Nareesh Bhandari	Insec	Gulmi	9757001269
14	Narayan Bhusal	Insec	Arghakhanchi	984709227
15	Sunil Adhikari	Prerana	Arghakhanchi	9847051242
16	Reema B.C.	Srijnasil Nepal	Rupandehi	
17	Manu Khadga	Feminist Dalit Organization	Rupandehi	98471474441
18	Sita Parajuli	Distrtict Police Office	Nawalparasi	9847053047
19	Narayani	Pourakhi Nepal	Rupandehi	078520336
20	Eamjhana Chaudhari	Women Human Right Defender	Nawalparasi	9847081643
21	Saraswoti Sharma	CeLLRD	Nawalparasi	9847048713
22	Mohan Thapa	Distirtct Police office	Nawalparasi	9847315277
23	Jamuna Poudel	Women and Children Service Center Nepal Police	Nawalparasi	079 520238
24	Tulasa Aryal	Women and Children office Ministry of Women	Kapilvastu	076560264
25	Usha Rawal	Women and Children office Ministry of Women	Rupandehi	
26	Chameli Devi Shrestha	Women and Children office Ministry of Women	Palpa	
27	Meena Poudel	Women and Children office Ministry of Women	Nawalparasi	520333
28	Radhika Kharel	A.B.C.Nepal	Rupandehi	071527606
29	Pabitra Tripathi	MAhuri Home	Kapilvastu	9807552664
30	Asmita Pandey	Radio Mukti Butwal	Rupandehi	98471114214
31	Ram Prasad Adhikari		Kapilvastu	9847046046
32	Khaga Prasad Chapagain	SAATHI	Kapilvastu	984706236
33	Brinda Kumari Chhetri	District Police Office	Kapilvastu	9847079921, 9847079921
34	Khagisara Rana	Women and children service Center	Gulmi	9847060313
35	Bishnu Neupane	District Police Office	Gulmi	9847192944
36	Indira Acharya	Worec Nepal	Gulmi	
37	Krishna Prasad Dhungana			

Consultation with NHRC Commissioner

Date: 2068/3/13

S.N	Name	Designation	Office
1	Kedar Nath Upadhyay	Hon'ble Chairperson	NHRC
2	Ram Nagina Singh,	Hon'ble Member	NHRC
3	Gauri Pradhan	Hon'ble Member	NHRC
4	Bed Prasad Bhattarai	Director	NHRC
5	Hemanga Sharma	National Programme Manager	Strengthening the Capacity of National Human Rights Commission
6	Achyut Acharya	Deputy Director	NHRC
7	Dr.Govind Subedi	National Consultant	Strengthening the capacity of National Human Right Commission
8	Padma Mathema	Special Rapporteur on Trafficking	NHRC
9	Kamal Thapa Kshetri	Human Rights Officer	NHRC

Consulted Office and Person for the National Report 2010 Preparation

S.N	Person	Date	Office
1	Laxmi Prasad Dhakal Chief District Officer,	2067/12/16	District Administration Office, Kathmandu
2	Ratna Raj Pandey, Chief District Officer	2067/12/17	District Administration Office, Lalitpur
3	Deepak Nepal, Chief District Officer	2067/12/18	District Administration Office, Bhaktapur
4	Suresh Adhikari, Chief District Officer	2067/3/21	District Administration Office, Morang
5	Bhadrakali Pokhrel, Under Secretary	2067/12/14	Supreme court Research & planning
6	Tara Devi Thapa, Gauri KC, Inspector	2067/12/14	Nepal Police Women, Children Service Center
7	Lija Khand, Inspector	2067/12/14	Nepal Police/Valley Police Office, Ranipokhari
8	Sajani Joshi, Gokarna K.C. Uma Tamang, Madan Chaulagain and Achyut Nepal	2067/12/15	Maiti Nepal
9	Dilip Koirala Legal Training/ Sushila Khakurel (Social Counselor) Ganesh Raj Bhatta Documentation Officer)	2067/12/15	Shakti Samuha
10	Muna Upreti , Programme Officer	2067/12/15	ABC Nepal
11	Kashi Nath Marasini, Director	2067/12/18	Department of Foreign Employment
12	Rewati Raj Tripathi, Som Kenta Bhandari, Officer-Research	2067/12/21	Office of the Attorney General
13	Yagya Raj Bohora, Director Yubaraj Mahat Attorney	2067/12/21	Department of Immigration
14	Resmi Raj Pandey, Joint Secretary Nirmala Thapa	2067/12/21	Ministry of Local development
15	Kesab Prasad Regmi, Under Secretary	2068/2/4	Department of Women and Children/ Ministry of Women, Children and Social Welfare
16	Parbati Basnet	2068/1/5	WOREC
17	Pukar Saha	2068/1/5	SAATHI
18	Tilak Ram Sharma (joint secretary) Gaja Bdr. Rana (Under Secretary)	2068/1/6	Ministry of Women Children & Social Welfare
19	Laxmi Prasad Tripathi, Under Secretary; and Mohan Niroula/Sunit Nepal, section officers	2068/1/12	Ministry of Women Children & Social Welfare
20	Dhana B Oli, Under Secretary/Shiwani Basnet, Section officer	2068/2/24	Ministry of Foreign Affairs
21	Ibrahim Zuhuree Director, Social Affairs	2068/2/19	SARC Secretariat
22	Pramesh Pradhan, Programme Manager	2068/2/24	Change Nepal
23	Shyam Pokhrel, Advocate	2068/2/24	Samrakshak Samuha Nepal
24	Lal shahi, Bikash Shreshta	2068/2/24	CHIID Nepal

**Appendix 2.1 Number of women and children trafficking survivors and
of traffickers, FY 2009/10**

District	Trafficking survivors			Traffickers		
	Women	Children	Total	Women	Children	Total
Total	237	45	282	165	37	203
Kathmandu	57	12	69	21	0	21
Kailali	0	9	9	2	0	2
Nawalparasi	6	7	13	15	0	15
Jhapa	21	5	26	14	0	14
Kanchanpur	6	2	8	2	0	2
Sindhuli	5	2	7	3	2	5
Sunsari	2	2	4	34	31	65
Udayapur	9	1	10	9	0	9
Sindhupalchowk	6	1	7	7	0	7
Bhaktapur	4	1	5	3	0	3
Nuwakot	3	1	4	5	0	5
Syagja	0	1	1	1	0	1
Baglung	0	1	1	0	1	1
Rupandehi	36	0	36	35	0	35
Kaski	18	0	18	1	0	1
Kapilbastu	8	0	8	3	0	3
Rautahat	6	0	6	0	0	0
Banke	6	0	6	7	0	7
Palpa	4	0	4	5	0	5
Pyuthan	4	0	4	2	0	2
Dang	4	0	4	0	0	0
Bardiya	4	0	4	0	0	0
Terhathum	3	0	3	1	0	1
Siraha	3	0	3	0	0	0
Makawanpur	3	0	3	3	0	3
Dhading	3	0	3	0	3	3
Surkhet	3	0	3	0	0	0
Ilam	2	0	2	4	0	4
Dhanusa	2	0	2	1	0	1
Parsa	2	0	2	0	0	0
Argkhanchi	2	0	2	3	0	3
Morang	1	0	1	2	0	2
Chitawan	1	0	1	1	0	1
Bara	1	0	1	0	0	0
Lamjung	1	0	1	1	0	1
Jajarkot	1	0	1	0	0	0

Note: Among the 75 districts in Nepal, there were no cases of trafficking survivors of 39 districts which are not presented in this Table.

Source: Annual Report 2010, Office of the Attorney General, Nepal

Appendix 2.2 Summary of situation of Trafficking in Persons, eastern and western regions of Nepal

Parameters	Ilam	Jhapa	Morang	Sunsari	Udayapur	Saptari	Siraha
Magnitude							
Prone areas/VDCs	Pasupatinagar, Phikkal, Kanyam, Godek, Ilam Municipality, Bajho and Chulachuli	Saranamati, Anamani, Ghailadubba, Satashi, Khudunabari, Shantinagar, Garamani, Chandragadi, Maheshapur, Prithvinagar, Kumarkhod, Shivagunja, Panchagachhi, Damak	Mejhara, Bhudhanagar, Belbari, Itanara, Utlabari, Nocha and Letang	West Kusaha, Bhutaha, Chinitaha, Tanamuna, Sonapur, Inaruwa including southern VDCs of the district	Rampur Dhokshila, Basaha, Tamrisa Biltar, Panchawati and Katari	Bharadaha, Tilathid and Rupanagar	Many VDCs
Most vulnerable caste/ethnic groups	Janajati, Dalit and others	Dalits, Janajati and Brahmin/ Chhetri	Janajati and Dalits	Madhesi Dalits, Janajati and Dalit	Janajati, Dalit, Brahmin/Chhetri	Madhesi Dalit, Muslims, Brahmin, Janajati	Muslims, Madhesi Dalits, Janajati
Most vulnerable age group	15 to 30 years girls and women	15 to 25 girls and women	12 to 35 years of girls and women	12 to 35 years women and children	16 to 30 years girls and women 10 to 15 years	10 to 25 years girls and women	12 to 30 years girls and women, children
Trafficking route	Pasupatinagar Manebhanyang Smatbung, Sri Antu Jamuna, Sandakpur	Kakarbhitta, Bhadrapur, Nakkalband, Jhapa, Gaurigunj and Kechana	Jogamuni, Amaiwariyani, Bhudhanagar	Bhantabari, Sahhewagunja, Laukahi and Belbasmatiya	Jogbani, Birgunj and Siraha district border	Loukahi	Madar, Thadi, Baryarpatti
Mode of transport	Taxi, bus, horse, on walking	Bus, rickshaw, on walking	Bus, rickshaw, on walk	Bus, cycle, motorcycle, rickshaw and jeep	Bus, cycle, motorcycle, rickshaw, jeep and Internet	Bus, rickshaw, motorcycle, mobile phone, on walk	On walk, railway, bus, rickshaw
Nature of criminal groups	Own relatives: middle class with political access	Own relatives, literate but poor, unemployed, political access	Trusted people Political good access	Trusted people, relatives and political access	Trusted people, relatives and political access	Trusted people, political access, persons contact with criminals in India	Trusted people,
Means used to lure the survivors	Promises of good employment, marriage	Different promises	Different promises, marriage, love	Different promises	Economic promises marriage	Economic promises, love, involved in pornography	Different promises
Purpose of trafficking	Sexual & labor exploitation, organs removal	Sexual & labor exploitation, organs removal	Sexual & labor exploitation, organs removal, forced marriage	Sexual & labor exploitation, organs removal	Sexual & labor exploitation Organs removal	Sexual & labor exploitation Organs removal	Sexual exploitation Labor Organs removal
Factors leading to trafficking	Poverty, illiteracy, unemployment, lack of awareness and desired to earn easy money	Advertisement, child marriage, polygamy, gender discrimination, domestic violence	Consumerism, domestic violence and alcoholism	Lack of awareness Economic promises	Domestic violence Poverty illiteracy Consumerism	False marriage Economic promises	Consumerism, unemployment among youth Lack of awareness
Challenges in combating trafficking	Open border, lack of implementation of law and political interference	Lack of education and awareness, open border, lack of implementation of law	Lack of implementation of laws, victims do not complain at the concerned agencies, lack of gender sensitiveness in the society	Impunity, open border, political interference, no complaint from the victims, lack of legal knowledge, long legal proceedings, no guarantee of the compensation for the victims	Political pressure, treats to the social workers, long process of case handling	Lack of effective security and awareness programs at the border points	Open border, political interference

Summary of situation of Trafficking in Persons, Lumbini zone (western hills and Terai) of Nepal

Parameters	Palpa	Kapilbastu	Gulmi	Rupandehi	Arghakhanchi	Nawalparasi
Magnitude						
Prone areas/VDCs	Teichha, Kaseni, Madan Pokhara, Tansen Municipality, Bhairawasthan, Dachhi, Wakamlang, Rampur, Chitungyara	Shivapur, Shivaghadi, Chanai, Malwad, Motipur, Patna, Patariya, Hathausa, Kopawa, Nigihawa, Mahendrakot, Buddhi	Amapur, Neta, Daling, Bhanbhane, Hasichaur, Amar Arbothok	Siddhartha municipality, Makrahar, Gangoiya, Saijhandi, Suryapura, Butwal municipality, Devadaha, Mannateriya, Paroha, Gajedi, Sikkat, Dudharachha, Madhuwan, Rudrapur,	NA	26 VDCs: Gaidakot, Mukundapur, Nayabelhani, Agauli, Dumkibas, Deurali, Sunbal, Panchanagar, Daunadevi, Makar, Sanai, Tribeni Susta, Samapurawa, Parsauni, Rampur Wadauna, Guthi, Parsauni, Palhi, Sukrauli, Ramnagar, Amaraui, Rupauli, Jamuniya and Manahari
Most vulnerable caste/ethnic groups	Kumal, Dalit and Magar	Tharu, Dalit, hill Janajati, Brahmin, Chhetri and Muslims	Kumal and Dalits	Dalit, Janajati, Brahmin, Chhetri and illiterate and children at risk	Dalits	Janajati and Dalits
Most vulnerable age group	15 to 25 years	15 to 30 years	8-20 years	13-25 years	18-25 years	Majority up to 20 years
Trafficking route	Bhairahawa and Krishna Nagar	Krishna Nagar, Marjadapur, Chakarhauda, Haradauna, Hathihawa, Gaur, Jhandinagar	Purkot, Khawang	Belhiya, Suryapoor, Roinihawa, Kakrahawa, Pajarkatti, Bagah, Meudihawa, Kalidaha	Krishnanagar, Bhalubang and Gorusinge	Tribeni, Jhanipur, Maheshapur, Bargadwa
Mode of transport	Bus, motor cycle, jeep	Bus, rickshaw, cycle, motor cycle, tempo, jeep, Tanga, truck and on walk	Bus, jeep, motorcycle and truck	On walk, rickshaw, cycle and other vehicles	Bus, jeep, motorcycle truck, tripper	Cycle, rickshaw, bus and jeep
Nature of criminal groups	Own relative with low education, poor, lack of social awareness	Own relatives, middle class, literate only and political access, manpower, contractor	Middle class, own relatives	Own relatives	Relatives	Own relatives, agents bear all the expenditure related to foreign employment
Means used to lure the survivors	Economic promises, false marriage, abduction, threats, coercion	Economic promises and false marriage, threats, coercion	Economic promises and desired to exploit	Business, promises of making heroin and dancers, intoxication, false marriage, false marriage	Economic promises	Economic promises and false marriage, threats, coercion
Purpose of trafficking	Sexual and labor exploitation	Sexual & labor exploitation, domestic workers	Sexual & labor exploitation, domestic workers	Sexual & labor exploitation, domestic workers at abroad, kidney removal	Sexual & labor exploitation, exploitation,	Sexual & labor exploitation, circus, ostrich dance
Factors leading to trafficking	Poverty, unemployment, alcoholism	Poverty, unemployment, pornography films and literature, high expectation, lack of awareness, instable politics	Lack of awareness and education, inequality in opportunity and access, domestic violence	Illiteracy, unemployment, social and gender discrimination	Illiteracy, unemployment and poverty	Poverty, illiteracy, high expectation, patriarchy, violence against women
Challenges in combating trafficking	Geographical difficulties, lack of resources, agents as own relatives	Open border, long legal proceedings, political interference	Victims do not complain, lack of awareness, geographic difficulties	Open border, weak law enforcement,	Geographical difficulties, political pressure, lack of coordination efforts	Victims do not complain Victims withdraw case from the court due to the threats and/or economic promises by the traffickers Strong network of the criminals No compensation to the victims

**Annex 4.1 Districtwise distribution of foreign labor migrants by sex,
July 2009- December 2010**

District	Male	Female	Total	Male	Female	Total
Taplejung	3190	44	3234	0.9	1.1	0.9
Panchthar	5930	60	5990	1.7	1.5	1.7
Ilam	6427	116	6543	1.9	2.9	1.9
Jhapa	15313	356	15669	4.5	9.0	4.6
Sankhuwasabha	3930	46	3976	1.2	1.2	1.2
Terhathum	2657	15	2672	0.8	0.4	0.8
Bhojpur	4020	58	4078	1.2	1.5	1.2
Dhankuta	4151	54	4205	1.2	1.4	1.2
Morang	14479	280	14759	4.3	7.1	4.3
Sunsari	8863	196	9059	2.6	5.0	2.6
Solukhumbu	1337	54	1391	0.4	1.4	0.4
Khotang	4836	52	4888	1.4	1.3	1.4
Okhaldhunga	2457	44	2501	0.7	1.1	0.7
Udaypur	5582	100	5682	1.6	2.5	1.7
Saptari	11049	13	11062	3.3	0.3	3.2
Siraha	15361	12	15373	4.5	0.3	4.5
Dolakha	2386	108	2494	0.7	2.7	0.7
Ramechhap	2863	78	2941	0.8	2.0	0.9
Sindhuli	4965	107	5072	1.5	2.7	1.5
Dhanusa	18526	13	18539	5.5	0.3	5.4
Mahottari	34045	56	34101	10.0	1.4	9.9
Sarlahi	8319	56	8375	2.4	1.4	2.4
Rasuwa	720	37	757	0.2	0.9	0.2
Dhading	6041	65	6106	1.8	1.6	1.8
Nuwakot	3695	134	3829	1.1	3.4	1.1
Kathmandu	2438	155	2593	0.7	3.9	0.8
Bhaktapur	1004	25	1029	0.3	0.6	0.3
Lalitpur	1326	55	1381	0.4	1.4	0.4
Kavre	3897	138	4035	1.1	3.5	1.2
Sindhupalchowk	3725	317	4042	1.1	8.0	1.2
Makwanpur	4885	164	5049	1.4	4.1	1.5
Rautahat	3609	15	3624	1.1	0.4	1.1
Bara	4452	36	4488	1.3	0.9	1.3
Parsa	2072	15	2087	0.6	0.4	0.6
Chitawan	6600	73	6673	1.9	1.8	1.9
Gorkha	4962	69	5031	1.5	1.7	1.5
Manang	124	2	126	0.0	0.1	0.0
Lamjung	3776	43	3819	1.1	1.1	1.1
Kaski	4921	76	4997	1.4	1.9	1.5
Tanahu	7334	32	7366	2.2	0.8	2.1

District	Male	Female	Total	Male	Female	Total
Nyanja	5281	40	5321	1.6	1.0	1.5
Gulmi	3324	29	3353	1.0	0.7	1.0
Palpa	4349	35	4384	1.3	0.9	1.3
Arghakhanchi	2558	28	2586	0.8	0.7	0.8
Nawalparasi	10364	84	10448	3.1	2.1	3.0
Rupandehi	6581	65	6646	1.9	1.6	1.9
Kapilbastu	3609	28	3637	1.1	0.7	1.1
Mustang	48	2	50	0.0	0.1	0.0
Myagdi	2742	32	2774	0.8	0.8	0.8
Baglung	4976	17	4993	1.5	0.4	1.5
Parbat	2861	27	2888	0.8	0.7	0.8
Rukum	2490	10	2500	0.7	0.3	0.7
Rolpa	4593	11	4604	1.4	0.3	1.3
Pyuthan	1848	4	1852	0.5	0.1	0.5
Salyan	4922	17	4939	1.4	0.4	1.4
Dang	7477	38	7515	2.2	1.0	2.2
Dolpa	19	0	19	0.0	0.0	0.0
Mugu	51	1	52	0.0	0.0	0.0
Jumla	53	0	53	0.0	0.0	0.0
Kalikot	132	0	132	0.0	0.0	0.0
Humla	67	2	69	0.0	0.1	0.0
Jajarkot	851	5	856	0.3	0.1	0.2
Dailekha	698	7	705	0.2	0.2	0.2
Surkhet	1816	7	1823	0.5	0.2	0.5
Banke	3083	24	3107	0.9	0.6	0.9
Bardiya	2341	22	2363	0.7	0.6	0.7
Bajura	156	0	156	0.0	0.0	0.0
Achham	298	1	299	0.1	0.0	0.1
Bajhang	197	0	197	0.1	0.0	0.1
Doti	132	0	132	0.0	0.0	0.0
Kailali	11373	34	11407	3.3	0.9	3.3
Darchula	471	4	475	0.1	0.1	0.1
Baitadi	635	0	635	0.2	0.0	0.2
Dadeldhura	1071	5	1076	0.3	0.1	0.3
Kanchanpur	2039	11	2050	0.6	0.3	0.6
Total	339773	3959	343732	100.0	100.0	100.0

Source: data file obtained from DoFE, 2011.

Annex 4.2 Memorandum of Understanding (MoU) between NHRC of Nepal and NHRC of Korea on Cooperation on the Protection of the Migrant Rights

The National Human Rights Commission of Korea and the National Rights Commission of Nepal (hereinafter called 'parties'), concludes this MoU aiming to promoting and protecting the human rights of migrants residing in their respective countries, and agree to extend mutual cooperation as stated in the following paragraphs.

1. The objectives of this MoU is to promote on equal terms of cooperation and exchange between the parties based on the Seoul Guidelines on the Cooperation of National Human Rights Institutions for the Promotion and Protection of Migrants Rights in Asia (Adopted in Seoul, November 2008) and thereby contribute to the promotion and protection of the human rights of Nepalese migrants residing in the Republic of Korea and the human rights of migrants from the Republic of Korea residing in Nepal.
2. In order to attain the objective stipulated in Paragraph 1, the parties shall endeavor to carry out the following activities:
 - a) Monitoring and investigation on the violation and abuses of the human rights of migrants originating from and residing in each of their respective countries and recommend for appropriate remedy under prevalent law;
 - b) Research and policy review relating to the human rights of migrants originating from each other countries and residing in their respective countries;
 - c) Education, training and public awareness initiatives aimed at protecting and promoting the human rights of migrants originating from each other countries in their respective countries.
3. The parties shall also endeavor to pursue cooperation aiming at resolving human rights related problems raised by the either party in mutual consultation.
4. The Parties designate the following officials to serve as Focal points, and assign them to coordinate in the implementation of this MoU.
National Human Rights Commission of Korea, the Officer-in-charge for their thematic concern on migrants
National Human Rights Commission of Nepal, the Officer-in-Charge for their thematic concern on migrants.
5. The cooperation and exchange activities carried out pursuant to this MoU shall be performed in a manner that is consistent with the prevailing laws of each country.
6. In order to facilitate the smooth operation of this MoU the parties may hold consultative meetings as and when necessary.
7. This MoU is valid for a period of three years from the date of signature. It may be renewed if the parties so agree. Its contents may be amended upon the consent of both the parties.

The original version of this MoU is prepared in English language.

Signed

Justice Kedar Nath Upadhyay
The National Human Rights Commission
of Nepal

27 December 2010
Prof. Byung-Chul
Chairperson
The National Human Rights Commission of Korea
27 December 2010

Appendix 5.1 Rehabilitation centers supported by MoWCSW since FY 2008/09

	Name of organization running rehab centers	District	Number of survivors provided rehab services	Percentage of the total
1	Maiti Nepal Abadhik Home, Bhairahawa	Rupandehi	91	14.5
2	Gramin Mahila Srijanshil Pariwar, Chautara	Sindhupalchowk	54	8.6
3	Aadarash Nari Bikash Kendra	Chitawan	17	2.7
4	ABC Nepal	Kathmandu	26	4.1
5	Saathi Regional Office, Nepalgunj	Banke	58	9.2
6	Maiti Nepal Branch Office, Birgunj	Parsa	274	43.6
7	Srijan Shil Samaj	Kailali	27	4.3
8	Maiti Nepal Branch Office	Jhapa	81	12.9
	Total		628	100.0

Source: MoWCSW office record of FY 2009/10.

Appendix 5.2 Budget allocated by MoWCSW for the District Committee against Trafficking in Persons, FY 2009/10

Name of districts	Number of districts	Amount per district (in Rs.)	Total amount allocated (in Rs.)
Jhapa, Morang, Sunsari, Udayapur, Dang, Rasuwa, Kailali, Gorkha, Lalitpur, Chitawan, Kavre, Makawanpur, Sarlahi, Kathmandu, Mahottari, Dhading, Sindhupalchowk, Sindhuli, Nawalparasi, Ramechhap, Dhanusa, Parsa, Banke, Rupandehi, Nuwakot and Kaski	26	50,000	130,000
Dhankuta, Terhathum, Kanchanpur, Siraha, Saptari, Bara, Rautahat, Kapilbastu, Bhaktapur, Tanahu, Baglung, Pyuthan, Surkhet and Bardiya	14	20,000	280,000
Dailekh, Jajarkot, Mustang, Myagdi, Parbat, Lamjung, Manang, Syajja, Dolakha, Dolpa, Humla, Jumla, Kalikot, Mugu, Bhojpur, Sankhuwasabha, Gulmi, Arghakhanchi, Rolpa, Palpa, Baitadi, Dadeldhura, Darchula, Ilam, Panchthar, Taplejung, Rukum, Salyan, Khotang, Okhaldhunga, Solukhumbu, Achham, Bajhang, Bajura and Doti	35	16,000	560,000
Meeting expenditure for district committee	75	6,000	450,000
Total			2,590,000

Source: MoWCSW office record of FY 2009/10.

Appendix 5.3 Number of GBV complaints handled by para-legal committees as received in the Department of Women and Children, 2010

Types of complaints	Number	Percent
Domestic violence	3686	36.3
Social violence	1091	10.7
Physical torture	629	6.2
Dispute in property share	529	5.2
Abuse and harassment	469	4.6
Psychological torture	339	3.3
Polygamy	337	3.3
Dispute in money transition	323	3.2
Dispute in family	303	3.0
Dispute in land	213	2.1
Dispute in property	165	1.6
Child marriage	164	1.6
Divorced	126	1.2
Rape	98	1.0
Citizenship related	94	0.9
Child labor exploitation	93	0.9
Trafficking in person	83	0.8
Sexual abuse of women	82	0.8
Security related	76	0.7
Hadanata karani	22	0.2
Inter-caste marriage	10	0.1
Others	1217	12.0
Total	10149	100.0
Number of cases disposed by the para-legal committees	8378	
Number of cases referred to Police/organizations	1524	

Source: Office record of Department of Women and Children, 2010 (unpublished data)

Appendix 5.4 Number of interception, rescue, repatriation, reintegration by different NGOs in FY 2009/10

Number of persons **intercepted** in suspension of trafficking by different NGOs, FY 2009/10, Nepal

Organizations	Children (<18 years)		Adult (>=18 years)		Total
	Girls	Boys	Women	Men	
Maiti Nepal	1322	0	0	0	1322
WOSCC	8	1	0	0	9
Shakti Samuha	0	0	0	0	0
HimRights	1	0	1	0	2
Gramin Mahila Srijanshil	12	0	11	0	23
WOREC	0	0	0	0	0
CWIN	3	0	0	0	3
Nepal Police*	250	0	0	0	250

Note: * figures of Nepal police do not children and adult. On the basis of the discussion with the Nepal Police authority, majority are however girls under 18 and women. Further, Nepal police record and other organization interception record may overlap as Nepal Police conducts rescue operation in collaboration with NGOs.

Number of persons rescued in suspension of trafficking by different NGOs, FY 2009/10, Nepal

Number of persons **rescued** in suspension of trafficking by different NGOs, FY 2009/10, Nepal

Organizations	Sexual exploitation		Labor exploitation		Women
	Girls	Women	Girls	Boys	
Maiti Nepal	30	34	0	0	0
WOSCC	2	0	28	59	0
Shakti Samuha	0	0	0	0	0
HimRights	2	0	0	5	0
Gramin Mahila Srijanshil	8	0	12	5	18
ATWIN	0	0	0	0	0
WOREC	0	0	0	0	0
CWIN	4	0	0	0	0

Number of trafficking survivors repatriated by different NGOs, FY 2009/10, Nepal

Organizations	From Indian brothels		From Gulf countries		
	Girls	Women	Women	Men	
Maiti Nepal	17	46	20	0	
WOSCC	-	-	3	0	
Shakti Samuha	-	-	0	0	
HimRights	-	-	0	1	
Gramin Mahila Srijanshil	-	-	14	0	
WOREC	0	0	3	18	
CWIN	0	0	0	0	

Number of trafficking survivors provided rehab services by different NGOs, FY 2009/10, Nepal

Organizations	Children (<18)		Adults (>=18)		
	Girls	Boys	Women	Men	
Maiti Nepal	106	13	149	0	
WOSCC	5	2	0	0	
Shakti Samuha	48	0	0	0	
HimRights	0	0	0	0	
Gramin Mahila Srijanshil	18	0	18	0	
WOREC	NA	NA	NA	NA	
CWIN	6	0	0	0	

Number of trafficking survivors provided reintegration services by different NGOs, FY 2009/10, Nepal

Organizations	Children (<18)		Adults (>=18)		
	Girls	Boys	Women	Men	
Maiti Nepal	120	6	62	0	
WOSCC	0	0	0	0	
Shakti Samuha	188	0	0	0	
HimRights	1	0	1	0	
Gramin Mahila Srijanshil Pariwar	10	0	14	0	
WOREC	124	0	666	0	
CWIN	29	13	0	0	

Number of applications received for **missing persons and found** by different NGOs, FY 2009/10, Nepal

Organizations	Missing persons				Found persons			
	Girls	Boys	Women	Men	Girls	Boys	Women	Men
Maiti Nepal	957	98	1378	210	255	21	210	0
WOSCC	4	0	2	0	3	0	2	0
Shakti Samuha	0	0	0	0	0	0	0	0
HimRights	0	0	1	0	0	0	1	0
Gramin Mahila Srijanshil	6	0	12	0	3	0	9	0
WOREC	1	0	1	0	0	0	0	0
CWIN	69	178	0	0	30	80	0	0

Number of trafficking survivors provided referral services to other organization and received from other organization as referral cases by different NGOs, FY 2009/10, Nepal

Organizations	Referred to other organizations		Received from other organization	
	Girls	Women	Girls	Women
Maiti Nepal	0	0	0	0
WOSCC	20	0	0	0
Shakti Samuha				
HimRights	3	22	0	0
Gramin Mahila Srijanshil	2	2	3	1
WOREC	5	1		30*
CWIN	0	0	0	0

Note: * WOREC data do not segregate whether girls or women.

Number of trafficking victims/survivors provided legal support by different NGOs, FY 2009/10, Nepal

Organizations	FIR	Assisted for investigation and prosecution	Assisted for court proceedings	Number of accused persons		Number of survivors	
				Male	Female	Girls	Women
Maiti Nepal	70	66	66	19	10		107
WOSCC	4	3	2	6	1	8	-
Shakti Samuha	-	-	-	-	-	-	-
HimRights	-	-	-	-	-	-	-
Gramin Mahila Srijanshil	4	4	2				5
WOREC	7	-	-	-	-	-	7
CWIN	8	4	4	12	4	32	

Number of persons who were cheated/exploited in the process of foreign labor migration, provided legal support by different NGOs, FY 2009/10, Nepal

Organizations	FIR	Assisted for investigation and prosecution	Assisted for court proceedings	Number of accused persons		Number of survivors	
				Male	Female	Girls	Women
Maiti Nepal	-	-	-				
WOSCC	1	1	1				
Shakti Samuha	-	-	-				
HimRights	-	-	-				
Gramin Mahila Srijanshil	-	-	-				
WOREC	17						33 persons*
CWIN	0	0	0	0	0	0	0

Note: * among 33, 9 were women and 24 were men.

Number of victims of domestic violence who were provided legal aid by different NGOs, FY 2009/10, Nepal

Organizations	FIR	Assisted for investigation and prosecution	Assisted for court proceedings	Number of accused persons		Number of survivors	
				Male	Female	Girls	Women
Maiti Nepal	20	2					
WOSCC	-	-					
Shakti Samuha	-	-					
HimRights	22	-					
Gramin Mahila Srijanshil	4	4					
WOREC	144	220	-	-	-	-	144*
CWIN	0	0	0	0	0	0	0

Note: * WOREC data includes both girls and women, no segregation by age was done.

Appendix 6.1 Number of trafficking cases registered, convicted and acquitted in districts courts, FY 2009/10

District	Registered		Convection		Acquittal		Return/ multabi		Total	
	Total cases	# of defendants	# of cases	# of defendants	# of cases	# of defendants	# of cases	# of defendants	# of cases	# of defendants
Kathmandu	78	181	5	17	5	21	0	0	10	38
Nuwakot	19	37	7	14	3	6	1	2	11	22
Sunsari	17	59	2	8	3	17	0	0	5	25
Rupandehi	17	36	4	11	2	7	0	0	6	18
Parsa	12	62	5	9	2	5	0	24	7	38
Kaski	11	24	1	3	4	5	0	0	5	8
Nawalparasi	10	44	3	7	1	1	0	4	4	12
Banke	10	23	2	2	3	4	0	0	5	6
Jhapa	8	22	1	3	1	3	0	0	2	6
Kanchanpur	8	16	6	11	0	0	0	0	6	11
Rautahat	7	19	1	1	1	7	0	0	2	8
Sindhupalchowk	7	23	1	1	1	1	0	0	2	2
Kapilbastu	7	13	0	0	0	0	0	0	0	0
Bara	6	28	3	5	2	4	0	15	5	24
Chitawan	6	15	2	9	4	6	0	0	6	15
Kailali	6	28	5	25	0	1	0	0	5	26
Udayapur	5	15	0	0	0	0	0	0	0	0
Siraha	5	31	2	8	2	11	0	6	4	25
Dang	5	9	4	8	0	0	0	0	4	8
Bardiya	5	5	1	1	3	3	0	0	4	4
Sindhuli	4	7	0	0	1	2	0	0	1	2
Bhaktapur	4	10	0	0	1	6	0	0	1	5
Dhading	4	11	3	7	0	0	0	0	3	7
Surkhet	4	8	0	0	3	5	0	0	3	5
Ilam	3	10	0	0	0	0	0	0	0	0
Terhathum	3	7	1	2	0	0	0	0	1	2
Saptari	3	8	1	1	1	2	0	1	2	4
Tanahu	3	4	0	0	0	0	0	0	0	0
Syagja	3	7	1	1	0	0	0	1	1	2
Palpa	3	6	2	5	0	0	0	0	2	5
Dhanusa	2	3	0	0	1	2	0	0	1	2
Sarlahi	2	7	0	0	1	2	0	0	1	2
Pyuthan	2	6	1	2	0	0	0	0	1	2
Panchthar	1	2	0	0	1	2	0	0	1	2
Morang	1	3	1	3	0	0	0	0	1	3
Solukhumbu	1	7	1	3	0	1	0	0	1	4
Mahottari	1	3	0	0	1	3	0	0	1	3
Makwanpur	1	3	3	3	0	0	0	0	3	3
Baglung	1	3	0	0	0	0	0	0	0	0
Arghakhanchi	1	6	0	0	0	0	0	0	0	0
Jajarkot	1	1	1	1	0	0	0	0	1	1
Baitadi	1	3	1	3	0	0	0	0	1	3
Sankhuwasabha	0	0	0	0	1	1	0	0	1	1

Note: Districts with no trafficking cases registered have not been presented in this Table.

Source: Annual Report 2010, Office of Attorney General, Nepal

Appendix 7.1 Guideline for the Responses

- 1) Do you agree that Trafficking in Persons is one of the major concerns under violence against women and is against the human right?
- 2) How do you see the situation of human trafficking especially for women and children at the global and regional perspectives with demand and supply scenarios?
- 3) Do you visualize globalization and foreign labor migrations have increased trafficking vulnerabilities?
- 4) The Palermo Protocol, 2000; Convention on Migrant Workers and their Families 1990 and ILO Convention on Forced Labor (C29) have contributed to ease out vulnerability of trafficking, protection and prosecution of victims of trafficking?
- 5) Considering the depth of problem of trafficking in the SAARC region with the issues of origin, transit and destination, what changes need to be taken in the SAARC Convention Trafficking and Sexual Exploitation?
- 6) What will be your opinion to materialize the effective coordination among the SAARC countries to strengthen the implementation of the SAARC Convention?
- 7) Please express your support for mobilizing I/NGOs and civil societies to increase the access of the program to the target group of vulnerable population including victims of trafficking?
- 8) Express your views on establishing and the role of Regional and National Rapportuers Rapporteurs in advocating and monitoring the international and national commitments in combating trafficking.
- 9) Express your opinion on the role of UN Special Rapporteur in advocating and monitoring the international commitments in combating Trafficking in Persons and developing network among the National Rapporteurs of the respective countries
- 10) Express your views on the role of NHRIs in dealing trafficking issues (prevention, prosecution and protection) from human rights perspective to ensure the rights of vulnerable target population and victims of trafficking.
- 11) What challenges do you see in implementing the Conventions and national commitments in combating TiP especially with reference to institutional support, financial constraints and human resources?
- 12) Please express your views with reference to your responsibility or working countries as an example to make interview evidence-based to contribute in designing plans, policies and programs in combating trafficking in the context of global, regional and national levels.