

TRAFFICKING IN PERSONS

**NATIONAL REPORT
2015/16**

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National Human Rights Commission (NHRC)
Office of the Special Rapporteur on Trafficking in Persons (OSRT)

Harihar Bhawan, Pulchowk
Lalitapur, Nepal



Photograph of Different Activities



National Anti-Trafficking Day, 20 Bhadra 2073



Rally of 10th National Anti-Trafficking Day, on 20 Bhadra 2073



Consultation Meeting on Implementation Status of TIP Recommendation on Mangsir 8, 2073 B.S.



Consultation meeting on final draft sharing of TIP report 2015/16, 2074/1/22 B.S. (5 May 2017)



Consultation meeting on final draft sharing of TIP report 2015/16, 2074/1/22 B.S. (3 May 2017)



TIP National Reports 2013-15, dissemination on June 2016 at NHRC by Hon. Chairperson Anup Raj Sharma



Consultation meeting with stakeholders -TIP Report 2015/16



Initial consultation meeting with stakeholders - TIP National Report 2015/16, 2073-05-31

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National Human Rights Commission (NHRC)

Harihar Bhawan, Pulchowk

Lalitapur, Nepal

June, 2017

Published by : National Human Rights Commission, Hariharbhawan, Lalitpur

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Published Date : June 2017

Report No. : NHRC, Central Office, 217

Copies : 500

Printed at : MS Printing Solution (9851148005)

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Foreword

Trafficking in Persons (TIP) is not only a crime. It includes the violations of several human rights of a victim. TIP also encompasses the violation of right to liberty, human dignity, and the right not to be held in slavery or involuntary servitude. The United Nations introduced several international human rights treaties, conventions and declaration to combat trafficking, and Nepal is a state party of such international human rights treaty and obligations. Considering these obligations, Government of Nepal enacted national legislation, policy, programme and institutional mechanisms. As a constitutional body, National Human Rights Commission (NHRC) has established the Office of the Special Rapporteur on Trafficking in Persons in 2002, and has been regularly publishing the National Reports on Trafficking in Persons since 2005.

The TIP report of the NHRC mirror outs the trafficking situation in Nepal. It subtly analyzes the efforts of the Government, initiatives of Non-Governmental Organizations and identifies gaps, challenges and suggests way forwards. In such, the TIP report 2015/2016 briefly describes the working conditions of female workers in the entertainment sectors especially focusing on degree and an extent of the elements in the trafficking. It also highlights the fact that although entertainment sector provides employment to hundreds of females, it needs to be free from exploitative working situation and unhygienic and unhealthy condition too. In case of migration for foreign employment, the annual outflow exceeded to 500,000 in which more than two-third of migrant workers for foreign employment were young people aged less than 35 years. On top of it, thousands of migrant workers for overseas employment go via India and Sri Lanka and such person's data's are not available or not recorded. The findings of this report show that forced labour is one of the significant element of trafficking; as the workers reach to the destination; they are at higher risk of slipping into the state of forced labor. In such, gravity of the Migrant Workers including untimely demise, injury, mental illness and isolation, separation from the family, abuse and exploitation are widely reported.

Although the Government of Nepal has outlined a strategy to include TIP in its Development Plans, National Plan of Action (NPA) and other relevant policy and programme initiatives the effort to combat trafficking in person is not adequately effective. The Government's institutional mechanisms to implement and monitor the TIP initiatives are not effective and in some cases, they are just defunct. The budget allocated for rescue and repatriation of trafficking victims and foreign Nepali Missions is still insufficient. However, the Government of Nepal has mobilized a range of INGOs/NGOs including UN organizations to combat TIP. Regarding the implementation status of the NHRC's recommendations on combating TIP the current report shows mixed results as some of the Recommendations have been satisfactorily implemented, while others are yet to be implemented.

The issue of TIP is needed to be prioritized by each of concerned agencies focusing on human rights based approach. Similarly, the Government of Nepal and other agencies need to focus to achieve targets in line with the Sustainable Development Goals. The collaborative efforts of state agencies, Nongovernmental Organizations, Development Partners, and Media is essential to combat human trafficking. As Nepal has entered into federal structures and has delegate power and authority to local bodies. The role of local bodies is important to make an effective programme, plan and policy. As a step of protection of rights of the migrant workers, the NHRC has concluded the MoU with National Human Rights Committee Qatar which has opened pathway to deal the cases of human rights violations of Nepalese migrant workers vibrantly.

I thank to Honorable Member of NHRC, Ms. Mohna Ansari for her tireless efforts to prepare of this report. Similarly, I also appreciate the effort of the Report Writing Team members; Mr. Kamal Thapa Kshetri and Ms. Yeshoda Banjade for their contributions in content designing, information collection, coordination, and communication with relevant stakeholders. The consultant, Dr. Govind Subedi deserves the special thanks for his contribution in preparation of the report. I thank all the NHRC staff including the NHRC sub-regional and regional office staff of Butwal, Nepalgunj and Dhanghadi for their active participation and coordination to conduct consultative meetings in the field. Finally, I thank to all the key stakeholders who provided us data, informations and suggestions to prepare this report.

I am hopeful that the findings of this report will be significant to combat TIP and effectively implement anti-trafficking initiatives in Nepal.

Anup Raj Sharma
Hon. Chairperson
National Human Rights Commission, Nepal

Preface

National Human Rights Commission, as a constitutional body of Nepal is committed to deal with the problem of trafficking in persons. The establishment of OSRT in NHRC reflect the trafficking issue deal under the human rights framework and accordingly NHRC has established Office of the Special Rapporteur on Trafficking in 2002. The OSRT has a mandated to monitor the incidence of trafficking, galvanize the high level commitment, publish the situation report on trafficking and make recommendation to the government of Nepal. The NHRC felt that, the issue of trafficking is not only crime; it violates severe human rights of victims.

Trafficking in Persons issue is global phenomenon across the world. Trafficking in Person (TIP) is modern day slavery in Twenty First century and worst form of violation of human rights. It violates bundle of human rights of the victims. In Nepal trafficking have a decade long history, many of the children and women from Nepal trafficked in India for sexual exploitation. In Twentieth century Nepalese children has been trafficked for circus in India. Gradually magnitude of trafficking has changed the modus operandi. Current scenario is most of the women are trafficked into gulf country in the name of foreign employment. Similarly, young girl has been trafficked into African country for the purpose of using in entertainment industry like dance bars. The fact shows that, many of them are facing sexual and labor exploitation in destination countries. Other modes of trafficking issues in the name of marriage, the evidence revealed that many of women are trafficked into South Korea and China through the fake marriage. The issues of smuggling are also increasing in European countries including male and female. The issues of internal trafficking being less prioritize rather than cross border issues. Women and girl child being sexually exploited in the workplace and also deprived from the designated remuneration.

The NHRC-OSRT has publishing the Trafficking in Person since 2005 and this is the eighth national reports. Basically NHRC TIP report attempt to provide the situation of trafficking in persons, efforts and initiatives of Government of Nepal and Non Governmental organizations, judicial responses etc. This report attempt to provide the situation of trafficking in persons. The data of Nepal Police shows that number of trafficking cases is increased than the previous year. The report draws out the findings on trafficking pattern, some bordering district of India having a problem of trafficking in the name of orchestra programme and network business in India. Another fact is the untraced rate of missing children is higher than found. It is needed to investigate and extensive research study whether missing children being trafficked or in other exploitative situation. The other fact is, illegal kidney extraction is less priority than the cross border trafficking. Some cases has been registered in the court and convicted to the perpetrators but there are other avenues for extensive research study.

The Report has been prepared by the report writing team under my close supervision. I would like to extend thanks to Mr, Bed Bhattarai, Secretary for entire administrative arrangement. The efforts of regional and sub regional director of NHRC Nepalgunj, Dhangadhi and Butwal for monitoring in bordering district of India. Mr. Kamal Thapa Kshetri and Yeshoda Banjade Human Rights Officers make efforts towards the preparation of report in this shape. The consultant Dr. Govind Subedi deserves special thanks for making efforts to prepare the reports. I would like to thanks all the concern ministry, department, offices for providing the information. Similarly i would like to thanks all the Non Governmental organization for providing information, comments and suggestion to the report. The coordination support for information collection by Alliance Against Trafficking in Women (AATWIN) and Campaign for Right networks is highly appreciable.

I believe that the Report will serve as a fact based reference to those working for combating trafficking at national and also at international level. Since this report mainly reveals the implementation status and its challenges in the effort in combating TIP, it will support the policy makers, legislative body and general public to take effective steps for strengthening impact based progress in planning, implementation and monitoring of the policies and acts. The Report may have errors but the suggestions from the distinguished readers will through light for its further improvement.

Mohna Ansari
Hon. Member
National Human Rights Commission
Nepal

Acronyms and Abbreviations

AATWIN	Alliance against Trafficking in Women and Children in Nepal
CAP Nepal	Center for Awareness Promotion Nepal
CBO	Community Based Organization
CBS	Central Bureau of Statistics
CCWB	Central Child Welfare Board
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Child Rights Convention
CTIP	Combating Trafficking in Persons Project
CWIN	Child Workers Concerned Center in Nepal
DCCHT	District Committee on Controlling Human Trafficking
DoFE	Department of Foreign Employment
FEA	Foreign Employment Act 2007 of Nepal
FEPB	Foreign Employment Promotion Board
FWLD	Forum for Women, Law and Development
FY	Fiscal Year
GBV	Gender based Violence
GDP	Gross Domestic Product
GEUC	Gender and Empowerment Coordination Unit
GO	Governmental Organization
GoN	Government of Nepal
HTTCA	Human Trafficking and Transportation (Control) Act 2007
I/NGO	International Non-Governmental Organization
ILO	International Labor Organization
KI Nepal	Kingdom Investment Nepal
LACC	Legal Aid and Consultancy Center
MoE	Ministry of Education
MoFA	Ministry of Foreign Affairs
MoFALD	Ministry of Federal Affairs and Local Development
MoHA	Ministry of Home Affairs
MoLE	Ministry of Labor and Employment
MoPH	Ministry of Population and Health
MoU	Memorandum of Understanding
MoWCSW	Ministry of Women, Children and Social Welfare
NCCR	National Center for Children at Risk

NGO	Non-Governmental Organization
NHRC-OSRT	National Human Rights Commission-Office of the Special Rapporteur on Trafficking in Persons
NHRIs	National Human Rights Institutions
NJA	National Judicial Academy
NPA	National Plan of Action
NRNA	Non-Resident Nepali Association
OAG	Office of the Attorney General
PNCC	Prawasi Nepali Coordination Committee
PPR Nepal	Forum for Protection of People's Rights Nepal
SWC	Social Welfare Council
TAF	The Asia Foundation-Nepal
TIA	Tribhuvan International Airport, Kathmandu
TIP	Trafficking in Persons
TVPA	Trafficking Victims Protection Act
UAE	United Arab Emirates
UN	United Nations
USA	United States of America
VAW	Violence against Women
VDC	Village Development Committee
WCSD/C	Women and Children Service Directorate/Center, Nepal Police
WL	Watch List
WMWs	Woman Migrant Workers
WOREC Nepal	Women's Rehabilitation Center
WOFOWON	Women Forum for Women in Nepal

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Executive Summary

The Office of the Special Rapporteur (OSRT), National Human Rights Commission (NHRC) is mandated to monitor the incidence of trafficking in persons (TIP) and publish Annual Report on Situation of TIP in Nepal. The NHRC-OSRT has already published **seven** National Reports since 2005. This National Report entitled *Trafficking in Persons* is the continuous of the previous National Reports. This Report aims to assess the status and emerging trends of TIP in Nepal; explore the nexus between employment in entertainment sector and trafficking; explore the nexus between migration for foreign employment and trafficking; monitor the anti-trafficking initiatives; measure the level of law enforcement and judicial responses of TIP in Nepal and recommend policies and programs for combating TIP. This Report covers the period of FY 2015/16 (July 2015-June 2016). The Report utilized both primary and secondary data. The primary data were collected through conducting several consultations with the workers and stakeholders, administering the questionnaire to NGOs about their initiatives and monitoring/field visits of western, mid and far-western Terai districts. Secondary data were collected from different Governmental (GOs) and Non-Governmental Organizations (NGOs) including the Judiciary.

This Report is guided by the NHRC's *Strategic Plan (2015-2020)* that aimed to promote the collective rights such as rights of children, women rights and migrant rights through monitoring and advocating for the rights, lobbying for effective remedies and review of laws, policies and practices, holding dialogue and working with the NHRIs of Nepali migrant receiving countries. The context of the Report is set through review of concerns raised by the different UN Committees, UN Sustainable Development Goals, and the feedback from the stakeholders including the Honorable Member of NHRC, Mohna Ansari. This Report follows the definition of trafficking in persons as envisioned in UN Protocol on Trafficking and *Human Trafficking and Transportation (Control) Act 2007*. Following the Trafficking Protocol and the Act, it requires that the crime of trafficking be defined through a combination of the three constituent elements, namely, acts, means and purpose.

The major finding of the Report is summarized as follows:

On Situation of Trafficking in Persons

- Evidences of human smuggling have been reported widely in the FY 2015/16 to several countries including Macau, UAE, Oman, Kuwait, Saudi Arabia, Portugal, Dubai, Qatar, Malaysia, Sri Lanka and India. Metro Police Division, Teku has registered several complaints. Many of them are related to human smuggling, which latter ended with trafficking.
- Smuggling to China for forced sex, to Afghanistan for security guard, smuggling to USA via Latin America, smuggling to South Korea and China for marriage has been established. Key agents of smugglers comprised a range of individuals as well as agencies including recruiting agencies, Education Consultancies, Marriage Bureaus, cultural groups. Human trafficking for dance in orchestra, trafficking in the name of network business to India especially using the transit points from Nawalparasi, Rupandehi and Kapilbastu districts are new dimensions of trafficking evolving.
- The numbers of trafficking cases registered in Nepal Police, however, is still low against the believed number of trafficking victims. In the FY 2015/16, a total of 212 cases of human trafficking were registered in which there were 352 numbers of victims. Four in 10 victims are children; more than 95 percent victims are females and 3 in four victims do not have education at all. Majority of victims are from Janajati (48%), followed by 29 percent for Brahman/Chhetri and 15 percent for Dalit and 8 percent for Madeshi groups.
- On the average there are two offenders in one case of human trafficking (376 offenders in 212 numbers of cases). Three in four offenders are males and nearly two-thirds are youngsters (<=35 years of age). Proportionally the criminals on charge of human trafficking are over represented among 'disadvantaged' social groups especially among Janajati (41%) and Dalit (16%).
- Drawing on the NGOs interventions including the rescue efforts of metropolice Crime Investigation Division of Kathmandu, Nepal Police and Foreign Embassies to Nepal, the estimated number of trafficking victims comes out to be about 23,200 in the FY 2015/16 in Nepal. It provides an estimate of 6,100 persons as trafficked; 13,600 persons as victims of attempt trafficking; and 3,900 persons remained missing. Of attempt to trafficking victims (13,600), 98 percent are females; 50 percent are children and 50 percent are adults. Of the trafficked persons (6,200), nearly 40 percent are males and the rest are females. Of the number of untraced persons (3,900), more than 70% are girls.

- NHRC-OSRT requested all 14 most earthquake affected districts' Police Offices¹ to provide information about crime against women and children before and after the earthquake of April 2015. Comparing the 3-yearly average number of domestic violence cases before the earthquake and after one-year of the earthquake, the domestic violence cases being reported in Nepal Police have increased to 1,793 from 1,569 - an increase by nearly 15%.
- The reported number of rape and attempted rape against women and children increased very considerably from very 175 to 217 before and after the earthquake and the number of attempted rape cases increased from 80 to 90 during the same period.
- The reported number of TIP cases registered in Nepal Police does not confirm the hypothesis that after the earthquake the human trafficking cases increased. The numbers of TIP cases have declined in Kathmandu (from 23 to 15), Nuwakot (7 to 1), Kavre (1 to 0) and Sindhupalchok (4 to 2) while there was an increase in reported number of TIP cases in Dhading (2 cases to 4 cases), Makwanpur (2 cases to 4 cases), Ramechhap (0 to 1 case), Okhaldhunga (0 to 2 cases).
- The number of children reported missing in *Balbalika Khoj Talash Kendra* was 1,502 in the FY 2015/16. Among them, girls outpaced the boys (60% vs. 40%) and more than one-thirds were in the age range of 14-16 years. Overall, untraced rate was estimated to be 73.5 percent (78% for girls and 66 percent for boys).
- A total of 44,131 children were recorded by the end of June 2016 as high risk due to earthquake in 14 earthquake hit districts of Nepal. Excluding the Kathmandu, the number of children reported missing in the earthquake hit districts increased from 829 before one-year of the earthquake to 1165 after one year of the earthquake – an increase by 40.5 percent.
- Altogether 16 districts across the Nepal-India border information on missing persons were obtained. A total of 4,086 persons were reported missing during the enTier FY 2015/16. Both males and females were reported, but 3 in 4 missing persons were females and 6 in 10 missing persons comprised of children. The overall untraced rate is calculated as 50 percent – meaning that of the total missing persons half remain missing.
- During the four-year (2012/13-2015/16), 313 numbers of cases of human trafficking in 15 border districts were registered. Top-five districts in terms of number of human trafficking cases registered are Jhapa (19%), Rupandehi (16%), Banke (15%), Morang (13%) and Kapilbastu (8%).
- Information on the number of persons rescued from different border points was obtained from 14 districts police office across the Nepal-India border area. During the four year period (2013/14-2015/16), 3,640 persons were rescued by these 14 district police offices. Among those districts that provided the age-sex data (n=1936) of the rescued persons, female accounted for nearly 96 percent while male accounted for 4 percent. And, an overwhelmingly majority (81%) of the rescued children were girls.
- Nepal Police have established the border surveillances across the major border points in the survey districts. However, almost all District Police Offices reported that the border police surveillance should be extended to more border points. NGOs have established border surveillance centers in major transit points, mainly in Jhapa, Morang, Parsa, Nawalparasi, Rupandehi, Banke, Bardiya, Kailali and Kanchanpur districts. However, there is overlap in border surveillance and many of the important transit points are without NGOs surveillances.
- Nepal Police established the linkage with the NGOs for increasing the awareness against trafficking in border areas including in other areas. However, it is also reported that there is no practice of sending NGOs progress reports to Nepal Police regularly and thereby making it difficult to assess the number of rescues and rehabilitation cases precisely.
- Evidences suggest that the forms and dynamics of trafficking have been changed over the years. In the past children and women used to be victims of sex trafficking to India. After the earthquake of April 2015, many children turned to be orphans, and they have also become the vulnerable to trafficking. It is commonly reported that key modus of operandi of trafficking are the fake marriage, luring of girls/women by false promises of good employment, showing the duplicate travel documents, using own relatives as agents of transportation of victims.

¹ These districts include: Gorkha, Dhading, Rasuwa, Nuwakot, Kathmandu, Lalitapur, Bhaktapur, Kavre, Sindhupalchok, Dolakha, Okhaldhunga, Sindhuli, Ramechhap and Makwanpur.

On Entertainment Sector and Nexus of Trafficking

- There is no updated data on the magnitude of entertainment business in the Kathmandu valley including outside of the valley and number of workers. It is difficult to provide the estimates of the entertainment industries because entertainment industries are registered in the local bodies, the Department of Small and Cottage Industry and the Department of Commerce. Entertainment industry has grown as an informal sector where many of the establishments are unregistered.
- This study estimated that there are currently around 600 entertainment establishments in Kathmandu valley where more than 2,000 girls/women are working as dancers, waiters, massage parlors, and in others. Majority of entertainment establishments in Kathmandu valley located in Thamel area, Gongabu bus park area, Kalanki area, Koteshowar-Sinamangal-Gausala-Chabahil area and Sundhara and Durbar Marg area. The estimated number based on the working area of the NGOs.
- Girls and women are recruited through friends/peer groups, middle persons and they are not by looking their educational qualification or working skills but by looking at their age and beauty.
- The study found that the working environment in many of the cabin restaurants, dance bars and *dohori* restaurants, *khaja ghar* and guest is unhygienic and unhealthy. Working condition in the entertainment sectors is reported to be exploitative and the key areas of vulnerabilities are not able to go back to family/community; addiction of alcohol, drugs and smoking; domestic violence and high risk of trafficking to other areas especially in the name of foreign employment.
- A study indicated that more than four-fifth (22%) of the female workers in the entertainment business constituted children. In the survey, the origin of these respondents was of nearly 40 districts out of 75 in Nepal. Of the 180 respondents, nearly 57 percent were unmarried and half of the respondents were reported to be involved as waitress. There were also remarkable number of singers and dancers. Note that 21 percent respondent did not report their current job.
- From the survey, it is known that the girls and women in the entertainment sector face multiple problems. Nearly half (49%) reported that they had experienced sexual abuse; 43 percent were not paid on time, 33 percent claimed that their transportation allowance was not offered and another 22 percent complained that they were not paid their extra allowance. Nearly half of the 180 respondents did not feel secure in the working place.
- In addition to the common problems in the working places, these workers have also individual problems like not having citizenship certificates (35%), not having marriage certificates (22%) and not having birth certificates (18%).
- According to the CCWB Executive Director, a total of 1,238 girls and 101 boys in sexual exploitation situation in Kathmandu were rescued during 2013-2016 by different GOs and NGOs. Different cases showed that there is linkage between employment in entertainment sector and trafficking. This is because is a presence of middle persons, mostly under aged children are lured,
- NHRC-OSRT consultation and FGD with the girls and women working in the entertainment sectors and NGOs personnel indicated that not all workers are at risk of trafficking but many are so due to their vulnerabilities such as lack of employment, low income, abandonment from the family, and abuse and exploitation in the entertainment sectors.
- The study indicated that 14 percent of the 312 girls and women currently working in the entertainment business in Kathmandu valley had already been abroad for employment at least once. They worked in 15 different countries and some of them worked in more than one country. They mainly work as domestic workers, gardeners at school, office works, dancers, singers, cleaners, beauticians, and waitresses.
- Of the 312 respondents, 61% desired to go for foreign employment. Generally, higher the education level of the respondents, the higher the likelihood that they would report their desire for going to foreign employment.
- A large number of girls and women working in the entertainment business are unaware about important safety measures of foreign employment such as taking orientation class before departure (44%), compulsory health insurance scheme (54%), taking labor permit from the Department of Foreign Employment (40%),

obtaining receipt for amount paid to the recruiting agencies or agents (23%), health check-up (14%). Further 8 in 10 girls/women who desired to go for foreign employment did not know the legal help in case of need and about provisions of compensation.

- A number of NGOs have been working to protect and promote the rights of girls/women in entertainment sectors. These NGOs provide different services like safe shelter homes, psychosocial counseling including mobile base, health and legal support, vocational training and life skills training including emergency health and hygiene support.
- It is reported that there is monitoring of entertainment sector by the Monitoring and Advisory Committee (MAC) of Kathmandu.
- Key Challenges reported include: difficult to bring the girls/women as beneficiaries and retain them, lack of prosecution of cases, lack of identification of internal trafficking cases, need of re-visit to the referral cases, difficult to successfully reintegrate the victims as the family and society, and no long term shelter support – while in some cases, there is need of long term shelter support.

On Migration for Foreign Employment and Nexus of Trafficking

- Foreign labor migration has become an integral part of Nepal for development. At the same time, it has brought several challenges to protect the rights of MWs due to mainly fraud and cheating involved within the country, in the transit country as well as the destination countries.
- The magnitude of documented MWs during the nine years (FY 2006/07-2015/16) was 3.6 million. Foreign labor migrants can be characterized as overwhelmingly males over females, young over old and mostly from a few districts of Nepal. Female constituted less than 5 percent of the total documented MWs mainly due to the structural as well as Government induced barriers for female migration for foreign employment. More than two-thirds of MWs constituted young people aged less than 35 years. Nearly 36 percent of the MWs originate only from the 10 districts: all of these districts are from central, eastern and western Terai belts of Nepal. In case of WMWs, the top ten districts fall in both hills and Terai belts of Nepal – revealing the fact that more women of hill communities are tend to migrate for foreign employment. The major destination countries of Nepali MWs are Malaysia (31%), Qatar (27%), Saudi Arabia (21%) and UAE (12.5%).
- It is difficult to estimate the undocumented MWs. Identification of such MWs is especially important as many of WMWs are reported to have destined to Gulf region via India, Bangladesh and Sri Lanka. More than 200,000 females are said to be in Gulf region for domestic work. Globally, it is this region that accounts highest proportion of domestic workers (62%) and in case of female, it is 82 percent (ILO, 2015). This suggests that female migration to Gulf region is tantamount to female migration for domestic work.
- The share of foreign labor migration using individual channels has still remained high especially in case of WMWs. In FY 2015/16, 22 percent WMWs went to foreign employment via individual basis against 10 percent for males. This does not mean that MWs sent via recruiting agencies are more protected in the destination countries but rather those who go via recruiting agencies can claim for compensation if they do not get the job or any other fraud involved.
- Studies suggest that the many female domestic workers in Gulf region are in the state of forced labor situation due to mainly *Kafala* system – a system in which an employer has a complete control over a worker. Evidences of sexual abuse, assault, ‘forced acceptance of sex work’ and rape are widely reported.
- The annual death rate of MWs comes out to be 1.58 per 1,000 migrant workers during the FY 2008/09 and 2015/16. This figure is almost equal to the age specific death rate of 25-29 years of the general population of Nepal (1.60 deaths per 1000 population). Comparing these figures, one would mistakenly conclude that there is no significant different in death rates between the MWs abroad and of the general population in Nepal at large. It is argued that the death rates of the MWs must have been much lower than that of the general population because MWs are only permitted to go abroad when they are in the state of complete physically and mentally healthy as certified by the registered medical officers.
- Studies found a number of risk factors for suicidal behavior developed among MWs including among female domestic workers. The number of suicidal cases reported increased by more than 12 folds in between FY

2008/09 and FY 2015/16 while the increase in magnitude of MWs during this period was by 2.3 folds.

- A considerable number of complaints regarding fraud and malpractices of foreign employment have been registered in DoFE. The four yearly (FY 2012/13-2015/16) average numbers of complaints against individuals and recruiting agencies come out to be 924 and 1506, respectively. However, data reveal that there is very low proportion of female victims reaching out to DoFE for justice. It is less than 10 percent of the total victims (People's Forum, 2015).
- Analyzing the foreign employment related cases disposed by the FET (FWLD, 2015), one would infer a number of irregularities associated with foreign employment business taking place in Nepal. Fraud and deception largely involves during the pre-departure phase. It is the individual agents and illegal channels and groups that largely operate the foreign employment business. In the process of the Tribunal hearing, only in the two-thirds of the cases the Government Attorney were attended and it was also found that no paid legal professionals was employed from the side of the victims.
- As the GoN issued the *Directive on Sending Domestic Workers for Foreign Employment (2072)* aimed at protection of the WMWs especially going to Gulf region. It is essential to closely monitor whether the Directive's measures and provisions have been effectively implemented. There is a widespread complaint that the implementation status of the provisions of free visa, free ticket and minimum cost is highly unsatisfactorily as there is no specific mechanism for monitoring these provisions.
- Although a number of GOs/NGOs also provide the skill development training, it is mainly the FEPB that is responsible for providing skill development training to the MWs. The number of potential MWs provided skill development training by the Foreign Employment Promotion Board is far lower than that of the annual magnitude of the MWs to abroad. In the FY 2015/16, for example, more than 400 hundred thousand people went abroad for employment while FEPB provided skill development training of 126 hours to only about 3,338 persons across the country. It is reported that nearly three-fourth of the MWs are unskilled workers. The provisions for skill development training of at least 3 months need to be made compulsory before departure to a foreign employment.
- While the access to passports to Nepali people has been decentralized to the district level in many districts in the country, the management and regulation mechanism of the foreign employment business is still centralized in Kathmandu valley. It must be decentralized to increase the access the foreign employment business services to the district or at least regional levels.
- The GoN must strengthen its Foreign Missions in major destination countries of Nepali MWs especially in Malaysia, Qatar, Saudi Arabia, UAE and Kuwait. The appointment of Ambassadors including other staff must be based on the high working capacity, well-aware on rights of MWs, and highly committed to protect the rights of MWs including the WMWs.
- Nepal Police has created the Metropolitan Crime Investigation Division at Teku, Kathmandu under the Pillar Nine aimed at combating human trafficking in relation to foreign employment. It handled 674 complaints in the FY 2015/16 having 2342 victims across the 35 countries. The Division, however, needs be strengthened by increasing trained and gender friendly human resources, budget and physical space as well as equipment.

On Monitoring of Anti-Trafficking Initiatives

- Nepal's position in terms of combating trafficking and modern slavery can be examined utilizing the indicators of the two Global level Reports: The Global Slavery Index Report and The United States' (US) Trafficking in Persons (TIP) Reports. The Global Slavery Index Report 2016 ranked Nepal as 13th positions out of 162 countries in terms of prevalence of enslavement and accounting more than 234,600 persons in the statement of enslavement. The US TIP Report places Nepal in Tier 2 – revealing a satisfactorily level of compliance in combating trafficking in persons.
- Combating TIP has surfaced in Development Plans especially after the Thirteenth Plan (2013-16) that provided a separate Chapter for TIP. The current Plan i.e. the Fourteenth Plan (2016/17-2018/19) aims to control trafficking and provide the justice for includes the strategies i) introducing the targeted programs for the vulnerable groups/communities of TIP; ii) strengthening the capacity of mechanisms and structure established to combat TIP; iii) providing the integrated services to the trafficked victims ensuring their human rights and iv) increasing access to justice to the trafficked victims by elimination of impunity.

- In addition, the Government has adopted National Plan of Action (NPA) against TIP 2068 (2011) and Implementation Plan for the NPA Action against TIP 2071 (2014) and adopted several relevant Guidelines/Standards in relation to provide uniformity among organizations in providing services to the trafficked victims, access to justice and formation and mobilization of local committees against TIP.
- Ministry of Women, Children and Social Welfare (MoWCSW) conducted several anti-trafficking activities in the FY 2015/16 by the Anti Trafficking Section including reducing of the increased risk of trafficking after the 2015 earthquake and to effectively increase the surveillance in border areas.
- The National Committee on Combating TIP made several decisions combating TIP during the 2014 to 2016 including the expanding the surveillance centers in Nepal-India border points and China-Nepal border points, increasing awareness widely through regular programs.
- By the FY 2015/16, all 75 districts have the District Committee formed. A number of Local and Municipality Committee on Combating TIP have also been established in several districts in the country. In the FY 2070/71, 70 local committees were formed in 9 districts. In the FY 2014/15, a total of 350 committees were formed in 70 districts in the length and breadth of the country. No committees have been formed Okhaldhunga, Bhaktapur, Rasuwa and Dhading. These districts are also mostly 2015 earthquake affected districts.
- Further, among the districts where the committees are formed, the numbers of committees formed are still very low compared to the magnitude of the risk populations/areas in the corresponding districts. There are 50 districts in which only three-committees are formed, 3 districts having only 2 committees, 3 districts having one committee, and there are 8 districts having 4 to 8 number of committees. By individual district, Makwanpur stands out to be the district having the highest number of committees (43). This is followed by Sindhupalchok (39); Banke (33), Lalitapur (23), Kathmandu (13) and Chitawan (10) (see Annex 5.1 for detail about districts).
- The Ministry of Health set-up seven hospital-based *One-stop Crisis Management Centers* (OCMC) in 2010 as mandated by the National Action Plan against Gender Based Violence (GBV) led by Prime Minister's Office². This program is initially piloted in the 15 districts where the Ministry of Women, Children and Social Welfare has established and operated Safe Home services. The number of GBV victims provided comprehensive and integrated health services has increased from 1,039 in FY 2013/14 to 2,251 in FY 2015/16. Among the health facilities that provided OCMC services, the top-five were sub-regional hospital Dang (16%), maternal hospital, Kathmandu (10%), district hospital Sunsari (9%), sub-regional hospital, Hetauda (9%) and zonal hospital, Kanchanpur (7%). It is, however, difficult to know how many of these GBV victims constituted trafficked victims as there is no disaggregated data by types of victims receiving the services.
- Ministry of Home Affairs (MoHA) decided to regulate the marriage registration to prevent the risk of trafficking. The Ministry of Foreign Affairs (MoFA) has recently created Department of Counsellor Service for handling with the Nepali foreign labor migrants' issues. The Ministry of Education (MoE) issued *Compulsory Basic Education Implementation Guideline 2071* to make basic education compulsory and the Curriculum Development Center introduced trafficking and safe migration issues in Social Studies from grade 6 to 10. The MoE provides different scholarships targeting to different disadvantaged, deprived and marginalized groups and girl students in Nepal. The Ministry provided different scholarships to more than 1.3 million school level students. Of which majority comprised of scholarship for girls in the grade 1-8 (62.6%) and Dalit children in grade 1-8 (31%).
- The number of child clubs reached more than 22,500 by the FY 2015/16 with about 435,000 children as members of the child clubs across the country. Of which 47.5 percent of the members constituted girls. With the coordination of CCWB, six NGOs have been operating child helpline in Kathmandu, Morang, Makwanpur, Banke, Kaski, Kailali, Chitawan, Lamjung, Udayapur, Rupandehi and Surkhet districts. These child helplines provided different services to 3,711 children (1,819 boys and 1,892 girls) in the FY 2015/16. There are 572 Child Care Homes in 44 districts in FY 2015/16 with 16,886 children residing in these Homes. However, there has been widespread criticism that many of the Child Care Homes have not met the standards of operation of the Homes.
- Different Governmental and non-governmental sectors are providing youth and job oriented technical and

2 www.nhssp.org.np (accessed on September 18, 2016).

vocational trainings targeting youth labor force. A total of 171,705 persons have received skill development training in between 2005/06 to 2015/16 and among them, majority were females (54%). Twenty one percent of such labor force is leaving for foreign employment after the receipt of training.

- A large number of women's groups/cooperatives have been formed in the country with the facilitation of Department of Women and Children, MoWCSW. The number of such groups reached to more than 172,000 with 990,000 women as members. Women's programs can be termed as highly representative and inclusive.
- It appears that the MoWCSW has been expanded the budget allocation areas for rescue and repatriation of trafficking victims even to Nepali Missions at abroad such as in India, Thailand, UAE especially after the FY 2013/14. In the FY 2015/16, a total of Rs. 40.5 million was allocated to 8 rehab centers including to Nepali Embassy to India, Thailand, UAE and Consulate General Office at Kolkata. For the central level program, the MoWCSW increased budget from Rs. 2 million in the FY 2013/4 to Rs. 3.15 million in the FY 2015/16; for the district level programs, the Ministry allocated budget Rs. 3.75 million in the FY 2013/14 and it increased to Rs. 19.2 Rs. 18.78 million in the FY 2015/16. The MoWCSW has allocated budget for the mobilization of Service Centers. It allocated Rs. 600,000 per district in mountain districts; Rs. 700,000 per district for hill districts and Rs. 800,000 per district in Terai districts in the FY 2015/16. The Ministry allocated Rs. 90,000 per community based service center.
- The estimated budget to implement the *NPA against Trafficking in Person 2068* is Rs. 1.02 Billion as estimated by the Implementation Plan 2071. The highest proportion of budget goes to prevention (30%), followed by prosecution (25.5%), capacity development (21%), protection (16%) and 7 percent for coordination, collaboration and networking. Yet it appears that while designing the Implementation Plan of the NPA, the weight of the budget allocation to the different five components of the intervention was not considered. A huge cake of the budget goes to secondary stakeholders, building and equipping of service delivery mechanisms to the victims, rather than direct benefit to the vulnerable groups/communities and trafficking survivors.
- Drawing on the information provided by the 15 NGOs to NHRC, NGOs have been found to be implementing different safe-migration or anti-trafficking programs in 38 out of 75 districts in the country. NGOs interventions are mainly clusters in Kathmandu (10 NGOs), Morang (9 NGOs), Makwanpur and Kailali (7 NGOs each), Banke (6 NGOs) and Rupandehi and Kailali (5 NGOs each).
- Most of the NGOs reported that they have had prevention related programs, namely, running of safe migration information booths, support of education to the victims or those at risk of trafficking, skill development programs, awareness raising at the community level including in public schools and working places, formation and mobilization of adolescent girls and women as surveillance groups in the community, establishing and running of surveillance centers across the border areas between Nepal and India and carrying out lobbying and advocacy for safe migration and anti-trafficking issues among the key stakeholders especially policy makers and line agencies.
- A large number of women and children were benefited from the program: about 133,000 through safe migration booths; about 148,000 in awareness raising programs; about 24,000 in skill development and IG activities and 6250 in formal/non-formal education.
- Drawing on the 15 NGOs interventions, during the FY 2015/16, a total of 13,593 persons who were at risk of trafficking were intercepted from different border points including from different bus routes and bus parks across the country. An overwhelmingly majority of the intercepted persons was females (98%) and half of the intercepted persons were children under 18 years of age.
- These NGOs altogether rescued a total of 1,833 persons. It is the Maiti Nepal that predominates the rescue operation especially from abroad among the NGOs studied here. During the FY 2015/16, it rescued and repatriated 1,557 persons.
- Altogether 3758 persons were provided rehab services during the FY 2015/16 by eight NGOs, namely, ABC Nepal, Change Nepal, Chhori, KI Nepal, Maiti Nepal, PRC, Shakti Samuha and WOREC. More than three-fourth of the total victims (2868) provided rehab services is accounted by Maiti Nepal.
- Seven NGOs provided reintegration services in the FY 2015/16. These NGOs altogether reintegrated 7218 number of trafficked victims and GBV victims to their family or community or provided self employment services.

- Among the 15 NGOs provided information to NHRC, only three NGOs; namely, CWIN Nepal, KI Nepal and Maiti Nepal reported that they have handled the missing person's applications and involved in seeking them during the FY 2015/16. Overall, these three NGOs received 1,980 applications of missing persons. Of which, females accounted for about 86 percent and males 14 percent. Children accounted for 51 percent and adult 49 percent.
- Among the 15 NGOs under study, seven NGOs have reported that they have received trafficked and other victims from different organizations during the FY 2015/16. A total of 25 NGOs and GOs referred the victims to these seven NGOs. A total of 117 victims were received by these NGOs. An overwhelmingly majority consisted of females (95%) but victims also come from males and third sex. Nearly 32 percent of the victims were children.
- Among the 15 NGOs provided information to NHRC, nine NGOs reported that they have also prosecution related activities. A total of 139 cases were registered in Nepal Police with 175 trafficked victims. Overall, in 80 cases there NGOs supported to plead to the court on behalf of victims and in seven cases, the NGOs provided support to the victims for the implementation of the court decision in favor of the victims. Similarly, these NGOs handled the VAW cases and registered 287 cases in Nepal Police and supported the victims for effective investigation and prosecution to the culprits.
- Altogether 6,588 victims were provided rehab services during the last five-fiscal year (FY 2010/11-2015/16) by the rehab services provided by the Government supported rehabilitation centers.
- On July 13, 2016, National Human Rights Commission of Nepal corresponded to Office of the Prime Minister and Council of Ministers to implement the NHRC's recommendations. There were 10 recommendations related to prevention, 14 related to protection, 6 prosecution and 3 related to study and reporting.

On Monitoring the Effectiveness of Local level Anti-trafficking Mechanisms

Drawing upon case from western, mid and far-western Terai/Madesh districts of Nepal, namely, Nawalparasi, Rupandehi, Kapilbastu, Banke, Bardiya, Kailali and Kanchanpur, the effectiveness of the local level mechanisms for combating human trafficking is assessed.

- A few cases of trafficking have been registered in these districts in the FY 2015/16. The low number of human trafficking cases registered in the Police is mainly due to victims not willing to approach to the Police and unnecessary political pressure not to register the cases. Majority of trafficked victims or those who are at risk of trafficking are the divorced women, separated and abandoned ones. Many of the suicidal cases are also associated with trafficking and unsafe foreign employment.
- Across all the seven districts studied, NGOs have been found basically working in protection areas, while a few have prevention related activities. The leading NGOs working in protection areas were KI Nepal, Fatima Foundation (in Banke only), Maiti Nepal, Saathi, WOREC, Shakti Samuha, and Tinny Hands Nepal including other local level NGOs.
- The level of activism and performance of the District Committee on Combating Human Trafficking (DCCHT) can be labeled as low in these districts studied. This happens mainly because none of them developed their periodic plans, maintained systematic data on human trafficking and involved in formation and mobilization of the local committees effectively. A few local committees were formed in Nawalparasi, Rupandehi, Kapilbastu and Bardiya while the local committees were almost formed across the all VDC/Municipalities in Banke and Kanchanpur but none of the Municipality Committees were able to ward level committees.
- It is found that WCSCs in the districts have been emerging as vitally important Police entities especially dealing with gender based violence including trafficking. Yet the effectiveness level of WCSCs cannot be labeled as satisfactory, mainly because of lack of skilled human resources, adequate number of women police in the WCSCs established, and inadequacy in establishing the WCSCs across the major and vulnerable locations including in the border areas.
- NHRC monitoring in the seven western Terai districts suggested that the border surveillance between Nepal and India is a daunting task. This happens, mainly because open border system between the two countries meant that citizens of both countries are entitled to move freely in one country to another and partly

because many victims feel that they have been unnecessarily intercepted and housed. The present state of the border surveillance system cannot be happily taken as a complete surveillance system, mainly because NGOs surveillances were largely concentrated only in major transit points while leaving a large minor transit points, inadequacy of Armed Police Force (APF) in border areas, not having the advanced surveillance system such as CCTV in many border areas and no NGOs surveillance in between 6 pm to 10 pm even in the major border areas.

- The *Guideline for the Operation of Rehabilitation Center 2012* sets a number of standards to be maintained for the operation of a Safe House targeted for the trafficked victims. Following the standards of the Guideline, we have attempted to assess the Safe Houses supported by the Government and run by different NGOs in Banke, Bardiya and Kailali districts.
- The Safe House run by Saathi in Nepalgunj has maintained the minimum standards prescribed by the Guideline in many aspects, especially in areas of physical space, accommodation and food including its competent and skilled leaderships. However, providing shelter for the mentally challenged women, children of the victims and lack of budget for the renovation of the building are some of the challenges faced by the Safe House.
- Although the Safe House in Gulariya has been providing services to the GBV including trafficked victims for four or five-years, it has yet to meet the minimum standards prescribed by the Guideline especially in relation to physical space, staffs such as availability of psychosocial counselor, medical person and number of targeted victims provided services. The CSS Safe House of Dhangadhi has yet to attempt to meet the prescription of Minimum Standards of the Guideline especially in relation to physical space and number of targeted victims provided services.

On Law Enforcement and Judicial Responses

- Nepal has ratified several international human rights instruments including combating on trafficking in persons and forced labor situation. Nepal has, however, yet to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons supplementing the UN Convention on Transnational Organized Crime, 2000 and UN Convention on Rights of the Migrant Workers and Their Families, 1990.
- The Constitution of Nepal is the overarching framework for protection and promotion of human rights, including rights of children and women. In addition to the specific provisions of women's rights and children's rights, the Constitution prohibits the acts of child marriage, illegal transportation and trafficking of children or making children captive and it assures fundamental rights to be free from exploitation, including trafficking of human beings, slavery and forced labor.
- The Government of Nepal has amended the *Human Trafficking and Transportation (Control) Act 2007* in line with the order of the Supreme Court and making it more victim friendly: victim may appoint the legal professionals and language expert; receiving the legal aids from the concerned organizations in the context of rescue or legal procedure for the offences committed in a foreign land; establishing a Rehabilitation Fund; provision of punishment from three months to one year if the applicant who changes his/her statement, no punishment if a victim believing that she is being sold, or being put into prostitution, or being transported; paying compensation to the survivors/victims and a provision of paying daily and travel allowances to the witness.
- NHRC monitoring to western, mid and far-western Terai districts suggested that there is weak mechanism to implement the court's decision especially related to GBV, rape and trafficking cases. It is complained that there is problem during the court proceeding as the district court has seldom called the civil society organizations during taking the testimony (*bakpatra*) from the victims. Neither the court has called the civil society organizations in other interactions and functions. Findings indicated that there are several reasons for victim becoming hostile: lack of security of victims, obstruction of continuous hearing on trafficking cases and lack of sensitiveness of the Government Attorneys.
- Free legal aid provision for the trafficked victims was not effectively implemented mainly because the requirement of producing a recommendation letter about the economic status of the victims from the local bodies. Further, a recent change in restructuring of local bodies also makes it difficult the law enforcement

agency to identify the address of the offenders and bring them on justice timely.

- As law enforcement, it is revealed that there were 632 inmates and 161 *thunuwa* in charge of human trafficking and transportation across the country in Nepal in the FY 2015/16. The inmates/*thunuwa* were found to be in 52 districts' prisons out of 75 districts in the country: 170 in Kathmandu prisons alone.
- Some districts courts have initiated creating a safer environment for trafficked survivors and gender-based violence within the courts by establishing separate victims/witness in the court premises. Noticeable work is reported from Kathmandu, Lalitapur, Sindhupalchok, Kavre, Makwanpur, Chitawan, Parsa, Banke, and Kanchanpur district courts.
- Regarding the number of cases of trafficking, a total of 1,092 cases were registered in the courts of Nepal in FY 2015/16 accounting 0.6 percent of the 179,713 cases in the country. The proportion of trafficking cases is relatively higher in the upper layered courts compared to the district courts.
- Analyzing the disposal of cases by the courts of Nepal over the last five years (2011/12-2015/16), it is revealed that the conviction rates for trafficking cases tend to decline as one move from lower layered court to the higher ones. The 5-year average conviction rates in the Supreme Court, High Courts and district courts were 40 percent, 42 percent and 54.5 percent, respectively. Similarly, the pending rate tends to decline from the Supreme Court (88%), to 49 percent in the High Courts and 48 percent in district courts.
- In FY 2015/16, two-thirds of the 395 human trafficking cases in the district courts comprised of 'human transportation', 31 percent for 'selling a person', and the rest related to 'trafficking of human organs' and 'using someone into prostitution'. The average number of offenders per case comes out to be 2.5 persons. Conviction rates are relatively higher for charges of 'selling of a person' against the charges of 'human transportation'.
- A number of landmark decisions has been rendered by the courts of Nepal regarding the trafficking cases. Yet it was found that investigation process is largely dependent upon victims and perpetrators rather than evidences, thereby resulting to low conviction rates.

Finally, the Report concludes by assessing the implementation of the NHRC-OSRT recommendations on combating TIP to the Government of Nepal. Of the 23 Recommendations assessed, the level of compliance is still low in 7 recommendations, low-to-moderate in 13 and moderate in 3 ones.



Introduction

National Human Rights Commission (NHRC) of Nepal is an independent and autonomous body responsible for the protection, promotion, and enforcement of the human rights in Nepal. It has already developed and implemented five strategic plans (since 2001) and current *Strategic Plan (2015-2020)* offers the highest priority to combat Trafficking in Person (TIP). NHRC recognizes that TIP violates the right to liberty, human dignity, and the right not to be held in slavery or involuntary servitude.

Office of the Special Rapporteur (OSRT) on Combating TIP was established in 2004 as one of the key division under the NHRC aimed to combating TIP especially women and children in Nepal. The NHRC-OSRT mandated to i) monitor the incidence of trafficking; ii) coordinate national, regional and international efforts to combat trafficking; iii) generate high level commitment to efforts aimed at improving the human rights situation of women and children in Nepal; and iv) develop checklist and indicators for monitoring the situation of TIP; v) maintain a comprehensive and up-to-date national database system and publish Annual Report on situation of TIP.

NHRC-OSRT has already published seven National Reports on 2005, 2006/07, 2008/09, 2009/10, 2011 and 2012/13, and 2013-15. The first five National Reports are entitled as *Trafficking in Persons Especially Women and Children in Nepal* while the last two National Reports are titled as *Trafficking in Persons* realizing the fact that the victims of trafficking expanded to women, children, men and third gender as well. All the National Reports generally bring the analysis of the situation of trafficking in persons in the given fiscal years, reviews the linkage between migration for foreign employment and trafficking and internal migration and trafficking. They evaluate the anti-trafficking initiatives carried out by the Governmental Organizations (GOs), non-governmental organizations (NGOs) and private sector. They focused on a particular issue given the changing socio-political context of the country.

The **first National Report**, therefore, focused on nexus of trafficking in women and children and conflict as the country had plugged into the armed conflict during 1995-2005. The second **National Report 2006-07** focused on two major issues: the policy status of 4-Rs (Rescue, Repatriation, Rehabilitation and Reintegration) of victims of trafficking and nexus of foreign labor migration and TIP. The **National Report 2008-09** again focused on nexus of migration for foreign employment and trafficking and it also brought the commitments of the national and international dignitaries on combating TIP. The **National Report 2009-10** dealt on nexus of internal migration in entertainment industry and TIP as a large number of children especially girls were entering into the entertainment sectors especially in Kathmandu valley. The **National Report 2011** again focuses on the nexus of migration foreign employment and TIP. The **National Report 2012-13** especially discussed the situation of monitoring of anti-trafficking laws, policies, programs and activities. The **National Report 2013-15** bought the issues of vulnerabilities of TIP in aftermath of earthquake of April 2015.

1.1 Objective of the National Report 2016

This *National Report on Trafficking in Person* is the continuation of previous reports. It covers the events in the FY 2072/73 (i.e., 2015/16). The Nepali fiscal year starts from 1st *Srawan* (tentatively July 15) and ends in 30th *Ashad*

(or tentatively July 14). The overall objective of the Report is to monitor the situation of TIP in Nepal. The specific objectives of the Report are:

- To analyze the situation of Trafficking in Persons (TIP) in Nepal focusing on earthquake hard hit districts and bordering districts to India.
- To evaluate the effectiveness of efforts carried out by different Governmental and Non-governmental organizations.
- To assess the implementation status of the recommendations forwarded by the previous National Reports of NHRC on TIP and other recommendations related to TIP.

1.2 Definition of Trafficking in Persons

The National Report has utilized the definition of human trafficking from the *UNs Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 supplementing the UN Convention against Transnational Organized Crime* (hereafter Trafficking Protocol 2000) and *Human Trafficking and Transportation (Control) Act 2064 (2007)*.

The Trafficking Protocol 2000 (Article 3 (a) says:

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 in persons to the intended exploitation set forth in paragraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

The Trafficking Protocol 2000 requires that the crime of trafficking be defined through a combination of the three constituent elements of acts, means and purpose of trafficking (United Nations, 2009). The offence must include any of the following **acts** - recruiting, transportation, transferring, harboring and receiving a person. It must contain at least one of the following **means** - use of force, threat of force, coercion, abduction, fraud, deceptions, abuse of power or position of vulnerability, giving or receiving of benefits. It must be any of the following **purposes** - exploiting the prostitution of others, sexual exploitation, forced labor, slavery or similar practices and removal of organs.

There is fundamental difference between migration, migrant smuggling and trafficking. Migration is a voluntary movement of a person from one place to another. On the other hand, trafficking is a movement by deception or coercion. All acts of trafficking involve migration but not all acts of trafficking are migration. If migration is not accompanied by coercion or deception and does not result in forced labor or slavery like conditions, it is not trafficking although many people migrate voluntarily but end up being trafficked. Migration with consent does not mean trafficked with consent. Article 3 (a) of Smuggling Protocol defines 'smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefits, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident'.

Key differences between trafficking in persons and smuggling of migrants:

Elements	TIP (adults)	TIP (children)	Migrant smuggling
Victim's age	Over 18 years	Below 18 years	Irrelevant
Mental element	Intention	Intention	Intention
Material elements	Act Means Exploitative purpose	Act Exploitative purpose	Act: procurement of illegal entry Purpose: for financial or other material benefit
Consent of the trafficked or smuggled persons	Irrelevant once the means are established	Irrelevant – means do not need to be established	The smuggled person consents to be smuggling
Transnationality	Not required	Not required	Required
Involvement of organized crime group	Not required	Not required	Not required

Source: United Nations, 2009.

The *Human Trafficking and Transportation (Control) Act 2064 (2007)* of Nepal considers acts of human trafficking

and transportation (Section 4) separately and offers different punishment for the offences (Section 15).

(1) If anyone commits any of the following acts that 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 law,*
- d. To go for in prostitution.*

(2) If anyone commits any of the following acts that 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 person 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.*

1.3 Understanding Trafficking in Persons in Nepal: A Theoretical Framework

This Report is mainly built upon the concerns about trafficking, exploitation and migration raised by the international human rights bodies and Sustainable Development Goals (SDGs) set by the United Nations. The Committee on the Elimination of Discrimination against Women (CEDAW) calls for the Government of Nepal (GoN) to implement Article 6 of CEDAW and it also raises the issues of Women Migrant Workers (WMWs). The Committee on the Rights of the Child urges the Government to adopt policies related to prevention of trafficking in person, prosecution of traffickers, and providing necessary measures for the protection trafficked survivors. The Committee of International Covenant on Civil and Political Rights in its Concluding observations (the second periodic report of Nepal, April 2014) recommends that Nepal should strengthen its efforts to prevent, suppress and punish trafficking in person, trafficking in human organs and bonded labor. The Committee on Economic, Social and Cultural Rights (ESC) on its Concluding observations (on the third periodic report of Nepal, December 2014) raises the issues of Nepali migrant workers, trafficking of persons including children, root causes of trafficking such as drop-out of girls from schools.

The United Nations (2015) has recognized the fact that trafficking in persons is connected to development as many trafficking flows are directed from poor areas towards more rich. Key factors for trafficking are related to poverty, unemployment, inequality, discrimination and other development situation. Combating trafficking in persons, therefore, becomes the Sustainable Development Goals (SDGs). The SDGs are adopted on 25th September, 2015 by the UN General Assembly to be achieved by 2030. There are 17 SDGs and 169 specific targets. Four SDG targets are relevant for combating sexual exploitation of children and trafficking in persons:

SDG 5 Achieve gender equality and empower all women and girls

Target 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

Target 5.3 Eliminate all harmful practices, such as child, early and forced marriage.

SDG 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.

Target 8.7 Eliminate the worst forms of child labor.

SDG 16 Promote peaceful and inclusive societies for sustainable development provide access to justice for all and build effective, accountable and inclusive society.

Target 16.1 Significantly reduce all forms of violence and related death rates everywhere

Target 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children

In line with the Global SDGs, the National Planning Commission of Nepal (2015) has developed SDG targets by indicators till 2030 by taking the base year of 2014. The relevant SDG Goals, Targets and indicators related to combating trafficking and sexual exploitation of children and women of Nepal has been presented in Annex 1.1. Note that the Government of Nepal has yet to set the targets for the following indicators:

- Indicator 5.2e Number of women and girls prevented from trafficking annually
- Indicator 5.3b Cases of domestic violence per annum
- Indicator 5.3c Discrimination by *chhaupadi* and menstruation

This may be mainly due to unavailability of baseline scientific data on these indicators.

Civil Society Report on CEDAW Convention (UN Women and Government of Denmark, 2016) of Nepal also raised critical areas of concern for combating TIP in Nepal. They mainly include: i) lack of disaggregated data on situation of TIP; ii) difficulty in dealing internal trafficking issues especially in the entertainment sectors as sometime Police arrest the victims and release them with the traffickers; iii) lack of study on understanding the linkage of poverty, foreign employment and trafficking iv) lack of effective coordination at international, regional and bilateral levels to prevent trafficking of Nepalese women and children and iv) lack of proper mechanism to protect survivors and victims of trafficking so that will not be re-victimized and not ostracized.

In addition to the theoretical issues, this National Report is guided by the consultation meeting among the GoN, I/NGOs and media persons held in September 16, 2016 as discussed in Section 1.3. The Consultation Workshop provided important feedback in developing the Report such as key themes like human smuggling, new and emerging forms of trafficking i.e., trafficking for marriage. It is also suggested that trafficking issue is entirely related to how to manage the foreign labor migration and thus, there is a need to examine the whether the foreign labor migration is safe and free from any types of cheating fraud, exploitation and trafficking. Participants also need to deal with the international trafficking especially focusing on entertainment sectors after the earthquake. Another feedback was to examine in detail the effectiveness of the GOs/NGOs intervention in combating TIP. This requires monitoring a range of anti-trafficking programs carried out by a range of GOs and NGOs across the country both in terms of addressing through policy and law revisions and direct program investment. Finally, it is suggested that there is no uniform data on TIP and the TIP Report should provide more robust estimates of TIP.

1.4 Methods

1.4.1 Primary Information

The following survey tools/methods applied to generate the primary data (Box 1.1).

1. Preliminary Consultation with Key Stakeholders - A half-day consultation workshop was organized by NHRC among the GoN, I/NGOs, media persons in NHRC own building in September 16, 2016 aiming to get the feedback for developing the National Report. This consultation meeting provided a broad guideline for preparation of this Report as discussed in Section 1.3 above.

2. Second Consultation in Kathmandu – A half-day consultation workshop was organized by NHRC among the GOs/NGOs mainly from Ministry of Home Affairs, Ministry of Education, Ministry of Labor and Employment, Ministry of Women, Children and Social Welfare, Ministry of Foreign Affairs, Attorney General Office, Nepal Police and other concerned Governmental organizations for the implementation of the anti-trafficking policies and programs. The aim of the Consultation was to identify the Government commitment on combating trafficking in persons by identifying the implementation status of the NHRC recommendations related to combating TIP.

3. Survey of Female Workers in Entertainment Sectors - A total of 26 female workers in entertainment sectors in Kathmandu valley was interviewed. The interview was conducted in an orientation program organized by Chhori, Biswas Nepal and WFO WOM among female workers in entertainment sectors in December 26, 2016. Thus, the workers were not selected randomly, but rather purposively. The interview schedule covered background information of the female workers, recruitment processes in the entertainment sectors, working conditions and satisfaction level in the jobs.

4. Consultation Meeting among NGOs Working in Entertainment Sectors – A half day consultation meeting was organized with the partner NGOs of Freedom Fund that are engaged in promotion of female workers' rights in

entertainment sectors. The consultation meeting was organized by Chhori with the request of NHRC on December 29, 2016. The following partner organizations participated in the discussion: YST Nepal, KCDC, Saath Sath, Shakti Samuha, WOFOWOM, GMSP, CeLRRd, CAP Nepal, Biswas Nepal and AATWIN (Annex 1.2). In the consultation meeting, three groups were formed and each group was asked to include the issue of i) magnitude of the problems – number of establishments and number of workers; ii) process of recruitment of the workers; iii) working conditions and linkages to trafficking and iv) mapping of the intervention and v) challenges to regulate the entertainment sector.

5. Monitoring of Border Areas/Consultation Meetings in Kapilbastu, Rupandehi and Nawalparasi Districts – With the support of NHRC Sub-Regional Office, Butawal, field work in these districts was carried out. The Direction of NHRC Sub-Regional Office, Butawal Mr. Budda Narayan Sahani and Human Rights Officers Mr. Chandrakanta Chapagain and Mrs. Kalpana Nepal (Acharya) actively facilitated the consultations meetings with the key stakeholders, and highlighted the importance of combating TIP for the promotion and protection of human rights. Please refer to the name of the NGOs staff interviewed in border surveillance centers in Annex 1.3.

6. Monitoring of Border Areas/Consultation in Banke, Bardiya, Kailali and Kanchanpur Districts – In Banke and Bardiya, the NHRC Regional Office, Nepalgunj facilitated for collection of data, monitoring of border areas and conduction of consultation meetings and monitoring of the Safe House. The Regional Director, Mr. Murari Prasad Kharel, and Human Rights Officers Mr. Ajit Thakur and Mrs. Laxmi Poudel were involved in all the field monitoring processes with the Consultant. In Kailali and Kanchanpur districts, the Director of Far-Western Regional Office of NHRC, Mr. Deepak Jung Dhawoj Karki and Human Rights Officer, Mrs. Kalpana Poudel actively facilitated conduction of field work including monitoring the border areas, visiting and inspecting the Safe Houses and Police Offices and conduction of the meetings, and interviewed with victims of GBVs. Please refer to the name and designation of the research participants in Annex 1.4.

Box 1.1 Overview of primary data collection

SN	Description	Date	Research Participants	Purpose of Consultation
1	Preliminary Consultation in Kathmandu (NHRC office)	September 12, 2016	GOs, NGOs, media persons, NHRC staff	To get feedback for the overall theme of the National Report
2	Second Consultation in Kathmandu (NHRC office)		Ministries: Education, Health, Home Affairs, Foreign Affairs, Employment and Labor, Departments	To understand the implementation status of the NHRC recommendations by the concerned GOs on tackling human trafficking
3	Consultation meeting with female workers in entertainment sector	December 26, 2016	Female workers in entertainment sectors in Kathmandu	To find out the perception on work in entertainment sectors by the workers themselves
4	Consultation meeting with NGOs working in entertainment sector	December 29, 2016	NGOs (11) and partner organizations	To identify the interventions packages and perceived level implementation status of the Supreme Court Guideline
5	Monitoring of border areas, and consultation meetings in Kapilbastu, Rupandehi and Nawalparasi districts	December 1-4, 2016	NHRC regional staff, NGOs/GOs/District Committees, Nepal Police, WCSC, border Police, NGO border surveillance staff	To assess the level of effectiveness of the local mechanisms on combating human trafficking Identify the emerging issues and challenges on combating TIP
6	Monitoring of border areas, and consultation meetings in Banke, Bardiya, Kailali and Kanchanpur districts	January 26-February 6, 2017	NHRC regional staff, District Committees, Local Committees, District Attorney, District and High Court, WCSC, Nepal border Police, Armed Police Force, Indian border Police, Indian NGOs, Safe House, and Women Cooperatives, and survivors	To assess the level of effectiveness of the local mechanisms on combating human trafficking Identify the emerging issues and challenges on combating TIP

7. Administration of Structured Questionnaire to District Police Offices of Earthquake Hit Districts (14 Districts) - Pursuant to the Section 21 of the *National Human Rights Commission Act 2068 (2012)*³, NHRC-OSRT requested all 14 most earthquake affected districts' information from District Police Offices as listed in Box 1.2. The following information was sought:

- Number of cases on human trafficking, rape, attempted rape and domestic violence registered in the Police Office and current status of the cases *before* three fiscal years of the earthquake (i.e., FYs 2012/13, 2013/14 and FY 2014/15 till April 25, 2015) and the cases *after* one-year of the earthquake (i.e., April 25, 2015 to April 24, 2016).
- Number of missing, found and untraced women and children *before* three fiscal years (i.e., FYs 2012/13, 2013/14 and FY 2014/15 till April 25, 2015) and the cases *after* one-year of the earthquake (i.e., April 25, 2015 to April 24, 2016).

Among the 14 district Police Office, 12 District Police Offices' information was obtained while information from District Police Offices of Gorkha and Lalitapur was not obtained. NHRC-OSRT staff first sent the request letter to each of these District Police Offices on October 2016 and they were followed up several times through e-mail and phone calls. It is learnt that although the NHRC-OSRT provided a standard format for information about missing persons and human trafficking cases, the information obtained from these Police Offices were not uniformly reported. Some District Police Offices provided detail break-down information by age, sex, caste/ethnic groups of the missing persons/children, victims of GBVs and human trafficking while others did not do so. Further, some District Police Offices provided information timely while majority took much time to report.

Box 1.2 Overview of information received from District Police Offices

SN	Name	Information received date	Missing persons	Human Trafficking cases
1	Dhading	2073/02/02	X	X
2	Rasuwa	2073/10/23	X	X
3	Nuwakot	2073/8/19	X	X
4	Kathmandu (Metropolice Crime Division)	2073/10/21	X	X
5	Bhaktapur	2073/02/09	X	X
6	Makwanpur	2073/11/12	X	X
7	Kavre	2037/03/09	X	X
8	Sindhupalchok	2073/01/31	X	X
9	Dolakha	2073/04/27	X	X
10	Ramechhap	2073/02/01	X	X
11	Sindhuli	July 26, 2016	X	X
12	Okhaldhunga	2073/7/4	X	X
13	Lalitapur	Not received		
14	Gorkha	Not received		

Note : 'X' refers to data obtained in the given headings.

8. Administration of Structured Questions to Border Districts with India (19 districts) – NHRC-OSRT requested 19 District Police Offices of districts that borders with India. Information from Taplejung, Baitadi and Darchula was not requested mainly because the transit points from these districts to India are geographically inaccessible (Box 1.3). As discussed in the district polices of earthquake hit districts, the staff of NHRC-OSRT requested information from these District Police Offices by providing a standard format and they were also followed up several times through e-mail and phone calls. It is learnt that information provided by the Police Offices was not generally in the same format, some District Police Offices provided information timely while others took much time to report to the NHRC-OSRT. The following information was sought:

- Number of missing, found and untraced children during the four-FYs of 2012/13, 2013/14, 2014/15 and 2015/16 including efforts made to seek the missing children and challenges to seek the missing children;
- Number of cases on TIP registered in Nepal Police for the last four FYs (2012/13, 2013/14, 2014/15 and 2015/16). Data shall be disaggregated by age, sex, caste/ethnic groups of the victims;

³ The Section 21 seeks the help in the functioning of the Commission from the concerned agency or officials by providing required information and assistance requested by the Commission.

- Number and location of border points in the district, name and number of border surveillance centres of Nepal Police, name and number of border surveillance centres established and run by the NGOs and border points in which new surveillance centres have to be established;
- Number of victims rescued and reintegrated with the family by the border surveillance centres of Nepal Police and number of FIR in the FY 2014/15 and 2015/16;
- Reporting system of NGOs to the District Police Office – whether or not they are reporting their progress to the Nepal Police? If not, for which Government organizations, the NGOs report their progress;
- Types of activities carried out to rescue the women and children at risk, trafficked victims from India;
- Status of coordination and cooperation with NGOs in the districts regarding combating trafficking in persons and
- Emerging trends of human trafficking in the districts.

Box 1.3 Overview of information received from District Police Offices of districts bordering to India, Nepal

SN	Name	Information received date (in Nepali calendar)	Missing persons	Human Trafficking cases	Information on border points	No. of persons rescued
1	Taplejung	NOT Requested				
2	Illam	2073/03/20	X	X	X	X
3	Jhapa	2073/7/12	X	X	X	X
4	Morang	2073/7/3	X	X	X	X
5	Sunsari	2073/7/4	X	X	X	X
6	Saptari	2073/08/21	X	X	X	X
7	Dhanusa	2073/10/14	X	X	X	X
8	Mahottari	2073/8/6	X	X	X	X
9	Sarlahi	2073/7/24	X	X	X	X
10	Rautahat	NA				
11	Bara	NA				
12	Parsa	2073/3/22	X	X	X	X
13	Nawalparasi	2073/08	X	X	X	X
14	Rupandehi	2073/08	X	X	X	X
15	Kapilbastu	2073/08	X	X	X	X
16	Banke	2073/10	X	X	X	X
17	Bardiya	2073/10	X	X	X	X
18	Kailali	2073/10	X	X	X	X
19	Kanchanpur	2073/07/10	X	X	X	X
20	Baitadi	NOT Requested				
21	Darchula	NOT Requested				

Note : 'X' refers to data obtained in the given headings.

8. Administration of Semi-Structured Questionnaire to NGOs Working on Safe Migration and Anti-Trafficking Initiatives

– NHRC-OSRT developed a standard format to collect information from NGOs of their activities, programs, and achievement on safe migration and anti-trafficking initiatives. The format was finalized in the Preliminary Consultation meeting with GOs/NGOs held on September 16, 2016. The format includes the following information: i) coverage area/target groups; ii) prevention related activities and number of persons benefited; iii) protection related activities – interception, rescue/reparation, rehabilitation, reintegration; iv) prosecution related – legal aids and support to file FIR and support to prosecution and court proceeding and v) any research and studies and their major findings if any. Among the leading NGOs from which information requested (25), the following 14 NGOs provided information on timely: ABC Nepal; Amnesty International Nepal; Center for Legal Research and Resource Development (CeLRRd); Change Nepal; Chhori; Child Workers in Nepal Concerned Center (CWIN Nepal); Family Health International (FHI 360 Nepal); Himalayan Human Rights Monitors (Him Rights); Kingdome Investment Nepal (KI Nepal); Maiti Nepal; Forum for Protection of People's Rights (PPR Nepal); Peace Rehabilitation Center (PRC); Shakti Samuha and Women's Rehabilitation Center Nepal (WOREC). Information was also obtained from International Labor Organization (ILO) country office Nepal. These NGOs represents major anti-trafficking and safe migration programs in the country yet there some leading NGOs from which information could not be obtained.

9. Sharing of Draft Report to the Key Stakeholders – The Draft Report was shared with the NGOs and GOs representatives in head office of NHRC in May 2017. A separate sharing session was organized for NGOs and GOs.

The aim of the sharing was to validate the findings of the Report and increase the participation of stakeholders in the preparation of the National Report. Both sharing sessions were chaired by Honorable Member of the NHRC, Mohna Ansari. The feedback, comments and concerns evolved in the sharing sessions were incorporated in the Final Report.

10. Sharing of the Draft Report to the NHRC- Finally, the Draft Report that included all the comments from the stakeholders was shared with the Honorable Chairperson and Commissioners of the NHRC to increase the validity of the Report. The comments and suggestions by the Honorable Chairperson, Honorable Commissioners and Secretary of the NHRC have been incorporated.

1.4.2 Secondary Information

Secondary information/data were obtained mainly from the following sources:

- Nepal Police - Women and Children Service Directorate, Crime Investigation Bureau, WCSCs at the area/district levels;
- Ministry of Women, Children and Social Welfare (TIP Division) and Department of Women and Children;
- Central Child Welfare Board and *Bal Balika Khojatalas Kendra*;
- Ministry of Employment and Labor – Department of Foreign Employment, Foreign Employment Promotion Board and Foreign Employment Tribunal;
- Ministry of Foreign Affairs - Foreign Missions at Abroad consulted through e-mail, Department of Consular service;
- Progress and Annual Reports of Office of the PM and Council of Minister, Ministry of Home Affairs, Ministry of Health, Ministry of Education, Ministry of Labor and Employment and Ministry of Women, Children and Social Welfare (MoWCSW)
- Annual Reports of Ministry of Finance, National Planning Commissions, Central Bureau of Statistics, and Poverty Alleviation Fund;
- Social Welfare Council and Non-Governmental Organizations;
- Prosecution and Adjudication - Attorney General, Supreme Court and National Judicial Academy.

1.5 Limitations

- This Report provides the estimate of victims of trafficking on the basis of the NGOs interventions including rescue and interception by Nepal Police. In the absence of the representative survey, the estimated figure can be taken as indications of the extent of the problem. There is also problem of overlapping cases of victims reported among NGOs which could not be adjusted.
- The impact of the devastating earthquake of 2015 of Nepal on phenomenon of missing persons and human trafficking is evaluated drawing upon the reported number of cases from the most hard hit districts by the Nepal Police. Many cases, however, might not have been reported in Nepal police, and hence, the impact of earthquake as disused may not be generalized.
- The annual number of Nepali MWs for foreign employment is presented based on the DoFE information about labor permit. This figure, however, only means the outflows, rather than the total number of MWs currently working in a foreign country, for there is also inflows daily which cannot be obtained due to lack of data maintained by DoFE or Department of Immigration. Further, the number of undocumented migrants cannot be estimated precisely while this is very important in two grounds: first, it would help to understand the impact of Government ban on women up to 24 years of age going to domestic work in Gulf countries and second, to understand the estimates of the trafficking for forced labor.
- While this Report extensively used the news clipping from some electronic media published in the FY 2015/16, the role of media in combating human trafficking was not analyzed in this Report especially from the perspective of the media persons. For this, further research is recommended.



Situation of Trafficking in Persons

The key aim of this Chapter is to assess the situation of trafficking in persons in Nepal, with focus on the emerging trends of human trafficking. This Chapter is divided into five sections. The first section deals with the emerging trends of human smuggling and trafficking in Nepal mainly drawing on newspapers, feedback from the consultation meeting and secondary information. The second section deals with the magnitude of human trafficking as reported in Nepal Police as well as estimates based on NGOs and GOs intervention programs. Section three reviews the situation of trafficking in persons in most earthquakes hit districts and Section four in some selected border districts with India. The final section deals with the emerging challenges.

2.1 Emerging Trends of Human Smuggling and Trafficking

There has been reported from Nepal to several countries, especially to high earning countries such as Afghanistan, Macau, Europe, USA and Europe. Evidences of human smuggling have been reported by Nepal Police as well as news of different print and electronic media in the FY 2015/16. According to the Central Investigation Bureau (CIB), many young girls are smuggled to Bangkok, Macau, Cambodia, UAE, Oman, Kuwait, Saudi Arabia, Portugal, Dubai, Qatar, Malaysia, Sri Lanka and India. Nepal Police Teku, Kathmandu has registered several complaints through hotline. Many of them are related to human smuggling and the human smuggling cases latter end of trafficking. The followings are some extracts from different media and other sources to reveal the emerging dynamics of smuggling and human trafficking in Nepal:

- **Smuggling to China for Forced Sex** - The case of Kalpana (name changed) is one of them. Kalpana was brought to Macau by Sudarsan promising her Rs. 65,000 monthly. The agent told her that she would be working in a town and she could not spend her earning and she could save the whole salary. According to the District Superintendent Police (DSP) in Teku, the agent left Kalpana with a Chinese man in Macau. In addition to the household work, the Chinese man forced her to sex work. The CIB rescued the victim with the cooperation of NRN through Interpol.
- **Smuggling to Afghanistan for Security Guard** - On April 4, 2016, eKantipur⁴ publishes news about 21 Nepali youths smuggled to Afghanistan via New Delhi. Six returned to New Delhi by their own efforts. The victim who approached to New Delhi complained that there were 15 Nepali kept in a hotel close to the Kabul airport. The smugglers received Rs.1 million per person to employ them as security guards in Afghanistan. According to the victim, smugglers in New Delhi are making a plan to send 80 additional number of Nepali to Kabul via New Delhi.
- **Smuggling to USA via Latin America** - Smugglers use different Latin American countries as the transit routes to enter into USA. One of the victims called from Guatemala to online news⁵ on September 12, 2016 that 'they were told to go to America by taking visa of Venezuela. While going through Venezuela to Mexico,

4 <http://kantipur.ekantipur.com/news/2016-04-04/20160404193858.html>.

5 <http://bit.ly/2cplVvd> (written by Thakur Singh Tharu).

they were arrested, and put in a refugee camp. According to the victim, there were 40 young Nepali men in Venezuela who paid Rs. 3.5 million to 4.0 million to the smugglers for going to USA. They were arrested in Chapala airport in Mexico’.

- **Smuggler as Misusing the Religious Authority** - Pramesh Dangol of Lalitapur district who claimed himself as a Christian Pastor cheated Prakash taking 4.7 million Rupees as bribe for sending him to USA.
- **Education Consultancy as Agent of Smuggling** – Many education consultancies in Kathmandu are charged with their alleged involvement of human smuggling business. Here, we have cited three examples. In first case, according to the Teku Police, the Chair of RDC Education Consultancy of Gangabu received Rs. 1.15 million from a victim to send him to Japan. When the victim reached to Japan, he was arrested and put in Jail. In second case, the Chair of the Ahead International Education Consultancy, Kathmandu sent 42 students to Chile. It was said that they would get part-time job in Chile for sometimes. After that, they would be sent to USA and Canada. When the students did not get like they were told, they complained it to Police in Kathmandu. In third case, according to the *Nagarik* Daily on July 8, 2016, the Executive Director of Sahara Link International Pvt. Ltd. was arrested from TIA by the Department of Immigration when she was returning from USA. It is said that Sahara Link had the linkage in providing ESL course in North California. This Company received 140 applications for 2016 ESL course in USA, but 13 children’s visa was granted. Among these, 4 girls and 8 boys were taken to USA. All of these children were below 16 years of age. The Executive Director was arrested on the request of the American Immigration Department in Nepal that she shall be investigated for her suspected involvement in child smuggling. Police suspected that about Rs. 20 million have been collected by the Company from the parents for smuggling of these children. As six of the 9 ‘missing children’ parents reported to Nepal Police Office that their children were safe in USA and that they left the Executive Director in their own desire, the Executive Director was released on bail.
- **Trafficking for Marriage to South Korea** - On May 12, 2016, A Nepali young woman who was 23 years old was arrested in South Korea. She was enquired by the Korean Immigration Department and found that she married with a 46 year old Korean man two years ago and she left him one-year ago. She reported that she had paid Rs.1.5 million to a Marriage Bureau in Kathmandu to come to South Korea. She was told that by marrying with a Korean man, she would entitle to get a Korean ID and earned a lot over there independently. Her ex-husband complained to the Police that he married her paying of Korean Won (KRW) of 30 million. He claimed that he accepted her as a wife but she deserted him and ran away.
- **Kidney Trafficking** - PPR Nepal – a NGO, for the first time identified the problem of kidney trafficking in Kavre district in 2011 and it continuously following the cases. PPR study indicated that nearly 300 men and women in the 10 VDCs of Kavre districts are the victims of kidney trafficking. Kidney traffickers produced fake travel documents and citizenship of the victims while taking for extraction of kidney. It showed that poverty and illiteracy were the main cause of kidney selling, and many of the victims comprised from Dalit and Tamang communities – the disadvantaged groups of Nepal. The study also outlined the consequences of selling of the kidney that victims were not able to work in the field; they were hatred in the community; and many of the victims had developed alcohol addiction to relief the pain.
- **Human Smuggling in the Name of Cultural Program** - In February 12, 2015, six Nepali girls were brought to UAE on visit visa for ‘Valentine nights’. An online-news⁶ reported that this was possible when Nepali Embassy to UAE provided a request letter to the Immigration Department for permission to leave Nepal and enter Saudi Arabia. One of the girls called from Saudi Arabia that she was brought as a dancer and she did not go to the ‘Valentine Night’. According to her, the agent received Rs. 100,000 to 300,000 per head. In this case, the NRN Saudi Arabia Chapter demanded that the organizers of the cultural programs in the name of the Valentine nights in the February 2015 should be arrested and charged them as human trafficking.

Trafficking for Dance in Orchestra – Daunne area of Nawalparasi district has been affected by selling of girls for dancing in Orchestra. They are taken to Bihar, India. Many of them are found to be below 18 years of age and from Dalit community in Trebeni, Chormara and Daunne area along the east-west high way in Nawalparasi district. It is reported that Kawaswoti area is also affected by the racket of kidney trafficking. In the name of a birth day of a rich person, Orchestra-dance is performed and it becomes the place for supplying of girls for sex work. It is reported that half of the earning is expropriated by the employers/middle persons and half is given to the girls. There has been luring of girls for Orchestra dance in Bihar.

6 <http://kantipur.ekantipur.com/news/> (Hom Karki, Doha)

Trafficking in the Name of Network Business to India - There has been increasing number of young girls and boys affected in the so called network business called WIN-Win Company, DD Company and Relive Company established and run in India. According to the record of Rupandehi District Police Office, the Rupandehi Police and Tinny Hands Nepal rescued 5 males and 3 females from Bhairahawa bus-park in September 8, 2016. They were being brought to Gorakhpur of India telling them that they would get Rs. 40,000 salary monthly in a DD Company. The Police arrested two persons in this case. The victims were from Nuwakot and Jhapa districts.

The Police has maintained records of some persons who were going to the so called Company and taken their statement. Studying the three cases recorded in Rupandehi Police (Annex 2.1), the following may be drawn: one, many of the youths are attracted in this business and these appear that many of them are unemployed or in disadvantaged position. Second, it may be possible that these young men and women may be at risk of trafficking and exploitation. Third, through the network business, it appears that a large number of Nepali youths might have been already cheated and exploited.

2.2 Magnitude and Dynamics of Trafficking in Persons: Evaluating from Different Sources

Trafficking Cases Registered in Nepal Police – Table 2.1 shows the number of trafficking cases registered in Nepal Police during the last three FYs and the number of trafficked victims. The numbers of trafficking cases registered in Nepal Police were 185, 181 and 212 in the FY 2013/14, 2014/15 and 2015/16, respectively and the numbers of victims were 296, 280 and 352 in the same years. The three-yearly (2013/14-2015/16) average number of victims, thus, comes out to be 317.

The proportion of victims shows a variation by the selected characteristics of the victims. The highest proportion was recorded in eastern (24%), followed by in western (21%), 19 percent in Kathmandu valley (19%), 15 percent in central and 10 percent each in mid-western and far-western development region. Data reveal that males are also the victims of trafficking yet an overwhelmingly majority are females (4% vs. 96%). Four in two trafficking victims are children. An overwhelmingly majority of the victims do not have education at all (78%) while the rest had some secondary education (17%) and less than 5 percent having SLC or more education. Examining the occupation in which the victims were involved before they were trafficked, it is revealed that majority (48%) are involved in agriculture, 25 percent in non-agriculture and rest were either studying or working in the household.

Trafficking victims originate from across the caste/ethnic groups of Nepal. Despite this, majority are from Janajati (48%), followed by 29 percent for Brahman/Chhetri and 15 percent for Dalit and 8 percent for Madeshi groups. Comparing these proportions with the share of these social groups in the Nepal's population, Janajati are overrepresented as victims of trafficking; while this is not the case for Brahman/Chhetri and Dalit. Madeshi are underrepresented as the victims of trafficking. By religion, 82.5 percent of the victims are Hindus, 14 percent are Buddhist and 1 percent Islam.

Table 2.1 Distribution of trafficked survivors by selected characteristics, FY 2013/14-2015/16, Nepal

Characteristics	2013/14		2014/15		2015/16		3- yearly average (2013/14-2015/16)	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Development region								
Eastern	85	28.7	78	27.9	62	17.6	75	24.2
Central	46	15.5	44	15.7	48	13.6	46	14.9
Western	54	18.2	62	22.1	78	22.2	65	20.9
Mid-western	36	12.2	29	10.4	32	9.1	32	10.5
Far-western	38	12.8	21	7.5	37	10.5	32	10.3
Kathmandu valley	37	12.5	46	16.4	95	27.0	59	19.2
Sex								
Male	0		36	12.9	2	0.6	13	4.1
Female	296	100.0	244	87.1	350	99.4	297	95.9
Age groups								
<=18 years	136	45.9	144	51.4	109	31.0	130	41.9
>18 years	160	54.1	136	48.6	245	69.6	180	58.3
Education								
No schooling	252	85.1	191	68.2	283	80.4	242	78.2
6-10 grade	32	10.8	71	25.4	57	16.2	53	17.2

Characteristics	2013/14		2014/15		2015/16		3- yearly average (2013/14-2015/16)	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
SLC and above	12	4.1	12	4.3	16	4.5	13	4.3
Occupation								
Agriculture	145	49.0	105	37.5	192	54.5	147	47.6
Non-agriculture	92	31.1	84	30.0	59	16.8	78	25.3
Study	49	16.6	72	25.7	52	14.8	58	18.6
Household work	10	3.4	19	6.8	0	0.0	10	3.1
Marital status								
Married	126	42.6	100	35.7	188	53.4	138	44.6
Unmarried	170	57.4	180	64.3	164	46.6	171	55.4
Caste/ethnic groups								
Brahman/Chhetri	85	28.7	84	30.0	89	25.3	86	27.8
Janajati	122	41.2	122	43.6	205	58.2	150	48.4
Dalit	57	19.3	43	15.4	43	12.2	48	15.4
Madeshi	32	10.8	31	11.1	13	3.7	25	8.2
Religion*								
Hindu		0.0	239	85.4	283	80.4	261	82.5
Buddhist		0.0	30	10.7	57	16.2	44	13.7
Islam		0.0	7	2.5	1	0.3	4	1.3
Others		0.0	5	1.8	11	3.1	8	2.5
Total	296	100.0	280	100.0	352	100.0	317	100.0
Number of cases	185		181		212			

Note: * For religion, only two-yearly average numbers of trafficked survivors were included.

Source: data obtained from Women and Children Service Directorate, Nepal Police, 2017.

Characteristics of Trafficked Accused Persons – The number of accused persons of the crime of human trafficking were 370, 310 and 447 in the FY 2013/14, 2014/15 and 2015/16, respectively (Table 2.2). The three-yearly (FY 2013/14-2015/16) average number of accused persons comes out to be is 376 and the three-yearly average number of cases is 193. It follows that on the average, there are two offenders in one case of human trafficking. The accused persons were originated across the regions of the country, but majority were from central, Kathmandu valley and western development regions. By sex, nearly 3 in 4 offenders are males and nearly two-thirds of the offender are youngsters (<=35 years of age). Offenders' education appears to be poor – 8 in 10 offenders have either few years of schooling or no schooling at all. By occupational category, majority of offenders were engaged in agriculture before the crime (52.5%) and 44 percent were involved in non-agricultural activities. By marital status, 8 in 10 offenders are married and 2 in 10 are never married ones. By examining the offenders' caste/ethnic groups, one can infer that there is no one-to-one association between the crime of human trafficking and the so called hierarchy of caste/ethnic groups of Nepal, but rather criminals comprised of both so called advantaged and disadvantaged groups. However, it must be noted that proportionally the criminals on charge of human trafficking are over represented among 'disadvantaged' social groups especially Janajati (41%) and Dalit (16%).

Table 2.2 Distribution of trafficked accused persons by selected characteristics, FY 2013/14-2015/16, Nepal

Characteristics	2013/14		2014/15		2015/16		3- yearly average (2013/14-2015/16)	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Development region								
Eastern	131	35.4	64	20.6	90	20.1	95	25.3
Central	66	17.8	51	16.5	70	15.7	62	16.6
Western	63	17.0	65	21.0	78	17.4	69	18.3
Mid-western	37	10.0	35	11.3	39	8.7	37	9.8
Far-western	23	6.2	31	10.0	44	9.8	33	8.7
Kathmandu valley	50	13.5	64	20.6	126	28.2	80	21.3
Sex								
Male	255	68.9	219	70.6	354	79.2	276	73.5

Characteristics	2013/14		2014/15		2015/16		3- yearly average (2013/14-2015/16)	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Female	115	31.1	91	29.4	93	20.8	100	26.5
Age groups								
<=18 years	2	0.5	13	4.2	2	0.4	6	1.5
19-25	103	27.8	88	28.4	84	18.8	92	24.4
26-35	134	36.2	125	40.3	187	41.8	149	39.6
36 and above	131	35.4	84	27.1	174	38.9	130	34.5
Education								
No schooling	321	86.8	173	55.8	395	88.4	296	78.9
6-10 grade	24	6.5	111	35.8	36	8.1	57	15.2
SLC and above	25	6.8	26	8.4	16	3.6	22	5.9
Occupation								
Agriculture	175	47.3	115	37.1	302	67.6	197	52.5
Non-agriculture	180	48.6	170	54.8	143	32.0	164	43.7
Study	11	3.0	17	5.5	0	0.0	9	2.5
Household work	4	1.1	8	2.6	2	0.4	5	1.2
Marital status		0.0		0.0		0.0		0.0
Married	289	78.1	189	61.0	423	94.6	300	79.9
Unmarried	81	21.9	121	39.0	24	5.4	75	20.1
Caste/ethnic groups								
Brahman/Chhetri	86	23.2	93	30.0	150	33.6	110	29.2
Janajati	169	45.7	85	27.4	204	45.6	153	40.6
Dalit	59	15.9	66	21.3	53	11.9	59	15.8
Madeshi	56	15.1	66	21.3	40	8.9	54	14.4
Religion								
Hindu	284	76.8	263	84.8	370	82.8	306	81.4
Buddhist	54	14.6	34	11.0	65	14.5	51	13.6
Islam	24	6.5	8	2.6	12	2.7	15	3.9
Others	8	2.2	5	1.6	0	0.0	4	1.2
Total	370	100.0	310	100.0	447	100.0	376	100.0
Number of cases	185		181		212			

Source: data obtained from Women and Children Directorate, Nepal Police, 2017.

Magnitude of TIP Cases based on NGOs Interventions and GOs rescue efforts - It is very difficult to precisely estimate the number of trafficking victims in Nepal. This is because there are no scientific studies that provide such estimates such as household survey. Different studies/organizations provide different estimates of victims of trafficking and their estimates vary sharply because their methodology and coverage also sharply differ. Despite this fact, we have attempted to provide the estimates of TIP based on the GOs and NGOs interventions.

The National Report 2011 of NHRC revealed that about 11,500 persons were trafficked or attempted to traffic in the FY 2011/11. The National Report of NHRC 2012/13 estimated that 13,900 to 15,600 persons were trafficked or attempted to traffic. This Report (FY 2015/16) provides the estimates that 6,100 persons were trafficked; 13,600 persons were attempted to traffic; and 3,500 persons remained missing⁷. Thus, roughly, about 23,200 persons were trafficked or attempted to traffic in Nepal in FY 2015/16. On the other hand, the Global Slavery Index 2013 estimated that at least 250,000 to 270,000 Nepalese were enslaved – of which at least 6,250 to 6,750 persons were trafficked (Box 2.1).

7 The estimated number of **attempted to trafficking** is derived by assuming all persons intercepted by NGOs and Nepal Police as attempted to trafficking; estimate of number of **persons trafficked** is derived by adding all the persons rescued/repatriated by NGOs or Nepal Police or Foreign Embassies plus number of victims for which prosecution aids is being supported. Following the UN Trafficking Protocol 2000, definition of trafficking involves as combination of the constituent elements of acts, means and purpose of trafficking, all persons rescued/repatriated here can be reasonably termed as trafficked persons: recruitment through deception process, transportation through using fraud and deception and ending in the forced labor situation including withdrawal of their passport or ID, conferment, bonded labor, sexual exploitation and physical and psychological scolding and abuse. The figure for **untraced number of persons** is derived by adding the missing persons' applications handled in earthquake affected districts, in 16 border districts with India and figure of *Bal Balika Khoja Talas Kendra* and minus the number of found persons in the corresponding districts/area (See Annex 2.2).

Box 2.1 Figures based on program enforcement/implementation

Source	Magnitude
WCSC, 2007	2,216 missing children from various regions in Nepal between July 2007 and June 2008
WCSC, 2007	3,258 missing women in Kathmandu valley between 1998 and 2007
Different NGOs*, 2008/09 (National Report 2008/09)	3,164 and 322 intercepted and rescued by different national level NGOs in FY 2008/09
Different NGOs, 2009/10 (National Report 2009/10)	About 5,500 were trafficked or attempted to traffic
Different NGOs 2011 (National Report 2011)	About 11,500 were trafficked or attempted to traffic
Global Slavery Index 2013	250,000 to 270,000 were enslaved; Of which, 2.5% or 6250 to 6750 were trafficked alone
NHRC Report 2012/13	13,900 to 15,600 trafficked or attempt to trafficked
This Report (FY 2015/16)	About 23,200 persons were trafficked or attempted to traffic; Of attempted to trafficking (13,600), 98% are females; 50% children and 50% adults; Of the trafficked persons (6,200), nearly 40% are males and 60% are females; Of the number of untraced persons (3,500), more than 70% are girls.

2.3 TIP Data in the Most Earthquake Hit Districts: Nepal Police Records

As discussed in Section 1.4 of Methodology that the information on missing persons, trafficking cases and victims was requested from all 14 hard hit earthquakes hit districts. For analytical purpose, we have averaged the three-year data before the earthquake (FY 2012/13-2014/15) in a single year so as to avoid the fluctuations in any year. This result is compared with the cases exactly happening after one-year of the earthquake (April 26, 2015 to April 25, 2016). The analysis is grouped into i) domestic violence cases, ii) cases of rape, attempt rape and human trafficking and iii) the phenomena of missing persons registered in the District Nepal Police. Note that of the 14 districts that were requested for information, NHRC received data from 12 District Police Offices.

It is reported that the all the District Police Offices carried out the different activities immediately after the earthquake in order to minimize the risk of trafficking of persons. It circulated *huliya* (literally, the identification of a person like photographs, name, address, person's age and height) of the missing women and children to all the police units in the district. It also maintained records to the missing and found women and children. It established coordination with other organizations working to provide rehabilitation services to the missing women and children and it also involved in reintegration of found women and children to their families and relatives.

2.3.1 Magnitude of Domestic Violence Cases

Comparing the 3-yearly average number of domestic violence cases before the earthquake of mid-2015 and after one-year of the earthquake, it is revealed that domestic violence cases being reported in Nepal Police have increased (Table 2.3). Of the districts that reported the registration of domestic violence cases, a total of 1,793 cases have been registered after one-year of the earthquake compared to 1,569 cases of before three-yearly average number. This suggested an increase by 14 percent before and after the earthquake.

Some District Police Office also provided information about the disposal status of the cases on domestic violence and their activities to arrest the offenders. In Dolakha, for example, among the 101 complaints registered after one-year of the earthquake, 71 complaints were settled by the Police, 3 were still under police investigation and 3 complaints were forwarded to the Court. In 24 cases, victims were not on contact. Before exactly one-year of the earthquake (FY 2014/15), there were 85 complaints registered in the Police. Of them, 58 were settled by the Police Office, 6 were under the investigation and 4 complaints were forwarded to the Court and in 17 complaints, the victims did not contact to the Police.

Table 2.3 Number of domestic violence cases registered in Nepal Police before and after the April/May 2015 Earthquake of Nepal

S.N.	Districts	Before three-yearly average (2012/13-2015/16) of the April 2015 earthquake	After one year of the April 2015 earthquake (2015/16)	Change
1	Dhading	23	44	+ 21
2	Rasuwa	N/A	N/A	
3	Nuwakot	0	0	0
4	Kathmandu	1219	1400	+ 181
5	Bhaktapur	185	146	-39
6	Makwanpur	N/A		
7	Kavre	N/A	N/A	
8	Sindhupalchok	68	100	+32
9	Dolakha	73	101	+28
10	Ramechhap	0	0	0
11	Sindhuli	1	N/A	
12	Okhaldhunga	0	2	+2
Total		1569	1793	225
% increase				14.3

Source: Annex 2.3.

2.3.2 Magnitude of Rape, Attempt Rape and Human Trafficking Cases

Rape and Attempt Rape Cases - Rape and attempted rape against women and children increased after the earthquake of mid-2015 compared to the 3-yearly average number of crime cases before the earthquake. The number of rape cases registered in police increased very considerably from very 175 to 217; the number of attempted rape cases increased from 80 to 90 (Table 2.4).

Table 2.4 Number of rape, attempt rape and TIP cases registered in Nepal Police before and after the April/May 2015 Earthquake of Nepal

S.N.	Districts	Rape cases			Attempt rape cases			TIP cases		
		Before	After	Change	Before	After	Change	Before	After	Change
1	Dhading	11	26	+15	6	11	+5	2	4	+2
2	Rasuwa	2	1	-1	3	1	-2	0	1	+1
3	Nuwakot	4	7	+3	5	5	0	7	1	-6
4	Kathmandu	82	91	+9	35	27	-8	23	15	-8
5	Bhaktapur	17	13	-4	4	9	+5	1	1	0
6	Makwanpur	17	16	-1	9	15	+6	2	4	+2
7	Kavre	14	11	-3	5	7	+2	1	0	-1
8	Sindhupalchok	11	10	-1	6	6	0	4	2	-2
9	Dolakha	6	14	+8	3	1	-2	1	1	0
10	Ramechhap	1	6	+5	0	1	1	0	1	+1
11	Sindhuli	7	15	+8	3	2	-1	1	0	-1
12	Okhaldhunga	3	7	+4	1	5	+4	0	2	+2
Total		175	217	+42	80	90	+10	42	32	-10

Note: 'before' here refers to the three-yearly average numbers (2012/13-2015/16) of the April/May 2015 earthquake of Nepal and 'after' here refers to one year of the April 2015 earthquake (FY 2015/16).

Source: Annex 2.2.

A substantial increase in reporting of registration of rape cases was seen in Dhading, Kathmandu and Dolakha while districts like Bhaktapur, Kavre and Sindhupalchok reported as decline in the number of rape cases registered in District Police Offices. On the other hand, there was an increase in attempt rape case in Bhaktapur (from 4 to 9), in Kavre (from 5 to 7) and in Dhading (from 6 to 11).

TIP Cases - Looking at the TIP cases registered in District Police Offices before and after the mid-2015 earthquake, the

numbers of TIP cases have declined from overall 42 to 32 cases. This decline was reported from Kathmandu (from 23 to 15), Nuwakot (7 to 1), Kavre (1 to 0) and Sindhupalchok (4 to 2). On the other hand, the districts that experienced an increase in TIP cases include: Dhading (2 cases to 4 cases), Makwanpur (2 cases to 4 cases), Ramechhap (0 to 1 case), Okhaldhunga (0 to 2 cases).

2.3.3 Magnitude of Missing Persons and Untraced Rate

According to the CCWB (2016), a total of 44,131 children were recorded by the end of June 2016 as high risk due to earthquake in 14 earthquake hit districts of Nepal. Among them, orphan accounted for 1,224. There were 20,628 children who have lost either father or mother during the earthquake. Table 2.5 summarizes the number of children who lost either both parents; father or mother, or who are abandoned and were at the state of without parental or adult care.

Table 2.5 Estimated numbers of children directly at risk affected by the earthquake of 2015

S.N.	District	Boys	Girls	Total	% of total
1	Gorkha	2,040	2,228	4,268	9.7
2	Dhading	1,211	1,151	2,362	5.4
3	Rasuwa	493	477	970	2.2
4	Nuwakot	1,621	1,778	3,399	7.7
5	Kathmandu	2,527	2,852	5,379	12.2
6	Bhaktapur	986	1,156	2,142	4.9
7	Lalitapur	1,360	1,220	2,580	5.8
8	Kavre	1,507	1,464	2,971	6.7
9	Makwanpur	1,600	1,782	3,382	7.7
10	Sindhupalchok	2,367	2,438	4,805	10.9
11	Dolakha	897	872	1,769	4.0
12	Ramechhap	833	839	1,672	3.8
13	Sindhuli	2,235	2,395	4,630	10.5
14	Okhaldhunga	1,858	1,944	3,802	8.6
	Total	21,535	22,596	44,131	100.0

Source: CCWB, 2016:52-53.

Here 'missing persons' are defined as those who have been reported to be missing in Police Offices. 'Not found persons' are those who were reported to be missing and were not found by Nepal Police or any other organizations or individuals by the end of the fiscal year. Untraced rate is defined as the percentage of missing persons who remain missing. It is derived by dividing the number of missing persons still not found in a year by the total number of missing persons in the corresponding year.

The *Balbalika Khoj Talash Kendra*, Kathmandu maintains data for those children who have been reported missing and this information is published by the Centre Child Welfare Board (CCWB) in its annual reports. The number of children reported missing is 1502 in the FY 2015/16. Of the total missing children reported, girls outpace the boys (60% vs. 40%) and more than one-thirds of missing children were reported to be in the age range of 14-16 years – revealing that this age group's children, especially girls are vulnerable to be trafficking. Overall, untraced rate is 73.5 percent with very high untraced rate for girls (78%) against boys (66%) (Table 2.6).

Table 2.6 Distribution of missing children and untraced rate (%), Nepal , 2015/16

Region	Missing children			Number not found children			Untraced rate (%)		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Eastern	133	285	418	112	240	352	84.2	84.2	84.2
Kathmandu valley	167	73	240	34	11	45	20.4	15.1	18.8
Central (excluding the Kathmandu valley)	86	177	263	69	144	213	80.2	81.4	81.0
Western	97	207	304	80	177	257	82.5	85.5	84.5
Mid-western	84	116	200	78	90	168	92.9	77.6	84.0
Far-western	33	44	77	24	45	69	72.7	102.3	89.6
Total	600	902	1502	397	707	1104	66.2	78.4	73.5
Row %	39.9	60.1	100.0	36.0	64.0	100.0			

Source: CCWB, 2016: 47.

There are a few studies indicating that there has been linkage between the phenomenon of missing children and trafficking in Nepal. A recent study conducted by CWIN (2016) on 'Trafficking Susceptibility of Missing Children in Nepal' is the one that showed somewhat linkage between the phenomenon of missing children and trafficking. The study incorporated the interviews from MOWCSW, CCWB, Metropolitan Police Office, DCWB, WCO and WCSC/ Nepal Police Office of Morang, Makwanpur and Bhaktapur. The study concluded that there is need to expansion of Child Helpline in all districts, linking to all child help lines, Police, NCCR and even SAARC toll free telephone 1098 for proactive responses on missing child cases and trafficking in children cases including introducing the Standard Operating procedure, arranging the adequate number of Transit/Shelter Homes, and developing the centrally managed database system for missing children and trafficking in children. Another study carried out by Shakti Samuha (2016) in Sindhupalchok district about 'Child Protection and Child Trafficking Situation' found that children's were at high risk of child labor, trafficking, injuries and violence mainly due to the inadequate protection support and institutions, increased deprivation, discrimination against girls and low level of parents' understanding in the protection of children.

Impact of Earthquake: After the earthquake, a number of news including the Police reported the phenomenon of missing children increased after the earthquake of mid-2015 year. On April 12, 2016, the Kathmandu Post wrote that the Central Investigation Bureau (CIB) preliminary investigation indicated that many children displaced by 2015 devastating earthquake were taken to India⁸. The Chief of CIB – Deputy Inspector General of Police (DIG) Mr. Nawaraj Silwal said, 'given the sensitiveness of the investigation, details cannot be said now. But from what we have so far gathered information, it can be said that children who have left the districts might have been taken to India'. The special team of CIB has been collecting and verifying the data on missing children after the earthquake.

Looking at the aggregated data from the 12 districts, the number of missing children increased after the earthquake compared to one-year ago of the earthquake. It increased from 2293 to 2394 – an increase by more than 4 percent. Among the districts, it is the Kathmandu where the reporting number of missing children declined from 1464 to 1229. The reason for decline in the missing children in Kathmandu while all other earthquake hit districts experienced an increase may be due to the fact that a hordes of people, especially migrants, left the Kathmandu valley immediately after the April 2015 earthquake with the fear of re-occurring the quake and a few returned even after 3 or 4 months of the first quake (Table 2.7).

On the other hand, all the district Police Offices except Kathmandu have reported that they have had more number of missing persons after the earthquake compared to the early one-year. Excluding the Kathmandu, the number of children reported missing in the earthquake hit districts increased considerably. It increased from 829 before one-year of the earthquake to 1165 after one year of the earthquake – an increase by 40.5 percent.

Table 2.7 Number of missing persons and untraced rate before and after the April/May 2015 Earthquake of Nepal

S.N.	Districts	Number of missing persons			Number of persons not found		Untraced rate (in %)	
		Before	After	Change	Before	After	Before	After
1	Dhading	94	120	26	64	98	68.1	81.7
2	Nuwakot	72	94	22	55	66	76.4	70.2
3	Rasuwa	N/A						
4	Kathmandu	1464	1229	-235	1020	774	69.7	63.0
5	Bhaktapur	145	187	42	81	82	55.9	43.9
6	Makwanpur	123	312	189	18	80	14.6	25.6
7	Kavre	86	100	14	55	55	64.0	55.0
8	Sindhupalchok	71	74	3	63	57	88.7	77.0
9	Dolakha	72	72	0	43	13	59.7	18.1
10	Ramechhap	44	56	12	3	14	6.8	25.0
11	Sindhuli	103	91	-12	55	53	53.4	58.2
12	Okhaldhunga	19	59	40	8	42	42.1	71.2
	Total	2293	2394	101	1465	1334	63.9	55.7
	Total (excluding Kathmandu)	829	1165	336	445	560	53.7	48.1

Note: 'NA' refers to 'not available'.

Source: Annex 2.4.

8 <http://kathmandupost.ekantipur.com/news/2016-04-12/many-destitute-children-trafficked-to-india-cib.html>, accessed on 2016/06/01)

Dhading - The overall number of missing persons reported in District Police Office of Dhading, however, has increased by nearly 28 percent after the earthquake compared to the early three-years (3-yearly average number). It increased to 120 persons from 94 persons in before and after the earthquake. Moreover, the number of persons remain missing is estimated to be 82 percent after the earthquake against 68 percent before the earthquake (3-yearly average percentage). The age-sex disaggregated data of the missing persons was not available.

Nuwakot – The three-yearly average number of missing persons (FY 2012/13-2014/15) reported in WCSC, Nuwakot comes out to be 72 (49 women, 7 boys and 16 girls) and the number of missing persons found comes out to be 17 (9 women, 5 boys, and 3 girls). Thus, a total of 55 persons out of 72 reported missing remain missing – resulting to 76 percent untraced rate. In the FY 2015/16, the average number of missing persons was much higher than that of the 3-yearly average number of missing persons (92 vs. 72). Among the missing persons, a large majority were women (72), followed by girls (16), and boys (6). At the same time, it is reported that 70 percent of missing persons remain missing. The untraced rate is very high among women – only 2 women were reported found out of 72 missing.

Metropolitan Police Area, WCSC Kalimati – The two-yearly average number of missing persons (FY 2012/13-2013/14) reported in Metropolitan Police Area, WCSC Kalimati is 1,464. The comparable figure after the one-year of earthquake is 1,229 – a decline by 16 percent before and after the earthquake. However, the untraced rate is higher before the earthquake (70%) compared to after the one-year of the earthquake (63%).

Bhaktapur - The number of missing persons increased from 145 before the earthquake (three-yearly average number) to 187 persons after one-year of the earthquake. Among the missing persons, majority were of women (90 before the earthquake and 111 after the earthquake). This is followed by girls (29 and 41 before and after the earthquake). The average number of boys reported missing before the earthquake was 26 against 35 after the earthquake. Thus, data indicate that there has increased in the number of missing persons reported in Bhaktapur District Police Office after the earthquake. The untraced rate is much higher among women reported missing.

Kavre – The number of missing persons increased from 86 before the earthquake to 100 after one-year of the earthquake. The untraced rate was also relatively higher before the earthquake compared to one-year after the earthquake (64% v 55%). Among the 86 missing persons before the earthquake, there were 63 women, 12 boys and another 12 girls. The comparable figures after one-year of the earthquake for women, boys and girls were 73, 10 and 17, respectively. Thus, in both periods, it is the women who were mainly reported missing. At the same time, the untraced rate among women is also very high. The untraced rates for women, boys and children after one-year of the earthquake were 66 percent, 30 percent and 23.5 percent, respectively.

Makwanpur - The overall number of missing persons reported in District Police Office of Makwanpur has increased from 123 in the previous years to 312 persons after the one-year of the earthquake. Untraced rate of missing persons before the earthquake was reported to be very low that is 14 percent and after the one-year of the earthquake, the comparable figure is 25 percent.

Sindhupalchok – the number of missing persons recorded in District Police of Sindhupalchok is 74 after the one-year of the earthquake against the 71 persons of three-yearly (FY 2012/13-2014/15) average number before the earthquake. The untraced rate is very high in all the FYs considered here (3 out of 4 persons remain missing).

Dolakha – A total of 72 persons have been reported to be missing in Dolakha District Police Office after one-year of the earthquake and there is no overall increase in missing persons being reported in Nepal Police before and after the earthquake except of children. The number of children reported missing has increased after the earthquake compared to the 3-yearly average number of missing children in the District Police Office of Dolakha. At the same time, it is praiseworthy to note that the number of found persons has also increased after the earthquake compared to the extent of reporting of found persons before the earthquake. Conversely, the untraced rate of 18 percent after the one-year of the earthquake is considerably lower compared to almost 60 percent before the earthquake.

Ramechhap – The number of missing persons reported in District Police Office increased by 27 percent after the earthquake against the 3-yearly average number before the earthquake (56 persons from 44 persons). The untraced rate ranges as low as zero to 17 percent before three-year of the earthquake. On the other hand, the untraced rate is estimated to be 25 percent after the earthquake of one-year – implying that one-fourth of the missing persons remain missing.

Sindhuli- the number of missing persons reported in Sindhuli District Police was 80 after the earthquake of 2015 against 103 of three-yearly average number (FY 2012/13-2014/15). The untraced rate ranges as low as 42 percent

in the FY 2012/13 to as high as 59 percent in FY 2013/14 and there is no variation in untraced rate before and after the earthquake.

Okhaldhunga – the number of missing persons is reported to be much higher after the one-year period of earthquake (59 persons) compared to the early three-yearly average numbers (19 persons). The untraced rate is also considerably higher after one-year of the earthquake (71%) than that of before the earthquake (42% for three-yearly average). The figure suggests that after the earthquake the number of missing persons have increased in Okhaldhunga district and possibly ended in trafficking situation.

2.4 Assessing the Situation of Trafficking in Persons: The Cases of Bordering Districts with India

As discussed in Section 1.4 on Methodology section that all the 20 districts bordering to India (except Taplejung, Baitadi and Darchula) were requested to provide information about missing persons, trafficking cases, border surveillance systems, and number and efforts of rescue by the Nepal Police were requested.

2.4.1 Phenomena of Missing Persons

Altogether 16 districts across the Nepal-India border information on missing children were obtained. A total of 4086 persons were reported missing during the enTier FY 2015/16. Both males and females were reported, but 3 in 4 missing persons were females and 6 in 10 missing persons comprised of children. The overall untraced rate is calculated as 50 percent – meaning that of the total missing persons half remain missing (Table 2.8).

Illam – The number of missing persons recorded in the District Police of Illam is 354 during the last four FYs (FY 2012/70-2015/16). Of the missing persons, 325 were females and rest 29 were males. In terms of age group of the missing persons, children accounted for 17 percent while adults were 83 percent. The overall untraced rate (FY 2012/13 to 2015/16) comes out to be 37 percent. The age range of missing persons was 18 years to 45 years. It is reported that persons aged 14 to 28 often run away through marriage and sometimes such cases are also reported as missing in Police. The following efforts were made to seek the missing children:

- Established coordination with different organizations to seek the missing children;
- Circulated *huliya* (identity) of the missing persons to its Police Units and other district Police Offices;
- Attempted to search by establishing the linkage of Indian counterparts in border areas
- Asked the victims' family to publicize about the missing persons through different means of communication.

Key problems in seeking the missing women and children reported include: lack of financial, skill human resources including lack of information, and compilation of news on missing children in the office.

Table 2.8 Number of missing persons registered during the 4-year (2012/13-2015/16) and untraced rate (in %)

S.N.	Districts	Number of missing persons					Untraced rate (in %)	No. not found persons
		Total	Female	Male	Children	Adults		
1	Illam	354	325	29	61	293	36.7	130
2	Jhapa	303	176	127	303	0	66.3	201
3	Morang	443	269	174	443	0	57.6	255
4	Sunsari	93	62	31	93	0	59.1	55
5	Saptari	274	226	48	155	119	56.2	154
6	Dhanusa	103	34	69	103	0	23.3	24
7	Mahottari	102	68	34	102	0	69.7	71
8	Sarlahi	113	71	42	113	0	54.9	62
9	Parsa	268	191	77	169	99	25.4	68
10	Nawalparasi	342	316	26	93	249	68.4	234
11	Rupandehi	N/A						
12	Kapilbastu	81	61	20	0	81	10.0	2
13	Banke*	724	597	127	263	461	51.2	371
14	Bardiya	766	662	104	466	300	71.4	321
15	Kailali	Na						
16	Kanchanpur	120	42	78	120	0	77.5	93
	Total	4086	3100	986	2484	1602	50.0	2041
	Row %		75.9	24.1	60.8	39.2		

*Note: Untraced rate is defined as the percentage of missing persons remain missing and which is derived by dividing the number of missing persons still not found by the total number of missing persons in the corresponding year. * For Banke, only three FYs data (2013/14, 2014/15 and 2015/16) were included.*

Source: Concerned District Police Office (data received by NHRC), 2016 and see Annex 2.5.

In **Jhapa district**, during the four FY (2012/13-2015/16), a total of 303 children were reported to be missing. Of the total missing children reported, girls accounted for 58 percent and boys 42 percent. There were no missing children less than 5 years of age reported missing while there were 36 percent children aged 5-10 years and rest 64 percent were 10-16 years. By caste/ethnic groups, the majority of children reported missing comprised from Brahman/Chhetri (53%), followed by Janajati (28%) and Dalit (19%). Note that disaggregated data were not available for Madeshi groups and it may be possible that they might have been included in 'Janajati' category.

In **Morang district**, a total of 443 missing children recorded in Nepal Police during the last four-year (2012/13-2015/16). The 4-yearly untraced rate is 58 percent. In other words, among the 10 missing children recorded in District Police Office Morang, nearly six remains to be missing.

Disaggregated data by age and caste/ethnic groups of the missing children are also available for the last three-years (FYs 2013/14 to 2015/16). During this period, a total of 340 children were reported missing in the District Police Office. By age group, on the average, 5 per cent of the missing children constituted less than 10 years of age while the rest 95 percent are reported to have been in the age range of 10-16 years. By caste/ethnic groups, majority of the missing children recorded in Nepal Police constituted from the Madeshi (42%), followed by Janajati (23%), Chhetri (17%), Brahman, Muslims and Dalit each constituted 5 to 6 percent of the total missing children.

The Morang District Police Office and its sub-ordinate units carried out the following activities in order to seek the untraced children:

- Give a call to the applicant time to time about whether or not the missing child is found;
- Visit the applicant's house and inquiry about the missing the child's status during the Police Patrolling time;
- Release the huliya (identity) including photo of the missing child and communicate with other District Police Offices;
- Seek through carrying out the special campaign of seeking the missing children; and
- Coordinate with the different GOs and NGOs to seek the missing children.

Challenges to Seek the Missing Children

- Applicants not willing to come into contact to the Police after making a complaint about the missing children;
- Tendency to make a complaint as 'missing children' when children run away by marriage; when a daughter elopes with a undesired boy; when children run away for employment or when children run away due to fear of parents and stays one or two days to their relatives houses. In all these cases, parents/gardens are reluctant to inform the Police even after the 'missing child' is found;
- Not informing by the GOs and NGOs to the Police even if they 'found' the 'missing children'.

In **Sunsari district**, there were 93 children (31 boys and 62 girls) recorded missing during the FY 2012/13 to 2015/16. The 4-yearly average number of missing children (2012/13 to 2015/16) comes out to be 23 (16 girls and 8 boys), and 4-yearly average untraced rate is 26 percent. Further, disaggregated data by age, caste/ethnic groups and place of residence is available from Sunsari district. Accordingly, there were no missing children aged 0-5 years and 5-10 years. All the missing children reported were in the age range of 10-16 years. The missing children's data is disaggregated by caste/ethnic groups such as Muslims, Janajati, Chhetri, Brahman, Dalit and Madeshi. Accordingly, of the total 93 missing children during the FY 2012/13 to 2015/16, the highest proportion were of Janajati (29%), followed by Madeshi (25%), Muslims (18%), Dalit (16%), Chhetri (10%) and 2 percent for Brahman. On the other hand, the untraced rate is much higher among Muslims children (47%) compared to Madeshi (9%), Dalit (13%), Chhetri (22%) and Janajati (26%) children. Note that in case of Brahman, there were only two missing cases and they were not traced.

It is noted that all the missing children were from rural areas. There were no single missing children from urban areas like Itahari, Dharan and Inaruwa.

In **Saptari district**, during the four years (2012/13-2015/16), a total of 274 persons were registered as missing in Saptari Police Offices. Among them, an overwhelming majority were females over males (226 v 48) and children over adults (155 vs. 119). The overall untraced rate is estimated to be 56 percent.

In **Mahottari district**, a total of 102 children were reported missing in the District Police Office during the last four FYs (2012/13-2015/16). Among the missing children reported, two-thirds were girls and rest one-thirds was boys. By caste/ethnic groups, almost all children originate from Madeshi groups. The children were under 16 years of age. The four-yearly untraced rate is 70 percent – implying that 7 children out of 10 reported missing remain missing.

It is estimated that 3 out of 4 children remain missing in Mahottari district. According to the letter sent to the NHRC by the District Police Mahottari, the Police has actively involved in seeking of the missing children. It circulated the *Huliya* of the missing children to its sub-ordinate units in the districts as well as inform to other District Police Office about the missing children. Police also sought coordination to NGOs working in children sector to search for the missing children. DPO also reported that there are several problems for seeking the missing children: parents of the missing children not coming into contact, lack of equipment of communication, lack of vehicle, reluctant of parents in providing the photo and *huliya* (identity) of the missing children, and delay in reporting of the missing children (after 10 or 12 days of the missing children). DPO Mahottari also suggested for the effectively seeking the missing children such as increasing awareness among the common people about missing phenomenon, motivating parents registering the complaints immediately after the event.

In **Dhanusa district**, during the four FY (2012/13-2015/16), a total of 103 children were recorded as missing in District Police Office. Of them, one-thirds was females and rest two-thirds were males. By age group, children as young as less than 10 years of age have also been reported missing (30%) and rest 70 percent were in the age range of 10-16 years. By caste/ethnic groups, majority were Janajati (44%), followed by Chhetri (16.5%), Brahman (15.5%), Madeshi (13%) and 12 percent for Dalit. The overall, untraced rate is 23 percent which is far less than that of other districts. The Police reported that open border between Nepal and India, delay in application of the missing persons registered and parents reluctant to report the main reasons for missing are the key problems in dealing with the missing children. District Police Office reported that it has continuously made efforts to seek the missing children timely. For it, it circulates the *huliya* of missing children to all of its concerned Police Units; it provides information through Radio/FM and it also makes effective border surveillance.

In **Sarlahi district**, a total of 113 children were reported as missing in Sarlahi District Police office over the last 4-years (FY 2012/13-2015/16). Among them, 63 percent were girls and rest 37 percent were boys. The overall untraced rate is 55 percent. The breakdown data by caste/ethnic groups and age groups are not available.

In **Parsa district**, a total of 268 women and children were recorded as missing from the FY 2012/13 to 2015/16. Of the missing persons recorded in Parsa District Police Office, 71 percent are females and rest 29 percent are males. By age group, children being reported as missing outnumbered the adults being reported as missing (63% v 37%). Note that none of the adult males reported as missing. Data reveal that one-fourth of the missing children remain missing during the last four years. The untraced rate has been continually declining over the years. It declined from 43 percent in the FY 2012/13 to 20 percent in 2015/16.

Following efforts were carried out to seek the missing children:

- Prepare the schedule of the missing persons with name and address
- Circulate the schedule to the concerned Illaka Police Offices
- Visit the house of the missing person by the concerned Police Unit and also launched the house-house visit program
- Contact through phone calls time to time
- Maintain the record of the found persons immediately after they are reported to have been found;
- Hand to the relatives of the found children after the necessary investigation

Problem for seeking the missing children

- Applicant not coming into the contact
- Migration of the applicant
- Lack of awareness of people to report to the Police if the missing children are found
- Not availability of right photos and *huliya*
- Delay in reporting about the missing children

In **Nawalparasi district** - a total of 342 numbers of persons were recorded as missing in Nawalparasi District

Police Office during the last three-fiscal years (FY 2013/14-2015/16). Among the missing persons recorded, an overwhelmingly majority was of females (92%) and rest 8 percent were males. By age group, children constituted 27 percent and the rest were adults (73%). Note that none of the adult males were reported as missing in the District Police Office Nawalparasi. The total three-year (2013/14-2015/16) untraced rate is estimated to be very high (68%).

In **Kapilbastu district**, a total of 81 children were recorded as missing in Kapilbastu District Police Office during the four years (FY 2012/13-2015/16). Among them, three-fourths were girls and rest one-fourths were boys. However, it is reported that almost all the missing children reported were found. These missing children comprise of Muslims, hill Brahman, Janajati and Dalit. There were few children under 10 years of age. Missing children were mainly in the age range of 10-17 years of age.

Efforts to seek the missing children

- Circulate the Holiya of the missing children immediately after receiving the complaint about missing children
- Contact with the parents time and gain
- Contact and follow-up to the Police units under the DSP office
- Make surveillance in border areas in civil dress

Problems for seeking the missing children

- Difficult to contact with the parents
- Parents not reporting in the Police even if they know about the missing children
- Children run away by themselves to India and stay over there and they do not come into contact
- Marriage by the girls and boys willingly and they do not report to the parents about their marriage

In **Banke district**, during the three FY (2013/14-2015/16), a total of 724 persons were recorded as missing in the District Police Office. Of them, an overwhelmingly majority comprised of females (82.5%) and among the missing persons children comprised of 36 percent and 64 percent adults. The overall untraced rate is estimated to be 51 percent – implying that half of the missing persons recorded missing remained missing in Banke district.

In **Kanchanpur district**, a total of 120 children were reported to be missing in District Police Office Kanchanpur during the last four FYs (2012/13- 2015/16). Among the missing children, boys outnumber the girls (65% v 35%). This is just the reverse of the findings in other districts where generally girls outnumber boys as missing children.

The untraced rate is very high in each fiscal year: it is more than 72 percent. This suggests that more than 7 out of 10 children reported missing in the Kanchanpur District Police Office were failed to be found. Data is also available according to the key characteristics of the missing children. Children of all major caste ethnic groups are reported to be missing. Note that the data is produced by District Police Office Kanchanpur as *Baishaya* and *Sudra* and it is not clear which particular caste children were lumped in these categories. Data reveal that there is no face-to-face association between the caste and the phenomenon of missing children. This is because the proportion of missing children ranges as low as 22 percent for Brahman, to 24 percent for *Baishaya*, 25 percent Chhetri to as high as 29 percent for *Sudra*. By age-group, even children below 5 year of age are reported to be missing (2.5%). There are 36, 35 and 27 percent children in the age groups of 5-9 years, 10-13 years and 14-16 years respectively.

Efforts made to seek the missing children:

- Circulating the *huliya* with photograph to the Police Units in the districts and other districts as well
- Formation and mobilization of Police unit for seeking the missing children
- Establishing coordination with the NGOs working in the children sector
- Establishing the relations to the places of the relatives of the children

Problems in seeking the missing children

- Parents reluctant to provide appropriate information
- Children even residing in the relatives are also reported as missing

Solution of the problems

- Increase awareness to the parents in coordination with the concerned NGOs
- Increase awareness in the communities, schools and other public places about the missing children

2.4.2 TIP Cases Registered in Nepal Police and Characteristics of Victims

Table 2.9 summarizes the four-year (2012/13-2015/16) total number of human trafficking cases registered in the different 15 district police offices across the Nepal-India border. During the four-year, 313 number of cases were registered in these district police offices. Note that there were none of the cases in Saptari district in the eTier four years. Top-five districts in terms of number of human trafficking cases registered are Jhapa (19%), Rupandehi (16%), Banke (15%), Morang (13%) and Kapilbastu (8%). There were also considerable number of trafficking cases registered in Kanchanpur (6%), Parsa (6%) and Sunsari (6%) district police offices. There were 5 to 10 number of cases in Bardiya, Nawalparasi and Illam district police offices. There were less than 5 cases in Dhanusa, Mahottari, Sarlahi, and Kailali.

Table 2.9 Number of TIP cases registered during the 4-year (2012/13-2015/16) and number of victims

S.N.	Districts	Total number 4-year TIP cases	Number of victims				Total
			Female	Male	Children	Adult	
1	Illam	8 (2.6)					
2	Jhapa	60 (19.2)					
3	Morang	41 (13.1)	70	18	46	42	88
4	Sunsari	19 (6.1)	6	13	N/A	N/A	19
5	Saptari	0 (0.0)					
6	Dhanusa	2 (0.6)	N/A			4	4
7	Mahottari	3 (1.0)	4	0	0	4	4
8	Sarlahi	4 (1.3)					
9	Parsa*	20 (6.4)	26	0	8	18	26
10	Nawalparasi	6 (1.9)					
11	Rupandehi	51 (16.3)					
12	Kapilbastu	24 (7.7)	47	0	10	37	47
13	Banke	47 (15.0)	66	0	18	48	66
14	Bardiya	6 (1.9)	N/A				
15	Kailali**	2 (0.6)	N/A				
16	Kanchanpur*	20 (6.4)	20	0	5	15	20
	Total	313					

Note: *In Parsa and Kanchanpur, children were included those less than 16 years in case of other districts they are under 18 years of age. ** in Kailali, data refers to only of FY 2015/16. Figures in parentheses refer to the percentage of total trafficking cases.

In **Illam district**, the number of trafficking cases registered in District Police Office comes out to be 8 during the last four FY (2012/13-2015/16). It is reported that there is increasing trend of people reporting as fake trafficking cases, especially after the love marriage between a boy and a girl. If parents of groom side do not accept the marriage, they tend to report such case under the human trafficking crime case. District Police of Illam reported that effective intervention for combating trafficking cannot be done timely due to the resource constraints, lack of information, lack of modern tech communication equipment and skilled human resources and lack of vehicles.

In **Jhapa district**, a total of 60 TIP cases have been registered in Jhapa District Police Office during the last four FYs. There were 12, 17, 14 and 17 number of cases in the FY 2012/13, 2013/14, 2014/15 and 2015/16, respectively. Similarly, 41 trafficking cases were registered in **Morang** District Police Office during the last four fiscal years (2012/13-2015/16). There were 88 victims in these 41 cases. Victims were both females and males although 80 percent of victims are of females. It is difficult to identify the proportion of children as victims because the District Police Office classified victims' age haphazardly: less than 10 years, 11-20 years, 21-40 years and 40 years and above. Despite this, it is known that more than one trafficked victim out of 10 are of very young children i.e., less than 10 years of age and there are nearly 6 percent of the victims who are 40 years and above. Among the caste/ethnic groups of the victims, the highest proportion comes out for Janajati (43%). This is followed by Dalit and Chhetri (each 12.5%), Brahman (4.5%) and others (14%).

In **Sunsari district**, during the four years (2012/13-2015/16), a total of 19 cases have been registered in Nepal Police. The total numbers of victims were also reported as 19. Of them, 13 were males and 6 were females. By caste/ethnic groups, there were 6 Madeshi, 6 Janajati, 3 Muslims, 1 Dalit and 1 Brahman. The Nepal Police has classified victims' age into 5-10 years and 15 years and above. All the 19 victims were in the age 15 years and above. Similarly, all the victims come from the rural areas that is none of them were originated in urban centers such as Itahari, Inaruwa and Dharan.

In **Dhanusa district**, during the four year period only two cases were reported. Information regarding the number of victims was not available. In **Mahottari district**, only 3 cases were registered in Mahottari district police during the four years. The detail of the offenders and nature of crime in these three cases is as follow (Box 2.2).

Box 2.2 An overview of the cases of human trafficking filed in Mahottari District Police

Parameters	Description
Case 1 (FY 2013/14)	
Offenders	Santosh Kumar Mahato (19 years), Sani Kumar Thakur (20 years) and Avinadan Thakur (22 years)
Victims	Nisha Kumari and Muskan (name changed)
Nature of offence	Avinandan Thakur including others, who are from Madhuwani district of Bihar, were currently living in Janakpur in a rented room. On 2071/3/30, they were bringing Nisha and Muskan of Maisthan VDC – 7, Mahottari district to India via Jaleshowar border. The victims were rescued and the offenders were arrested by the Jaleshowar Police from the border.
Current status of the case	The case is registered under the HTTA and the offenders are in the custody.
Case 2 (FY 2013/14)	
Offenders	Dil Bahadur Pariyar
Victims	21 (Gha)
Nature of offence	On 2073/12/21, the victim was studying in grade 7 and she was returning to her house after giving the exam. On the route, Dil Bahadur Pariyar met her and gave her some sweets. She was brought to India. In India, with the help of villagers, she could run away successfully and came to Nepal.
Current status of the case	The offender was arrested and was in the custody under investigation
Case 3 (FY 2014/15)	
Offenders	Pradeep Kumar Jha, 26
Victims	Kalpana (name changed)
Nature of offence	On 2071/8/11, Pradeep Kumar of Jaleshowar Municipality -12 of Mahottari district promised Kalpana good job in India. She was being brought to India via Vittamod with the intention of selling her. The offender was arrested by the Vittamod Police Post.
Current status of the case	The offender is in custody and the case is registered in the Mahottari District Court

In **Sarlahi district**, there were no cases registered in FY 2012/13, and 2014/15 while three cases in FY 2013/14 and 1 case in FY 2015/16 were registered as trafficking case in the district. A total of 20 cases of TIP were registered in **Parsa** during the four years (FY 2012/13-2015/16). Among the total 20 cases, there were 26 victims. Victims of trafficking include both children and adults. Eight out of 26 victims of trafficking are children (10-16 years); four are adult (25-35 years) and 14 are in the age range of 16-26 years. Note that the classification of age of the victims by the District Police Office does not match with the UN CRC definition of children that defines any persons below age 18 as children. It appears that 16 years cut-off is taken by the Police because, by law, a person is entitled to receive a citizenship certificate when he/she reaches to 16 years of age.

During the three FY (2013/14-2015/16), only six cases of trafficking have been registered in **Nawalparasi district**: 3 cases in the FY 2013/14, 1 case in 2014/15 and 2 cases in FY 2015/16. In **Rupandehi district**, altogether 51 trafficking cases were registered during the four years (FY 2012/13 and 2015/16). There were 11 cases in FY 2012/13, 6 cases in 2013/14, 15 cases in 2014/16 and 19 cases in FY 2015/16. Looking at the trends of the registration of the TIP cases, the tendency for being filed trafficking cases in Nepal Police seems increasing in Rupandehi district. A total of 24 cases against TIP were registered during the last four FY (2012/13-2015/16) in **Kapilbastu District Police Office**. Among these 24 cases, there were 47 victims. All the victims were reported to be females and 21 percent of them were children (<18 years of age). According to the caste/ethnic groups, majority of the victims constituted Janajati (49%), followed by Dalit (34%). There are also 11 and 6 percent Brahman/Chhetri and Madeshi women as victims of trafficking, respectively. A total of 20 cases were filed in District Police Office **Kanchanpur** during the four FY (2012/13-2015/16). There were two cases each in FY 2012/13 and 2013/14 and six cases in 2014/15 and 10 cases in 2015/16. There were no male as victims. Both adults and children were victims: 5 were children aged 15 years and less; another 6 were in between 16-30 years; 7 victims were 30 years and above. Majority of victims were Dalit (9/20), followed by Chhetri (6/20) and Brahman (5/20).

2.4.3 Magnitude of Rescue and Efforts Made for Rescue

Information on the number of persons rescued from different border points was obtained from 14 districts police office across the Nepal-India border area. During the four year period (2013/14-2015/16), 3,640 persons were rescued by these 14 district police offices (Table 2.10). All district police officers did not provide the age-sex break down data. Among those districts that provided the age-sex data (n=1936), female accounted for nearly 96 percent

while male accounted for 4 percent. And, an overwhelmingly majority (81%) of the rescued children were girls while rest 19 percent were boys.

The **District Police Illam** rescued 107 persons in the last four FYs (2012/13-2015/16). The victims comprised of women, men, boys and girls. Data reveal that one-fourth of the rescued persons comprised of children (11% for boys and 14% for girls) while the rest three-fourth are adults (70% women and 5% men). By sex, altogether 85 percent are females and rest 15 percent are males. Data reveal that 4-yearly average number of persons rescued is estimated to be 27 and the comparable figure for women is 19. It is revealed that among the rescued persons, men are also exposed to the trafficking – nearly 5 percent of the rescued persons accounted for men. It is noted that a total of 56 persons were in the FY 2015/16. But there was no registration of trafficking case in the fiscal year. According to the information provided by the Illam District Police Office, it carried out a number of activities to reduce the risk of trafficking after the April/May 2015 earthquake of Nepal as follow:

- Established coordination to other organizations to seek the missing women and children
- Circulated the *huliya* to the missing persons to the police units
- Established the contact with the counterparts in the border
- Published notice about the missing persons by encouraging the victims' parents to publish it
- It rescued a total of 56 persons (52 females and 4 males) after the one-year of earthquake (2015/16) while the comparable figure in before one-year (FY 2014/15) was only 15. All of them were females.
- Conducted community level awareness program in collaboration with NGOs.
- Established the coordination to the Indian counterparts in the border areas
- Provided shelter to the Maiti Nepal Rehab centers and handed to the victims' relatives
- Referred to the medial treatment of the victims if needed
- Established the contact with the victims' relatives

Table 2.10 Number of persons rescued from different border areas and other areas during the 4-year (2012/13-2015/16)

S.N.	Districts	Total	Women	Men	Boys	Girls	Period covered	No. of FIR in FY 2015/16
1	Illam	107	75	5	12	15	FY 2012/13-2015/16	0
2	Jhapa	50	N/A	N/A	N/A	N/A	FY 2014/15-2015/16	
3	Morang	331	132	0	39	62	FY 2012/13-2015/16	3 cases (13 victims)
4	Sunsari	6	6	0	0	0	FY 2015/16	
5	Saptari	NA						
6	Dhanusa	1	1	0	0	0	FY 2014/15-2015/16	0
7	Mahottari	3	3	0	0	0	FY 2012/13-2015/16	
8	Sarlahi	0					FY 2012/13-2015/16	
9	Parsa	100	N/A	N/A	N/A	N/A	FY 2012/13-2015/16	
10	Nawalparasi	18	12	0	1	5	FY 2013/14-2015/16	
11	Rupandehi (rescued from India)	128	45	1	-	62*	2012-2016	
	Rupandehi (Intercepted)	1448	991	75	-	362	2012-2016	
12	Kapilbastu**	79	79				FY 2014/15-2015/16	
13	Banke	805	481	0	88	136	FY 2014/15-2015/16	
14	Bardiya	54	30	0	15	9	FY 2013/14-2015/16	Na
15	Kailali	Na						
16	Kanchanpur	510	N/A	N/A	N/A	N/A	FY 2012/13-2015/16	9
Total		3640	1855	81	155	651		

Note: * in Rupandehi district data for girls refers to children and the data were taken from the presentation of SSP – Sher Bahadur Basnet. In **Kapilbastu district, the number of girls and women rescued includes from Small Hands Nepal, no overall information is available from Nepal Police. Saptari District Police reported that there is no record of the persons rescued by the border Police in the District Police Office.

Source: Concerned Police Offices and see also Annex 2.7.

Responding the question of key problems to effectively combat TIP, the Illam District Police Office maintained that they have lack of financial resources, lack of information, no compilation of news, lack of skilled human resources and information technology and lack of vehicles.

In **Jhapa district**, a total 22 persons in FY 2014/15 and 28 persons in FY 2015/16 were rescued. Disaggregated data by age and sex of the victims was not available.

In **Morang district**, a total of 331 women and children were rescued from different border points during the last 4 fiscal years (2012/13-2015/16). The 4-yearly average number of rescued women and children come out to be 83. Among the rescued women and children, children constituted of 30 percent and the rest 70 percent were adult. There were no adult males. Majority of children were of girls (62 out of 100 children were of girls). By sex, 88 percent were females and rest 12 percent were males. In the FY 2015/16, of the total 117 women and children rescued, the Police registered 3 cases of trafficking in which there were 13 victims. In addition, Morang District Police Office in collaboration with different GOs and NGOs shared the issues of human trafficking with the Indian security forces during the cross-border meeting, sought help from the Indian border security forces and railway staff at Jogamuni to rescue the victims; rescued the victims from different areas of India; established Women and Children Service Center (WCSC) at Jogamuni and is being carried out surveillance by women Police in civil-dress.

The District Police Office Morang also viewed challenges to conduct the rescue operation effectively. It is difficult to identify the actual victims, for agents sometimes pretend doing marriage to the victims and cross the border. Victims sometimes are not willing to inform to the Police even if they know that they are going to a third country illegally via India as they are highly lured by the false promises. Finally, it is difficult to carry out the effective rescues at Jogamuni border area because people may take the Rail immediately after crossing the border (Jogamuni Railway station is just about half Kilometre from Nepal border).

In **Sunsari district**, it is reported that in the FY 2015/16, six women were rescued and the following problems were reported to effectively rescue the victims from the border areas: i) victims not willing to report the real name, caste and address and ii) victims not willing to report about to whom and where they are going. In **Dhanusa district**, in the FY 2014/15, only one victim was rescued from border area. There were no rescue cases of trafficking in the FY 2015/16. In **Mahottari district**, in the FY 2013/14, one case of human trafficking having two victims was registered. In 2014/15, the Vittamod Police Post rescued young woman who was being brought to India and the offender was arrested and put in the custody for investigation. In **Sarlahi district**, none of the persons were reported to have been rescued in the FY 2014/15 and 2015/16 from border areas. In **Parsa district**, a total of 100 women and children were rescued during the four years (2012/13-2015/16). No disaggregated data by age sex was available. The Parsa Police reported that it usually calls the parents of the victims rescued to the Police office and make aware them about the risk of trafficking. It provides rehab services to the victims until the parents/guardians do not come into contact and it has involved in rescuing the trafficked victims from different areas of India in collaboration with Nepali NGOs and Indian Police.

In Nawalparasi district, 17 women and girls and 1 boy was rescued during the three FYs (2013/14-2015/16). In **Rupandehi district**, a total of 128 persons were rescued from different places of India via Belahiya/Sunoli Border Police and NGOs during the last 5-years (2012-2016). Among the victims rescued, children accounted for 48 percent, women 35 percent and there was one adult man. During the same period, altogether 1,448 persons were intercepted in Belahiya/Sunoli border – on the average 290 persons annually. Among the intercepted persons, more than two-thirds (68%) were women, 25 percent were children and 5 percent were adult men.

Kapilbastu District Police Office reported that established coordination and collaboration with the different GOs and NGOs and conducted public awareness programs. It conducts regular patrolling and surveillance in places that are sensitive to human trafficking. Despite these efforts, the Kapilbastu Police viewed there is lack of skills human resources, financial and physical resources including digital checking point (i.e., CCTV etc.) to Nepal Police for effective surveillance in the border areas. According to the Annual Progress Report submitted by the Small Hands Nepal to Women and Children Office, Kapilbastu, it is found that the Small Hands Nepal rescued a total of 79 girls and women from Nepal-India border in Krishan Nagar during the 15 months (FY 2015/16 and first 3-months of FY 2016/17). The median age of the rescued girls and women is 20 years with the age range of 14 years to 35 years. They originated from 14 out of 75 districts, majority being from Dang (23%), Kapilbastu (21.5%), Arghakhanchi (16.5%) and Pyuthan (14%). It is mostly the disadvantaged groups such as Dalit (nearly 67%) and Janajati (27%) that were are at most risk of trafficking yet Chhetri (25%) and Brahman (10%) are also considerable. There were only 4 Tharu and 1 Madeshi woman. This skewed distribution of the rescued girls and women by caste/ethnic groups may indicate the following. First, many hill communities especially of disadvantaged groups are at high risk of trafficking compared to relatively advantaged hill groups and Madeshi communities. Second, it may also be possible that the staff of Small Hands Nepal did not make much effort to check closely to the Madeshi origin women including Tharu thinking that they are at less risk of trafficking.

In **Kanchanpur district**, a total of 510 numbers of women and children were rescued from border surveillance centers during the two fiscal years (FY 2014/13 and 2015/16) and out of them, only 27 victims or 5.3 percent of the total rescued women and children have registered FIR to Police as human trafficking cases (Box 2.3).

Box 2.3 Overview of the crime cases of Trafficking field by Kanchanpur District Police

S.N.	Crime date	Offenders	Number of victims	Description of the crime
1	2072/03/30 (July 15, 2015)	Four persons including Jagane Nath	1	By threatening, the victim was married with the accused and she was taken to Khati, India and sold
2	2073/04/10 (July 26, 2015)	Two persons including Bhagi Ram Chaudhari	1	The victim was lured by giving false employment promises and the accused attempted to sale her
3	2072/05/04 (Aug. 21, 2015)	Paras Sharki	1	The victim was taken to India by pretending to guide her to her aunt's house in India
4	2072/05/13 (Aug. 30, 2015)	Prem Sharki	1	The victim was lured when she was going to school and being taken to India
5	2072/07/12 (Oct. 29, 2015)	Ram Bahadur Kadka	1	The victim was lured by promising good employment and she was taken to Rishikesh, India and sold
6	2073/01/05 (April 17, 2016)	Chandra Singh Dhami	1	The accused contacted the victim by phone. The accused and the victim travelled through a forest to reach to New Delhi and she was sold
7	2073/01/06 (April 18, 2016)	Two persons including Kamal Rawal	19	The victims were taken to India by promising them good employment
8	2073/02/05 (May 18, 2016)	Tej Bahadur Syantang	1	The victim was attempted to traffic by pretending false marriage with the accused
9	2073/04/02 (July 1, 2016)	Two persons including Triloka Nath	1	The victim was lured by giving her drugs and was taken to Paliya, India and attempted to sale her

Source: data received from Kanchanpur District Police Office on request of NHRC, 2016.

The Kanchanpur District Police reported that it has established the coordination with the NGOs. It provides shelter to the victims until the guardians/parents come to contact and provides information and counselling to the relatives of the victims about human trafficking. At the same time, the District Police Office noted lack of credible information source, lack of adequate budget, lack of adequate coordination and ignorance of the victims as the key challenges in combating human trafficking.

2.4.4 Border Areas and Surveillance Systems

Box 2.4 summarizes the number of major border points, minor border points, number of border points in which NGOs have established surveillance system and the number of surveillance centers required to be extended as perceived by the concerned District Police Offices. For the details of the of border points, please refer to Annex 2.7.

Illam is the cross-border district to India from eastern hills of Nepal. There are six border points and border Police Units as presented in Box. There is no border surveillance established and run by the NGOs in Illam district. According to the Illam District Police, the Police units have to be extended in Sri Antu and Chhabesi for border surveillance. In **Jhapa district**, there are 5 border points between Nepal-India in Jhapa district. Nepal Police has established border surveillance in Kakarbhitta, Bhadrapur, Prithiwinagar, Kechana and Khajurgachhi. NGOs have established three surveillance centers. In **Morang district**, there are 18 border points between Nepal and India and the Nepal Police has established 15 Police Units in Border areas between Nepal and India. Four NGOs have established the surveillance centers in Rani-Jogamuni border which is located in Biratnagar sub-metropolis of ward number 21. These NGOs include: Maiti Nepal, KI Nepal, Small Hands Nepal and ABC Nepal. According to the District Police Office, Small Hands Nepal usually report to the Nepal Police about its progress report while other organizations have not reported their progress report to the Police.

Box 2.4 An overview of major border points and surveillance system

District	Number of major border points	Number of major points in which Police post established or under command	Number of border points in which NGOs surveillance operated	Number of border location in which surveillance to be extended
Illam	6	6	None	2 (Sri Antu and Chhabesi)
Jhapa	5	5	3	
Morang	18	15	1 (Jogamuni)	
Sunsari	6	6	None	4
Saptari	8	8	None	
Dhanusa	11	11	1 (Khajuri)	
Mahottari	12	12	None	10
Sarlahi	14	N/A	1	
Parsa	16	2	4	10
Rupandehi	17	17	1 (Sunauli)	
Kapilbastu	40	14	1 (Krishna Nagar)	2

Source: Concerned District Police Offices and also see Annex 2.7.

In **Sunsari district**, there are six major border points between Nepal and India. They include: Bhandawari, Koshi Barrage, Kaptanganj, Ghuski and Sisuwa, Dharampur. It is reported that border surveillance centers has to be expanded in Aamaduwa, Haripur, Dewanganj and Shahewaganj. There are no border surveillance centres run by NGOs in this district. In **Saptari district**, Nepal Police has established eight border surveillance centers. They include the following: i) Police Post Tilathi, ii) Police Post Ram Nagar Kodarkatti, iii) Police Post Beli, iv) Ilaka Police Office Pato, v) Police Post Rampura Malhaniya, vi) Police Post Jhudki, vii) Police Post Tarahi and viii) Ilaka Police Office Hanuman Nagar Saptari. No NGOs have established the surveillance centers in any of the border points in Saptari district. In **Dhanusa district**, there are 11 Police Units functioning as border surveillance. Among these police posts, NGO surveillance is reported only in Khajuri. In **Mahottari district**, a total of 12 Police units/offices/posts have been located in different border points. It is reported that there are no NGOs in any border points for surveillance. Mahottari District Police Office viewed that border surveillance centers have to be extended in at least 10 locations in Mahottari district for effectively combating cross-border crimes including human trafficking. In **Sarlahi district**, there are 14 border points between Nepal-India in Sarlahi district. NGOs have run border surveillance in one border point. And the Sarlahi District Police suggested that in all 14 border points the border surveillance have to be extended. In **Parsa district**, there are 16 border points between Nepal and India in Parsa district. There are two police checkpoints: Police Checkpoint Inaruwa Parsa and one that is under the Police Checkpoint of Inaruwa. NGOs have run four border surveillance centers. Among them, KI Nepal is one (Box 2.5). It is reported that there is a need to expand the Border Surveillance to 10 locations: Bhishwa, Thori, Mahadewapatti, Birgunj Chhapkaiya, Pidariguthi, Amarpatti, Sabaitawa, Khesraha, Aasawari, Dhaure and Bijayabasti.

Box 2.5 Border surveillance in Birgunj: KI Nepal Effort

On May 2016, the staff of the KI Nepal reported that they have increased the surveillance after the earthquake of April 2015. It rescued 77 women from this border during the FY 2015/16. Majority were in the age range of 18 to 30 years. These women were being taken to Kuwait, Dubai and Saudi Arabia. These women have only either citizenship certificates or passports and only one bag. The women pretended going to India for marketing or for visiting their relatives or for treatment.

Birgunj is close to the Rakshawal of India. There is a direct railway service from Rakshawal to New Delhi and to Kolkata, that is why, and recruiters use this border for sending Nepali women to India. Many traffickers are also women. During the FY 2015/16, KI Nepal Birgunj counseled 703 women and children in this border.

Source: <http://eprabhav.com/?p=9049> (accessed on 2016/05/19)

In **Rupandehi district**, there are 17 VDCs/Municipalities that borders between Nepal and India. It comprises of 57 Kilometers length. In all Border VDCs, border Police Unit has been established while in Karauta VDC and Aama VDC, there are two Police Posts. With the discussion of the Police Officer in Rupandehi district, it is known that border

police surveillance units shall be considered as adequate. One high level Police Officer of Zonal Police Office Lumbini⁹ argued that there are several challenges in cross-border police cooperation in Rupandehi district. They include: no separate police unit, no MoU between the countries, no special coordination system, no mutual legal assistance system, no bilateral extradition treaty and no clear and similar legal provision. He also suggested for the extension of mutual cooperation, developing mutual legal assistance, organizing seminar on regular intervals to assess the progress and sharing the lesson learned, developing formal and individual relationship, sharing information and best practices and organizing joint training program. He pointed out the following problems for effective surveillance in border areas: open border; main broker stay in India; all fake documents found prepared in India; DD company and Win-Win companies are conducting some fraudulent business thus tempting Nepalese youths; circus, brothels and weaving cloths labor lures girls and children in India; duplication of monitoring; reluctance of victims in seeking help; guardians lead their children; hotels are less aware on this matter and use motorbike and rickshaw to cross the border point.

There are 40 border locations along the **Kapilbastu district** and these border locations are under the command of 14 Police Units across the district.

In **Kanchanpur district**, the major border point between Nepal-India is Gadda Chauki located in ward number 10 of Bhimdatta Municipality. Nepal Police has established border surveillance in Bramha Dev. There are three surveillance centers run by NGOs. According to the District Police Office Kanchanpur, in addition to already run border surveillances in Gadda Chauki and Bramha Dev, other 9 places require border surveillance centers. They are: Dodhara, Tribhuwanbasti, Ilaka, Belauri, Babathan, Jhilmila, Bhuda, Pachui, Tedawa and Parasan. It is revealed that the traffickers use different modus operandi to make cross the victims from the border. A recent investigation revealed that even 'fathers/brothers' are used as 'transporters' (Box 2.6).

Box 2.6 New Modus operandi for trafficking – Using fathers/brothers as 'transporters'

In Kanchanpur (May 15, 2016) – Pimps are using the new modus operandi to traffic women and children amidst a strong border surveillance maintained by NGOs and Police in Kanchanpur. On last Tuesday, Maiti Nepal rescued four girls from Gadda Chouki, Kanchanpur. These girls were being brought to New Delhi by using their fathers and brothers as 'transporters'. The girls approached there by a bus travelling from Kathmandu to New Delhi. In initial enquiry, the girls said that they were going to visits Simala with their fathers. But after many enquiries, it was found that the girls were going to Iraq via New Delhi. Maiti Nepal staff said, 'Iraq is not permitted to go for work but you are going there from India'. These were 20 to 22 years old and one was from Sindhupalchok and three were from Kavre. One girl was escorted by her own elder brother and three by their own fathers. According to the victims, the bus-fair was paid by the agents and their brother and fathers were taught how to pass the border.

This case reflects how the human traffickers are using new modus operandi to traffic girls. The traffickers used the disadvantageous position girls and their family due to displacement of earthquake and poverty.

Source: <http://www.dainiknepal.com/2016/06/160480.html#sthash.8flsLpnw.dpuf>

2.4.4 Coordination, Cooperation and Collaboration among GOs and NGOs

In **Illam district**, it is reported that Nepal police established the linkage with the NGOs for increasing the awareness against trafficking in border areas including in other areas of the district. In **Jhapa**, it is reported that NGOs have established their coordination with the Police. According to the **District Police Morang**, Police has engaged in combating human trafficking not only police mobilization in the border areas but also in other Police Units. It is reported that with the coordination and cooperation of NGOs, it has been possible to rescue the women and children at risk of trafficking. As Police can be identified easily due to their dress, *dalal* can be aware while crossing the border. On the other hand, NGOs staff can be good vigilantes and inform the Police. Police has also been mobilized in civil dress in the border areas. Support of the NGOs in border surveillance is vital in the context where Police has had low human resources and heavy workload. NGOs and Police have also worked jointly to increase awareness against trafficking in persons at the local level. The **Sunsari District Police** reported that Dalal use different means to lure the women and children. They offer good promises, establish the fake relations to the victims.

The District Police Office **Saptari** reported that although there is coordination among the NGOs in awareness

⁹ Mr. Sher Bahadur Basnet, the SSP, presented a paper on 'cross-border interaction meeting on mutual cooperation to stop child trafficking' at Belahiya/Sunoli in November 16, 2016.

programs but there is no practice of sending their progress reports to Police. In **Mahottari**, there are 12 border areas but in none of them NGOs have established the border surveillance centers. Despite this, according to the District Police of Mahottari, there is coordination and cooperation between NGOs and Nepal Police especially in collection of information. In **Kapilbastu district**, coordination and collaboration with the NGOs is reported for the following activities:

- Established coordination and collaboration with the different GOs and NGOs – which resulted to bring the offenders into justice
- Economic coordination or sharing of the expenditure on the activities
- Management of safe house
- Fulfilment of basic needs for the victims
- Support to identify the gardens of the victims and hand over to them
- Information can be obtained from different organization about the victims and offenders or crime.

2.5 Emerging Challenges

According to District Police Office of Illam, people tend to complain as a trafficking case when they realized that it is ‘undesired marriage between a boy and a girl’. In Jhapa, it is reported that Dalal stay in India and only women are called on by phone and provide different promises. They also arrange ticket through on-line and victims are not generally willing to report to the Police about the reality. The victims are lured by promising good education and good earnings. Girls are also lured and at risk of trafficking through the contact of digital social media such as Facebook.

The Morang District Police reported that the forms and dynamics of trafficking have been changed over the years. In the past children and women used to be victims of sex trafficking to India. After the earthquake of April 2015, many children turned to be orphans, and they have also become the vulnerable of trafficking. Nepalese economy is adversely affected by the 2015 Earthquake, Madhesh movement and embargo of India to Nepal immediately after the Declaration of the Constitution of Nepal in September 2015. This has resulted to a huge outflow of young people for employment in third countries via Indian route.

The District Police Office Dhanusa reported the key modus operandi of trafficking are the fake marriage and luring of girls/women by false promises of good employment. In Mahottari, the two emerging trends were reported: i) children being transported to India by promising good employment and ii) girls are promised to issue the SLC, IA and BA education certificate from India. Sarlahi District Police viewed that trafficking is taking place by false marriage and the perpetrators often stay in India from where they called victims. In Kapilbastu, it is reported that luring, economic promises, marriage promises, using of drugs, showing the duplicate travel documents, job promises and foreign employment promises are the key modus operandi in human trafficking.

In Kanchanpur, Nepal Police reported that traffickers use different modus operandi to the cross-border between Nepal-India. They may go on foot or they may use traditional transport facilities such as *Tanga*, *Rickshaw*, and cycle and any other means. The traffickers pretend different things such as visiting different places in India and medical treatment. In Nawalparasi, one key informant reported that some parents file the case as TIP even if it is not related to trafficking but rather related to marriage. It happens when there occurs inter-caste marriage or marriage between the girl and boy – not desired by the parents. It is often found that it is the groom’s parents who file the case claiming for trafficking or selling of their daughter by the bride or bride family when the parents do not like the bride.



Entertainment Sector and Nexus of Trafficking in Persons

The central aim of this Chapter is to analyze the situation of girls and women working in the entertainment sectors and examine to what extent this sector is linked to trafficking in person. For this, the discussion will start with describing the magnitude of the entertainment sector in terms of number of establishments and number of workers. This Chapter moves on assessing the recruitment process in the entertainment sector. The Chapter also deals on working conditions in terms of working hours, mode of payment and payment, working hours and time, sexual and any other psychological and physical abuses or violence.

3.1 Magnitude of the Problem

Number matters - Entertainment sectors generally include dance bars, *dohori* restaurants (restaurants in which Nepali folk music are played), cabin restaurants, massage parlor and Spa, *khaja ghar* (small restaurants that service alcohol) and guest houses. There is no updated data on the magnitude of entertainment business in the Kathmandu valley including outside of the valley. As a result, information on number of workers by sex and age is fragmented and unreliable. A previous study estimated 6,000 to 7,000 female workers in cabin restaurants; 3,000 to 4,000 in dance bars; 900 *dohori* restaurants and 900 in the massage parlors in Kathmandu valley and along the major highway heads of the country. Altogether a total of 15,000 girls and women were estimated to be working in these industries (Terre des Hommes, 2010). What happened in involvement of girls and women in the entertainment sector after the April 2015 earthquake? What happened during the India's embargo to Nepal (October 2015-March 2015). Our discussion with the girls and women workers in Kathmandu revealed that the number of workers and entertainment business did not decline after the Earthquake but it was sharply affected during the India embargo.

With the consultation meeting of NGOs working in the entertainment sectors held on December 29, 2016, it is found that that it is difficult to provide the estimates of the entertainment industries. According to the Nepal's Law, entertainment industries can be registered in three places/offices: i) in the local bodies such as Municipality/Metropolis, ii) in the Department of Small and Cottage Industry and iii) in the Department of Commerce under the Company Act. Thus, the data on the number of entertainment industries are scattered and not uniformed. Further, entertainment industry has grown as an informal sector where many of the establishments escaped registering in any of the places/offices to avoid the tax and other types of monitoring by the Government agencies.

On the basis of some NGOs' working experiences such as Chhori, Biswas Nepal and WOFOWON, it is estimated that there are currently around 600 entertainment establishments in Kathmandu valley and more than 2,000 girls and women are working over there. Although entertainment Industries are found throughout the Kathmandu valley, they are mainly located in Thamel area, Gongabu bus park area, Kalanki area, Koteshowar-Sinamangal-Gaushala-Chabahil area and Sundhara and Durbar Marg area (Box 3.1).

Box 3.1 Location, types and number of entertainment industries, Kathmandu valley

Localities	Type of entertainment industries	Number of establishments
Thamel area, Kathmandu	Dance bars and <i>dohori</i> restaurants	50 to 55
	Massage Parlors/spa	About 200 (127 are registered)
Gongabu-bus park area	Cabin and Khaja Ghar	About 60-65
	Guest houses, lodges and hotels	About 200
	<i>Dohari</i> and dance bars	10-20
Kalanki area	Guest houses and hotels	About 60-70
	Khaja ghar and cabins	About 100
	Street shops	Many
Koteshowar, Sinamangal, Gausala, Chabahil area	Guest houses and hotels	About 200
	Cabin and Khaja ghar	About 100
Sundhara and Durbar Marga	Dance and <i>dohori</i> restaurants	70-80
	Guest house and lodges	About 100
	Dance and <i>dohori</i> restaurants	About 200

Source: on the basis of consultation with NGOs working in entertainment sector and working areas of NGOs.

Recruitment process - In this sector, girls and women are recruited through friends/peer groups, middle persons, directly by the owners, by relatives, from other informal sectors and including through street vendors. Girls and women are recruited by looking at their age and beauty. It is reported that no skills, professional values and education are assessed for appointing in a restaurant. At the beginning, the new girl has to work under the senior female workers.

Working environment within the premises – NHRC-OSRT discussion with the NGOs and female workers in the entertainment sectors revealed that the working environment in many of the cabin restaurants, dance bars and *dohori* restaurants, *khaja ghar* and guest is unhygienic and unhealthy. Kitchens are dusty, polluted and congested without windows and ventilations; toilets are entirely unsanitary and polluted; rooms are full of smoking and sound pollution. There is also lack of ventilation in the *dohori* restaurants as the sounds are not to pass outside of the restaurants. Our discussion also reveals that there are also small rooms for dress change. Foods are not good, rotten and not fresh. Because of these all many of the workers suffer from chest, throat, eye, ear and psychological stress.

Working conditions – it is reported that the workers are not provided identification cards and contract letters. Many of the workers complained about their low salary, salary not paid on time, night work, and lack of security, no leave provisions and sexual and physical exploitation. Key areas of vulnerabilities are identified as i) not able to go back to family/community; ii) addiction of taking alcohol, drugs and smoking; iii) domestic violence and iv) risk of trafficking to other areas especially in the name of foreign employment.

A recent study conducted by *Chhori* provides some indication of the working conditions in the entertainment sectors in Kathmandu valley. The study was conducted among 180 girls and women during the second half of the 2016.

Data reveal that more than four-fifth (22%) of the female workers in the entertainment business constituted children and rest the adult female workers. It is revealed that girls and women in the age range up to 48 years have been found working in the entertainment business. However, the proportion of girls/women tends to decline as the age increases. In other words, there are very few workers after 35 years of age while most of the workers fall in between 18 to 30 years of age. In the survey, the origin of these respondents was of nearly 40 districts out of 75 in Nepal. Of the 180 respondents, nearly 57 percent were unmarried and rest 43 percent were married. Among the 180 respondents, half of the respondents were reported to be involved as waitress. There were also a remarkable number of singers and dancers. Note that 21 percent respondents did not report their current job.

From the survey, it is known that the girls and women in the entertainment sector face multiple problems (Table 3.1). These problems may be classified as related to i) sexual abuse or exploitation, ii) mode of payment and salary, iii) working environment and iv) Police behavior towards the workers. In the survey of 180 girls and women, nearly half (49%) reported that they had experienced sexual abuse or exploitation from the customers and 18 percent reported that they have been sexually exploited by the employers. Note that we do not know the types of sexual abuse or exploitation from the data given by the *Chhori*. Of the total 180 respondents, 43 percent reported that they were not paid on time, 33 percent claimed that their transportation allowance was not offered, another 22 percent

complained that they were not paid their extra allowances. Under the working environment, 48 percent of the 180 respondents regarded that they do not feel secure in the working place, another 47 percent showed their concern about health facilities, 21 percent viewed that their major problem in working is associated with not having the ID card in the working place and some 17 percent respondents said that they were dismissed from the work without any reason. Note that a considerable number of respondents (27%) considered that Police behavior as negative towards them.

Table 3.1 Respondents reporting the problems in the working place and their individual problem (in %) (N=180)

Problem	Percent
Sexual abuse/exploitation	
Sexual exploitation from the customers	48.9
Sexual exploitation from the boss	17.8
Mode of Payment/Salary	
Salary not paid on time and low salary	42.8
No transportation allowance	33.3
No extra allowance	22.2
Working environment	
No security guarantees	48.3
No health facilities	47.2
No ID card issued	21.1
Dismissal from the work without reason	17.2
Perception on Police	
Misbehave by police	27.2
Individual problems	
No citizenship certificates	35.0
No marriage registration certificates	21.7
No birth certificates	17.8

Source: Raw data obtained from Chhori, 2016.

In addition to the common problems in the working places, these workers have also individual problems like not having citizenship certificates (35%), not having marriage certificates (22%) and not having birth certificates (18%). In the survey, almost half of the respondents responded that they do not have knowledge where to complain if they are exploited. Further, a remarkable number of respondents think that they do not know how to write complaints (64 out of 180), complaining that Police do not accept their application (29/180) and 60 out of 180 respondents perceived that Police may ask unnecessary questions to the respondents.

According to – the Executive Director of CCWB, Mr. Tarak Dhital, there were about 2,000 girls engaged in sex work alone in Kathmandu valley. He also reported that during the period of 2013 to 2016, a total of 1,238 girls and 101 boys in sexual exploitation situation were rescued by different GOs and NGOs alone from Kathmandu valley¹⁰

Link to trafficking - There is a presence of middle persons when the victims are at crisis – economically or socially – agents want to take the opportunity from the victims’ miserable situation. The workers are forced to establish sexual relations involuntarily. In this sector, under aged children are also lured. Victims are not aware on their own rights. Relatives are also involved. The following two cases indicate that the internal trafficking takes place in the entertainment sector (Box 3.2). In the first case, the girl was first employed as a child labor in a house but latter she was sexually exploited. Even in the dance bar, she had to work long hours and she was also abused. In the second case, a girl who was working in a dance bar was asked to bring a friend to work in dance bar by her employer. The girl brought her friend from the village to work in the dance bar. Unfortunately, the girl who was recruited through her friend in the dance bar was sexually exploited. Latter, both these girls (the ‘agent’ and the victim) ran away from the dance bar and came into contact with NGO.

¹⁰ Mr. Dhital presented a paper about the situation of child sexual exploitation in Kathmandu valley and the role of the media in Kathmandu in May 25, 2016 (<http://kantipur.ekantipur.com/news/2016-05-19/20160519121815.html>).

Box 3.2 Evidences of internal trafficking in entertainment sectors

Case 1. A nine year girl from Gorkha bought to Kathmandu for domestic work. She has worked as a domestic worker from aged 9 to 14 years. During this period, she was sexually abused by the owner for several times. In the last earthquake, she was able to escape from that home, then with the help of friends she got job in one dance bar as a dancer. In the dance bar too, she was sexually exploited and also she had to work very long hours. One night she managed to escape from the dance bar and now she is in a rehab shelter run by a NGO.

Case 2- A 16 year girl working in dance bar was asked to bring her new friends from her village to work in the same dance bar where she had been working for the last one and half years. If she was able to bring her friends she would be promoted in her job.

Latter the owner of the dance bar promoted the girl who bought the new girl. After few days, the girl was being sexually exploited. After this event, both the girl who brought another girl ran away from the dance bar. Both came in contact with a NGO. How to explain this case?

Link to trafficking to foreign countries – NHRC-OSRT discussion with the girls and women working in the entertainment sectors and NGOs personnel indicated that not all workers in the entertainment sectors are at risk of trafficking but many are so due to their vulnerabilities such as lack of employment, low income, abandonment from the family, and abuse and exploitation in the entertainment sectors. A study conducted by Safer Migration Project (SaMi) among girls and women in the entertainment business in Kathmandu valley during March-April, 2015 showed how girls and women in the entertainment sectors desired to go abroad for employment and how they lack of knowledge on safe migration for foreign employment. The study was conducted among 312 girls and women in four major business hubs in Kathmandu valley, namely, Gongabu, Koteshwor, Sundhara and Thamel. The research participants were selected employing purposive sampling procedure. The study was conducted by conducting five-day mobile information and counseling camps in these locations. Key characteristics of the research participants, namely, their caste/ethnic groups, district of origin, marital status, level of education, and current employment is presented in Annex 3.1. In the study, majority of the respondents were Janajati (55%), followed by Chhetri (23%), Brahmin (17%) and least for Dalit (5%). The respondents originated from 47 out of 75 districts of Nepal but a remarkable number of respondents originated from the surrounding districts of Kathmandu valley. Among the respondents, 47 percent were unmarried while 35 percent were married and living with their husband. Half of the respondents have had secondary and above level education and half below of it. Majority of respondents did not respond their current job mainly because of stigmatization involved in their jobs while others reported they were engaged as waitress, dancer, singer hostess, cashier and bartenders.

The study indicated that 14 percent of the 312 girls and women currently working in the entertainment business in Kathmandu valley had already been abroad for employment at least once. They worked in 15 different countries¹¹ and some of them worked in more than one country. They mainly work as domestic workers, gardeners at school, office works, dancers, singers, cleaners, beauticians, and waitresses.

Further, an enquiry was made whether the respondents would desire to go abroad for employment (Table 3.2). Of the 312 respondents, 190 (61%) reported that they have desired to go for foreign employment (Table 3.2). This proportion is relatively higher for Dalit compared to other social groups (65% for Dalit, 62% for Janajati and 58.5% for Brahman/Chhetri).

Table 3.2 Percentage distribution of female workers in entertainment business reporting whether or not they desired to go aboard for work, Kathmandu

Characteristics	Whether desired to go aboard for work?		Total	N
	Yes	No		
Caste/ethnic groups				
Brahman/Chhetri	58.5	41.5	100.0	123
Janajati	62.2	37.8	100.0	172
Dalit	64.7	35.3	100.0	17
Educational levels				
Illiterate	53.6	46.4	100.0	41

11 The main destination countries reported were Kuwait (13), Dubai (12), Malaysia (6), India (5), Singapore (4), Lebanon (4), Tanzania (3), Saudi Arabia (2), Oman (5), South Africa (2), Israel (1), Kyrgyzstan (1), Bahrain (1) and Iran (1).

Characteristics	Whether desired to go aboard for work?		Total	N
	Yes	No		
Primary (1-5 grade)	57.1	42.9	100.0	56
Lower secondary (5-8 grade)	55.8	44.2	100.0	52
SLC	67.1	32.9	100.0	88
10+2	59.6	40.4	100.0	52
Bachelors and above	68.4	31.6	100.0	19
Marital status				
Never married	71.0	29.0	100.0	145
Married and living with husband	43.6	56.4	100.0	110
Divorced	75.0	25.0	100.0	20
Separated	64.7	35.3	100.0	34
Total	60.9	39.1	100.0	312

Source: Safe Migration Project (SaMi) (2016).

With some exceptions, higher the education level of the respondents, the higher the likelihood that they would report their desire for going to foreign employment. For example, 54 percent respondents having no education against 67 percent having SLC would like to go for foreign employment. Data reveal that marital status matters for desiring to go for foreign employment. In the survey, girls and women who are either never married (71%), divorced (75%) or separated (65%) tend to report more about their desire to go to foreign employment against those girls and women married and living with husband (44%).

In the survey, it was found that a large number of girls and women working in the entertainment business are unaware about important safety measures of foreign employment such as taking orientation class before departure, compulsory health insurance scheme, health check-up, obtaining receipt for amount paid to the recruiting agencies or agents, taking labor permit from the Department of Foreign Employment. Further, a few respondents have had knowledge about provisions of legal support and compensation as granted by the Foreign Employment Act 2064 (2007) and its Rules 2008 (Table 3.3).

Table 3.3 Percentage distribution of female workers in entertainment business who desired to go aboard for work by their knowledge on the foreign labor migration process, Kathmandu

Issues	Yes	No	Don't know	Total	N
Need to receive orientation before departure	46.8	44.2	8.9	100.0	190
Know about need for health insurance	44.7	53.7	1.6	100.0	190
Need to do health check-up	86.3	13.7	0.0	100.0	190
Need to obtain receipt for amount paid	70.0	23.2	6.8	100.0	190
Need to obtain labor permit	60.5	39.5	0.0	100.0	190
Need to obtain receipt for documents given	30.5	57.9	11.6	100.0	190
Know about legal help in case of need	18.4	81.6	0.0	100.0	190
Know about compensation	10.5	89.5	0.0	100.0	190

Source: Safe Migration Project (SaMi) (2016).

Main destination countries for these potential migrants were Gulf countries (56%), Malaysia (7%), Africa (3%) and other countries (32%). Majority would join work like housemaid, dancer, waitress, singer and many do not have knowledge on the type of work they would get over there.

3.2 Interventions

A number of NGOs have been found working in entertainment sectors. They include: Freedom Fund Partners, Sathi, Sasane, Step Nepal, Rakshya Nepal and Maiti Nepal. It is reported that these organizations have provided different services and covered the different target groups and there is less changes of duplications in delivery of services to the victims. Key beneficiaries of these NGOs include girls and women working in the entertainment sectors. Ranju is one example of the several cases provided services by these NGOs (Box 3.3).

Box 3.3 Girl working in alcohol shop provided training and skills by Change Nepal

Ranju, 17, was from Kakani, Nuwakot district was residing with her father's sister – aunt since she was 9 years old. Ranu's father married another woman and not taking care of her. In her aunt house in Kathmandu, she worked in her hotel where alcohol and meat was sold. She had to work from the early morning to late night. Her aunt used to abuse and scolded her badly. She had to sell the alcohol to the customers. She worked there for 6 years. Despite of having very tight schedule of work, she studied up to class 10. She faced many difficulties while working in the shop. The customers asked her to stay with them and they used to touch her in private parts and used rough language.

Change Nepal identified Ranju while its staff was in the field visit. The outreach staff brought her in our Thamel drop in center. At that time she was 15 years old. She participated in many recreational activities like games, reading poems, life skill training and counseling sessions. In counseling session she shared about her family, being abused by customers. After taking several counseling sessions she also shared her interest of taking vocational training and also doing her own business. She was motivated to continue her study as well. First time, she failed in S.L.C. but in second she passed it.

When she first failed in SLC, she was very depressed, but after counseling she was motivated to do something in life. Now, she has socks business in a street (Bhotahiti Ratnapark area). Even though she has faced many problems in street business like from people, street policeman, pollution, sun, rain etc. then also she continued her business as well her studies. Her mother is the only supporter in her life.

Source: Change Nepal, 2016.

The NGOs intervention areas include the following: regular outreach, DIC, safe shelters homes, psychosocial counseling including mobile base, vocational training, orientation as per need, life skills training, seed money support, formal and informal education, social family reintegration, awareness classes and advocacy, peer group mobilization, reintegration support with the family and in the urban areas, empowerment training, emergency health and hygiene support, referral services, rescue efforts, soft interventions and referral services.

3.3 Implementation Status of the Supreme Court's Guideline on Regulation of Entertainment Sector

The Supreme Court of Nepal has issued a directive entitled 'Guideline for the Control of Sexual Violence against the Female Workers in Dance Restaurants, Dance Bars and Other Such Places, 2065'. The Guideline outlines the different provisions in relation to i) requirement of registration of the business, ii) prohibition of the acts of sexual abuse, sexual violence and inhuman treatment to the female workers, iii) function, duties and rights of the employers, customers and monitoring and punishment committee and iv) provisions for the complaint handling and monitoring system. According to the Guideline, a district monitoring and punishment committee shall be formed with the Chair of Chief District Officer (CDO), District Police Officer (DSP) and Women and Children Officer (DWCO) as the members in the committee. The committee is envisioned as the permanent a committee.

Information from the MoWCSW to NHRC provided indicated that all 75 districts have the Monitoring and Punishment Committee established by 2016. It is reported that some Committees like in Banke, Rupandehi, Myagdi, Kaski, Parsa and Lalitapur have carried out monitoring and inspection in different entertainment business like hotels, restaurants, dance bars and massage parlors in their jurisdiction areas in the FY 2015/16 and they have also conducted one or two interaction programs with the stakeholders and also provided awareness raising programs. The District Committee of Parsa punished 10 employers and Lalitapur punished 90 employers who violated the provisions in the Guideline in the FY 2015/16.

Despite this, our interaction with the NGOs working in entertainment business area in Kathmandu valley suggested that the Committee has not been active as expected to be. They argued that the Committee has to arrange visits at least at night and the visit must be secret not like a celebration.

In the FGD with key stakeholders in Bhairahawa, Rupandehi district, it is reported that a few NGOs have been working in internal trafficking areas in Rupandehi, Nawalparasi and Kapilbastu districts. Further, the District Monitoring and Punishment Committees have not be functional and there is no regular monitoring and inspection in the hotels, restaurants, bars and massage parlors in Bhairahawa, Butwal including in the other Highway heads. It is reported that there are 3 to 4 girls working in each hotel and restaurant in Bhairahawa and Butawal. There are many non-

registered hotels in this area. These workers are not employed by giving any contact letters. They are employed by looking their face and age. The hotels have been run in small and narrow rooms where the workers are heavily affected by smoking and sound pollution. There are media reporting that girls are involved in sex work in the hotels/ restaurants. Last year, Police raided in a hotel in Bhairahawa and it found that there was a full of condoms in a room. One of the key problems of working with the girls in this sector is that it is difficult to identify their real name and address as workers often want to not expose their real identity.

3.4 Emerging Challenges

- No much trust by the victims to the organizations and staff and more influenced by traffickers and/or owners rather than by NGOs personnel
- Difficult to bring them as beneficiaries and retain them
- Lack of prosecution of cases
- Lack of identification of internal trafficking cases
- Need of re-visit to the referral cases
- Need to be clear about the concepts on trafficking, foreign employment and labor exploitation
- Difficult to successfully reintegrate the victims as the family and society do not easily accept the victims
- High changes of re-victimization or re-violence even after reintegration
- No long term shelter support – while in some cases, there is need of long term shelter support
- Lack of aggregated and scientific information/data on the number of entertainment sectors, workers and working condition on these sectors.



Foreign Employment and Nexus of Trafficking in Persons

Foreign employment has become an integral part of development of Nepal. It has contributed to the reduction of poverty levels, increase in the employment opportunities of the growing number of youth especially born out of demographic dividend, and mobilization of a chunk of money in both rural and urban areas for increased living standards of the Nepalese people. It has also contributed to macroeconomic stability by an increase in growth of the foreign exchange reserve and to maintain the balance of payment. Remittance from the foreign employment is estimated to be around 30 percent of the total Gross Domestic Product (GDP) of Nepal – contributing to smoothing domestic income distribution, poverty levels, consumption, investment levels and growth. It has also contributed to investment in critical dimensions of human development such as reduction in infant and child mortality, and increase school enrolment and nutrition levels. In Nepal, each year, 450,000 young people enter into the labor market for which foreign employment has become one critical option. It is estimated that on the average 1,600 men and women every day go to a foreign country for employment. Now, Nepali people can be found working in different formal and informal economy in more than 100 countries in the global. An estimated 3.5 to 4 million people are at abroad. This accounts for 12 to 14 percent of the total 28.7 million populations of Nepal or 23 to 27 percent of the working age population aged 15-59 years. The population census of Nepal 2011 counted 70 million males and 80 million females in the age group 15-19 years. And considering the fact that still female migration ranged from 5 to 7 percent, nearly 2.8 to 3.2 million men are estimated to be foreign employment – meaning that in every three working age men, one is in foreign employment.

On the other hand, it has also brought adversaries in societies and the foreign labor migration is critically linked to the trafficking of person. An increasingly large number of persons including women have come out from home in Nepal, especially after the turn of 21st century. This has resulted to alteration of gender roles in the family. It has brought the social costs such as separation of spouse, death and injury of the migrant workers, mental and psychological stress to the migrants and family members at home, break-down of the family, violence against women and children, sexual exploitation and abuse of the young women at home and abroad. There is immediate need to alter these social anomalies.

This chapter is structured into four sub-sections. Drawing on the data from the Population Census and Department of Foreign Employment (DoFE), **section one** analyzes the magnitude of foreign labor migration by age, sex and country of destination, types of work over the years. **Section two** critically reviews the whole migration cycle: from pre-departure, departure, working condition at abroad, and return. It has been attempted to examine to what extent foreign labor migration is linked to trafficking for forced labor. **Section three** reviews the responses by the Governmental as well as the NGOs and **Section four** draws the key challenges emerged to regulate foreign employment and combat TIP.

4.1 Magnitudes

4.1.1 International Migration

The magnitude of international migration can be examined by looking at absent population collected by Population

Censuses of Nepal. In the Population Census, the absent population is defined as the number of persons who moved to abroad for any reasons at the time of enumeration. Each of the population censuses since the first one i.e. 1911 collected information about the absentees. However, gender disaggregated data of the absentees were available only after 1981 (Table 4.1).

Table 4.1: Number of international migrants by sex, age and country of destination, Nepal

Census year	Number			Sex (%)		Age group (in %)				Destination (in %)		
	Males	Females	Total	Males	Females	<14	15-34	35+	Not stated	India	Other countries	
1981	328,448	74,529	402,977	81.5	18.5					90.3	9.7	100.0
1991	548,002	118,288	666,290	82.2	17.8					80.5	19.5	100.0
2001	679,489	82,712	762,201	89.1	10.9					82.9	17.1	100.0
2011	1,684,029	237,400	1,921,429	87.6	12.4	6.3	76.6	15.2	1.8	37.6	62.4	100.0

Source: CBS, 2014.

Data reveal that the magnitude of international migration has consistently increased over the census years. It increased from 402,977 in 1981 to 762,201 in 2001. The increase is very high between 2001 and 2011. The number of international migrants increased from 762,201 in 2001 to 1,921,429 – an increase by 152 percent during the 10 year period. The share of females as international migrants, however, declined from 18.5 percent in 1981 to 11 percent in 2001. After 2001, the share of female again initiated to increase – it reached to 12 percent to the total international migrants in 2011. Note that female international migration until 2001 is largely induced as dependent and marriage migration while after 2001, it is largely for foreign employment.

Another important feature international migration in Nepal is that the share of international migrants to India has considerably declined over the years. In 1980s, almost 90 percent of the international migrants moved to India and it declined to 38 percent in 2011. Conversely, in early 2010s, 62 percent of the absentees went abroad other than India. There are also noticeable number of international migrants to Middle East (38%), South East Asian countries (13%), European countries (3.3%), United States of America and Canada (2.5%), Pacific Ocean Region countries (1.4%) and other countries (4%). Among the female migrants, the highest proportion moved to India (49%). This is followed by Middle East (20.5%), Europe (8.4%), North America (7.4%), and Pacific Ocean Region (4%) and other countries (11%).

Data reveal that international migration is age-selective. Of the 1.9 million absentees in 2011, more than three-fifth were in the age range of 15-34 years, 6 percent were under 15 years, and there were 15 percent absentees aged 35 and above.

4.1.2 Documented Foreign Labor Migration

As shown by the Census's figures, the extent of foreign labor migration beyond India has been rapidly increasing in Nepal especially after 1990s when Nepal entered into the new economic regime. By mid-2016, the Government of Nepal has permitted 110 countries and territories for foreign employment (Annex 4.1). The Department of Foreign Employment (DoFE) maintains data of the foreign labor migrants who go abroad by taking the labor permit from Nepal. Here, such migrants are termed as documented migrants. There is no mechanism of maintaining records of those who go via India without taking labor permit. Such migrants are labeled as undocumented migrants. There are no authentic sources to estimate the extent of undocumented migrants.

Table 4.2 summarizes the distribution of documented migrants for foreign employment since the beginning of initiation of migration for foreign employment. Official records show that the foreign labor migration initiated in early 1990s. In early 1990s, Nepal experienced the first People's Movement, which resulted to the establishment of multi-party democracy as a political system and open economy policy. Nepal was first integrated with the world economy with its export of carpets in late 1980s and supply of labor to the world labor market since the early 1990s. During roughly 25 years (FY 1992/93-2015/16), a total of 4.38 million Nepali migrated for foreign employment. Gender disaggregation data are available only from the FY 2006/07. Of the total migrants, 3.5 percent constituted for females.

Table 4.2 Distribution of documented foreign labor migrants by sex and fiscal years (FY 2007/08-2015/16), Nepal

FY	Male	Female	Total	Male	Female	Total
1992/93-2005/06	758,675	-	758,675	-	-	-
2006/07	204,143	390	204,533	99.8	0.2	100.0
2007/08	244,366	4,685	249,051	98.1	1.9	100.0
2008/09	211,371	8,594	219,965	96.1	3.9	100.0
2009/10	284,038	10,056	294,094	96.6	3.4	100.0
2010/11	344,300	10,416	354,716	97.1	2.9	100.0
2011/12	361,707	22,958	384,665	94.0	6.0	100.0
2012/13	425,830	27,713	453,543	93.9	6.1	100.0
2013/14	498,848	28,966	527,814	94.5	5.5	100.0
2014/15	490,859	22,028	512,887	95.7	4.3	100.0
2015/16	399,406	19,307	418,713	95.4	4.6	100.0
Total	4,223,543	155,113	4,378,656	96.5	3.5	100.0

Source: DoFE (2016) Annual Progress Report of FY 2015/16.

Note: Records of foreign labor migrants is available from BS FY 2050/51 (1992/93) but sex disaggregated data is available only from FY 2006/07.

Table 4.3 shows the distribution of migrant workers (MWs) for foreign employment by country of destination during the last 10-years (FY 2006/07-2015/16). Data show that Malaysia, Qatar, Saudi Arabia, UAE and Kuwait emerge as the five major destination countries of Nepali migrants for employment. These countries alone share more than 94 percent of total 3.62 million MWs. A few proportions of MWs are found in relatively in high paid destination countries like South Korea (0.9%), Japan (0.4%), Israel (0.2%) and Afghanistan (0.3%).

Table 4.3 Distribution of foreign labor migrants by country of destination and sex, FY 2006/07-2015/16, Nepal

Country	Number			Percent of total		
	Male	Female	Total	Male	Female	Total
Qatar	962338	9337	971675	26.6	0.3	26.8
Malaysia	1089231	24845	1114076	30.1	0.7	30.8
Saudi Arabia	761408	4631	766039	21.0	0.1	21.2
UAE	415829	38411	454240	11.5	1.1	12.5
Kuwait	72276	38783	111059	2.0	1.1	3.1
Bahrain	39667	3452	43119	1.1	0.1	1.2
Oman	24510	4529	29039	0.7	0.1	0.8
South Korea	33072	1790	34862	0.9	0.0	1.0
Lebanon	1159	11436	12595	0.0	0.3	0.3
Israel	2219	4290	6509	0.1	0.1	0.2
Afghanistan	9172	42	9214	0.3	0.0	0.3
Japan	14609	793	15402	0.4	0.0	0.4
Others	39378	12774	52152	1.1	0.4	1.4
Total	3464868	155113	3619981	95.7	4.3	100.0

Source: DoFE (2016) Annual Progress Report of FY 2015/16 and also see Annex 4.2.

The pattern of destination countries, however, evolves somewhat different for women migrant workers (WMWs). The major destination countries of WMWs emerged as UAE (25%), Kuwait (23%), Malaysia (16%), Lebanon (8%) and Qatar (6%). A few numbers of WMWs is reported in other countries mainly in Europe, USA and Australia.

Only 4.3 percent (or 155113) of the total migrants during the FY 2006/07-2015/16 constituted the WMWs. There are several reasons for having low number of documented WMWs. Among them, structural barriers and Government induced barriers are important ones. The former refers to the barriers like patriarchal social structure, women's disadvantaged position in the family and in the community, and their lack of exposure to the outer world due to low level of education. The Government induced barrier here refers to the ban imposed by the Government of Nepal on foreign employment in time and again (Box 4.1) – aiming to 'protect' women from trafficking, violence and exploitation. The Foreign Employment Act 1985 made some restrictions on women's foreign employment as it made essential to take the consent of guardians. In 1998, with the Second Amendment of Foreign Employment Act 1985, women's employment to Gulf countries was completely restricted.

Box 4.1 Restriction on mobility of female labor migrant workers in Nepal

Time frame	Nature of restriction
1985-1998	Women require consent of a 'guardian' (parent, husband, or other relative) to go for foreign employment
1998-2003	Complete ban on migration of female workers to Gulf countries after a Nepali woman died in Kuwait in 1998
2003-2010	Complete ban on migration of female workers for domestic work to Gulf countries while for formal sector, ban is removed
Jan 2009 – May 2009	Complete ban on female domestic workers going to Lebanon
2012 – May 2014	Prohibition on women under 30 years of age to work as domestic workers in the Gulf countries
May 2014 – April 2015	Complete ban on female migrants to be recruited for domestic work in the Gulf countries
April 2015 onwards (pending implementation)	Prohibition on women under 24 years of age to work as domestic workers in the Gulf countries

Source: summarized from Ministry of Labor and Employment, 2015.

In 2003, the Government opened women employment in formal sector while the restriction for domestic work remained till 2010. In 2012, the Government introduced a 30-year age bar to a woman for domestic work in Gulf countries. While this provision was aimed for the protection of women from different types of exploitation like long-working hours, gender based violence, physical abuse and exploitation and economic exploitation, this policy has been widely criticized as it violates the principle of equality for men and women. As a result of ban, a number of young women migrated through irregular channels via India and have been falling on much severe exploitative condition. The Government introduced *the Guideline for Sending Domestic Work 2072 (2015)* and according to the Section 3(3) of the Guideline, the minimum age for women going for domestic work in countries of Saudi Arabia, Kuwait, United Arab Emirates, Qatar, Oman, Bahrain, Lebanon and Malaysia shall be 24 years.

Age and sex distribution - The DoFE has started maintaining the age of the migrant workers who go via individual basis since FY 2014/15 (Table 4.4). In that year, there were 50,582 labor permits provided on the individual basis and data about their age was maintained for 34,384 persons. More than one-fourth (21%) of the MWs for foreign employment are in the 18-25 years of age, 68 percent are under or equal to 35 years of age and 94 percent are under or equal to 45 years of age. This reflects the fact that migration for foreign employment is highly age-selective – young people tend to migrate. This particularly holds for females: of the total female migrants, 26 percent are young women aged 18-25 while the comparable figure for males is 21 percent. And, there are relatively fewer females aged 46 years and above (2.4%) compared to males (6%).

Table 4.4 Percentage distribution of the foreign labor migrants who received labor permit on individual basis, FY 2014/15

Age (in years)	Male	Female	Total	Cum% (total)
18-25	20.7	25.7	21.1	21.1
26-35	47.1	47.3	47.2	68.3
36-45	16.0	24.6	25.8	94.1
46 and above	6.2	2.4	5.9	100.0
Total	100.0	100.0	100.0	
Number of migrants	31,198	3,186	34,384	

Source: summarized from Ministry of Labor and Employment, 2015.

Looking at the number of labor migrants by sex and skilled in the FY 2013/14 and 2014/15, it is concluded that there are 3 out of 4 foreign labor migrants who are unskilled workers (NHRC, 2015). Skill of the workers is highly associated with their wages/salary and security. Generally, it is the unskilled workers who have lowest wages/salary and they are also at risk of exploitation and trafficking. Several studies reveal that 80 percent of the Nepalese WMWs account for domestic work (NHRC, 2015).

Origin of MWs for Foreign Employment - by FY 2015/16, MWs for foreign employment have originated across the country. Table 4.5 shows the distribution of MWs for foreign employment by origin that was recruited via institutional basis (not included the MWs who used individual channel) over the last 7 years (FY 2008/09-2014/15). During the period, a total of 2.18 million persons migrated for foreign employment across the country using institutional channel

for their recruitment. The share of MWs shows a variation by ecological belts – the highest proportion being in the Terai (50.8%), followed by hills (42.6%) and Mountain (6.5%) belts. This distribution parallels with the share of the population distribution of Nepal among these three ecological belts. According to the Population Census 2011, the share of population in mountains, hills and Terai was 6.7 percent, 43.0 percent and 50.3 percent, respectively. Thus, it is confirmed that the likelihood of migration for foreign employment is almost the same at least at the ecological belt level.

Table 4.5 Number of MWs for foreign employment who were recruited via institutional channels by ecological belts, FY 2008/09-2014/15, Nepal

	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	7-Year total
Mountains	(7.2)	(6.0)	(5.6)	(6.1)	(6.8)	(6.8)	(6.6)	(6.5)
Male	11,564	12,967	13,251	14,948	24,025	27,577	27,062	131,394
Female	242	646	349	1038	3065	2531	2,612	10,483
Total	11,806	13,613	13,600	15,986	27,090	30,108	29,674	141,877
Hills	(44.9)	(38.3)	(41.3)	(45.5)	(44.2)	(42.3)	(42.0)	(42.6)
Male	72,860	84,469	98,075	115,193	166,220	178,803	179,484	895,104
Female	700	1,678	1,475	3,164	8,571	7,867	9,184	32,639
Total	73,560	86,147	99,550	118,357	174,791	186,670	188,668	927,743
Terai	(47.9)	(55.7)	(53.0)	(48.3)	(49.0)	(50.9)	(51.4)	(50.8)
Male	78,060	124,324	126,625	123,393	188,240	220,047	225,832	1,086,521
Female	460	1,116	1,202	2,294	5,540	4,292	4,864	19,768
Total	78,520	125,440	127,827	125,687	193,780	224,339	230,696	1,106,289
Nepal								
Male	162,484	221,760	237,951	253,534	378,485	426,427	432,378	2,113,019
Female	1,402	3,440	3,026	6,496	17,176	14,690	16,660	62,890
Total	163,886	225,200	240,977	260,030	395,661	441,117	449,038	2,175,909

Note: Figures in parentheses refers to the percentage of the total in a particular area.

Source: MoLE (2015) Migration for Foreign Employment, the Nepal Status Report 2014/15.

At the district level, however, there is sharp variation in the number of MWs for foreign employment. The top 10 districts having large number of MWs for foreign employment is of Terai belt, especially from eastern, central and western regions. By individual districts, it is Dhanusa (5%) which has the highest proportion of MWs for employment. This is followed by Mahottari, Jhapa, Morang, Siraha, Nawalparasi, Saptari, Sunsari, Sarlahi and Rupandehi. In case of the origin of WMWs, the top 10 districts include: Jhapa, Sindhupalchok, Morang, Makwanpur, Kathmandu, Kavre, Nuwakot, Sunsari, Illam, and Dolakha. It is interesting to note that almost half (49%) of the WMWs who were recruited via the institutional channels originated only from these 10 districts. It implies that WMWs are overwhelmingly represented from these districts. Who are these women? It is difficult to identify the caste/ethnic groups of WMWs as the DoFE has not produced data of MWs by caste/ethnic groups. However, examining roughly the settlement patterns in these districts, one can cautiously generalize that majority of WMWs consists of people of hill communities such as hill Janajati, Dalit, Brahman/Chhetri.

4.1.3 Undocumented Foreign Labor Migration

As discussed in Section 4.1.2, the number of WMWs for foreign employment accounted for 155,113 during the 10 years (FY 2006/07 - FY 2015/16). This figure is much lower number as believed to be. As there is no any nationally representative household survey carried out in Nepal that provides the estimates of undocumented WMWs, different scholars and organizations (Subedi, 2016) believe that there are more than 200,000 women in the foreign labor markets. This comprises of 8 to 10 percent of the total MWs for foreign employment. Out of the total WMWs, 80 per cent consist of domestic workers – an informal, unorganized and legally unprotected sector. This guess is almost compatible with the ILO (2015) estimates of migrant domestic workers across the world. It estimated that migrant domestic workers accounted for 11.5 million – which is 17 percent of the total migrant workers globally. Among the migrant domestic workers, females overwhelmingly outpaced the males (73% for females and 27% for males). Globally, it is the Arab states sub-region that accounts the highest proportion of domestic migrant workers (60%) and in case of females, it is more than 82 percent. In this region, one in 10 men and 6 in 10 women are employed as migrant domestic workers. This shows a direct link between female migration and domestic work and very highly gender segregation in domestic work. This labor market segregation may be due to ‘low value attributed to this type of work and the consequent exclusion of domestic work from labor law coverage in most countries in the region’ (ILO, 2015:5).

4.2 Processes, Working Conditions and Grievances

4.2.1 Process of Migration for Foreign Employment

A Nepali can migrate for foreign employment either using a recruiting agency or going individually. In the former case, a recruiting agency manages all the formalities required to send a worker for foreign employment while in the latter case, it is the individuals who manage all the requirements. Data shows that the share of those MWs going via the individual basis has been declining. Conversely, those going via recruiting agencies have been increasing. In the FY 2008/09, one-fourth of the MWs went via the individual basis while the comparable figure was 10 percent in FY 2014/15 and 9 percent in FY 2015/16 (Table 4.6). Although the share of MWs going via recruiting agency has increased for both males and females, the increase is tremendous for WMWs as in FY 2008/09, 84 percent of the WMWs went via individual basis while it is only 20 percent in FY 2015/16. This heavy decline is due to the Government's directive of 2012 for acquiring labor permits through the individual process in a bid to regulate it and make it safer. It is believed that the decline would continue in years to come as the Government issued another directive in April 2015 that allows registered recruitment agencies to handle the demand for domestic workers. Before, WMWs had no choice but to obtain a permit on their own because recruitment agencies were not permitted to recruit domestic workers.

It can be argued that going via recruiting agencies is like to be much safer against going via individual basis, for all the liabilities of sending a worker lies to the recruiting agencies. This does not mean that women going via recruiting agencies are not vulnerable to exploitation and trafficking, however.

Table 4.6 Percentage distributions of foreign labor migrants by sex, according to mode of channels used to obtain a labor permit, FY 2008/09-2015/16, Nepal

Fiscal year	Total		Males		Females	
	Recruiting agencies	Individual basis	Recruiting agencies	Individual basis	Recruiting agencies	Individual basis
2008/09	74.5	25.5	76.9	23.1	16.3	83.7
2009/10	76.6	23.4	78.1	21.9	34.2	65.8
2010/11	67.9	32.1	69.1	30.9	29.1	70.9
2011/12	67.6	32.4	70.1	29.9	28.3	71.7
2012/13	87.8	12.2	89.5	10.5	61.9	38.1
2013/14	84.9	15.1	86.9	13.1	50.4	49.6
2014/15	89.9	10.1	90.4	9.6	77.8	22.2
2015/16	91.4	8.6	8.9	91.1	79.7	20.3

Source: summarized from Ministry of Labor and Employment, 2015 and DoFE (2016) Annual Progress Report of FY 2015/16.

Table 4.7 shows the distribution of MWs for foreign employment in the FY 2015/16 by top 10 countries of destination using institutional channel as the mode of recruitment.

Table 4.7 Top 10 destination countries of Nepali foreign labor migrants using institutional channels, FY 2015/16

Country	Institutional			Individuals			Institutional as % of total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Saudi Arabia	133,360	1,474	134,834	3,598	97	3,695	97.4	93.8	97.3
Qatar	115,747	1,372	117,119	11,773	146	11,919	90.8	90.4	90.8
Malaysia	58,358	1,592	59,950	997	32	1,029	98.3	98.0	98.3
UAE	38,863	6,534	45,397	5,778	1618	7,396	87.1	80.2	86.0
Kuwait	8,351	394	8,745	935	369	1,304	89.9	51.6	87.0
South Korea (EPS)	6,777	575	7,352	0	0	0	100.0	100.0	100.0
Bahrain	2,046	248	2,294	778	74	852	72.5	77.0	72.9
Oman	1,557	509	2,066	686	307	993	69.4	62.4	67.5
Cyprus	74	1,427	1,501	5	7	12	93.7	99.5	99.2
Jordan	255	956	1,211	25	3	28	91.1	99.7	97.7
Total	365,388	15,081	380,469	24,575	2,653	27,228			
% out of total	99.7	98.6	99.6	75.0	66.3	74.1			
Total for all countries	366,640	15,302	381,942	32,766	4,000	36,766			

Source: DoFE (2016) Annual Progress Report of FY 2015/16.

Studies indicated that cheating and fraud are involved in the process of recruitment, especially of domestic workers (Adhikari, 2015 and Dharale, 2015). Workers are sent in tourist visa; sending of workers using illegal routes such

as from India, Bangladesh, Sri Lanka, Maldives; charging of visa fees and air tickets; not fulfilling the promises and agreement and even sending the workers in other passport (Box 4.2).

Box 4.2 Fraud in process of recruitment

Case 1. House-maids in Saudi Arabia brought from Kuwait found abandonment - Renewal of visa cannot be done in Kuwait for many domestic workers as these workers come via Saudi Arabia. This happens: women are transferred to Kuwait using visit-visa for three months and after expiry of the visa, they do not return to Kuwait but rather they are illegally employed in Saudi Arabia. For those women who are illegally kept in Saudi Arabia and if they need to return to Nepal, the sponsor has to pay 15,000 Riyal as fine. For the few months, there were 9 women who came to contact with the Embassy that they were residing illegally in Saudi Arabia.

Source: <http://kantipur.ekantipur.com/news/> (Homarki, Doha)

Case 2. The agent assisted the victim for making passport – he travelled from Kathmandu to Banke. There were two-dozen women waiting to go for a earning at abroad in Buddha. The pimps - Dil Sara and Kalisara – transferred us from Kathmandu to Mahendra Nagar and we approached to Dubai via New Delhi, says a woman from Dubai.

Source: <http://www.ratopati.com/news>.

Case 3. With the support of Illaka Police Office Gadda Chauki, Kanchanpur, Maiti Nepal Kanchanpur rescued 6 women being brought to Iran via New Delhi. Of the rescue girls, 3 were from Dhading, and one each from Kathmandu, Rautahat and Myagdi. They were in the age range of 20 to 30 years. Man Bahadur Tamang was arrested in charge of transporting the girls. The girls said that the agents in Kathmandu took Rs. 75 – 80 per person for sending them to Iraq.

Source: <http://kantipur.ekantipur.com/news/2016-07-10/20160710081448.html>.

Case 4. Hom Bahadur Chantyal was arrested who was accused of cheating to people saying that he would send them in South Africa, Macau and Iraq. He was arrested on the basis of the complaint that 34 persons were abandoned in Bangkok. Jayashowar Ghimire including others paid his Rs. 400,000 to Rs. 605,000. Chantyal from Baglung district cheated of Rs. 6.6 million promising people to send Iraq.

Source: <http://kantipur.ekantipur.com/news/2016-07-12/20160712185519.html>.

4.2.2 Working Conditions at Abroad

Working conditions of domestic workers in the destination countries, especially in the sub-region of Arab states have been reported to be very harassing, inhumane and intolerable. This is because migrant domestic workers are neither covered by these countries' labor laws nor by the security laws. Various studies (Hamill, 2011; Bajracharya and Sijapati, 2012; ILO, 2016) reveal that migrant domestic workers in Arab States are trapped into exploitative conditions and are enslaved due the *kafala* system. The *Kafala* is a system that enables an environment conducive to forced labor and exploitation. Key features of the *Kafala* system include: i) the contact period of a worker is minimum of two years; ii) during the contact period, the worker's visa and legal status is tied to the sponsor and iii) doing this, the employer has complete control over the mobility of the worker. The worker cannot change employment without the consent of the employer or even leave the country without obtaining an exit visa from the employer. Eventually, employers are legally entitled to confine domestic migrant workers to the house for years.

It is argued that female domestic workers in the Arab states are in the forced labor situation as the case reported in the Kantipur Daily on April 16, 2016 (Box 4.3).

Box 4.3 Selling and buying of domestic workers like sheep and goats in Oman

Muscat, Oman – A woman came in the Muscat Nepali Embassy office. She started weeping when she saw the Nepali face over there. Her face was full of wounds; her body was crumbling and not able to speak fluently. She was able to speak few words like 'Dubai' and 'Oman' after a long time.

The case was this: her name is Sita Tharu (Name change). She was from Surkhet where she was engaged in tailoring. She was trafficked to Oman by promising her salary of 2200 Diram.

Flying in a tourist visa, the Immigration Department looks whether or not the traveler is holding dollars. This is because the agents in Nepal gave her dollars equivalent to Rs. 100,000. Sita said that when she landed in Dubai, she was received by the agent called Sujin. The agent took all the dollars, passport and other travel documents and he brought to a residence. The residence was like a goat-shed. There were already 15 women and other five also added on that room. In every day time, the agent used to bring us to his office and kept us in a line where buyers would come to see us like sheep and goats in the market. If they like someone among us, they sign a paper with the agent and bring a woman with them. After one-week in the 'labor market', an Arabian woman came to the office, and she asked Sita that whether she knew to iron the clothes. Sita replied that she was involved in tailoring in Nepal and she knew to iron the clothes. The Arabian woman chose her. Initially, Sita thought that she got job in tailoring but it was in the domestic work. 'That is how we were sold and we were chosen by the household owner', says Sita.

Source: <http://kantipur.ekantipur.com> (Accessed on January 25, 2017).

In majority of cases, no contract is signed between the employers and workers and if it exists, the domestic workers not aware on the terms and conditions. Basic labor rights such as working hours, rights to leave, payment of wages on time, freedoms of mobility and contact to the family are denied. Sexual abuse, 'forced acceptance' of sex work and rapes are also commonly reported. Under the *Kafala* system, breach of contract is a serious criminal offence if the worker runs away. Further, women domestic workers lack justice as they cannot register their complaints to a legal complaint handling office due to their ignorance or confinement (Box 4.4).

Box 4.4 Evidences of trafficking for the purpose of forced labor

Case 1. A Nepali journalist (Mr. Deepak Pudasaini) who visited Doha writes about a pathetic story of a Nepali domestic worker. The story goes on: Parbati (name changed) of Rupandehi district came to the Nepali Embassy at Doha, Qatar. She appeared to be about 35 Kilograms and 33 years of age. At first, she could not tell what had happened to her. She was in a state of panic, stress, and exhausted. She was brought to the Embassy by a Nepali taxi driver when she had been running in a street on a very hot day of 50 Degree Celsius temperature. She had 54 Kg. weights when she left Nepal for some 13 months ago and now she lost 19 Kg. weights. She had to work 18-20 hours daily. There was no time for sleep, and she was not provided adequate food as well. She was also tortured by lighting a cigarette on her arms, shoulders and had also wounds in the body. She ended as the victim of the sexual violence by the owner and his son as well. During her 13 months stay in Doha, she had been employed in 9 houses but she did not receive remuneration and she could not contact her family back to Nepal. With the effort of the then Ambassador Prof. Dr. Surya Natha Mishra, she got 13 days shelter in the Embassy and was repatriated to Nepal after one month.

Source: <http://www.deshparadesh.com/index.php/blog/8815-dipak-blog-domesticworker>, accessed on 2016/04/22).

Case 2. Bonded for the last 7 years in Saudi - Seven year ago, Nara Bahadur was sent as a helper in Saudi Environment Protect Company by Metro International Recruiting Agency of Kathmandu. But he was placed in a remote area of about 270 Kilometers far from Riyadh as a cow-herd. It is called *majara* in Arabian language. There were more than 35 cows and more than 100 goats for him to look after. It is a dead desert land having more than 50 degree Celsius of temperature, there are no sheds for taking rest. There were 12 persons in his group including Nepali from Janakpur.

Case 3. Ganga went to overseas for child survival but did not get salary - Ganga of Sindhuli district went Kuwait two and half years ago. She was brought to Saudi Arabia as a domestic worker. She did not get salary for one and half year. Because of this, she had argument with the owner. She wanted to come back Nepal but the owner did not allow her. She ran away and took shelter in the Nepalese Embassy in Riyadh and she was rescued for some three or four months. When she came in Nepal, she filed the case in the Foreign Employment Tribunal against the recruiting agency

Source: <http://mahilakhabar.com>, accessed on 2015-09-15).

4.2.3 Injury, Deaths and Suicidal Cases

A number of cases of physical injury and deaths have been recorded in the office of Foreign Employment Promotion Board (FEP Board). The Board maintains the records of deceased whose family members come to claim the compensation. Compensation is provided from the Contributory Fund – a Fund in which documented migrants contribute money. As per the provision of Section 38 (Gha) of the Foreign Employment Act 2064 (2007) and Section 28 of the Regulation 2064 (2007), the Government shall provide up to Rs. 300,000 to the legal heirs of deceased as compensation provided the following conditions are met: i) the deceased must have taken the labor permit from DoFE; ii) the death must be within the contract period; iii) the complaint must be registered in the Foreign Employment Promotion Board (FEP Board) within one-year of the death of the worker. In case of the persons who sustained injury, up to Rs. 300,000 shall be supported as compensation if the following conditions are met: i) the injured person must have taken the labor permit from DoFE; ii) the injury must be within the contract period and iii) the complaint must be registered in the FEP Board within one-year of the return of the injured migrant worker.

Data can be grossly under representative because there will be large number of families who might be unaware about the provisions of compensation to be provided by the FEP Board. Further, the contribution fund is intended for those who are documented migrants and hence undocumented migrants' deaths and injury cannot be reflected in the Board's data.

Injury and Death Rates - As recorded in FEP Board, during the six-year period (from FY 2008/09 to FY 2014/15), 422 males and 71 females were reported to be physically injured. During this period, an awful number of deaths are reported having 4,235 males and 87 females (Table 4.8). Major causes of deaths are heart attack, road accident, suicide, accident in the workplace and murder.

Table 4.8 Crude annual death rates of migrant workers

FY	Deaths of migrant workers			Labor permit issued			Annual death rate per 1000 population		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
2008/09	87	3	90	211,371	8,594	219,965	0.41	0.35	0.41
2009/10	399	19	418	284,038	10,056	294,094	1.40	1.89	1.42
2010/11	541	8	549	344,300	10,416	354,716	1.57	0.77	1.55
2011/12	632	14	646	361,707	22,958	384,665	1.75	0.61	1.68
2012/13	716	11	727	423,092	27,742	450,834	1.69	0.40	1.61
2013/14	864	24	888	492,724	29,154	521,878	1.75	0.82	1.70
2014/15	996	6	1,002	478,199	21,421	499,620	2.08	0.28	2.01
2015/16			N/A						
Total	4,235	85	4,320	2,595,431	130,341	2,725,772	1.63	0.65	1.58

Source: FEB Board, 2016

The total proportion of deaths to the number of migrant workers abroad is estimated to be 1.58 per 1,000 populations¹². The death rate is much higher among male migrant workers (at 1.63 deaths per 1,000 migrant workers) compared to female migrant workers (at 0.65 deaths per 1,000 migrant workers)¹³. This death rate may be compared with the death rate of general population of Nepal so as to understand whether deaths of migrant workers are high or low. As per the Population Census of 2011, the crude death rate of Nepal was 7.3 deaths per 1,000 populations. By definition, the crude death rate, however, includes all population as a denominator while Nepalese migrant workers are mostly young ones. So, it is more appropriate to compare the death rates of migrant workers with the age-specific death rates of 15-45 years. This is because more than 90 percent of the foreign labor migrants accounts in the age range of 18-45 years. According to the Population Census 2011, the age-specific death rates were 1.02, 1.46, 1.60, 1.77, 2.46 and 3.03 for 15-19 years, 20-24 years, 25-29 years, 30-34 years, 35-39 years and 40-44 years, respectively. It appears that there is no significantly higher death rate among foreign migrant workers vis-à-vis the death rates of the general population of Nepal. Yet death rates for the migrant workers can be expected to have much lower than that of the general population, for the migrant workers are only provided labor permit after their through health check-up and it is assumed that when they go to work they must be healthy.

12 Annual death rate is defined as the proportion of deaths in a fiscal year to the total number of persons for which labor permit was issued in that year multiplied by 1,000.

13 Note that the data do not allow to precisely calculating the trends of death rates of migrant workers as the migrants who are reported as dying at abroad in a specific year may or may not have received their work permit that same year.

The nine-year data (FY 2008-09 to FY 2014-15) on the causes of death is presented in Table 4.9. Note that the causes of death are not classified according to the World Health Organization (WHO) standards and hence it is difficult to compare with other general population. Some of the classifications like cardiac arrest, natural cause and unidentified cause are ambiguous. Further, data do not allow critical information to analyze mortality like age, caste/ethnicity, working condition or nature of work, accommodation status and period of employment before death. Despite this limitation, some of the classification such as suicide, traffic accident and workplace accident, murder are unambiguous.

Table 4.9 Distribution of causes of deaths of Nepali migrant workers at abroad, from FY 2008-09 to FY 2014-15

Causes	Male	Female	Total	% of the total
Cardiac arrest	937	4	941	21.8
Heart attack	288	9	297	6.9
Murder	47	0	47	1.1
Normal causes	833	14	847	19.6
Suicide	422	29	451	10.4
Traffic accident	562	9	571	13.2
Workplace accident	363	8	371	8.6
Unidentified causes	783	12	795	18.4
Total	4235	85	4320	100.0

Source: FEP Board, 2016

During the seven-year period (FY 2008/09-2014/15), a total of 4322 Nepali MWs were reported to have died in different countries during their employment period. Almost all the districts of Nepal have been affected by the phenomenon of deaths of the MWs at abroad (Table 4.10). Numerically, the MWs who died at abroad originated from 73 out of 75 districts of Nepal. There were 100 to 200 deaths in 13 districts.

Table 4.10 Distribution of deaths of the Nepali MWs at abroad by origin of districts, FY 2008/09-2014/15

Districts	Number of districts	Number of deaths per district	Total deaths	Percent
Jhapa, Morang, Dhanusa, Nawalparasi, Siraha, Sunsari, Tanahu, Khotang, Rolpa, Rupandehi, Baglung, Mahottari and Sarlahi	13	100-206	1705	39.5
Chitawan, Saptari, Syanja, Palpa, Dang, Panchthar, Bhojpur, Udayapur, Sindhuli, Illam, Kaski, Dhankuta, Kavre, Makwanpur, Gorkha, Lamjung, Dhading, Salyan, Sindhupalchok, Nuwakot, Taplejung, Rautahat, Kapilbastu, Bara, Rukum and Sankhuwasabha	26	50-99	1880	43.5
Terathum, Parbat, Gulmi, Okhaldhunga, Ramechhap, Pyuthan, Bardiya, Dolakha, Kathmandu, Arghakhanchi, Myagdi, Banke, Kanchanpur, Surkhet, Lalitapur, Parsa, Solukhumbu	17	25-49	616	14.2
Kailali, Rasuwa, Jajarkot, Bhaktapur, Darchula, Baitadi, Dailekha, Dadedhura, Kalikot, Doti, Bajhang, Bajura, Manang, Achham, Jumla and Mugu	16	<25	121	2.8
Total	72		4322	100.0

Note: No deaths were reported from three mountain districts: Dolpa, Humla and Mustang.

Source: MoLE (2015) Labor Migration for Foreign Employment, Nepal Status Report 2014/15.

A study found a number of risk factors for suicidal behavior among the Nepali female domestic workers at abroad (Puvar, 2015). Suicidal behavior or a suicidal attempt refers to both suicidal *ideation* and suicidal *intent*. The former refers to thoughts of suicide thinking unworthy of life while the latter type of suicide refers to a conscious decision or objective to end one's life. The nature of exploitation in each cycle of migration i.e. during pre-departure, departure, work at abroad and on return all reinforce one such behavior. Migrants may develop mental illness due to difficulty in arrangement of migration, transportation of them via illegal channels, working in the exploitative condition, spending their days in confinement and restriction. They experience stress, loneliness, home sick which are the key risk factors a suicidal attempt.

Data establish the fact that a large number of Nepalese migrant workers have committed suicide in different destination countries (Table 4.11). The seven-year (from 2008/09 to 2014/15) total number of suicide cases as

reported in the Foreign Employment Promotion Board comes out to be 451 (422 for males and 29 for females). On top of this, it is painful fact that the number of suicidal cases in each year has dramatically increased vis-à-vis the increase in the total number of foreign labor migrants. For instance, considering the reference year of 2008/09, the number of suicidal cases increased by more than 7 folds in FY 2011/12 and by 12 folds by the FY 2014/15. On the other hand, the number of migrant workers increased to 1.7 times and to 2.3 times in the corresponding years, respectively. Among the female suicidal cases, 10 happened in Kuwait, 7 in UAE, 6 in Lebanon, 7 in Malaysia, one each in Saudi Arabia and Japan. Of the 422 suicide cases of males, the highest number was in Malaysia (141), followed by Saudi Arabia (59), Qatar (54), UAE (19), South Korea (11), Kuwait (8), Bahrain (4), Lebanon (2) and one in each Japan, Russia and in Papua New Guinea.

Table 4.11 Number of suicidal cases of the foreign labor migrants, Nepal

Fiscal year	Male	Female	Total	Odds for suicidal cases (Reference point FY 2008/09=1.0)	Odds for total number of migrants
2008/09	8	1	9	1.0	1.0
2009/10	21	4	25	2.8	1.3
2010/11	60	2	62	6.9	1.6
2011/12	61	5	66	7.3	1.7
2012/13	76	5	81	9.0	2.0
2013/14	87	9	96	10.7	2.4
2014/15	109	3	112	12.4	2.3
2015/16			N/A		
Total	422	29	451		

Source: summarized from Ministry of Labor and Employment, 2015.

It is reported that 3 in 10 returnee women migrant workers (cited Acharya, Mina et al. (2015) having different physical and psychological problems.

Detention, Imprisonment—There is no authentic data to identify the magnitude of Nepali MWs detained or imprisoned in different jails in the destination countries. However, it is widely reported that a large number of both Nepali men and women are imprisoned in the destination countries, especially in Gulf region and Malaysia by charging them false crime. The Kantipur Daily on April 11, 2016 writes: there are evidences that house-maid in jail due to having the forced pregnancy. According to the Arabian law, if a woman complains about the sexual assault immediately after it happens, the accused man is punished. In case of pregnancy, both man and woman may be liable to the law. If a house-maid gets pregnant, it is not possible immediately inform the Police. If the woman reaches to a hospital for her health check-up and if she is found pregnant, the hospital demands the details about the husband. In case the detail is not given, the hospital informs the Police and the victim can be arrested and she turns to be an offender under the Arabian law (<http://kantipur.ekantipur.com/news/2016-04-11/20160411075336.html>).

4.2.4 Access to Justice to the Victims

Complaint Handling - The *Foreign Employment Act 2064 (2007)* outlines more than 15 types of offences and punishments in case of contravention of the measures and provisions set forth in the Act. The DoFE is responsible for handling the complaints either against institutions or individuals. As presented in Table 4.12, a considerable number of complaints regarding fraud and malpractices have been registered in DoFE. The average four-yearly (FY 2012/13-2015/16) number of complaints against individuals and recruiting agencies come out to be 924 and 1503, respectively. On the other hand, a few proportions of cases have been settled by the DoFE (14%for individual basis and 19%for recruiting agencies).

Table 4.12 Number of complaints, settlements of cases in DoFE, FY 2013/14-2015/16, Nepal

Categories	2012/13	2013/14	2014/15	2015/16	Total	4-yearly average
Individual basis						
Number of complaints registered	1245	974	773	704	3696	924
Number of reported complaints settled by the DoFE	202	151	74	94	521	130
% of cases settled	16.2	15.5	9.6	13.4	14.1	-

Categories	2012/13	2013/14	2014/15	2015/16	Total	4-yearly average
Number of cases field in the Foreign Employment Tribunal	164	128	165	222	679	170
Number of complaints withdrawn by the victims	N/A	N/A	N/A	N/A		
Institutional basis						
Number of complaints registered	1060	1577	1906	1468	6011	1503
Number of reported complaints settled by the DoFE	350	303	74	426	1153	288
% of cases settled	33.0	19.2	3.9	29.0	19.2	
Number of cases field in the Foreign Employment Tribunal	14	5	1	4	24	6
Number of complaints withdrawn by the victims	39	45	2	N/A		

Source: DoFE, 2016 and DoFE (2016a) Annual Progress Report of FY 2015/16.

On the other hand, a few numbers of cases in each of the FY has been forwarded to the Foreign Employment Tribunal and conversely, a remarkable number of cases have been withdrawn by the victims. The key reasons for it are the fear, threats, economic promises to the victims and loosely justice system. Note that there are large number of cases disposed by the DoFE but it is not known the types of cases because of lack of data (FWLD, 2072 (2015)).

DoFE has not maintained gender disaggregated data on the number of complaints while gender disaggregated data are vitally important to understand the access to justice to females. However, such information may be obtained from research work. For example, Peoples Forum (2015) conducted a study among 510 victims in the FY 2013/14 who made complaints in DoFE for their compensation and punishment of the perpetrators. The study found that less than 10 percent of the complaints were of females. This low proportion of complaints by females may be attributed either to i) already low number of female migrants compared to males, or ii) females reluctant to make complaints because of their already disadvantaged positions like illiteracy, ignorance, lack of mobility and exposure, or iii) lack of gender friendly and trustworthy complaint handling system.

The nature of the complaints can be categorized as not sending workers on time, physical attack, put into custody in destination countries, compelling to work in forced labor situation and the death of the workers. Forgery medical reports, withdrawal of travel documents, work not provided as promised are also important complaints made by the returnees. Karki (2015) summarized the types of complaints registered in DoFE. They include: not giving the work, salary, facilities as agreed; placing in different company and work than that of promised; not sending the workers in foreign employment by receiving money; not returning the passports; charging of visa and other fees more than the amount prescribed by the Government; and migrants wishing to return before completion of their contract period and demanding the compensation for not getting the work in the destination country. He further noted that there has been delay in disposal of complaints and grievances mainly due to lack of skilled and adequate human resources, no contact of the applicant, complexities of the application/complaint, inadequacy in coordination and cooperation between and among the concerned GOs and NGOs and weak management in the DoFE.

Cases Handling by Foreign Employment Tribunal (FET)- The cases forwarded by the DoFE are registered at the FET. The Tribunal tries and settles cases other than those punishable by the DoFE as per the Foreign Employment Act 2007. Note that FIR on TIP cases is done in Nepal Police and the case is forwarded to District Court. The cases forwarded to FET are under the Foreign Employment Act, and not under the Human Trafficking and Transportation Act. Examining the cases registered in the FET, however, revealed that there are elements of forced labor and trafficking such as deception in recruitment of the workers and exploitative working conditions at abroad. Therefore, many of the cases registered in FET may be related to human trafficking and transportation.

Table 4.13 summarizes the number of total cases registered in the Tribunal and its disposal status over FY 2009/10 and 2014/15 years. According to the data, a total of 2028 cases have been registered in Foreign Employment Tribunal and 37 percent of the cases have been cleared. Data reveal that the settled cases increase with the time elapses – suggesting the increased efficiency in the Tribunal. It increased from 10 percent in the FY 2009/10 to 51 percent in the FY 2014/15.

Table 4.13 Number of cases at the Foreign Employment Tribunal, FY 2009/10-2014/15

Fiscal year	New cases	Total cases (new and carried out)	Cases cleared	Cases remaining	% of cases cleared
2009/10	158	158	16	142	10.1
2010/11	120	262	78	184	29.8
2011/12	186	370	124	246	33.5
2012/13	178	424	163	261	38.4
2013/14	134	395	151	244	38.2
2014/15	175	419	213	206	50.8
Total	951	2028	745	1283	36.7

Source: DoFE, 2016.

Again data of the victims by sex is not published by the DoFE and thus it is difficult to identify access to justice by gender.

Assessment of Cases Filed in Foreign Employment Tribunal – is done by examining the result of the study of FWLD (2015). It studied 119 cases registered in FET between 2010 and 2013 (Table 4.14). The study found that there were 442 men and 31 women as **victims** in the 119 cases. Majority of cases (71%) were filed by the victims whose place of origin was outside of the Kathmandu valley and the in rest 29 percent cases, the victims were from the Kathmandu valley. The actual number of female victims may be much higher than reported in the Tribunal’s cases. There are several reasons for low number of females coming to seek justice from the Tribunal. One, many women may not seek justice because of fear of stigmatization in the society and fear of difficulty in reunion with the family. Second, women who go abroad illegally may not come to seek justice because they might have used fake travel documents including passport and they would fear of legal treatment by the Immigration Department in charge of fake citizenship, fake passport and any other identity documents.

In more than four-fifth cases, the **accused** were males (83%) while in 16 percent cases, the accused were females. Although there is low number of females as the accused, it is reported that increasingly a large number of females are being used in foreign employment business in order to attract the females in foreign employment jobs. At the same time, through the analysis of the decision of the cases by the FET, it is found that many women are not directly involved in committing fraud and cheating to the victims, but rather they are said to be involved indirectly via their husbands and other relatives. Among the 119 cases, in 86 percent cases, the victims were **plaintiffs** themselves while in the rest 14 percent cases, other than the victims were plaintiffs.

It appears that **individuals predominate the foreign employment business** over the recruiting agencies or the recruiting agencies use agents in order to get away from legal consequences of cheating and fraud. In the sample of 119 cases analyzed, 94 percent cases were registered against individuals, 3 percent against recruiting agencies and rest 3 percent against individuals and recruiting agencies. In the study of 119 cases, it is found that in almost of cases, permission to send workers was not taken – revealing the fact that foreign employment business is largely dominated by **illegal channels and groups**. According to Section 11 of Foreign Employment Act 2064 (2007), any recruiting agencies including of agents willing to do foreign employment business have to take permission from the Department of foreign Employment to do so.

Data reveal that in 84 percent of the cases, victims were cheated before they migrated to abroad, in 15 percent cases, victims made complaints after returning to Nepal and in one case, the victim’s case was filed while the victim was in jail in abroad. Thus, data suggest that **cheating and fraud** largely involve during pre-departure stage. The analysis of the cases further suggests that risk of exploitation and trafficking mainly initiates from the country, extend to departure phase and to working phase. Nepalese workers face many problems before departure to work at abroad such as false information about the nature and place of work, charging of higher fee, a delay in sending workers to a foreign country or not sending the workers at all. In the sample of 119 cases, 97 percent cases, the victims did not know about the nature of work and 92 percent cases victims did not know about the salary being paid. This reflects the fact that there is lacking of preliminary information about foreign employment to the commoners especially of the disadvantaged and poor people. According to the Foreign Employment Act 2007 and Regulation 2008, there must be **contract** between the workers and the employers before departure from Nepal. The contract paper should be in Nepali language and it must be signed by the worker.

Table 4.14 Overview of decisions on the cases by the Foreign Employment Tribunal, 2010-2013 (no. cases studied =119)

	Number of cases	Percent
Sex of the victims		
Male	103	86.6
Female	13	10.9
Both	3	2.5
Origin of the victims		
Within the Kathmandu valley	34	28.6
Outside of Kathmandu valley	85	71.4
Sex of the accused		0.0
Male	99	83.2
Female	19	16.0
Both	1	0.8
Who are the plaintiffs?		
By victims	102	85.7
By others	17	14.3
Types of victims		
Not migrated to abroad yet	100	84.1
Returnees	18	15.1
In jail abroad	1	0.8
Whether know the nature of work?		
No	115	96.6
Yes	4	3.4
Whether salary known?		
No	110	92.4
Yes	9	7.6
Cases filed against		
Individuals		94.0
Recruiting agencies		3.0
Individual/RA		3.0
Cases in which permission to send workers taken		
No	118	99.2
Yes	1	0.8
Custody while proceeding		
On bail	75	63.0
Sent to custody	22	18.5
SA TA	20	16.8
Run away	2	1.7
Attendance of Government Attorney in Tribunal Hearing		
Yes	80	67.2
No	39	32.8
Status of decision		
Conviction	95	79.8
Acquittal	24	20.2
Whether imprisoned?		
Imprisonment	108	90.5
No imprisonment	11	9.5
Total	121	100.0

Source: summarized from FWLD 2072 (2015).

In majority of cases (63%) of the sample of 119 cases, the Tribunal process was conducted while **releasing the accused on bail**, in 18 percent cases, the accused were taken in the custody and in 2 percent cases, the accused were said to be *pharar* (literally run away). As the main of the accused were released on bail and they may have left the place or run away to foreign lands. In case, they are convicted, it will be difficult to implement the order of the Tribunal. It is reported that only 10 percent of the decisions by the Foreign Employment Tribunal is being implemented.

In the sample of 119 cases for which FWLD analyzed, only in two thirds of the cases, the **Government Attorney was attended** during the Tribunal hearing. According to the Foreign Employment Act 2007, the Government Attorney must be present in almost all cases related to foreign employment during the Tribunal decision phase. Further, the cases related to foreign employment are the state cases and the case analysis suggested that not all cases the Government attorney were attended. Further, the analysis of the cases reveals that no paid legal professionals were employed from the side of the victims. Having examined the **decision** of the Tribunal, the fine imposed ranged from Rs. 150,000 to Rs. 400,000 per convicted person and in many of the cases of conviction, 1.5 years of imprisonment were ordered. Among the 119 cases studied, in 80 percent cases, the accused were convicted, in 20 percent cases, they were acquitted. Among the total convicted cases, in 91 percent cases, imprisonment was offered.

4.3 Responses

4.3.1 Laws, Policies and Institutional Mechanisms

The Foreign Employment Act (2064) 2007 and the Rules 2065 (2008) – They are enacted to regulate the foreign labor migration from Nepal and also to provide and protect the rights of migrant workers. In addition to the provisions related to employment, provisions relating to license, provisions relating to prior approval of selection of workers, provisions relating to classification of training and workers, the Act creates the Foreign Employment Welfare Fund and makes provisions for insurance coverage, pre-departure orientation and training, compensation to migrant workers and their families, rescue and repatriation of migrant workers and repatriation of workers' income, provision of monitoring mechanisms, a mechanism to investigate and inquiry and provisions relating to trail and settlement of cases. Further, the law can be labeled as inclusive both in terms of gender and social groups. It is guided by the principal of non-discrimination while sending workers to abroad on the basis of gender; it offers special provisions for Dalit, Janajati, for those from remote areas and those affected by conflict for foreign employment. The licensed recruiting agency should allocate certain number of seats as reservation for women, Dalit, Janajati and those from remote areas and victims of conflict. The law also makes the mandatory representation of three women in the FEP Board.

These provisions are implemented through various institutional mechanisms established with enactment of the Act and Regulation: the Department of Foreign Employment, the Foreign Employment Promotion Board and Foreign Employment Tribunal. The GoN has made some necessary amendments to the 2008 Foreign Employment Rules in 2011.

Foreign Employment Policy 2068 (2012) - The key objective of the policy is 'to provide knowledge and skill based training to Nepalese human resources to develop skilled, empowered and competitive as per demand of international market creating safe, organized and respectable environment for foreign employment'. The Policy has specified the following seven policy pillars:

1. Identify and promote employment opportunities in the international market.
2. Develop skilled human resources to a competitive capacity to maximize the benefits from foreign employment.
3. Make each step of the foreign employment process simple, transparent, organized and safe.
4. Address the concerns of female migrant workers and ensure their rights in the overall migration cycle.
5. Ensure good governance in the management of foreign employment.
6. Marshal local, national and international resources for managing foreign employment and promote collaborative efforts by increasing sector partnerships.
7. Help foreign labor migrants utilize their remittances for their own human development as much as possible.

Directives and Manuals - In addition to the policy, the GoN has issued Directives and Manuals to regulate foreign labor migration and ensure the safe migration¹⁴. Among these Directives/Manuals, the Directive on Sending Domestic Workers for Foreign Employment (2072) is important one given the context that a large number of women migrate for domestic work. The Directive defines domestic work as activities of cooking at home, taking care of house, working

14 These include: i) The Standard on the Enlisting Process of the Health Examination Institution for Workers Going for Foreign Employment 2013; ii) The Directive on the Procedure on Individual Labor Permission 2013; iii) The Manual on Registration and Renewal of Orientation Training Institutions 2014; iv) The Manual on Extending Objective Assistance to Skill Trained Human Resources 2014; and v) The Directive on Sending Domestic Workers for Foreign Employment (2072) 2015.

at house-garden and nursery, taking care of children and elderly, domestic private driver, house-maid, house-boy and cleaning of house. This definition equally applies to male and female workers. The Directive has the following WMWs specific provisions:

- A woman must complete 24 years of age going for domestic work in Saudi Arab, Qatar, Kuwait, UAE, Oman, Bahrain, Lebanon and Malaysia.
- A woman wishing to go for domestic work should not have a child less than 2 years of age.
- For woman domestic workers, no individual labor permit is allowed.
- The licensed recruiting agency should report to the DoFE about the woman workers who returned to the country without completing the contract period.
- There must be one-set mobile phone at the working place of the WMWs and the phone number shall be given to the Office of the Nepali Missions to abroad, DoFE and the family members of the workers.
- The licensed recruiting agency will be liable to the woman workers until they return to the country.
- Nepal Government shall conduct bilateral labor agreement to the destination country before sending workers in domestic service.
- Salary for the domestic service workers shall not be less than US Dollar of 300.
- Licensed recruiting agencies shall send the domestic workers on free basis and no agencies and employers shall charge any fee or other charges from the domestic workers.

According to Ghimire-Khanal (2015), after the launching of the Directive, the DoFE has provided permission to about two-dozen recruiting agencies eligible for sending domestic workers at abroad from Nepal. The Government of Nepal has created *Rapid Response Team* under the MoLE in order to monitor the activities of GOs and NGOs engaged in recruitment of domestic workers.

Agreement Letter to Employ the Domestic Worker - The Government of Nepal stopped sending the women domestic workers for few months in Gulf countries. The Government prepared the draft for agreement letter with Saudi Arabia, Lebanon and Jordan before employing the Nepali domestic workers. According to the Ministry of Employment and Labor, the following provisions shall be incorporated in the agreement (<http://www.onlinekhabar.com/2016/04/420538>).

1. *Security* – The Government of the destination countries are to require the guarantee that no women shall be physically and mentally exploited and torture. The employer shall provide the domestic worker at least one private room. It is said that without having a private room, many women are prone to be sexually exploited and not able to maintain their privacy.
2. *Presence of the domestic worker in the Nepali Embassy* – In each four month, the employer shall present himself with the domestic worker employed to the Nepali Embassy.
3. *Contact with the family* – Many of the house-owners did not allow domestic workers using mobile phone. Therefore, the agreement letter has proposed that the worker shall be allowed to contact their family at least once in a week.
4. *Working time* – Domestic workers do not have working time like ‘office time’. They have to work as per the requirement of their owners. There is no extra payment for their overtime work. Therefore, the Government of Nepal has sought the guarantee from the employers in the destination countries for given 8 working hours. However, many of the employers have not agreed on this issue.
5. *Guarantee for remuneration* – The domestic workers have not been paid on time and they are also not paid as per the contract. Many women are in the state of forced labor situation because they are illegally employed without paying them even after completion of their contract period and expiration of visa period. Therefore, the Government of Nepal has proposed that the employers have to pay the workers timely through the banking system.
6. *Weekly leave* – The Government of Nepal has forwarded the proposal that the employers shall provide at least one day leave per week to their domestic workers.

Monitoring and Supervision of Orientation Centers – By the FY 2015/16, there were 74 orientation centers in operation. All of them are located in Kathmandu valley, not a single orientation center was outside of the Kathmandu valley. DoFE monitored 44 orientation centers in the FY 2015/16 and 38 centers were suspended for their irregularities in providing training to the migrant workers for the following period:

- 6 were suspended for 6 months;
- 4 were suspended for 4 months;
- 12 were suspended for 2 months;
- 2 were suspended for 1 month;
- 11 were suspended for 15 days; and
- 2 were suspended two times (15 days and six months; 15 days and 2 months).

Implementation Status of Prescribed Cost for Foreign Employment - The GoN has prescribed the maximum cost for foreign employment. The maximum cost include Rs. 80,000 for Poland and Russia each; Rs. 70,000 for Lebanon; Rs. 50,000 for Japan; Rs. 19,000 for Mauritius and Rs. 10,000 for Malaysia, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and UAE each (<http://fepb.gov.np>). No recruiting agencies are allowed to charge more than this amount while sending a worker at foreign employment. There is 'free visa and free ticket' provision in case of six Gulf countries (i.e., Qatar, Bahrain, UAE, Saudi Arab, Oman and Kuwait) and Malaysia. Here, the terms 'free visa and free ticket' mean that the up-down plane fares of workers in these seven countries shall be incurred by the concerned employers. Such provisions are also found in ILO standards. The Ministry of Labor and Employment (MoLE) decided on July 2016 that the concerned recruiting agencies shall only charge Rs. 10,000 per Nepali worker only if the employers' companies at abroad have not provided the service and promotional charges of the workers.

However there are widespread news and even research that revealed that Government's decision on prescribed cost has not been implemented. Kunwar (2015) in *Labor Bulletin, No. 11* lists a number of challenges to effectively implement the Government's prescribed minimum cost and decisions to only charge Rs. 10,000. They include: i) the requirement of reform and amendment in related laws, regulations and directives according to the provisions of 'free visa and free ticket' ; ii) adequately study the legal provisions of the employers' country about service charges on foreign employment; iii) paying service charge and promotional cost through Banking system; iv) deciding the appropriate amount as service charge relevant for both recruiting agencies and workers; v) providing the orientation training to the workers from the Government agencies; vi) strengthening the monitoring and evaluation mechanisms; vii) brining the culprits effectively into justice who charge more amount than that of prescribed amount viii) conducting bilateral labor agreements to the destination countries before sending workers in domestic service.

Skill Development Training – The FEP Board in partnership with private skill training institutes has provided skill development trainings to the potential migrant workers with the slogan of 'learn skill, become capable before going for foreign employment'. The training was conducted in all five development regions especially representing the trainees from rural areas. It provided skill development training in nine areas, namely, electricians, masons, plumbing, scaffolding, house-paintings, still fixers, carpenters, cooks and waiters (Table 4.15). In the FY 2014/15, a total of 3,338 persons were provided skill development training for a period of 160 hours. A far lower number of females received skill development training (12%) compared to males (88%). This also reflects that still women are increasingly confined in the unskilled economic activities. However, an overwhelmingly majority of trainees originate from relatively disadvantaged groups compared to the so called advantaged groups. Of the total training participants (3,338), nearly one-half are Janajati, 7 percent are Dalit, 14 percent are Madeshi and nearly 30 percent are 'others'. Given this distribution of trainees vis-à-vis their share in total population of Nepal, it appears that Janajati are overrepresented while Madeshi and Dalit are under-represented and the representation of the 'other' category of population is neither over-represented nor under-represented. In terms of regional distribution of the trainees, the highest proportion were from central development region (31%), followed by eastern (22%), western (17%), mid-western (15.5%) and far-western development region (14%). This distribution nearly resembles the population distribution of Nepal by development regions.

Data reveal that trainings like electricians (25%), plumbing (25%) and masons (22%) become very popular among migrant workers. This holds for both male and female migrant workers.

Table 4.15 Distribution of persons provided skill development training by FEP Board, FY 2014/15, Nepal

Types of skills	Sex		Caste/ethnic groups				Total
	Female	Male	Janajati	Dalit	Madeshhi	Others	
Electrician	92	756	402	48	47	351	848
Mason	107	630	463	27	119	128	737
Plumbing	65	768	349	51	201	232	833
Scaffolding	0	101	58	21	15	7	101
House-painting	55	145	98	25	14	63	200
Still Fixer	28	192	121	15	21	63	220
Carpenter	26	174	75	20	41	64	200
Cooks	27	72	56	8	0	35	99
Waiter	14	86	40	8	0	52	100
Total	414	2924	1662	223	458	995	3338
Row %	12.4	87.6	49.8	6.7	13.7	29.8	100.0

Source: FEP Board 2015 – Annual Report of Foreign Employment Board FY 2014/15.

4.3.2 Institutional Mechanisms

Ministry of Labor and Employment- It is a lead Ministry in the formulation, implementation, coordination, monitoring and evaluation of policies, plans and programs related to labor and employment. Within the Ministry, the Foreign Employment and International Labor Relations Division is created to deal with the issues of foreign employment administration. With the lead role of the Ministry, the GoN has already signed bilateral agreements or Memoranda of Understanding (MoU) with Qatar (2005), United Arab Emirates (2007), the Republic of Korea (2007), Bahrain (2008), Japan (2009) and Israel (2015) to protect and promote the rights of Nepali migrant workers in these destination countries. With the collaboration of the United Nations and other international agencies, the Ministry has launched several programs/projects¹⁵ to make foreign labor migration safe and decent. Among them, the Safer Migration Project aimed at making foreign employment safe, respected, credible by carrying out different activities and the project is being implemented in 18 districts. In nine districts, the project is implemented through District Development Committees (Dang, Kaski, Nuwakot, Sindhupalchok, Udayapur, Siraha, Mahottari, Sindhuli and Jhapa while in other nine districts (Khotang, Sarlahi, Ramechhap, Nawalparasi, Sunsari, Kailali, Dhading, Dhanusa and Saptari), the Project is implemented by directly by the Swiss Development Corporation. Key activities of the project include the following:

- Establishing Information and Counseling Centers at the Central level in Kathmandu and in 18 project districts;
- Increasing access to justice to the victims on foreign employment by increasing effectiveness of implementation of the complaints and hearing;
- Managing and launching the rehabilitation centers for the victims of foreign employment;
- Providing professional skills training to the MWs including of women going for domestic work;
- Providing psychosocial counseling to the migrants' families to reduce the adverse consequences of foreign employment and economic cost of foreign labor migration on the family;
- Providing support for legal aids for the victims of foreign employment and carrying out advocacy intending to the protection of the MWs; and
- Strengthening the capacity of concerned Government agencies.

Foreign Employment Promotion Board (FEPB) – is responsible for the promotional activities for foreign employment and ensuring the social protection and welfare of MWs. It is mandated to conduct different studies about international labor markets; conduct pre-departure orientation and skills training; formulate programs for returnees; carry out studies to implement the Foreign Employment Act and advise the Government for fixing service and promotional charges. Further, it manages the Foreign Employment Welfare Fund and oversees skills training and orientation; access to medical facilities by workers and their families; rescue, rehabilitation and re-integration and financial support, compensation and awareness-raising. In the FY 2015/16, in addition to the policy level initiatives, it provided

15 They include i) The Safer Migration Project, 2013–2017; ii) The Promoting the Effective Governance of Labor Migration from South Asia, 2013–2016; iii) The Partnership Program on Fair Recruitment and Decent Work for Women Migrant Workers in South Asia and the Middle East, 2013–2018; iv) the Research and Policy Dialogue Initiative on Migration and Development in Nepal, 2015–2017; and v) The Strengthening Labor Migration Capacities or the Colombo Process Member States Countries initiative, 2013–2015.

to 3338 individuals' skill based training across the country. It revised the curriculum on pre-departure orientation revised and provided entrepreneurship Program for victims of gender-based violence and returnee WMWs.

Foreign Employment Promotion Board increased the periodic life insurance of foreign employment from Rs. 500,000 to Rs. 1 million from April 1, 2016. Workers shall have to pay Rs. 2,500 to Rs. 6,500 as a premium. FEPB has also increased the compensation amount to Rs. 1.7 million from Foreign Employment Welfare Fund: Rs. 1 million will be compensated if death of a worker during work; Rs. 450,000 for bringing death body and expenses of death ritual and Rs. 300,000 for the dependent family. The insurance period shall be at least 6 months more than the working period.

Department of Foreign Employment (DoFE) – is responsible for promoting safe and dignified foreign employment. It is mandated to regulate the recruitment agencies and others; investigate workers' complaints and prosecute the perpetrators; controls fraud involved in foreign employment; scrutinize the job notifications, the contracts and the appointment letters; and provide labor approval for foreign employment. It also maintains a database of details about the complaints. The Complaint Registration and Investigation Section of the DoFE investigate all registered grievances. Under sections 43–59 of the Foreign Employment Act, the Department has jurisdiction to decide if an offence has occurred, and under sections 48–55 it can impose penalties. The cases beyond its jurisdiction are forwarded to the Foreign Employment Tribunal.

The accountability and transparency of the staff of in the DoFE is sometimes questioned. On January 2, 2017, one online news¹⁶ published from Kathmandu accused that the staff of DoFE in Tahachal Office issue illegal labor permission by receiving a bribe. The Government has restricted not to send the women domestic workers in Kuwait, Oman, Bahrain, Saudi Arab and Qatar. But it was found that Kumari (name changed) of Magapauwa VDC of Dolakha was provided re-labor permit to Kuwait when she had never been there before. Kumari is only one example that the Department of Foreign Employment provided labor permit. There are hundreds of such examples.

There has also been concerned that how effectively the recruiting agencies can be regulated in the context that they become more organized and vocal¹⁷. On February 24, 2016, the CIB raided many recruiting agencies in Kathmandu for their alleged involvement of irregularities, fraud and cheating. The SSP Sarbendra Khanal says, 'unexpected events are being happened in the foreign employment business. There is no human sensitiveness and widespread cheating in the name of foreign employment'¹⁸. On the other hand, the recruiting agencies called on *banda* in dealing the foreign employment business to oppose the Police raid as well as to alter the government's decision to provide the free visa and free ticket. The *banda* also affected the services in DoFE for more than two weeks. The protestors also met then Prime Minister KP Sharma Oli and the Parliament Committee on International Relations and Labor. The strike ended by agreeing that the provisions of free visa and free ticket will not be implemented. The ex-Chair of Foreign Employment Association, Mr. Bal Bahadur Tamang argued that 'there is no free visa and free ticket system even in India, Sri Lanka, and Bangladesh. The GoN that sent labor itself has imposed heavy fee for South Korea and Israel but it is against the private sector. There is assault in the recruiting agencies from everywhere'.

Vocational and Skill Development Training Center –Under the Ministry, it works as a department-equivalent organization. The centre offers training programs that promote self-employment and cater to the needs of workers seeking foreign employment. It has the training centers in Kathmandu, Hetauda, Pokhara, Jumla, Parbat, Butawal, Dang, Nepalgunj, Dhanagadhi, Mahendranagar, Dhading, Rautahat, Jhapa, Itahari, Okhaldhunga and Janakpur cities.

The Labor Village –It was created in 2013 aiming to provide all services of foreign employment from a one-stop location. The Kathmandu Office, Malaysia Section, Qatar Section and Saudi Arabia Section of DoFE are now located in this Labor Village. In the FY 2015/16, the Migrant Resource Centre has been established with the support of the ILO and the Non-Resident Nepali Association. The centre provides safe migration information to migrant workers and also provides legal counseling.

Labor Bank –Following the Foreign Employment Policy, the Government of Nepal in 2014 announced the establishment of the Labor Bank through a public-private partnership. It aims to make optimal use of migrants' remittances; provide loan to the potential migrants and their dependent families on low interest rate, enable to remit their earnings safely and collect the money for investment in productive sectors. Currently, there is a migrant contributory fund in which Rs. 1,000/migrant deposit before going to work at aboard. This Fund is managed by Foreign Employment Promotion Board. The announcement of establishment of Labor Banke should be taken as a significant move towards creating a favorable environment for utilizing income for productive sectors and development projects in Nepal that

16 <http://www.onlinekhabar.com/2017/01/522318/> (accessed on January 2, 2017).

17 <http://nepal.ekantipur.com/news/2016-04-04/20160404175927.htm> (Janajka Raj Sapkota)

18 <http://www.ratopati.com/news>

would contribute to economic growth. However, it is known that Nepal Central Bank and Ministry of Finance are not in favor of establishing a separate Banke financed and managed by the Government. They are suggesting just an Investment Board and the like. Some media also reported that World Bank and International Monetary Fund are not suggesting establishing a public managed and funded Bank.

Foreign Employment Tribunal – Established in 2010 under the Foreign Employment Act and its Rules, it is a semi-judicial body consisting of three members chaired by the Judge of the Appellate Court. As per the Foreign Employment Act, the jurisdiction of the Tribunal covers as stated in Box 4.5.

Box 4.5 Jurisdiction of the FET

Offences	Penalty
Operating foreign employment business without permission	Fine: Rs. 300,000 to Rs. 500,000 Imprisonment: 3 to 7 years. If the potential migrant worker has not moved for a destination country, then the penalty is cut off by half.
Sending a migrant worker abroad without obtaining the labor permit	Fine: the agency is fined a total sum of the principal amount plus 50% more of that amount Imprisonment: 3 to 7 years and revocation of their license to operate the business.
Sending minors for foreign employment	Fine: Rs. 300,000 to Rs. 500,000 Imprisonment: 3 to 7 years
Sending workers to countries not specified by the Government	Fine: Rs. 300,000 to Rs. 700,000 Imprisonment: 3 to 7 years. If the potential migrant worker has not moved for a destination country, then the penalty is cut off by half.
Embezzling the necessary documents or records related to its business	Fine: Rs. 100,000 to Rs. 300,000 Imprisonment: 6 months to 1 year. In case of repetitive offence, the penalty is doubled.

Cases filed in the Tribunal are tried and settled in accordance with the Summary Procedures Act 1972. The Tribunal also receives cases forwarded by the Department of Foreign Employment. Its handling of cases is discussed in Table 4.14.

Labor Attaché—The Government has appointed **Labor Attachés**¹⁹ in eight countries: Bahrain, Kuwait, Malaysia, Oman, Qatar, South Korea, Saudi Arabia and the United Arab Emirates.

Other Institutions

Department of Consular Services, Ministry of Foreign Affairs – is responsible for rescuing and repatriation of the victims of TIP or at risk of trafficking. The Ministry sends the funds to the Department of Consular Services, which then forwards the payment to the respective District Administration Office for disbursement to the beneficiary. The Government of Nepal has created the Department of Consular Services on May 3, 2013 aiming to provide increased services to the Nepali working abroad. Its mandate is to coordinate the activities needed for legal counselling of the Nepalese working abroad, rescuing and bringing back the dead body to Nepal. (<http://consular.mofa.gov.np>, accessed on September 28, 2016). In addition, there are five Consulate General Offices: in Calcutta, Hong Kong, Jeddah, Lhasa and New York, which also extend various consular services. The Department has created on-line legal services. The Department receives the request to rescue the MWs at risk from Department of Foreign Employment. However, according to the staff of Department of Consular Services, it is known that there is no separate Fund in Embassies/Consulate Offices to rescue the MWs, i.e., there is no Fund allocated under the Ministry of Foreign Affairs to rescue the trafficking victims.

Nepalese Embassies/Missions/Consulate Offices - Nepali Missions to abroad especially in the major destination countries of Nepali MWs including in India carry out a number of activities for the protection and promotion of rights of the MWs in their corresponding countries. The monthly progress report of the Nepali Embassy to Saudi Arab as presented in Annex 4.3 list 13 activities carried out by the Embassy in relation to dealing with Nepali MWs issues. During the nine-months of the FY 2015/16, the Embassy handled 393 labor complaints; 83 house-maids were

19 The functions, duties and powers of the labor attaché are to i) provide information to the Government on the conditions of labor, employment and immigration in a destination country; ii) support resolving any dispute between workers and businesses involved; iii) make arrangements for rescue a worker at risk; iv) gather information on the availability of employment that matches with the skills of Nepali workers; v) manage the repatriation of the body of any deceased migrant workers; vi) maintain bilateral agreements; vii) provide welfare-protecting information to migrant workers; viii) supervise any activity that may affect migrant workers; and ix) perform functions as directed by the Government from time to time.

rescued and sent back to Nepal; 180 death bodies were repatriated to Nepal; a total of Saudi Riyal 1,950,659 was sent to Nepal as compensation of the 226 cases (deceased and injured). It also issued travel documents (1531), visa (326), temporary passports (843) and also provides attestation and translation. There are several examples of rescue of MWs from abroad by the Embassies.

Information on the number of Nepali MWs rescued is available from 10 Embassies/Consulate Offices of Nepal. In FY 2015/16, these Embassies/Consulate Offices altogether rescued 869 Nepali MWs across the different countries including the countries outside of the Embassies (Table 4.16). Among the rescued persons, majority were rescued from Saudi Arabia (44%), followed by New Delhi (14%), Oman (13%), China (10%), Kolkata (6%) and South Korea (6%). There were also considerable number from Malaysia (2%), South Africa (1%) and Thailand (nearly 1%). Examining the sex of the rescued persons, both female and males were rescued. Majority of females were rescued from Saudi Arabia (112), Oman (96), Kolkata (28) and New Delhi (49). Almost all children were rescued from India except one dependent child from Saudi Arabia. Among 75 children, 22 were girls and 53 were boys.

Table 4.16 Number of Nepali MWs rescued through different Nepalese Embassies/Consulate Offices, FY 2015/16

Name of Embassy/Consulate	Female	Male	Children	Total	% of total
Nepal Embassy to China, Beijing	4	32	0	83	9.6
Nepal Embassy to Saudi Arabia, Riyadh	112	266	1	379	43.6
Nepal Embassy to South Korea, Seoul	13	36	0	49	5.6
Nepal Embassy to Malaysia, Kuala Lumpur*	1	1	0	14	1.6
Nepal Embassy to Oman, Muscat	96	19	0	115	13.2
Nepal Embassy to Russia, Moscow **	3	27	0	30	3.5
Nepal Embassy to South Africa, Pretoria***	4	7	0	11	1.3
Nepal Embassy to Thailand, Bangkok	0	8	0	8	0.9
Nepal Consulate General Office, Kolkata, India	28	9	19	56	6.4
Nepal Embassy to India, New Delhi	49	0	75	124	14.3
Total****	310	405	95	869	100.0

Note: * rescued 12 persons from Federal States of Micronesia but break-down by sex of the MWs is not given. It also sent 450 MWs from Malaysia to Nepal by providing air-tickets.

** Among 30, 16 were rescued from Ukraine, 6 from Georgia, 4 from Belarus, 2 from Azerbaijan and 2 from Russia.

*** rescued from South Africa, Kenya, Tanzania and Uganda.

**** total does not match with the total figures of female, male and children because of missing of break-down by sex from some Embassies.

Source: Ministry of Foreign Affairs cited in MoWCSW (2017 forthcoming).

Box 4.6 shows the efforts of Nepali Embassy to rescue the migrant workers from abroad.

Box 4.6 Nepali Embassy to Saudi Arabia's efforts of rescuing WMWs

A Nepali woman who had been in servitude situation for the last 7 years was rescued from Saudi Arabia. The victim woman was sent via New Delhi as a domestic worker. The victim, Mana Maya Gurung, 30, was from Sundarpur Morang. She was rescued with the effort of the Consulate General Office of Jeddah, Saudi Arabia. The owner did not allow her coming back to Nepal saying that he bought her for 10 years – and the owner was saying that he would not allow her going to home for another three years. The owner complied to pay her renunciation of 13,000 Saudi Riyal and her plane-fare.

In another case, seven Nepali women domestic workers who came from Kuwait to Saudi Arabia were rescued with the efforts of Nepali Embassy to Saudi Arabia on April 2016. These women had run away from their owners' houses, for they could not bear the exploitation and torture. These women for some days were taking the shelters in the Embassy. As there are marriage and family relations between people of Saudi Arabia and Kuwait, there is frequent movement of family members and domestic workers between two countries. The women were employed some years in Kuwait and they were transferred to Saudi Arabia in tourist visa but were forced to work as domestic workers. There is problem of rescue of such victims as they have to pay 15,000 Saudi Riyal as fine as being illegal entry in Saudi Arabia.

Source <http://www.onlinekhabar.com>.

Metropolis Crime Investigation Division, Teku – Under the Pillar Nine, Nepal Police looks after the issues of human trafficking and foreign employment within the Crime Investigation Division. The Nepal Police set up a helpline in its Metropolis Crime Investigation Division in Teku in September 18, 2015. It has run hotline of 1177 (01-4241177) and provides the services of 24-hours. It handles the complaints related to fraud in foreign employment, missing persons and also conducts rescue operation with the coordination of different GOs and NGOs. It conducts accidental inspection and surveillance in the potentially risk areas in Kathmandu valley including in hotels, lodges, and guest houses. It carried out different awareness programs in the FY 2015/16 and its head visited Malaysia, Dubai and Sri Lanka including other countries to establish coordination with the concerned organizations at abroad.

During the FY 2015/16, it handled 674 complaints related to fraud involved in foreign employment from 35 countries in which there were 2,342 numbers of victims (Table 4.17). Of the victims, females were 4.4 percent while males were 95.6. Among the 674 complaints, 281 were received through applications, 370 through hotline (1177) and 23 through e-mail. These complaints were made from 35 countries including Nepal. An incomparably highest number of complaints were found to be from Saudi Arabia (42%). This is followed by within Nepal (14%), Malaysia (12%), Dubai (10%), Qatar (6.5%) and Kuwait (4%). The Metropolis Crime Investigation Division registered 13 cases of trafficking in which there were 44 victims. In these 13 cases, there were 38 accused persons. Of which, 22 were already arrested while the rest 16 were *pahrar* (run away). Of the 44 victims who were rescued during the FY 2015/16, one was rescued from India and Macau each, two from Oman and Dubai each, 18 from Sri Lanka and 20 within Nepal. The types of complaints were fraud, deception, not paying the salary on time, not employing in the said company, withdrawal of passport, physical and mental violence.

Table 4.17 Number of complaints handled in relation to fraud involved in foreign employment business by the Metro Police Crime Investigation Division, Nepal Police, FY 2015/16

S.N	Country	Complaints received through:			Total	%
		Application	Hotline (1177)	E-mail		
1	Saudi Arabia	41	228	15	284	42.1
2	Nepal	80	14	1	95	14.1
3	Malaysia	30	49	2	81	12.0
4	Dubai	36	30	1	67	9.9
5	Qatar	11	29	4	44	6.5
6	Kuwait	16	10	0	26	3.9
7	Oman	7	3	0	10	1.5
8	Iraq	5	4	0	9	1.3
9	Portugal	6	0	0	6	0.9
10	Afghanistan	4	0	0	4	0.6
11	Australia	4	0	0	4	0.6
12	Kazakhstan	4	0	0	4	0.6
13	Japan	4	0	0	4	0.6
14	Macau	3	0	0	3	0.4
15	Korea	2	1	0	3	0.4
16	Sisal (Europe)	3	0	0	3	0.4
17	India	3	0	0	3	0.4
18	South Africa	1	1	0	2	0.3
19	Haiti	2	0	0	2	0.3
20	Sri Lanka	1	1	0	2	0.3
21	Cambodia	2	0	0	2	0.3
22	America	2	0	0	2	0.3
23	Turkey	2	0	0	2	0.3
24	Palau	1	0	0	1	0.1
25	Israel	1	0	0	1	0.1
26	Russia	1	0	0	1	0.1
27	Libya	1	0	0	1	0.1
28	Singapore	1	0	0	1	0.1
29	New Zealand	1	0	0	1	0.1
30	Bangladesh	1	0	0	1	0.1
31	Thailand	1	0	0	1	0.1

S.N	Country	Complaints received through:			Total	%
		Application	Hotline (1177)	E-mail		
32	Cyprus	1	0	0	1	0.1
33	Hong Kong	1	0	0	1	0.1
34	Canada	1	0	0	1	0.1
35	Mauritius	1	0	0	1	0.1
	Total	281	370	23	674	100.0

Source: Metro Police Crime Investigation Division, 2017 (data received to NHRC).

Involvement of Private Sector- For the management of foreign employment, private sector is also involved: recruiting agencies, orientation institutions, health insurance companies, medical check-up etc. The recruiting agencies and orientation institutions acquire a permit from the DoFE to conduct their business and are responsible to migrant workers and the state in case of fraud and malpractice. DoFE is mandated to monitor the activities of recruiting agencies, keeping them in suspension and offering renewal or non-renewal if they contravene the standard criteria stated in the Act and Regulation. By the mid-2016, there were 1033 recruiting agencies registered in the DoFE and among them 754 were at operational. All most all the recruiting agencies are located in Kathmandu valley and there are only 47 branch offices registered outside of the Kathmandu valley (Table 4.18).

Table 4.18 Details on recruiting agencies, FY 2015/16

Details	Number
Recruiting agencies registered to operate	1033
Recruiting agencies currently operating	754
Branch offices of registered recruitment agencies	47
Registered agents of recruitment agencies	733
Orientation institutions registered to operate	126
Orientation institutions currently operating	108
Institutions approved to operate under JITCO agreement	137
Registered institutions providing training for domestic worker jobs	17

Source: DoFE, 2016.

4.3.3 NHRC Responses

NHRC-OSRT staff continuously monitored the situation of rights of migrant workers through newspaper readings, social media and other means and came forward to recommend for the immediate rescue to the concerned Government agencies. The following are some of the efforts made in this direction:

- On August 3, 2016, the Annapurna Post – a national Nepal Daily, wrote that 90 Nepali women were in the state of stranded in Sri Lanka. They were being taken by the human traffickers to Iran, Kuwait, Oman and including other Gulf countries via Sri Lanka for foreign employment. The victims were kept in a narrow and congested room; provided no health services and no adequate food and they were staying in the state of servitude and torture life for a long-time. With the instruction of Honorable Commissioner, Mr. Sudeep Pathak, NHRC closely monitored the situation and NHRC-OSRT wrote to the Police Headquarter, Ministry of Foreign Affairs, Department of Counselor, and Ministry of Women and Children in the same day in which the news was published asking about the reality of the news and immediate rescue efforts. NHRC staff contacted a Journalist of the Annapurna Post who wrote the news. According to the Journalist, after the publication of the news, the Chief Secretary of the Government of Nepal called an emergency meeting with the Secretaries of Labor and Employment, Ministry of Finance, Ministry of Women, Children and Social Welfare, and authorities of the Ministry of Foreign Affairs and ordered the concerned bodies for immediate rescue of the victims. The case was also informed to the Acting Ambassador of Nepal to Sri Lanka – Mrs. Dhan Kumari Joshi. The news was published on the basis of the information provided by victim. She escaped from Sri Lanka and came to Nepal. She said that she paid Rs. 200,000 to the agent to go to Iraq but they were left stranded in Sri Lanka for a long time.
- On June 2015, a woman (name changed ABC) posted news that she had been living in a slavery like condition in Syria – a war zone country. The agent promised her security guard in Dubai for which she paid 6000 US dollar. NHRC-OSRT staff directly contacted to the victim through social network (face book). With the reading in the

face book post, NHRC-OSRT followed the news and wrote for the immediate rescue of her to the Ministry of Foreign Affairs and MoWCSW. As a result, ABC was rescued by the Nepal Embassy to Egypt in June 2016.

- A woman (name changed DEF) from Rupandehi was trafficked to Oman by a local agent in August 2016. Knowing this, NHRC-OSRT sent the request letters to MoWCSW, and CIB Nepal Police HQ, Counselor Department, Ministry of Foreign Affairs for her immediate rescue. NHRC-OSRT also wrote to the Immigration Department and Department of Foreign Employment to know whether or not she flew from Nepal and whether or not she took labor permit. It was found that she did not fly from Nepal and neither did she take labor permit. She was rescued by the Nepal Embassy to Oman on November 2016.

4.3.4 Responses of NRN on Women Domestic Workers

On January 27, 2016, the Non-Resident Nepali (NRN) Association, the National Coordination Council, Saudi Arabia requested the Government of Nepal not to immediately proceed to send the Nepali women domestic workers to Saudi Arabia in the present state of working condition (www.nrnaksa.org). The request letter was sent to the Ministry of Employment and Labor and it also informed to the Embassy of Saudi Arabia, Department of the Foreign Employment, Ministry of Foreign Affairs and the Central Secretariat of the NRN in Kathmandu. On February 22, 2016, the Council issued a press statement giving the reasons for not sending the Nepali workers over there. This is mainly due to the rough and inhumane behavior of the owners and agencies/agents towards the women domestic workers.

Non-Resident Nepali (NRN) noted the following problems from the employers: withholding of the passport of the domestic workers; long working hours; restriction in the mobility; no payment as per the contract letter; situation of fear and threats; forced labor situation; if the workers run away escaping the exploitation, they are charged as thieves and arrested under the *Kafala* system; falling into the most intolerable situation such as sexual slavery; no adequate food and health treatment; forced to work even after the completion of the contract period; employing the workers in countries other than countries for which labor permission is obtained (Labor permit is taken for Kuwait but women are sent to work in Saudi Arabia); not allowed to contact with the family and relatives at home and sponsors/owners can sell the domestic workers to the recruiting agencies or another sponsors.

Non-Resident Nepali (NRN) noted the problem arose from the recruiting agencies and agents as follows: i) promising sweet-dreams without adequate information about the reality of the domestic workers situation; ii) physical and mental torture to the domestic workers who run away from the owner's house due to not able to work there and iii) agencies motivating the domestic workers to run away from the owners after completion of the *Kafala* period and thereby agencies are trying to escape from the responsibilities of safe return of the workers.

Non-Resident Nepali (NRN) also suggested for rescue and repatriation measures such as punishing the agents by imposing them fine and imprisonment; conducting a MoU with the Government of Saudi Arab that Nepali Embassy and its representatives shall be allowed to visit the owner's house for rescue a Nepali worker; establishing the linkage to the victims' family through the Embassy and establish effective coordination with the Nepal Police Hotline Service (977 1177); establishing coordination among the Embassy, Nepali community and other organizations for rescue operation and establishing Rescue and Repatriation Fund especially targeting to the domestic workers.



Monitoring of Anti-Trafficking Initiatives

This Chapter reviews the Governmental as well as non-Governmental efforts in combating TIP in Nepal. It critically reviews the Policies, programs and projects.

5.1 Nepal's Position in TIPs Report and Global Slavery Index Report

Nepal's position in terms of combating trafficking and modern slavery can be examined utilizing the indicators of the two Global level Reports: The Global Slavery Index Report and The United States' (US) Trafficking in Persons (TIP) Reports.

The Global Slavery Index Reports²⁰ provide the extent of people in enslavement state. The Global Slavery Index Report 2013 provides a ranking of 162 countries and it ranked Pakistan, India and Nepal ranked as 3rd, 4th and 5th respectively. On the other hand, Bangladesh and Sri Lanka remain in 71th and 118th ranking at the Global level.

The 2016 Report ranked Nepal in the 13th position in terms of prevalence of enslavement (Box 5.1). The rate is much lower in Nepal (0.823%) compared to India (1.403%), Pakistan (1.130%), and Bangladesh (0.951%). It is estimated that 234,600 persons are in the state of enslavement in Nepal. Within this estimate, the largest proportion indicated having experienced forced labor (97%) with approximately 3 percent forced marriage. The average vulnerability score of Nepal is 40.37. The factors explaining the vulnerability are poverty, caste-discrimination, the traditional bonded labor system such as *Haruwa-Charuwa*, *Haliya* and *Kamaiya*, and foreign labor migration of unskilled persons. Further, the 2015 earthquake increased the vulnerability in the already poor and disadvantaged sections of population of Nepal. However, according to the Report, the Government responded positively to combat modern day slavery. It has ratified the fundamental UN and ILO Convention on combating modern day slavery, created specialized units in dealing with trafficking in persons in Nepal, provided shelter and services to the victims of TIP (but still there are no rehab centers established for the male victims) and Government willingness to tackle the issue. In March 2016, the MoWCSW organized the first Girl Submit to end child marriage by 2030.

Box 5.1 Global Slavery Index of SAARC countries, 2013 and 2016 (country ranking =162 countries)

Countries	2013		2016			Key aspects of enslaved
	Global ranking	Estimated number of people enslaved	Global ranking	Estimated % of population enslaved	Estimated number of people enslaved	
Pakistan	3	2,000,000-2,200,000	6	1.130	2,134,900	Forced marriage of women and children, bonded labor in brick making industry, and trafficking

²⁰ Walk Free Foundation (2013 and 2016) estimated the number of people in modern slavery. Modern slavery includes slavery, slavery-like practices such as debt bondage, forced marriage, and sale or exploitation of children, human trafficking and forced labor. The Global Slavery Index is the combined measure of three factors: i) estimated prevalence of modern slavery in each country (0.95 weight in the Index); ii) a measure of the level of human trafficking to and from each country (0.025 weight in the Index) and iii) a measure of the level of child and early marriage in each country (0.025 weight in the Index).

Countries	2013		2016			Key aspects of enslaved
	Global ranking	Estimated number of people enslaved	Global ranking	Estimated % of population enslaved	Estimated number of people enslaved	
India	4	13,300,000-14,700,000	4	1.403	18,354,700	Bonded labor, and sexual exploitation
Nepal	5	250,000-270,000	13	0.823	234,600	Foreign labor migration, domestic servitude
Bangladesh	71	330,000-360,000	10	0.951	1,531,300	Bonded labor, sexual exploitation and trafficking
Sri Lanka	118	18,000-20,000	42	0.221	45,900	Foreign labor migration

Source: Walk Free Foundation 2013 and 2016 The Global Slavery Index.

The United States' (US) Trafficking in Persons (TIP) Reports provide an indication that to what extent Nepal has been compliance with the US Government minimum standards of *Trafficking Victims Protection Act* in relation to combating trafficking. The US Government has been publishing *Trafficking in Persons Report* annually since 2001. It places countries around the global in monitoring of trafficking in four categories: i) Tier 1; ii) Tier 2; iii) Tier 2 Watch List (WL) and iv) Tier 3²¹. Box 5.2 presents the TIP Report placing of countries in South Asia. Data reveal that Nepal's compliance in combating trafficking in persons has been satisfactory as compared to other South Asian countries. Nepal has remained in Tier 2 since 2009 while Afghanistan and Sri Lank remained in Tier 2 WL over the years.

Box 5.2 Nepal's position in US TIPs Report compared to other South Asian countries, 2009-2013

Countries	2009	2010	2011	2012	2013	2014	2015	2016
Nepal	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2
Afghanistan	Tier 2	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2	Tier 2	Tier 2 WL
Bangladesh	Tier 2	Tier 2 WL	Tier 2 WL	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2
India	Tier 2 WL	Tier 2 WL	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2
Maldives	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2	Tier 2	Tier 2 WL	Tier 2 WL
Pakistan	Tier 2 WL	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2 WL	Tier 2 WL	Tier 2 WL
Sri Lanka	Tier 2	Tier 2 WL	Tier 2	Tier 2	Tier 2 WL	Tier 2 WL	Tier 2 WL	Tier 2 WL

Source: TIP Report 2016 (Country Narratives).

5.2 Key Policy Initiatives

Development Plans - Combating TIP has surfaced in Development Plans especially after the Thirteenth Plan (2013-16) as it has a separate Chapter for TIP before the Plan, there was no separate Chapter allocated for TIP. The thirteen plan aimed at i) strengthening the structure and mechanisms of fighting TIP and ii) ending the impunity and increasing access to victims. To achieve these objectives, it outlined two strategies. The first strategy was to increase the capacity of the organizations working against TIP by developing and strengthening their structure; increasing the coordination among them through National and District Committees and establishing safe-migration information booth at the local level. Second strategy was to reduce the vulnerability of children and adolescents of trafficking by identifying the vulnerable groups/communities; launching the community-based social and economic programs and develop effective systems for monitoring and follow-up programs.

The Plan proposed the carrying out the following activities:

- Prepare the records of VDCs and Municipality that are most sensitive to human trafficking and map the vulnerable groups/community and disadvantaged groups.
- Establish the Local Committees as per need in order to control human trafficking
- Increase the awareness of the vulnerable children by involving them in the Child clubs
- Implement the targeted programs for the families of most vulnerable to increase their economic status and social capacity
- Increase awareness about human trafficking through formal and informal education Produce and disseminate the IEC materials and establish the Information and Support Centers

²¹ **Tier 1** countries are those whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards; **Tier 2** 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; **Tier 2 WL** 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 **Tier 3** countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

- Amend the existing laws as per need
- Ensure the immediate rescue of the victims, repatriate them appropriately, provide them adequate rehabilitation and reintegration services
- Increase the capacity of service providers in order to increase access to services to the victims

Although there is no study suggesting the level of achievement of the Plan’s activities, it is identified through review and discussion with the key stakeholders that the following was not achieved:

- Mapping of the vulnerable communities and groups in the country – The MoWCSW has carried out a study that provides some review of the vulnerable groups and communities but it does not provide the details number and location and types of groups vulnerable to trafficking.
- Very few numbers of Local Committees were established during the Plan Period.

The Fourteenth Plan (2016/17-2018/19) – The main objectives of the Plan related to combating TIP are to i) control the TIP and ii) provide effective services to the victims. The Plan identified challenges to combat TIP as unable to stop TIP taking places from new routes and using different new modus operandi; lack of effective coordination among organizations; lack of integrated data and reporting system; lack of employment opportunities in the country and inadequacy of awareness programs on foreign employment and human trafficking. The Plan also outlines the key opportunities to control the TIP as i) implementation of the Human Trafficking and Transportation Act 2007 and Regulation 2008; ii) establishment of Information and Counseling Centers in some districts; iii) formation and mobilization of local committees against TIP; iv) establishment of the temporary rehabilitation centers for providing rescue and rehab services to the victims and v) initiation of the coordinated efforts among organizations working against TIP.

The Plan has adopted four strategies and 15 activities corresponding to implement each of the strategies (Box 5.3).

Box 5.3 Overview of strategies and activities on combating TIP of the Fourteenth Plan

Strategies	Activities
Introduce the targeted programs for the vulnerable groups/ communities of TIP	1. Launch the community-based better life and self-employed programs by identifying the vulnerable groups/communities on trafficking
	2. Increase the active participation of NGOs and community for effectively combating TIP
	3. Empower the vulnerable groups to reduce the risk of TIP
	4. Commence the safe-migration education and awareness programs and establish the safe migration information booths at the local level
	5. Mobilize the local and national level media effectively and at maximum
	6. Mobilize the women collectivities established and facilitated by Department of Women and Children
	7. Strengthen and expand the mechanisms and structures to rescue, repatriate, protect and rehabilitate the victims of trafficking
Strengthen the capacity of mechanisms and structure established to combat TIP	8. Establish and run at least one rehabilitation center in each Province with having a minimum standards of providing services to the victims
	9. Amend the laws related to TIP as per the need
Provide the integrated services to the trafficked victims ensuring their human rights	10. Support the reintegration of the victims to the family/ community and initiate the monitoring of reintegration process
	11. Ease the services of Legal Aids and compensations
Increase access to justice to the trafficked victims by elimination of impunity	12. Mobilize the local communities
	13. Strengthen the National, District and Local Committees to formulate and implement policies and programs in their concerned jurisdiction effectively and bring all local groups/communities and networks within the sphere of these communities
	14. Increase access to justice to the victims by making victim-friendly and sensitive complaint handling system
	15. Adopt the zero-tolerance policy on trafficking of children and adolescents and amend the relevant laws and policies to bring the perpetrators into justice

Source: NPC, 2016 (The Fourteenth Plan of Nepal).

The Plan, however, has not estimated the budget required for the implementation of these activities for the Plan Period as well as the sources of budget, and thereby making many of the activities as just Directive Principals of State, rather than the mandatory ones.

National Plan of Action (NPA) against TIP 2068 (2011) – The MoWCSW has developed NPA against TIP in 2012 by critically reviewing the early NPA developed in 2002. The new NPA has been formulated to control crimes related to human trafficking through effective implementation of Nepal’s obligation to the international human rights instruments including Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of the Child and the provisions of Human Trafficking (Control) Act, 2007 and its Regulation, 2008. The NPA has identified five priority areas: prevention, protection, prosecution, capacity building and coordination, collaboration and cooperation.

Implementation Plan for the NPA Action against TIP 2071 (2014) - The MoWCSW has developed Implementation Plan for the effectively implementation of the NPA against TIP 2012 in 2014. The Implementation Plan explicitly outlines the activities, results, indicators, time frame, main responsible organizations and supporting organizations and also provides the budget for carrying out each of the activities of the NPA. It seems that the Implementation Plan is ambitious in budget allocation, and there is no guarantee that the budget stated in the Implementation Plan is allocated by the Ministry of Finance. The estimated budget to implement the NPA is Rs. 1.02 Billion for the regular programs, periodic programs, annual and 2 years and 3 years programs. Of the total budget estimated, the highest proportion of budget goes to prevention (30%), followed by prosecution (25.5%), capacity development (21%), protection (16%) and 7 percent for coordination, collaboration and networking. It appears that while designing the Implementation Plan of the NPA, the weight of the budget allocation to the five components of the interventions was not considered. A huge cake of the budget goes to secondary stakeholders, building and equipping of service delivery mechanisms to the victims, rather than direct benefit to the vulnerable groups/communities and trafficking survivors.

Table 5.1 Estimates of budget to implement the NPA against TIP as provided by Implementation Plan 2071 (2014)

Components	Number of Strategies	Number of Activities	Estimated Rs. (in '000)	Percent
Prevention	11	65	305,400	29.9
Protection	9	40	167,200	16.4
Prosecution	6	75	260,800	25.5
Capacity Development	8	33	216,500	21.2
Coordination, Collaboration and Networking	5	36	71900	7.0
Total	39	249	1,022,400	100.0

Source: summarized from the MoWCSW (2014).

Guidelines/Standards – The GoN has adopted different Guidelines/Standards especially after 2007. These Guidelines/Standards provide uniformity among organization in providing services to the trafficked victims, access to justice and formation and mobilization of local committees against TIP. Key such Guidelines/Standards are the following:

- Guideline for Operation of the Child Helpline 2064 (2007)
- Guideline for Elimination of *Chhaupadi* System 2064 (2007)
- National Minimum Standard for the Care and Protection of the Victims of Human Trafficking and Transportation 2068 (2011)
- Guideline for the Operation of Rehabilitation Center 2068 (2011)
- Guideline for the Operation of the Rehabilitation Fund 2068 (2011)
- Guideline for Local Committee and Municipality Committee against Human Trafficking (Formation and Mobilization) 2070 (2013)
- Guideline Prosecution and Court Procedure of the Cases of Human Trafficking and Transportation 2068 (2011)
- Guideline for the Investigation and Prosecution of Fraud Cases on Foreign Employment 2067 (2010)
- Supreme Court Guideline the Control of Sexual Abuse and Violence to the Women Workers in the Dance Restaurant, Dance Bar and other Entertainment Sector 2065 (2008)
- Terms and Conditions of International Adoption of Nepali Children 2065 (2008)
- Guideline for the Maintaining the Privacy on the Special Types of Cases 2064 (2007)

5.3 Institutional Mechanism

Ministry of Women, Children and Social Welfare (MoWCSW) – It is the lead line Ministry of Government of Nepal responsible in dealing with TIP especially women and children. The Ministry is responsible for formulation, implementation, coordination, collaboration, monitoring of the policies and programs in the country. The Ministry created Human Trafficking and Transportation Section in 2070/4/28 under the Gender Mainstreaming and Child Development Division in order to provide the top priority in issues of human trafficking and transportation. The Section establishes coordination, cooperation and collaboration with the different Ministry, Departments and Committees and with the International NGOs in dealing with the TIP situation in Nepal. In addition, this Section works as the Secretariat of the National Committee on Combating TIP.

Major Activities in the FY 2015/16 by the Human Trafficking and Transportation Section, MoWCSW

- Conducted interaction program between the members of National Committee and District Committees of Mugu, Surkhet, Kanchanpur and Bardiya. There was discussion about the problems of combating TIP in the district and ways to extending the coordination between the District Committees and the National Committee.
- Completed the Desk Review to identify the most sensitive districts, VDCs and Municipalities that disadvantaged socially and economically and are at risk trafficking.
- Held meeting of the National Committee five times; sub-Committees 4 times and 9 times meeting held with other stakeholders.
- Published National Report on Trafficking and Transportation .
- Considering the increased risk of trafficking after the 2015 earthquake and to effectively increase the surveillance in border areas and establish the coordination with the Indian counterparts, the MoWCSW conducted two-day cross-border workshops in Jhapa, Chitawan and Kanchanpur districts. There were females 108 and 117 males as participants from different stakeholders, NGOs and Child clubs. The workshop highlighted the problems in regulation of border areas. All the stakeholders including of Indian side made commitments to make concrete efforts to reduce the risk of trafficking.
- Efforts to amendment the Human Trafficking and Transportation (Control) Act 2064 (2007) – 10 sections.
- Provided services to the 1959 number of victims of GBV in FY 2015/16 from 17 District Service Centers and 104 Community based service centers.
- Formed 310 Local Committees on Combating TIP in different districts. These Committees are mobilized for public awareness about trafficking and safe migration and surveillance in the village.
- Conducted two-day training in Nawalparasi district among 26 participants comprising of Managers of Rehabilitation Centers of 8 districts, and focal persons responsible for dealing the trafficking issues and accountants of Women and Children Offices. The training highlighted the problems, ways to solutions and share the experiences each other in dealing with the trafficking issues.
- Monitored anti-trafficking and other programs in Kanchanpur, Kailali, Banke, Surkhet, Mugu, Kalikot, Biratnagar, Dhankuta, Terahathum, Kaski and Chitawan and also monitored the rehab centers run in the districts and provided suggestions and instructions.
- Produced and broadcasted message/information from different electronic and print media about reducing the risk of trafficking after the April 2015 earthquake in Nepal.
- Conducted a two-day orientation among the 126 focal persons on anti-trafficking of all the 75 Women and Children Offices about law, policy and about writing of progress report.
- Conducted one-day seminar about the amendment of Human Trafficking and Transportation (Control) Act 2064 (2007) in Makwanpur district. There were 79 participants representing from different GOs and NGOs.
- Provided amount to the Nepali Embassy to Sri Lanka from the National Fund for the rescue and repatriation of women who had been abandoned in Sri Lanka
- After the mid-2015 earthquake, established temporary information and counseling desks (for six months) in 8 places of 7 districts with the coordination of Women and Children Office and District Police Office and different GOs and NGOs. ABC Nepal established information and counseling desks in four places: Bhiman (Sindhuli), Thana Bharang (Makwanpur), Aama VDC (Rupandehi) and Kakrahawa VDC (Dang). KI Nepal

established information and counseling desks in four places: Barabeshe (Sindhupalchok), Butawal bus-park (Rupandehi) and Aapatari (Chitawan).

- Celebrated 9th National Anti Trafficking Day (*Bhadra 20, 2072 or September 6, 2015*) by launching of different programs for 7-days and mobilization of a range of stakeholders. On the occasion, the following individuals and organizations were honored and rewarded for their outstanding contribution in combating TIP.

Individuals (Rewards)

1. Ms. Sharada Nepal, Women and Children Office, Illam
2. Ms. Raj Kumari Thapa, District Police Office, Parsa
3. Ms. Bhagawati Nepal, Mahila Atmanirbhar Kendra (MANK), Sindhupalchok
4. Mr. Bhawindra Devakota, Butwal– the Journalist, Tillottma National Daily
5. Ms. Mina Sharma – the Journalist, Kantipur FM

Organizations (Honor and Respect Letter provided to)

1. LACC, Kathmandu
2. Women and Children Office, Kanchanpur
3. Ms. Narayani Rajaure of Dang – the journalist of RSS
4. Ms. Manju Thapa of Aasmit Patrika
5. Ms. Chandra Kumari Gurung of District Police Office Kaski

National Committee on Combating Human Trafficking (NCCHT) – It is a National Level Committee formed under the Section 23 of Human Trafficking and Transportation Act (Control) 2007 and Rules 3 of the Regulation 2008. It is an interagency committee. It is chaired by the Secretary of the MoWCSW and members of the Committee are the Joint Secretaries of Ministry of Labor and Employment, Ministry of Home Affairs, Ministry of Foreign Affairs including Joint Attorney General, Police Superintendent and representatives from the organizations working against TIP and victims. The Committee is responsible for formulation of plans, policies and programs submitting them to the MoWCSW for approval. It facilitates for the implementation of the Government’s approved plans, policies and programs from the national to the district levels.

The following are the major decisions carried out by the National Committee on Combating TIP during the 2014 to 2016.

- On January 18, 2014, the National Committee decided to provide the travel fair to the women, adolescent boys and girls who were rescued from dance bars and restaurants. The amount should be adequate to reach the victims house. This decision was sent to Women and Children Department for its implementation.
- On June 2, 2014, the National Committee decided to provide the travel expenses and Daily Allowances to who follows up to the border area of Nepal-India to repatriate the victims of trafficking. The allowances and travel expenses shall be provided to such a staff as per the Government of Nepal Travel Expenses Regulation 2064 (Schedule 5).
- Extend the budget allocation for the rescue and repatriation of victims of trafficking to Nepal from the Nepali Embassy in India and Consulate General Office at Kolkata to Nepali Embassy to Thailand from FY 2014/15 and Nepali Embassy to UAE from FY 2015/16.
- On May 10, 2015, the National Committee decided about prohibited any persons or organizations transportation of children from one place to another. If it is required, it is essential to take permission from the District Child Committee. The Committee also decided not to provide the permission for operation of new Child Care Home until the next notice.
- On December 31, 2015, the National Committee decided to provide the reasonable compensation to the victims from the Rehabilitation Fund according to the Court Decision. The Committee decided that the compensation shall be paid to the victims from the District Rescue Fund and the District Committee shall ask the Ministry for the reimbursement of that amount.
- On May 24. 2013, the National Committee decided to extend the working of the 8 Rehabilitation Centers supported by the Government so as to control the human trafficking across the country.

SN	District	Name of the Rehab center	Working areas added
1	Kailali	Srijanshil Samaj	Darchula, Baitadi, Dadeldhura, Bajhang, Kanchanpur, Bajura, Achham, Doti, Dailekha and Kalikot
2	Banke	Saathi	Salyan, Bardiya, Surkhet, Jajarkot, Humla, Jumla, Mugu, Dolpa, Rukum, Rolpa, Dang and Pyuthan
3	Rupandehi	Maiti Nepal	Gulmi, Arghakhanchi, Kapilbastu, Palpa, Syanja, Nawalparasi, Myagdi, Baglung and Parbat
4	Chitawan	Aadarsha Nari Bikash Kendra	Manang, Mustang, Tanahu, Kaski, Lamjung, Gorkha and Makwanpur
5	Parsa	Maiti Nepal	Bara, Rautahat, Sarlahi, Mahottari, Dhanusa, Sindhuli, Udayapur, Siraha and Saptari
6	Sindhupalchok	Shakti Samuha	Kavre, Ramechhap and Dolakha
7	Kathmandu	ABC Nepal	Rasuwa, Nuwakot, Dhading, Solukhumbu, Bhaktapur, Lalitapur, Okhaldhunga and Khotang
8	Jhapa	Maiti Nepal	Taplejung, Panchathar, Illam, Morang, Sunsari, Dhankuta, Terhathum, Sankhuwasaba and Bhojpur

On February 4, 2016, the National Committee decided that:

- District Committee shall facilitate and instruct the GOs and NGOs to **expand the surveillance centers** in Nepal-India border points and China-Nepal border points and ensure that there must not be overlapping in surveillance by NGOs in a border point.
- When referring to the victims by the Women and Children Office to the rehab centers supported by GoN, they (victims) should be compulsory registered in the District Police Office as well.
- The foreign Missions shall inform to the Nepal Police about the victims and survivors rescued and repatriated. Its information shall also be provided to the MoWCSW through the Ministry of Foreign Affairs.
- Increase awareness widely through regular programs about the increasing concerns of marriage of Nepali girls by a foreigner and latter they are ending on sexual exploitation, slaver like condition and trafficking. It is decided that the following decisions of the Ministry of Home Affairs shall be circulated across the country through different regular programs: If a woman married with a foreigner man according the *Marriage Registration Act 2028*, and she want to go to her husband's country, she shall produce the following documents before the Immigration Office for getting permission of leaving the country:
 1. The Immigration Office shall demand the concerned Embassy about the re-confirmation letter stating about the woman's husband's house, address, whether or not her husband has married and assurance of the social security of the married woman.
 2. Parents and guidance approval letter that they are willing to marry their daughter to a foreign man and will also allow to go with him in his country. The approval letter shall be endorsed by the Local body.
 3. Certificate of marriage registration

District Committee on Combating Human Trafficking (DCCHT) – Pursuant to the Human Trafficking and Transportation Act (Control) 2007 and Rules 3 of the Regulation 2008, District Committee on Combating TIP is established. The Committee is chaired by the Chief-District Officer of the concerned district and Women Development Officer as the member secretary. Other members include Chief of the District Police Office, Government Attorney including 3 members representing from organizations working against TIP, representative of the Federation of Journalist Organization. Following the instruction of the National Committee, the District Committee is responsible for formulation, implementation, and coordination and monitoring of the policies and programs related to combating TIP in the districts. In addition, the District Committee is expected to collect information about the trafficking vulnerable groups/community, form local level committees, rescue the victims and manage the rehabilitation services to the victims. By the FY 2014/15, all 75 districts have the District Committee formed.

Local Committee on Combating Human Trafficking – Pursuant to the Rule 7 (1) of the *Human Trafficking and Transportation (Control) Regulation 2065* (2008) and as per the NPA against TIP 2012, the local committees, namely, VDCs and Municipality committees, against TIP are formed in order to penetrate the anti-trafficking initiatives into the local level and make them (local committees) sustainable by mobilization of local bodies and resources. These Committees acts as surveillance groups, information collectors, informants and support groups for the victims for increased access to justice. The *Local Committees against Human Trafficking (formation and mobilization) Guideline 2070* (2014) provisions a 13-member local level committee as indicated in Box 5.4.

Box 5.4 The composition of the Municipality Committee is as follow:

1	Chief of the Municipality	Convenor
2	Elected female member of the Municipality	Member
3	Head of the local Police Office (Nepal Police)	Member
4	Representative of Area (<i>Ilaka</i>) health Office	Member
5	Representative of Child Protection Committee/Child Network in the Municipality	Member
6	Local media person	Member
7	Resource Person of School as designated by the District Education Office	Member
8	Chairperson of a Women Cooperative group formed and facilitated by Women and Children Office	Member
9	Social Development Officer of the Municipality	Member
10	Representative of NGOs or individuals working to combat trafficking to be nominated on the basis of the principle of Inclusiveness (if there are trafficked victims, their representation is mandatory)	2 Members
11	A legal expert nominated by the District Bar Association	Member
12	A staff of Women and Children Office as nominated by the Women and Children Office	Member-Secretary

One of the key prevention related strategies of NPA against TIP 2012 is to formulate committees and identify the risk groups (NPA Strategy 1.1). In the FY 2070/71, 70 local committees were formed in 9 districts. These districts include Taplejung (1), Tanahu (2), Khotang (3), Morang (3), Palpa (3), Dang (3), Kathmandu (10), Lalitapur (18) and Banke (27). In the FY 2014/15, a total of 350 committees were formed in 70 districts in the length and breadth of the country. No committees have been formed Okhaldhunga, Bhaktapur, Rasuwa and Dhading. These districts are also mostly 2015 earthquake affected districts. Further, among the districts where the committees are formed, the numbers of committees formed are still very low compared to the magnitude of the risk populations/areas in the corresponding districts. There are 50 districts in which only three-committees are formed, 3 districts having only 2 committees, 3 districts having one committee, and there are 8 districts having 4 to 8 number of committees. By individual district, Makwanpur stands out to be the district having the highest number of committees (43). This is followed by Sindhupalchok (39); Banke (33), Lalitapur (23), Kathmandu (13) and Chitawan (10) (see Annex 5.1 for detail about districts).

Office of the Prime Minister -The Office is responsible for coordinating and monitoring all the Government's Nepal's Ministries and Offices (Office of the Prime Minister, 2072 BS). It has 6 Divisions and 18 Sections. Under the Division of Law and Human Rights Promotion, Human Rights Promotion Section is created to carry out the following activities:

- Work as a focal point of the Government of Nepal for the promotion and protection of human rights
- Coordinate all the Governmental Organizations working in the human rights issues
- Suggest policies for human rights by reviewing the existing policies and programs
- Prepare the Action Plan for the National Human Rights Program and help implement the recommendations of the National Human Rights Commission
- Implement the Action Plan of the National Human Rights and monitor and feedback for the implementation of the Action Plan
- Develop the cooperation with the national and international organizations working in human rights issues with the consultation with the Ministry of Foreign Affairs
- Provide the suggestion whether or not to be part of a international treaty or covenant
- Formulate and implement the human rights policies and programs.

Under the PM Office, there is Poverty Alleviation Fund – a highest level Government body responsible for carrying out anti-poverty programs in the country.

Ministry of Health (MoH) - The Ministry of Health set-up seven hospital-based *One-stop Crisis Management Centers (OCMC)* in 2010 as mandated by the National Action Plan against Gender Based Violence (GBV) led by Prime

Minister's Office. This program is initially piloted in the 15 districts where the Ministry of Women, Children and Social Welfare has established and operated Safe Home services. The main aim of establishing the OCMCs is to provide comprehensive and integrated health services to female GBV victims. Such services include health services; psycho-social counseling; legal advice, counseling and support; information, education and empowerment; safe home services; and rehabilitation. OCMC's operational network encompasses hospitals (emergency services, hospital OPD, operational theaters), referral hospitals, legal aid services, medico-legal services, local bodies, INGOs/civil society, health facilities, police offices, safe home services and individuals, families and communities.

OCMCs are the complement of the Service Centers established by Ministry of Women, Children and Social Welfare. OCMCs are currently running at different health facility levels:

- Primary Health Care Centre, Dhulikhel, Kavre
- District Hospitals – Sunsari, Panchthar, Solukhumbu, Sarlahi, Tanahu, Nawalparasi, Bardiya and Doti
- Zonal Hospitals - Dhaulagiri, Baglung, Jumla, Kanchanpur and Saptari
- Sub/Regional Hospital – Makwanpur and Dang
- Specialist Hospital - Maternity Hospital, Kathmandu

In 2011, the Health Ministry produced the Hospital Based One-Stop Crisis Management Centre Operational Manual. A district level OCMC Coordination Committee is set up to manage the establishment and running of their OCMC, taking into account local needs. Service providers and OCMC coordination committee members are oriented on GBV, legal provisions and approaches to helping victims. Training in psycho-social counseling is provided to focal persons (usually the staff nurses).

Data reveal that a total of 5,684 GBV victims were provided comprehensive and integrated health services from these OCMC across the country during the 5-year period (FY 2011/12-2015/16). It is revealed that the number of GBV victims provided comprehensive and integrated health services has been increasing over the years. For example, it increased from merely 170 GBV victims, to 1,039 in FY 2013/14 and reached to 2,251 in FY 2015/16. Among the health facilities that provided OCMC services, the top-five were sub-regional hospital Dang (16%), maternal hospital, Kathmandu (10%), district hospital Sunsari (9%), sub-regional hospital, Hetauda (9%) and zonal hospital, Kanchanpur (7%) (Table 5.2).

Table 5.2 Number of persons provided services through OCMC

Health facilities	2011/12	2012/13	2013/14	2014/15	2015/16	Total	% of total
Primacy health care center							
Primary Health Care Centre, Dhulikhel, Kavre	0	8	46	0	0	54	1.0
District Hospitals							
District Hospital, Panchathar	19	31	86	126	100	362	6.4
District Hospital, Bardiya	0	38	31	125	106	300	5.3
District Hospital, Doti	5	34	47	45	25	156	2.7
District Hospital, Sunsari	30	52	61	182	182	507	8.9
District Hospital, Solukhumbu	0	0	56	39	38	133	2.3
District Hospital, Tanahau	0	21	47	51	55	174	3.1
District Hospital, Nawalparasi	0	0	0	216	235	451	7.9
District Hospital, Sarlahi	0	0	15	64	96	175	3.1
Zonal Hospitals							
Zonal Hospital, Dhaulagiri, Baglung	25	56	72	70	81	304	5.3
Zonal Hospital, Kanchanpur	29	63	46	124	125	387	6.8
Zonal Hospital, Saptari	0	7	70	154	121	352	6.2
Sub-regional Hospital							
Hetauda, Makwanpur	62	58	83	95	199	497	8.7
Sub-regional Hospital, Dang	0	74	223	307	330	934	16.4
Maternity Hospital, Kathmandu	0	154	156	30	558	898	15.8
Total	170	596	1039	1628	2251	5684	100.0
Row %	3.0	10.5	18.3	28.6	39.6		

Source: Ministry of Health, 2016 cited from MoWCSW (2017, forthcoming).

Ministry of Home Affairs (MoHA) – According to the *Government of Nepal (Work Division) Regulation 2072 (2015)*, the MoHA is the key in maintaining law and order in the country. In relation to human trafficking issues, MoHA is also responsible for issuing citizenship certificates of the Nepali franchise, regulation immigration, immigration, refuse and management and regulation of international border and extradition.

Realizing the linkage of marriage of Nepali woman with a foreigner man, the MoHA in its decision at the Secretary level decided to regulate the registration marriage. The Ministry circulated all the Regional Administrative Offices of Dhankuta, Hetauda, Pokhara, Surkhet and Dipayal for the regulation of marriage registration as per the following (Letter written in 2072/02/08):

1. In case of marriage between Nepali-Nepali (man or woman), marriage should be registered either of the man or woman's district from which the citizenship certificate has issued;
2. In case of marriage between a Nepali and a foreigner, marriage should be registered in the same district from which the Nepali person (man or woman) has issued the citizenship certificate;
3. In case of requirement of marriage registration other than the conditions stated in 1 or 2, the marriage registration can be done only after receiving the following documents: i) citizenship certificate and a copy of verification of the citizenship certificate from the district from where the citizenship is issued; ii) migration certificate and iii) *lal purja* (land owner certificate in the place of residence).

Interpol Nepal tackles trans-national organized crime including human trafficking. Interpol has extended in 190 countries. In January 2017, the 23th Asian Interpol Conference was held in Kathmandu and the conference called all the state parties to combat human trafficking jointly.

Ministry of Foreign Affairs (MoFA) – In addition to maintain good relations with other countries, the Ministry is a line agency responsible for maintaining the records of Nepali living at abroad and protection and promotion of their rights. It is also reasonable for dealing with the Non-Nepali Resident (NRN), United Nations, Nepali foreign missions at broad, and carrying out diplomatic dialogue and agreement with a foreign country (other than stated to a specific Ministry). Under the Ministry, the Government of Nepal has recently created Department of Consular Service for handling with the Nepali foreign labor migrants' issues.

Ministry of Education (MoE) – This Ministry is a lead Ministry in formulation, implementation, monitoring and evaluation of plans, policies and programs related to education in Nepal. The Ministry deals with non-formal education programs, school education and University education. The MoE has been providing scholarship to the most children of disadvantaged groups, Dalit, extremely minority groups, girls and children from the Karnali zone – the most disadvantaged geographical unit of Nepal in terms of physical development and topography.

The Ministry issued *Compulsory Basic Education Implementation Guideline 2071* to make basic education compulsory. The key objective of the Guideline is to ensure that local bodies shall be empowered to the extent that they raise basic education as rights and increase access to education through compulsory basic education. The Guideline outlines three measures to implement the compulsory basic education programs. One, the head of the family/main family member from which children aged 5-12 are out of school will not be eligible for a public post. Two, the VDC and Municipality shall not offer any recommendations to the applicant to whom children in the family are out of school. If the applicant provides a reasonable ground for the recommendations/approvals, the VDC/Municipality may offer one time recommendation/approval with the person's commitment that he/she shall send their children in school in future. Third, families in which children are out of school may not be eligible to entitle the state benefits, subsidies and support. Note that this Guideline is not, however, meant for implementation across the country simultaneously. This Guideline shall be implemented on the demand basis by the local bodies.

The Curriculum Development Center (CDC) introduced for the first time the human trafficking issue in its formal education system in 2007 by inclusion of this content in the Social Study curriculum of grade 10. Since then it has been regularly introducing human trafficking issues in Social Study curriculum from grade 6 to 10 in different academic years but having different name of the Chapters. In 2013 academic year, the CDC included 'social problems and solutions' in grade 6; in 2015, it included 'human trafficking' in grade 7; and in 2016, it introduced 'social problems – commercial sex' in grade 9 and it is reported that the CDC is revising the Social Study curriculum of grade 10 from the academic year FY 2017/18 and will be included 'social problems – human trafficking, women and girls trafficking, child trafficking and organ trafficking'. In addition to Social Study course of school education in Nepal, the CDC has also introduced some contents of social problems in 'Moral Education' in grade 6, in Nepali in grade 9 and in English, in grade 10. Inclusion of anti-trafficking issues in the formal education system is one of the key strategies NPA against

TIP to reduce the vulnerability of the trafficking of adolescent girls and boys.

Education can have tremendous instrumental effect on prevention child trafficking. The MoE provides different scholarships targeting to different disadvantaged, deprived and marginalized groups and girl students in Nepal (Table 5.3). The schemes aim to expand equitable access of students at corresponding levels, improve retention rate, and broaden the meaningful teaching opportunities. Some of the scholarships like scholarship for all girls studying from grade 1 to 8, scholarship for specially targeted groups, Dalit, *Kamlari*, scholarship for endangered ethnic groups will have far reaching consequences on prevention of trafficking in children in Nepal²².

Table 5.3 Number of students provided scholarship, FY 2011/12-2015/16, Nepal

Types of scholarship	2011/12	2012/13	2013/14	2014/15	2015/16*
Girls studying in grade 1-8 grade	2,276,479	1,907,469	1,686,480	1,573,220	824,589
Specially Targeted groups (23 ethnic) 1-8 grade	86,712	106,517	77,900	77,316	19,559
Dalit (1-8)	1,200,816	1,000,741	870,888	765,957	408,796
Dalit (9-10)	75,511	79,587	75,386	75,721	32,096
<i>Kamlari</i> (scholarship and capacity development)	7,886	6,882	7,655	5459	2,973
Secondary education scholarship	59,023	58,412	55,826	57,793	28,040
Scholarship for endangered ethnic people	32,703	9,252	8,552	10,577	1921

Note: * of first, eight months.

Source: Ministry of Finance, 2016.

5.4 Child Related Programs

Protection of children is one of the key strategies of reduction in vulnerability of child trafficking envisioned in NPA against TIP of Nepal. For this, the Government of Nepal in collaboration with a number of CBOs/NGOs/Schools has expanded the child clubs across the country. This process was rampant especially after the Supreme Court Order of August 9, 2001 for ensuring the rights of the children for organization. The CCWB issued *the Guideline for Child Participation 2005* and make it provision to affiliate the child clubs in the District Child Welfare Board (DCWB) or District Development Committee. Child clubs can be school-based or community based. Many of the child school based child clubs may not have been affiliated with DCWB or DCC. Child clubs have become agents of change in the country especially in relation to issues of birth registration, school enrolment, reduction of child labor, child participation in development program, child immunization, promotion for free education, creation of fearless situation, improvement in environment and reduction of child marriage in the community.

Table 5.4 Overview of child clubs, FY 2013/14-2015/16, Nepal

Description	FY 2013/14	FY 2014/15	FY 2015/16
Number of districts with child clubs	75	75	75
Number of Child Clubs			
Total number of child clubs	19,454	22,457	22,628
Number of Children	433,891	431,960	434,549
Girls	202,616	201,301	206,049
Boys	231,275	230,659	231,710
% of girls to the total	46.7	46.4	47.5

Source: CCWB 2014, CCWB 2015 and CCWB 2016.

According to the CCWB Annual Reports, the number of child clubs reached more than 22,500 by the FY 2015/16 with about 435,000 children as members of the child clubs across the country (Table 5.4). Data reveal that girls' participation is encouraging in child clubs and has also been increasing over the last three fiscal years. Among the child club members, 47.5 percent of the members constituted girls in the FY 2015/16 which increased to 46.7 percent in FY 2013/14. Districts with large number of child clubs reported include the following: Saptari (1186), Rautahat (975), Dailekh (876), Morang (851), Nawalparasi (800), Palpa (773), Chitawan (659), Dang (621), Baitadi (590), Kapilbastu (537), Tanhanu (512), Achham (504) and Sindhupalchok (500).

22 In addition, the MoE also provides the following types of scholarship: handicapped students (1-8 grade), handicapped students (9-10), scholarship for Martyr's children, remote scholarship, feeder hostel scholarship, conflict victims scholarship, for model hospitals, for boarding school students in mountains, scholarship for the target groups of science in Higher Secondary Level.

Child Helpline (1098) – With the coordination of Central Child Welfare Board, six NGOs have been operating child helpline or free telephone number of 1098 in the following districts: Kathmandu, Morang, Makwanpur, Banke, Kaski, Kailali, Chitawan, Lamjung, Udayapur, Rupandehi and Surkhet districts.

According to the Annual Report of CCWB 2016, these child helplines provided different services to 3,711 children (1,819 boys and 1,892 girls) in the FY 2015/16. This figure was only 2,184 in FY 2014/15. The key services provided to children were psychosocial counseling, emergency rescue, health treatment, family reunion, legal support, prevent from trafficking and prevent from child marriage. Six Child helplines in Kathmandu, Kaski, Banke, Kailali, Makwanpur and Morang received a total of 78,311 numbers of calls and recorded 2,902 events of crime and violence against children. Among the total events registered, the following were the major ones: economic and educational problems (37.5%), abandoned (8.5%), child labor (4.7%), sexual abuse (3.8%), physical and mental torture (2.8%), punishment in the name of disciplined children (1.1%), psychosocial problem (0.9%), orphans (0.4%), child deaths (1.7%), child marriage (3%), mental disability/problem (0.5%), physical disability (0.4%), and internet or/ online abuse (0.2%).

Child Care Homes and Monitoring Status – Drawing data from the CCWB Annual Reports, there were 572 Child Care Homes in 44 districts in FY 2015/16 with 16,886 children residing in these Homes. The numbers of child clubs were slightly more in the earlier year (Table 5.5). Among the 44 districts in which child clubs were reported, top-five districts having large number of Child Care Homes are Kathmandu (200), Lalitapur (132), Kaski (46), Chitawan (33) and Bhaktapur (18) – these districts alone share 75 percent of the total Child Care Homes reported in the 44 districts of Nepal.

Table 5.5 Overview of child care homes, FY 2013-14 and FY 2014-15, Nepal

Description	FY 2013/14	FY 2014/15	FY 2015/16
No. of districts with Child Care Homes	46	44	44
Number of child care homes	594	577	572
Children residing in the Homes			
Boys	8423	7989	8435
Girls	8194	8411	8451
Total	16617	16400	16886

Source: CCWB, 2014, CCWB, 2015 and CCWB, 2016.

There has been widespread criticism that many of the Child Care Homes have not met the standards of operation of the Homes by providing adequate physical space, sanitation facilities, accommodation facilities, entertainment facilities, psychosocial counseling, regular medical check-up. It is also argued that many of the children in the Child Care Homes are not necessarily in need of special care and protection as outlined in *Standard of Operation of Child Care Home 2069* (2012) that children in need of special care and protection such as children without both parents and nobody care of, abandoned children, children in abusive, exploitative and discrimination condition and children from the disabled parents family and children.

Central Child Welfare Board (CCWB) has carried out a number of activities to systematically maintain the information of the Child Care Homes and thereby ease the process of monitoring. By July 2016, it developed software to maintain information like date of entry of children in Care Homes, date of farewell and rehabilitation, birth registration status, and issuing of citizenship of children. The software was piloted in 116 Child Care Homes in Kathmandu and 52 Homes in Kaski. In addition, CCWB and different DCWBs monitored 40 and 374 Child Care Homes, respectively across the country. It was found that 10 Child Care Homes were operating illegally by not fulfilling the standards of operation of child care home. From these Child Care Homes, 136 children (76 boys and 60 girls) were rescued and some of them were reunited with the family and other referred to other organizations. In FY 2015/16, CCWB conducted a study of the randomly selected 49 Child Care Homes in Kathmandu Valley. It found that majority of Child Care Homes were operating with the foreign grants/aids and nearly one-thirds are operated by the faith-based organizations, mainly Christians. Two-thirds of the children in the Child Care Homes had their own parents and they were brought by their own parents or relatives due to poor economic conditions of the family. The religion of the many parents and of their children, it is reported, was different mainly because children were obliged to adopt the religion of the donors.

5.5 Programs Related to Economic Empowerment of Women

Skill Development Training - Different Governmental and non-governmental sectors are providing youth and job oriented technical and vocational trainings targeting youth labor force. Twenty one percent of such labor force is

leaving for foreign employment after the receipt of training. Data from the Entrepreneurship and Skill Development Center under the Ministry of Industry showed that a total of 171,705 persons have received skill development training in between 2005/06 to 2015/16. Among them, majority were females (54%). However, it is revealed that the number of persons receiving training increased from FY 2005/06 to 2013/14 but in declined in the following years (Table 5.6).

Table 5.6 Number persons provided skill development training by different GOs/NGOs sector, Nepal

FY	Total	Male	Female	Female as % of total
2005/06	7,065	3,633	3,432	48.6
2006/07	14,053	6,596	7,457	53.1
2007/08	16,148	6,432	9,716	60.2
2008/09	21,741	9,039	12,702	58.4
2009/10	22,562	9,257	13,305	59.0
2010/11	22,130	9,600	12,530	56.6
2011/12	16,552	8,507	8,045	48.6
2012/13	15,107	7,521	7,586	50.2
2013/14	17,328	9,050	8,278	47.8
2014/15	15,879	8,129	7,750	48.8
2015/16*	3,140	1,286	1,854	59.0
Total	171,705	79,050	92,655	54.0

Source: Ministry of Finance, 2016.

A large number of women's groups/cooperatives have been formed in the country with the facilitation of Department of Women and Children, MoWCSW (Table 5.7). The number of such groups reached to more than 172,000 in FY 2015/16 from about 124,000 in the FY 2011/12. Women's participation in the programs has exceeded 990,000. In terms of numerical representation in the groups, women's programs can be termed as highly representative and inclusive. Further, a huge amount of resources has been mobilized by these women's collectivities. The saving amount increased from Rs. 1,685,708 thousands in FY 2011/12 to Rs. 3,712,315 thousands in 2015/16. And the total amount in investment also increased from Rs. 1,577,477 thousand to Rs. 3578119 thousands.

Table 5.7 An overview of women development programs, Nepal

Name of activities	2011/12	2012/13	2013/14	2015/16*
Program coverage				
Number of districts	75	75	75	75
Number of VDCs	3,570	3,636	3,759	3140
Number of Municipalities	41	43	71	180
Number of Wards	21,362	22,421	NA	
Institutional Development				
Number of women groups formed	123,573	132,928	150,842	172,685
Number of women in the group	736,046	807,976	892,474	990,786
Dalit (% of total)	16.9	16.3	16.0	15.5
Janajati (% of total)	35.2	36.2	34.0	35.5
Others (% of total)	47.9	47.5	50.0	49.0
Resource Mobilization				
Women group saving (in Rs. '000)	1,685,708	2,270,921	2,612,596	3712315
Total amount in investment (in Rs. '000)	1,577,477	2,175,168	2,515,525	3578119

Note: * data refers to first eight months.

Source: Ministry of Finance, 2016.

5.6 Budget Allocation

The Government of Nepal established the Rehabilitation Fund since 2008 in order to support the victims of human trafficking for rescue, repatriation and rehabilitation and also provide them food, lodging, clothes, health treatment, psychosocial counselling, legal aids, skill development and seed money. Table 5.8 presents the budget allocated by the Government of Nepal to the Rehab Centers run by the NGOs including to the Nepalese Missions to abroad.

It appears that the Government of Nepal has been expanding the budget allocation areas for rescue and repatriation of trafficking victims even to Nepali Missions at abroad such as in India, Thailand, UAE, Sri Lanka especially after the FY 2013/14. Data reveal that in the FY 2011/12, a total of 9.5 million was allocated eight rehab centers and Nepali Embassy to India. The size of budget was much lower in the FY 2012/13 compared to other Fiscal years during the last 5-years. In the FY 2015/16, a total of Rs. 40.5 million was allocated to 8 rehab centers including to Nepali Embassy to India, Thailand, UAE and Consulate General Office at Kolkata.

Table 5.8 Budget allocated to the Rehab Centers, FY 2011/12-2015/16 (in Rs.)

Name of Rehab	2011/12	2012/13	2013/14	2014/15	2015/16
ABC Nepal, Kathmandu	1,027,000	-	1,500,000	800,000	800,000
Srijanshil Samaj, Kailali	1,791,870	-	1,200,000	-	2,700,000
Saathi Banke	1,698,000	-	1,500,000	1,000,000	26,000,000
Aadarsha Nari Bikasha Kendra, Chitawan	500,000	1,000,000	800,000	1,000,000	2,000,000
Maiti Nepal, Jhapa	1,000,000	1,000,000	700,000	1,200,000	2,200,000
Shakti Samuha, Sindhupalchok	1,325,622	-	1,655,000	2,000,000	1,500,000
Maiti Nepal, Parsa	500,000	-	-	-	1,000,000
Maiti Nepal, Rupandehi	1,200,000	1,000,000	1,200,000	500,000	1,000,000
Nepali Embassy to India, New Delhi	500,000	500,000	-	-	500,000
Kolkata Consulate General	-	-	800,000	-	800,000
Nepali Emabassay to Colombo, Sri Lanka	-	-	-	-	32,932
Nepali Embassy to Thailand	-	-	-	1,000,000	1,000,000
Nepali Embassy to UAE	-	-	-	1,000,000	1,000,000
Total	9,542,492	3,500,000	9,355,000	8,500,000	40,532,932

Source: raw data provided to NHRC by MoWCSW, 2016.

Budget Allocation on Human Trafficking at the Central Level - Table 5.9 shows the budget allocated for programs related to combating TIP by the MoWCSW for the last three-fiscal years (FY 2013/14-2015/16). The Ministry allocated budget for the programs at the central level, at the district level and for the Rehabilitation Fund. For the central level program, MoWCSW increased budget from Rs. 2 million in the FY 2013/4 to Rs. 3.15 million in the FY 2015/16. Similarly, for the district level programs, the Ministry allocated budget Rs. 3.75 million in the FY 2013/14 and it increased to Rs. 19.2 million in the FY 2014/15 and Rs. 18.78 million in the FY 2015/16. In the FY 2013/14, the Ministry allocated Rs. 10 million for the Rehabilitation Fund and in the FY 2014/15, it allocated to Rs. 12 million. The Ministry did not allocate budget for the Rehab Fund in the FY 2015/16.

Table 5.9 Budget allocation (in Rs.)

FY	Central Level	District Level	Rehabilitation Fund	Balance Amount in the Rehabilitation Fund
2013/14	2,000,000	3,750,000	10,000,000	
2014/15	3,168,000	19,200,000	12,000,000	
2015/16	3,315,000	18,782,000	-	15,928,550

Source: raw data provided to NHRC by MoWCSW, 2016.

In the FY 2015/16, the MoWCSW has allocated Rs. 22.1 million for the central and district level programs. Of the total budget, 85 percent was for the district level programs and rest 15 percent for the central level programs.

As shown in Table 5.10, for the district level programs, budget is allocated in 11 headings. A remarkable size is allocated in management of local committees and their meeting (20.6%), orientation to local committees (19%), formation of local committees (12.7%), meeting of the district committees (10.2%), and conduction of community counselling workshop by the VDC (6.2%). On the other hand, relatively small size of the budget allocated in the heading of 'grant to district rehabilitation fund (5.8%)'. Among the 11 headings in which budget allocated, it only reaches directly to the victims of trafficking. While other headings are also vitally important for prevention of TIP, they mainly aimed to strengthen capacity of local level mechanisms and increase the coordination and collaboration with other organization in combating TIP in Nepal.

Table 5.10 Budget allocation on human trafficking related activities, by the MoWCSW, FY 2015/16

SN	Headings	Rs.	% of total
	District Level Programs		
1	Formation of Local Committees on Combating TIP	2,800,000	12.7
2	Orientation of the local committees	4,200,000	19.0
3	Management of local committees and conduction of meeting	4,545,000	20.6
4	Conduction of Community Counselling Workshop and Formulation of Action Plan to end human trafficking (2 days) –Grant to VDC level women’s groups program	1,362,000	6.2
5	Conduction of activities as identified in Community-Counselling Action Plan and grants to the VDC level Women group/committee	930,000	4.2
6	Cooperation promotion activities among security personnel and drivers and helpers of the public transport service (one-day) (Kanchanpur, Kailali, Banke, Kapilbastu, Rupandehi, Chitawan, Morang and Jhapa)	200,000	0.9
7	Joint monitoring in dance bar restaurants (Kathmandu, Lalitapur, Bhaktapur, Parsa, Morang, Kaski, Banke, Chitawan and Rupandehi)	270,000	1.2
8	Publication of awareness-oriented materials (districts)	750,000	3.4
9	Grant to the District Rehabilitation Fund (districts)	1,275,000	5.8
10	Meeting of the District Committee	2,250,000	10.2
11	Monitoring of the Rehab Centers	200,000	0.9
	<i>Sub-total</i>	<i>18,782,000</i>	<i>85.0</i>
	Central Level Programs		0.0
12	Conduction of meeting of the National Committee and Sub-Committees	260,000	1.2
13	Celebration of the Anti-Human Trafficking Day (<i>Bhadra 20</i>)	200,000	0.9
14	Interaction programs with the GOs and NGOs working against TIP	125,000	0.6
15	Interaction programs with the 8 rehab centers and Women and Children Offices	190,000	0.9
16	Publication of Annual Report and Profile of the Organizations working in anti-trafficking issues	250,000	1.1
17	Conduction of the survey to for the identification of the most risk groups/community for trafficking	1,500,000	6.8
18	Grants to the Rehabilitation Centers that provide rehab services to men and boys	400,000	1.8
19	Missing of heading	390,000	1.8
	<i>Sub-total</i>	<i>3,315,000</i>	<i>15.0</i>
	Grand Total	22,097,000	100.0

Source: raw data provided to NHRC by MoWCSW, 2016.

At the central level programs, the budget is allocated in eight headings. A large chunk of budget is allocated for conduction of the survey for the identification of the most risk groups/communities for trafficking (6.8%). But it is known from the discussion with the staff of the Ministry that the Ministry carried out a review of the identification of the most risk groups/communities in the FY 2015/16 and the review failed to map the vulnerable groups/communities for trafficking as it requires a field survey.

Budget Allocation for the Operation of Service Center - The MoWCSW has allocated budget for the mobilization of Service Centers. It allocated Rs. 600,000 per district in mountain districts; Rs. 700,000 per district for hill districts and Rs. 800,000 per district in Terai districts in the FY 2015/16. The Ministry allocated Rs. 90,000 per community based service center. In addition it allocated Rs. 67,000 for orientation to the Police Officers at the district level and Rs. 40,000 grants to women groups for raising awareness against TIP. Thus, a total of Rs. 1.9907 million was allocated for mobilization of Service Centers established for providing the rehab services for the victims of GBV in 17 out of 75 districts in the country.

Service Centres: Number of Victims and Management - As per the *Domestic Violence (Crime and Punishment) Act 2066 (2009)*, the Government of Nepal can establish a service center to provide the emergency services to the victims of gender-based violence (Section 11). These service centers can provide rehab services to the victims up to at most 45 days. The rehab services include psychosocial counselling, medical support, legal aids, financial support, and food and shelter. Currently there are 17 districts level service centers and 104 community level service centers in the

17 districts in the country. The Act creates a Fund to run the service center (Section 12) and the *Domestic Violence (Crime and Punishment) Regulation 2067 (2010)* (Section 13.1) calls for the formation of Fund Management and Operation Committee.

There are 17 districts in which the Service Centers to deal with the GBV have been established. These districts include: Panchathar, Sunsari, Saptari, Solukhumbu, Sarlahi, Rautahat, Makwanpur, Kavre, Tanahu, Baglung, Nawalparasi, Pyuthan, Dang, Bardiya, Jumla, Doti and Kanchanpur. Each district has one District Service Center and four to 8 community-based Service Center. Currently, there are 17 District Community Centers and 104 Community-based Service Centres. These Service Centers are managed by the Women’s Cooperatives promoted by the Department of Women and Children. These Service Centers also provide the temporary rehab services to the trafficked victims of women and children.

Table 5.11 Number of GBV victims provided services by Service Centers, FY 2011/12-2015/16

FY	Number of complaints registered	Number of complaints disposed	% of complaints decided
2011/12	1,088	703	64.6
2012/13	1,567	1,051	67.1
2013/14	6,230	5,938	95.3
2014/15	1,959	1,848	94.3
Total (2011/12-2014/15)	10,844	9,540	88.0

Source: MoWCSW, 2016 and also see Annex 5.2.

Table 5.11 summarizes the number of GBV cases handled by the 121 Service Centers (17 District Levels and 104 Community based) during the last four-fiscal years (2011/12-2014/15). A total of 10,844 victims’ cases were handled. Of which, 88 percent were disposed by the Service Centers. Data reveal that a large number of complaints were handled in the FY 2013/14: i.e., approximately 60 percent of the complaints to the total number of complaints during the four years.

The top-five districts in terms of number of complaints registered are Nawalparasi (n=1247), followed by Makwanpur (n=1173), Banke (n=899), Doti (n=889) and Kavre (n=820). No record of the complaints handled in Rautahat is reported. There are less than 500 complaints in districts like Jumla, Pyuthan, Sarlahi, Sunsari and Panchathar. The number of complaints ranged between 500 and 800 in districts like Kanchanpur, Baglung, Solukhumbu, Saptari, Tanahu and Dang. In almost all districts, more than 90 percent of the complaints were decided by the Service Centers. However, the proportion of decisions to the complaints is far lower in Tanahu (68%), Jumla (67%) and Dang (58%) compared to other districts (Annex 5.2).

MoWCSW (2016) study provides some indication on how the Service Centers are providing services to the victims of GBV and situation of Service Centers. The study showed that the Kavre District Service Center has been running since 2012 and provided services to the 1,100 victims. The average duration of stay in the Service Center is of 5 days. There is inadequate budget allocated by the Ministry to the staff including psychosocial counsellors. There is lack of entertainment facility such as TV and newspapers. The Service Center has no own building and there is no separate room for kitchen. It is suggested that the Service Center should be run by a competent NGOs rather than by the Women Cooperative. The Service Center needs a separate building/space for the male victims and children of the victims. There is also need to mobilize the local resources and maintain the coordination between OCMC and the Police.

In Bardiya, the key informants reported a number of problems in management of the Service Center. There is a need to improve the physical infrastructure, increase the capacity of the center, increase the collaborative activities in the district and develop the action plan for the District Committee on Combating TIP.

5.7 Anti-Trafficking Programs: The Coverage of NGOs and Development Partners

MoWCSW (2016) has prepared a profile of organizations working against human trafficking and safe migration in Nepal. The profile covers both Governmental as well as non-Governmental organizations and covers all 75 districts of Nepal. Of the 75 districts, 32 districts have not had NGOs working against human trafficking and safe

migration. These districts mostly come from the mountains and hills. There is only one Terai district, namely, Mahottari, where NGOs working against human trafficking was not reported. On the other hand, a large number of NGOs have been reported to be working in Kathmandu (25), Makwanpur (14), Banke (10), Sindhupalchok (9) and Morang (8). There were six NGOs in each district of Kavre, Lalitapur, Nawalparasi and Rupandehi (Annex 5.3). Note that many of these NGOs listed in the Ministry's profile may not be functional and NHRC received their progress report from the following 15 NGOs: ABC Nepal, Amnesty International Nepal; Center for Legal Research and Resource Development (CeLRRd); Change Nepal; Chhori; Child Workers in Nepal concerned center (CWIN Nepal); FHI 360 Nepal; Himalayan Human Rights Monitors (Him Rights); International Labor Organization (ILO); KI Nepal; Maiti Nepal; PPR Nepal; PRC; Shakti Samuha and WOREC.

Drawing on the information provided by the 17 NGOs to NHRC, NGOs have been found to be implementing different safe-migration or anti-trafficking programs in 38 out of 75 districts in the country (Box 5.5). NGOs interventions are mainly clusters in Kathmandu (10 NGOs), Morang (9 NGOs), Makwanpur and Kailali (7 NGOs each), Banke (6 NGOs) and Rupandehi and Kailali (5 NGOs each). Four NGOs have been mapped working in Chitawan, Nawalparasi, Nuwakot and Sindhupalchok. There are three NGOs implementing anti-trafficking and safe migration programs in Bardiya, Bhaktapur, Kapilbastu, Kaski, Parsa and Saptari. Two NGOs have been found to be working in Illam, Dang, Jhapa, Kavre, Rasuwa and Surkhet districts. One NGO has anti-trafficking and safe migration programs in Bara, Dhankuta, Dhanusa, Dolpa, Doti, Gorkha, Mahottari, Pyuthan and Siraha.

Box 5.5 Mapping of NGOs working in anti-trafficking/safe migration areas by districts, FY 2015/16

District	ABC Nepal	Amnesty Nepal	CellLRD	Change Nepal	Chhori	CWIN	FHI 360 Nepal	Him Rights	ILO funded	KI Nepal	Maiti Nepal	PPR Nepal	PRC	Shakti Samuha	WOREC	Total NGOs
1	Illam								X		X					2
2	Dhankuta	X														1
3	Jhapa									X	X					2
4	Morang	X	X		X				X	X	X			X	X	9
5	Sunsari	X	X				X				X				X	5
6	Udayapur														X	1
7	Saptari	X	X							X						3
8	Siraha		X												X	1
9	Dolakha					X										1
10	Sindhupalchok		X							X	X			X		4
11	Rasuwa										X			X		2
12	Kavre										X	X				2
13	Lalitapur		X		X	X	X					X				5
14	Bhaktapur				X	X	X				X					3
15	Kathmandu	X	X	X	X	X	X		X		X	X		X		10
16	Nuwakot		X		X						X			X		4
17	Makwanpur		X		X	X		X			X	X		X		7
18	Dhanusa		X				X									2
19	Mahottari		X													1
20	Bara							X								1
21	Parsa	X								X	X					3
22	Chitawan					X			X	X	X					4
23	Gorkha	X														1
24	Kaski					X	X							X		3
25	Nawalparasi	X	X							X	X					4
26	Rupandehi	X	X			X				X	X					5
27	Kapilbastu		X							X	X		X			4
28	Dolpa					X										1
29	Pyuthan		X													1
30	Rukum		X												X	1
31	Surkhet		X			X										2
32	Salyan														X	1
33	Dang	X	X												X	3
34	Banke	X	X			X				X	X			X		6
35	Bardiya		X								X			X		3
36	Doti	X														1
37	Kailali	X				X	X			X	X		X		X	7
38	Kanchanpur		X			X				X	X			X		5
	No. of districts	4	14	1	3	14	7	2	4	11	21	3	3	10	8	

Note : 'X' refer to program intervention by NGO, While the blank refers to no intervention by the corresponding NGO.

Prevention Related Programs

Most of the NGOs reported that they have had prevention related programs, namely, running of safe migration information booths, support of education to the victims or those at risk of trafficking, skill development programs, awareness raising at the community level including in public schools and working places, formation and mobilization of adolescent girls and women as surveillance groups in the community, establishing and running of surveillance centers across the border areas between Nepal and India and carrying out lobbying and advocacy for safe migration and anti-trafficking issues among the key stakeholders especially policy makers and line agencies. The number of beneficiaries and types of activities carried out by an individual NGO during the FY 2015/16 has been summarized in Box 5.6.

ABC Nepal has been working on anti-trafficking issues since 1987 and on safe migration issues since 2011. ABC Nepal has all five components of anti-trafficking activities. It has been working in Kathmandu, Rupandehi, Nawalparasi and Morang districts. In Kathmandu, the programs' key target groups are survivors of different form of violence, school students and community women. In Rupandehi, it has covered 17 VDCs²³ and Butawal Municipality. Key target groups/communities in these VDCs/Municipality are Dalit, Muslims, poor and potential migrant workers. In Nawalparasi, ABC Nepal has intervention programs to Dalit, Muslims, poor and marginalized groups in seven VDCs, namely, Narsahi, Germi, Baidauli, Guthi Parsauni, Paklihawa, Hakui, Sukrauli and Sanahi. In Morang, the key target groups include: survivors of different forms of violence, school students and community women. Overall, it provided to nearly 5,000 women and children safe migration information through safe migration information booths, and provided NFE/formal education to more than 5,000 adolescent girls and women in Rupandehi and Nawalparasi districts. In addition, it provided more than 1,300 adolescent girls and women to income generating and capacity development skills. ABC Nepal has established border surveillance centers in Morang and Rupandehi districts. It is reported that it has formed 106 self help groups of adolescent girls and 20 networks in Nawalparasi and Rupandehi districts for carrying out effectively prevention programs.

Amnesty International Nepal - It has been working in migrant rights issues since 2011. It is reported that the anti-trafficking programs have been implemented in partnership with KI Nepal. Amnesty International Nepal has run the Safe Migration Clinic. It is a mobile information centre placed in a built-in crowd of over 500 visitors a day. The clinic is run by trained AI Nepal members/local activists. During the reference period (July 2015-June 2016), it provided to 13,000 persons information regarding safe migration through Information booths and counseling centers located in Morang, Sunsari, Saptari, Gorkha, Nuwakot, Banke, Makwanpur, Dhankuta, Parsa, Pyuthan, Dang, Achham, Kaila, Surkhet districts. A total of 22,000 potential migrants and returnees were provided specific awareness programs on safe migration. In partnership with KI Nepal, it has carried out lobbying and advocacy several times particularly focusing on the relevant Ministries, government agencies, national and international organizations, networks, experts working on the issue of safe migration and anti-trafficking.

Alliance against Trafficking in Women and Children in Nepal (AATWIN) - It was established in 1997 aiming to raise the collective voice against the human trafficking. There are 36 member organizations from different parts of the country (<http://www.aatwin.org.np/index.php/aatwin-member-organisations>). The Alliance is basically an advocacy organization for combating human trafficking especially women and children. Its target groups are the policy makers, governmental bodies, implementing agencies, political parties, National NGOs, line agencies and member organizations. In the FY 2015/16, it carried out several activities for advocacy campaign, networking with the national and internal organizations, runs a Resource Center.

Center for Awareness Promotion (CAP) Nepal – it has been specifically working for the girls and women in the entertainment sectors. The organization has been providing shelter, rehabilitation and reintegration program since 2011, so far more than 300 girls and women have been provided by the shelter support and reintegration support. From January 2017, it started the emergency shelter support for the adolescent girls and minors who are exploited from commercial sexual exploitation and in the adult entertainment sector. In 2015/016, CAP Nepal has provided rehab services to 48 minors and 18 were already reintegrated in the old and new communities. CAP Nepal has outreached more than 600 women and girls working in the adult entertainment sector through the mobile counseling camps inside and outside the valley.

Center for Legal Research and Resource Development (CeLRRd) - This is one of the leading NGOs working especially in prevention and prosecution components of human trafficking since 1998. It has the following components as

²³ The VDCs included: Shankar Nagar, Makrahar, Kariya, Tukuli Gadh, Madhauliya, Dudrakhsya, Devdaha, Dayamagar, Amuha Kamariya, Pisampura, Basantapur, Dhakdahi, Bodhbar, Pajarkatti, Pokharvindi and Bagaha.

its programs: i) prevention related activities such as awareness, community mediation service, formal education (post-earthquake), seed-money (post-earthquake); ii) prosecution related activities like legal aids, legal awareness, assisting to file FIR and prosecution at the court; iii) capacity enhancement training to the stakeholders and skill development and research. As discussed in program coverage section, it conducted programs in 19 districts. Key target groups include: women, children, poor, disadvantaged groups/community, victims of trafficking, rape and VAW. It has also worked with key stakeholders such as community people, actors of justice sector, earthquake victims who are prone to trafficking and district level stakeholders including the district committee on combating trafficking in persons.

During the reference period (July 2015-June 2016), it carried out the following:

- Provided safe migration information to 3,152 potential migrant workers in Kanchanpur district;
- Provided Non-formal Education (NFE)/formal education to 58 earthquake victims vulnerable to trafficking in Sindhupalchok and Makwanpur and provided life and income-generating skills to 60 earthquake victims prone to trafficking;
- Benefited 626 community people by raising awareness on safe migration and anti-trafficking issues in Makwanpur, Morang and Bardiya districts;
- Provided capacity enhancement program to 1717 actors of Justice Sector and District/Community Stakeholders across the program districts;
- Carried out lobbying and advocacy among 1,743 community people across the program districts;
- Formed and mobilized 160 women watch groups, mothers groups in Morang, Makwanpur and Bardiya districts and
- Received and provided legal aid services to 92 victims as referral services from other organizations (discussed in detail in next section).

Box 5.6 Number of program beneficiaries in the prevention related programs by NGOs, June 2015-July 2016

S.N	Prevention activities	ABC Nepal	Amnesty Nepal	CellRD	Change Nepal	Chhori	CWIN	FHI 360 Nepal	Him Rights	ILO funded	KI Nepal	Maiti Nepal	PPR Nepal	PRC	Shakti Samuha	WOREC
1	Safe Migration Information Booths	4760	13,000	3152	-	312	653		2186	16,000	19629	55391		3868	2777	11817
2	NFE/Formal education	5346		58	-	30	8000		-	-	31	710			69	5
3	Life and IG generating & skills, capacity development	1315		1777	-	2	2500		-	20,000	170	367		24	174	51
4	Awareness raising	1447	22,000	626	1364	523	16765		237	50,000		23959		5000	3172	39552
5	Lobbying and advocacy	-	Visits to GOs	1743	-		1176		-	200		7146			55	697
6	Celebration of anti-human trafficking day			-	-	450	1571		300	1300	25250	11180		N/A		N/A
7	Awareness program through local media			-	-				Bara district whole	-	140,000	15737			Bardiya & Jhapa	43
8	Community Surveillance (no. of groups)	106 SHGs		160	-				43	1,000	10	72		13	30	5
9	Border Surveillance	2			-				-		12	11		2		-

Note: ABC Nepal has intercepted 1661 from two border surveillance (Morang and Rupandehi).

Others Child rights and child protection – children and adult, including MCPC members, teachers.

'N/A' refers to not aviable and '-' indicates to know activities carried out.

Maiti Nepal – Of the 55,391 persons provided safe-migration information, there were 33,044 women and 22,300 men.

Change Nepal - It is one of the leading NGOs particularly working in internal trafficking and child pedophilia issues in Nepal. It has program interventions in Kathmandu valley since 2003. It has run three drop-in-centers in Kathmandu (at Kalanki, Thamel and Gongabu). Its main working areas are: Nagarjune, Thamel, Gaongabu of Kathmandu district. Key target groups are female workers in entertainment establishments such as dance restaurants, *dohari* restaurants, massage parlor and spa. It has also programs in other municipalities of Kathmandu district especially focusing on vulnerable people, trafficking, gender based violence, potential migrant's survivors of community. Change Nepal has also prevention related programs in Kaski, Sunsari and Chitawan districts. During the June 2015-July 2016, Change Nepal provided safe migration information to 400 girls; NFE/formal education to 872 girl children and life skills or capacity development programs to 18 girl children. Further, it launched awareness raising programs in 80 public schools in Kathmandu valley and it has formed 40 groups covering of nearly 400 girl children and mobilized them effectively.

Chhori – It has been working in entertainment sectors since 2003 aiming to combat internal trafficking to this sector. It has intervention programs in Lalitapur, Kathmandu and Nuwakot districts. During the reference period (June 2015-July 2016), it provided safe migration information to 312 women and children; several legal orientation classes and legal aids to women and girls; developed a training manual to provide training to the entertainment sector's women for empowerment; provided non-formal education to 30 women and children working in entertainment sector and 2 girls income-generating activities; provided awareness raising to 523 students in 14 public schools in Kathmandu valley. Further, it mobilized 450 girls and children working in the entertainment sector in the anti-trafficking national day of 2016 and provided referral services to 3 girls who were the victims of domestic violence.

Child Workers in Nepal Concerned Center (CWIN Nepal) - It is one of the leading NGOs working in child rights issues in Nepal. In the FY 2015/16, it has the different intervention programs in the following districts: Kathmandu, Lalitapur, Bhaktapur, Morang, Makwanpur, Kaski, Banke, Kailali, Dolakha, Chitawan, Surkhet, Kanchanpur and Rupandehi. In the former 9 districts, its key target groups were the vulnerable/risk children while in the latter four districts, adolescent girls were the primary target groups. It has also secondary target groups like service providers, parents and community members and civil society. During the reference period (July 2015-June 2016), it provided safe migration information to more than 653 children in Kathmandu and Hetauda; NFE/formal education to more than 8,000 children; awareness on child rights especially focusing on protection issues to more than 5,400 children and adults; training on child rights and GBV to 600 teachers and 350 school management committee members. Further, CWIN Nepal provided life skills and capacity development programs to 2,500 children and adults; awareness rising on child rights issues to the more than 10,000 school children. It carried out lobbying and advocacy in Kathmandu targeting to the Government authorities, civil society and INGOs on risk of missing children and its existing structure to protect them.

Himalayan Human Rights Monitors (Him Rights) - Him Rights has been working in anti-trafficking, safe-migration and violence against women issues since 2001. In the FY 2015/16, it has program interventions in Bara and Makwanpur districts. It provided safe migration information to 2,186 men and women through Information booths in Kalaiya and Hetauda; it celebrated anti-human trafficking day with the mobilization of 300 community people; it provided safe migration information through local FM in Bara and also established and run the Border Surveillance centers in Matiarwa and Musaharwa Bisrampur of Bara district.

KI Nepal - It has been working in anti-trafficking and safe migration areas since 2008. It has implemented all five areas of interventions on combating TIP in 11 districts: Morang, Jhapa, Parsa, Chitawan (Padampur), Sindhupalchok, Rupandehi (Dev Daha), Kapilbastu (Budhhakita-Tikkar), Nawalparasi (Benimanipur), Banke, Kailali and Kanchanpur. During the July 2015-June 2016, it provided safe-migration information to nearly 20,000 persons, mobilized more than 25,000 women and children, and diffused information to more than 120,000 people about safe migration or anti-trafficking through mobilization of local FM. Besides, KI Nepal has also NFE, Life skills and capacity development programs including surveillance centers at border centers and at the community levels.

Maiti Nepal - It is one of the leading anti-trafficking NGOs in Nepal. It has been working in anti-trafficking issues since the early 1990s. In the FY 2014/15 and 2015/16, it worked in the 18 districts as discussed in NGOs coverage of districts (please refer to Table ...) and carried out the following:

- Provided safe migration information to 55,391 men and women (22,300 men and 33,044 women) through its different safe migration information booths across the country.
- Provided Non-formal Education (NFE)/formal education to 710 victims of trafficking, orphans, victims of rape, GBV violence, destitute children and girls, restaurant workers
- Provided capacity development or IG activities to 367 women and girls who were rescued or intercepted
- Provided safe migration information to nearly 24,000 local people including drop-out girls
- Carried out lobbying and advocacy to Government and INGOs (more than 7000 people)
- Mobilized more than 11,000 women, children and adults on celebration of anti-human trafficking day across the country
- Established and mobilized 72 community surveillance centers and 11 surveillance centers across India-Nepal border. It has surveillance centers in Jamnunaha (Banke), Surajpur (Bardiya), Phatak (Illam), Kakarbhitta (Jhapa), Trinagar (Kailali), Gaddachowki (Kanchanpur), Rani (Morang), Thuthebari (Nawalparasi), Inurawaha (Parsa), Bhikhana thori (Parsa), Belahiya (Rupandehi).

PPR Nepal (Forum for Protection of People's Rights, Nepal) - It has been working in combating human/kidney trafficking area since 2008. Its program intervention districts are Kathmandu, Kavre and Makwanpur where the following activities were commenced in FY 2015/16: orientation/awareness at the VDC (10 VDCs in each 3 district) and district level on kidney trafficking (1283 participants); orientation to political party leaders, journalists and human right defenders at the district level in 3 districts (84 participants) and awareness on GBV marking the 16 days activism against GBV in 3 district (114 participants). Moreover, it has supported/facilitated to establish Victim/Witness Protection Rooms in 3 District Courts (Kathmandu, Kavre and Makwanpur) and provided legal aids to 53 victims (10 victims of trafficking and 43 victims of GBV); carried out district level Coordination Meeting (2 meetings in each 3 district - 170 stakeholders in 6 meetings) and provided training to 94 lawyers orientation/interaction among court officials on Victim/Witness Protection (130 participants). Its key target population for program intervention is the victims of trafficking and kidney trafficking including GBV. During the reference period, a total of 1364 people at risk of human/kidney trafficking in Kathmandu, Makwanpur and Kavre and districts were provided awareness raising programs.

Peace Rehabilitation Center (PRC) – It is one of the leading anti-trafficking NGOs. It was established in 1994. It has intervention programs in Kailali, Kapilbastu and Lalitapur districts. The key target groups of the programs were girls at risk of trafficking and *Kamiya* and *Kamalari* families (in Kailali district). In Kapilbastu, its intervention areas are: Krishnanagar Municipality, Patthardaiya VDC and Thuniya VDC. In Lalitapur, it covers Bajrabarahi Municipality and the key target groups included are: survivors of trafficking and victims of sexual exploitation and those at risk of trafficking. During the reference period (June 2015-July 2016), it carried out the following:

- Provided Safe Migration Information Booths and Counseling to 3868 persons at risk of trafficking in Kailali and Kapilbastu (1473 in Kailali and 2395 in Kapilbastu) – all of them are females;
- Provided life skills and seed money to 24 survivor of human trafficking and sexually exploited girls Bazarbarahi Municipality, Lalitapur;
- Organized orientation class for border security guards of Nepal Police;
- Participated in anti-human trafficking day in project districts; and
- Formed and mobilized 13 PRC Adolescent girls groups in Kailali and Kapilbastu.

Shakti Samuha - It is one of the leading anti-trafficking NGOs located in Kathmandu. It is also only trafficking survivor based NGOs in Nepal. The organization has been involving in anti-trafficking activities since 1996. In the FY 2015/16, it has different program interventions in 10 districts as discussed in program coverage. Key target groups in the intervention were the following: trafficking survivors, sex workers, adolescent groups (12-19 years of age) women groups and returnee foreign labor migrants. During the reference period, it carried out the following:

- Provided safe migration information to nearly 3,000 potential migrant workers in Jhapa and Bardiya districts;
- Provided Non-formal Education (NFE)/formal education to 69 victims of trafficking in rehab centers;
- Provided life and income-generating, skills, capacity development to 174 women and adolescent groups across the program districts;

- Conducted safe migration or anti-trafficking awareness program through mobilization of media in Bardiya and Jhapa
- Formed and mobilized women groups and adolescent groups (5 in Bardiya, 4 in Jhapa, 6 in Rasuwa and 10 groups in Banke, Bardiya and Kailali and 5 women and adolescent groups in Sindhupalchok).

Women’s Rehabilitation Center (WOREC) –It is one of the leading NGOs working on safe migration and anti-trafficking issues in Nepal. It was established in 1991. It has all five components of anti-trafficking programs and has run programs in nine districts as discussed in coverage section. Its key target groups are women and marginalized community. During the reference period (June 2015-July 2016), the following activities were carried out:

- Provided safe migration information to 14,190 persons from the District Administration Offices of Morang, Sunsari and Udayapur. Of them, male accounted for 12622 and females were 1568;
- Provided Non-formal Education (NFE)/formal education to 5 trafficking survivors;
- Provided life and income-generating skills 51 distressed migrants, returnee migrants;
- Provided awareness raising to 39,552 community people especially youth in the project areas
- Conducted lobbying and advocacy among 697 policy makers and media;
- Organized and participated in national day of anti-trafficking day in all the project districts;
- Conducted safe migration or anti-trafficking awareness program through mobilization of local FM; and
- Formed and mobilized 5 returnee migrants groups in Morang, Sunsari and Udayapur.

WOREC publishes annually *Anbeshi 2072* aiming to shed light on various forms of violence prevailing in the country and its adverse effect on women and girls. The data is collected from various working area of WOREC and print media including daily newspapers published in Kathmandu. The most encouraging finding is that awareness against VAW has grown and tolerance level of violence against women has fallen.

International Labor Organization (ILO) - ILO programs on anti-trafficking and safe migration issues have been implemented through the partnership with NGOs and trade unions: WOREC (Morang), POURAKHI (Dolakha and Chitawan), ABC Nepal (Rupandehi) and Nepal Trade Union Congress, NTUC (Illam)²⁴. During the reference period (July 2015-June 2016), it provided to more than 16,000 people on safe migration information; orientation/pre-decision training to about 20,000 women and vocational training to 171 women and reached to more than 50,000 people including 40,000 women on safe migration issues. Further, it conducted 6 events of lobbying about safe migration to Government, Tribhuvan University and civil societies. The events were organized in Kathmandu, Chitawan, Illam and Dolakha. It published and distributed 1,300 pieces of awareness materials. It formed and mobilized more than 1,000 women groups and ward citizen forums in the project districts. A large number of potential migrants were benefited from the safe migration information booths supported by ILO and run by different GOs and NGOs (Box 5.7).

Box 5.7 Number of persons provided safe migration information through booths/surveillance points operated by different GOs and NGOs supported by the ILO, July 2015-June 2016

S.N.	Name of Safe-Migration Information Booth	Operated by	Total	Male	Female
1	National Migrant Resource Centre, FEPB	FEPB	130	N/A	N/A
2	Migrant Resource Center, Labor Village, DoFE	FEPB	3,075	2709	348
3	Migrant Resource Centre, Morang	WOREC/DAO	5,354	3760	1594
4	Migrant Resource Centre, Urlabari, Morang	DDC Morang	1,203	859	344
5	Migrant Resource Center, <i>Ilaka</i> DAO, Butwal-Rupandehi	ABC Nepal	4,760	2,930	1,830
6	Migrant Resource Centre, DAO-Dolakha	POURAKHI Nepal	2,279	479	1,800
7	Migrant Resource Centre, at Red-cross office-Illam	DDC Illam	3,676	2,992	684
8	VDC level information desk in Rupandehi, Morang, and Dolakha (Rupandehi-10 VDCs, Morang-5 VDCs, Dolakha-7 VDCs= total 22)		5,136	2,523	2,613

Note: FEPB refers to Foreign Employment Promotion Board; DDC refers to District Development Committee and DAO refers to District Administrative Office.

²⁴ In Rupandehi, it has covered 4 municipalities and 7 VDCs; in Chitawan, 6 municipalities; in Dolakha, it has covered 2 municipalities and 11 VDCs; in Morang, 6 municipalities and 6 VDCs and in Illam, 2 municipalities and 13 VDCs have been covered.

During the reference period, ILO has also carried out the four research studies²⁵, focusing on the migrant workers at abroad. These studies are pioneering studies in understanding the contemporary movement of Nepalese people for employment at abroad and the situation of rights of the migrant workers including the effect of age ban on women going to foreign employment.

PROTECTION

Interception - Drawing on the 15 NGOs interventions, during the FY 2015/16, a total of 13,593 persons who were at risk of trafficking were intercepted from different border points including from different bus routes and bus parks across the country (Table 5.12). An overwhelmingly majority of the intercepted persons was females (98%) but there were also males (2%). By age groups, there were almost the same proportion of adults and children, revealing that even that half of the victims of attempt trafficking constituted children in Nepal. On the other hand, a few (only 0.5%) victims registered complaints to the Police that they were being trafficked and nearly 4 percent did not show their willingness to register the complaints.

Maiti Nepal conducted the interception in the following places:

- **Border Points:** Jamnunaha (Banke), Surajpur (Bardiya), Phatak (Illam), Kakarbhitta (Jhapa), Trinagar (Kailali), Gaddachowki (Kanchanpur), Rani (Morang), Inurawaha (Parsa), Bhikhana thori (Parsa), Belahiya (Rupandehi)
- **Main land areas/bus routes:** Thuthebari (Nawalparasi), Bhainse (Makwanpur), Dhulikhel (Kavre), Bharatpur (Chitawan), Kavre Bhanjang (Kavre)
- **Air route:** TIA (Kathmandu)

Table 5.12 Number of persons intercepted from border and other areas by NGOs, July 2015-June 2016

S.N.	Name of NGOs	Number of victims					Number of Cases/ victims forward to the Police for FIR	Number of Victims not willing to registered the FIR
		Total	Male	Female	Adult (> =18 years)	Children (<18 years)		
1	ABC Nepal	78		78		78		
2	Amnesty International Nepal							
3	CeLRRd							
4	Change Nepal							
5	Chhori							
6	CWIN Nepal	28	28	0	0	28	N/A	N/A
7	FHI 360 Nepal							
8	Him Rights							
9	KI Nepal	659	0	659	411	248	17 (34 victims)	
10	ILO supported NGOs							
11	Maiti Nepal	8881	187	8694	4442	4439	41	484
12	PPR Nepal							
13	PRC	3868		3868	1987	1881	14	-
14	Shakti Samuha	79	52	27	0	79	-	-
15	WOREC							
	Total	13,593	267	13326	6840	6753	72	484
	Row %	100.0	2.0	98.0	50.3	49.7	0.5	3.6

Note: Shakti Samuha checked a total of 12,534 public service vehicles during the FY 2015/16.

Examining the data from PRC that conducted counseling to 2395 girls and women during the FY 2015/16 in Krishna Nagar, Kapilbastu, the following can be inferred regarding the characteristics of the girls and women to which counseling is provided by NGOs in the border areas:

25 The studies include the following: i) 'No-Easy Exit' –Migration Ban Affecting Women from Nepal; November 2015; ii) Labor Migration for Employment A Status Report for Nepal 2014/2015; iii) Labor Market Trends Analysis and Labor Migration from South Asia to Gulf Cooperation Council Countries, India and Malaysia and iv) Analysis of Labor Market and Migration Trends in Nepal.

- Majority of girls and women provided counseling services were never married (60%) against married (40%).
- Among the caste/ethnic groups, the highest proportion accounted for Brahman/Chhetri/others (32%), followed by Janajati (29%), Dalit (28%) and other disadvantaged groups (10%) and Muslims (0.2%).
- The girls and women originated across the country but the top 10 districts that accounted 92 percent of the total girls and women provided counseling were: Kapilbastu (24%), Arghakhanchi (20%), Pyuthan (12%), Dang (9%), Gulmi (7%), Rupandehi (7%), Palpa (4%), Nawalparasi (3.5%), Baglung (3%) and Rolpa (2%).
- Nearly one-fourth of the girls and women originated from a district that is not adjoining border area to enter into India such as from Syanja, Chitawan, Makwanpur, Jhapa, Banke, Morang, Kathmandu, Nuwakot, Bara, Parsa and Sindhupalchok. This suggests that these girls and women were at risk of trafficking.

Rescue - Of the 15 NGOs sent their progress reports to NHRC, only nine NGOs (ABC Nepal, CWIN Nepal, HimRights, KI Nepal, Maiti Nepal, PRC, Shakti Samuha and WOREC) were found to be involved in rescuing of trafficked victims from abroad and within the country in the FY 2015/16. Here data on rescue refers to the persons rescued from abroad as well as within the country. These NGOs altogether rescued a total of 1,833 persons (Table 5.13).

However, the number of trafficked victims rescued by NGOs differs sharply. It is the Maiti Nepal that predominates the rescue operation especially from abroad among the NGOs studied here. During the FY 2015/16, it rescued 1,527 persons while PRC rescued 163 persons, CWIN Nepal 57 persons, KI Nepal 34 persons, ABC Nepal 26 persons, Shakti Samuha 6 persons and WOREC 3 persons. Of the total rescued by Maiti Nepal, 1232 persons were rescued from abroad. Among these victims, only 38 victims made complaints to Nepal Police claiming that they were trafficked by the pimps while 46 victims refused to do so. Those who were rescued from India, the cases were forwarded to CIB; those who were rescued from Sri Lanka, Macau and Kuwait, the FIR was done in Teku Police Station (Hanuman Dhoka). PRC rescued 163 victims (18 from Dhangadhi, 129 from Krishnanagar and 16 from India). CWIN Nepal rescued 57 children (26 from border areas, 26 from bus routes and cities and one from India). KI Nepal rescued 34 females within the country. Among them, 4 were from Rupandehi, 3 from Rolpa, 2 from Sindhupalchok, 2 from Nawalparasi, 3 from Makwanpur and 16 from other districts (Ramechhap, Sunsari, Sankhuwasabha, Dhading, Kathmandu, Pyuthan, Jajarkot, Salyan, Dang and Rukum). ABC Nepal rescued 26 persons (only one woman was rescued from Bangladesh and all 25 were rescued within the country). Him Rights rescued 17 persons (12 from border areas and 5 were rescued from India). Shakti Samuha rescued 6 women and girls from India. Among them, three were children and three were adults. Of the six trafficking victims, one woman filed the trafficking case in the Police. WOREC rescued two males and one female. Males were rescued from Malaysia and Dubai and the woman was rescued within the country.

Table 5.13 Number of persons Rescued, Repatriation from within the country and from abroad by NGOs, July 2015-June 2016

S.N.	Name of NGOs	Number of victims				Number of Cases/victims forward to the Police for FIR	Number of Victims not willing to registered the FIR	
		Total	Male	Female	Adult (>=18 years)			Children (<18 years)
1	ABC Nepal	26		26	20	6	-	-
2	Amnesty International Nepal							
3	CeLRRd							
4	Change Nepal							
5	Chhori							
6	CWIN Nepal	57	44	13	0	57	48	
7	FHI 360 Nepal							
8	Him Rights	17	13	4	4	13	17	0
9	KI Nepal	34	0	34	22	12	17/34	NA
10	ILO supported							
11	Maiti Nepal	1,557			139	95	38	46
12	PPR Nepal							
13	PRC	163	2	32	13	5	3	
14	Shakti Samuha	6	0	6	3	3	1	5
15	WOREC	3						
	Total	1,833	59	115	201	191	107	51

Note: The total does not match with the breakdown by sex and age because data is not available.

In addition to these NGOs' rescue efforts, *Nari Shipa Srijana Kendra, Makwanpur* with the collaboration Nepal Police rescued 6 children from New Delhi on November 21, 2015. All of these children were Tamang and they were in the age range of 15 or 16 years. They were from Manahari VDC of Makwanpur district. It was known that a total of 20 children were transported to New Delhi by a local agent by giving them false promises of employment in a meat company with monthly salary of Rs. 10,000. Parents complained about loss of their children and they also reported that they have not receipt any advance from their children's work. Nepal Police arrested the agent on April 25, 2016. It was known that among the 20 trafficked children, one already died, eight already returned to Nepal, and five were rescued.

Rehabilitation

Among the 15 NGOs that sent their progress reports to NHRC, eight NGOs, namely, ABC Nepal, Change Nepal, Chhori, KI Nepal, Maiti Nepal, PRC, Shakti Samuha and WOREC were found to have involved in providing rehabilitation services to the trafficked victims. As shown in Table 5.14, altogether 3758 persons were provided rehab services during the FY 2015/16. Among them, an overwhelmingly majority were females while there were also 286 boys.

The number of victims provided rehabilitation services shows a variation by NGOs. It is again Maiti Nepal that dominates the entire NGOs in terms of number of persons provided rehabilitation services. More than three-fourth of the total victims (2868) provided rehab services is accounted by Maiti Nepal. Maiti Nepal has run rehabilitation centers in Rupandehi, Banke, Hetauda, Biratnagar, Transit Home Kanchanpur, Sunsari, Kailali, Jhapa, Kavre, Sindhupalchok, Kathmandu and Parsa. **WOREC** – provided 406 victims rehab services from its branch offices of Kathmandu, Udayapur, Dang, Morang, Kailali, Dhanusa and Rupandehi. **Shakti Samuha provided** 314 victims rehab services across its rehab centers in Nuwakot (209), Sindhupalchok (38), Kathmandu (43), Pokhara (22) and Makwanpur (2). **KI Nepal** provided rehabilitation services to the 70 victims. All of them are females. Among them, 36 are adults and 34 are children. These victims originated from 33 districts²⁶. Change Nepal provided 21 girls and women rehabilitation services. All were females and children. Of the total children provided rehab services, two children were provided in Gentle Heart Foundation, one was in Child Helpline, 6 in Asha Nepal, and one was in CAP Nepal.

Table 5.14 Number of persons provided rehabilitation services by NGOs, July 2015-June 2016

S.N.	Name of NGOs	Number of victims				
		Total	Male	Female	Adult (>=18 years)	Children (<18 years)
1	ABC Nepal	13	0	13	0	13
2	Amnesty International Nepal					
3	CeLLRD					
4	Change Nepal	21	0	21	0	21
5	Chhori	39	0	39	32	7
6	CWIN Nepal					
7	FHI 360 Nepal					
8	Him Rights					
9	KI Nepal	70	0	70	36	34
10	ILO supported					
11	Maiti Nepal	2868	190	2587	1702	1141
12	PPR Nepal					
13	PRC	27	0	27	24	3
14	Shakti Samuha	314	96	218	24	80
15	WOREC	406	0	406	N/A	N/A
	Total	3758	286	3381	1818	1299
	Row %	100.0	7.6	90.0	48.4	34.6

Note: N/A refers to no intervention activities.

Reintegration – The GoN has adopted the *Minimum Standards for the Protection and Care of Victim/Survivor of Human Trafficking (2068) 2012* that outlines certain processes while moving towards reintegration. The Rehabilitation need to fulfil certain process before reintegration such as the following: initial inquiry about the family members, locating the address of the family members, preparing the initial report regarding the prospective

²⁶ These districts include: Nuwakot, Myagdi, Jhapa, Mugu, Sindhupalchok, Kanchanpur, Sunsari, Kailali, Chitawan, Rupandehi, Rolpa, Dhading, Parsa, Gulmi, Ramechhap, Lalitapur, Palpa, Dang, Rukum, Tanahu, Sarlahi, Kaski, Nawalparasi, Surkhet, Makwanpur, Banke, Salyan, Morang, Pyuthan, Jajarkot, Bara, Kapilbastu and Sankhuwasabha.

challenges of reintegration, providing counselling to family members, creating environment for the regular meeting and communication between survivors and the family members and keeping the information about the victims confidential. Data here discussed only provides the number of trafficked victims/survivors reintegrate because the NGOs were not asked to provide information on their compliance on the Minimum Standards.

Among the 15 NGOs under studied, seven were found to have conducted reintegration services to the trafficked victims and gender based violence victims in the FY 2015/16. These NGOs altogether reintegrated 7218 number of trafficked victims and GBV victims to their family or community or provided self employment services (Table 5.15). It was found that nearly nine in 10 victims were reintegrated with the family while the rest 10 percent were either with the community or they were supported for self-employment entrepreneurship activities. Among the total reintegrated victims 97 percent were females and rest 3 percent were males.

Maiti Nepal stands as the first NGO accounting for more than 92 percent of the total reintegrated persons. It reintegrated 6624 were reintegrated with the family and 41 women were reintegrated with the community. All of these women were adults. Of the 313 reintegrated by WOREC, 294 were reintegrated with the family, 4 with the community, 10 were provided seed-money for self employment. Among the total 105 trafficked victims or at risk of trafficking provided reintegration services by KIN Nepal, 47 were reintegrated with the family, 14 with the community and 44 were provided seed-money for self-employment. Shakti Samuha provided 58 victims reintegration services. Among them, 53 were reintegrated with the family and 5 were provided seed-money for self-employment. Change Nepal provided reintegration services to 24 women and children. Of them, 13 were reintegrated with the family, and 11 were provided seed-money for self-employment. ABC Nepal provided reintegration services to 16 women and children. Of them, 15 were reintegrated with the family and one with the community.

Table 5.15 Number of persons provided reintegration services by NGOs, July 2015-June 2016

S.N.	Name of NGOs	Number of victims				
		Total	Male	Female	Adult (>=18 years)	Children (<18 years)
1	ABC Nepal	16	0	16	1	14
2	Amnesty International Nepal					
3	CeLLRd					
4	Change Nepal	24	0	24	0	24
5	Chhori					
6	CWIN Nepal	37	34	3	0	37
7	FHI 360 Nepal					
8	Him Rights					
9	KI Nepal	105	0	91	39	52
10	ILO supported					
11	Maiti Nepal	6665	171	6494	3725	
12	PPR Nepal					
13	PRC					
14	Shakti Samuha	58	0	38	17	21
15	WOREC	313	0	313	N/A	N/A
	Total	7218	205	6979	3782	148
	Row %	100.0	2.8	96.7	-	-

Note: N/A refers to no intervention activities.

Missing Persons and Untraced Rate - Among the 15 NGOs provided information to NHRC, only three NGOs; namely, CWIN Nepal, KI Nepal and Maiti Nepal reported that they have handled the missing person's applications and involved in seeking them during the FY 2015/16 (Table 5.16). Overall, these three NGOs received 1,980 applications of missing persons. Of which, females accounted for about 86 percent and males 14 percent. Children accounted for 51 percent and adult 49 percent. The overall untraced rate is estimated to be 48.5 percent – implying that nearly half of the missing persons reported in these NGOs remain missing. The untraced rate is much higher for females (50%) over males (37%) and among adults (54%) over children (43%).

Table 5.16 Number of persons missing and found handled by NGOs, July 2015-June 2016

Name of NGOs	Number of victims					Number of Cases forwarded to the Police
	Total	Male	Female	Adult (>=18 years)	Children (<18 years)	
CWIN Nepal						
Number of missing person applications received	373	243	130	0	373	-
Number of missing person found	175	95	80	0	175	
Number still missing	127	77	50	0	127	127
KI Nepal						
Number of missing person applications received	221	29	192	103	118	0
Number of missing person found	14	5	9	4	10	
Number still missing	207	24	183	99	108	
Maiti Nepal						
Number of missing person applications received	1386	0	1386	870	516	-
Number of missing person found	759	0	759	443	316	
Number still missing	627	0	627	427	200	
All NGOs						
Missing persons	1980	272	1708	973	1007	0
Still not found	961	101	860	526	435	
Untraced rate (in %)	48.5	37.1	50.4	54.1	43.2	

Note: Among the 15 NGOs provided information to NHRC, only three, namely, CWIN Nepal, KI Nepal and Maiti Nepal reported handling of missing persons.

Referral Cases Received - Among the 15 NGOs under study, seven NGOs have reported that they have received trafficked and other victims from different organizations during the FY 2015/16 (Table 5.17). A total of 25 NGOs and GOs referred the victims to these seven NGOs. CeLLRd received victims from 16 NGOs, PPR Nepal from 8 NGOs/GOs, Shakti Samuha from 5 NGOs/GOs, ABC Nepal from 5 NGOs/GOs and KI Nepal and Chhori from one NGO each²⁷. The highest numbers of referral cases were handled by CeLLRd (92) while other NGOs like Shakti Samuha, ABC Nepal and PPR Nepal handled 5 to 10 number of cases and Chhori and KI Nepal handled one each.

A total of 117 victims were received by these NGOs. The characteristics of the victims can also be examined from the data. Accordingly, an overwhelmingly majority consisted of females (95%). However, victims also come from males and third sex. Nearly 32 percent of the victims were children i.e. under 18 years of age and rest 68 percent were adults (having 18 years and more). A question was asked to the NGOs to provide information about the nature of the problem that the victim faced and it was found that nearly 42 percent of the 117 victims referred by different NGOs were trafficked victims. Some of them were intercepted from bus routes, border areas and others were rescued from India and abroad. More than 4 percent of the victims faced sexual violence in the family and in the community including in the working place and they were referred for medical treatment and psychosocial counseling. Majority of the victims (54%) were reported to have VAW victims, but the term VAW includes all types of violence including sexual abuse, sexual assaults, physical and mental torture including the economic and social isolation of women.

Table 5.17 Number of victims received as referral services, by NGOs, July 2015-June 2016

NGOs	No. of NGOs	Total	Sex		Children/Adult		Nature of violence faced			Purpose of referral		
			Female	Male	Children	Adult	Human Trafficking	Sexual exploitation	VAW	Legal aids	Shelter support	Community mediation
ABC Nepal	5	6	6	0	6	0	6	0	0	6	0	0
CeLLRd	16	92	88	4	24	68	32	0	60	81	0	11
Change Nepal	1	3	3	0	3	0	0	3	0	0	3	0
Chhori	1	1	1	0	1	0	1	0	0	0	1	0

27 These NGOs and GOs include: FWLD, Tinny Hands, Biswas Nepal, Maiti Nepal, Shakti Samuha, KI Nepal, Sahashi Mahila Samuha, Saathi, PPR Nepal, Aawaj Nepal Dolakha, Mank Sindhuli and GOs include District Attorney Office, CIB, District Police Office and Ilaka Police Office, VDC Office, VCPC and Women and Children Office, National Women Commission, DCWB and FEP Board including trade union like GEFONT.

NGOs	No. of NGOs	Total	Sex		Children/Adult		Nature of violence faced			Purpose of referral		
			Female	Male	Children	Adult	Human Trafficking	Sexual exploitation	VAW	Legal aids	Shelter support	Community mediation
KI Nepal*	1	1	1*	0	1	0	1	0	0	0	1	0
PPR Nepal	8	9	8	1	0	9	7	0	2	9	0	0
Shakti Samuha	5	5	5	0	2	3	2	2	1	0	5	0
Total	25	117	111	5	37	80	49	5	63	96	10	11
Row %		100	94.9	4.3	31.6	68.4	41.9	4.3	53.8	82.1	9.0	9.4

Note: KI Nepal received one person of third gender.

In response to the purpose of referral, it was found that 82 percent were referred for legal treatment – including legal counseling, registration of FIR to Police, support to prosecution and court proceeding. In the sample of 117 victims, 9 percent were referred for shelter support. This includes all types of support needed in a Safe House or rehabilitation center including psychosocial counseling, medical treatment, education support, training and skills development. There were 9 percent of the victims who were referred for community mediation.

Number of victims referred to other organizations - Six NGOs have provided information regarding the number of victims referred to other organizations for further treatment or support during the FY 2015/16. Data reveal that these six NGOs referred the victims to 17 GOs and NGOs (Table 5.18). A total number of 27 victims were referred to other organizations. Among them, an overwhelmingly majority were females (93%) and rest 7 percent were males. Children accounted for two-thirds of the victims referred to other organizations. Of the total victims referred to other organizations, 18.5 percent were reported to be the trafficked victims, 44 percent were victim of sexual exploitation and rest 37 percent were victims of domestic violence. Of the total victims referred to, nearly three-fourth were referred for the purpose of shelter support including education, psychosocial counseling and skills development and the rest 18.5 percent victims were referred for medical treatment.

Table 5.18 Number of victims referred to other organizations by NGOs, July 2015-June 2016

NGOs	No. of NGOs	Total	Sex		Children/Adult		Nature of violence faced			Purpose of referral		
			Female	Male	Children	Adult	Human Trafficking	Sexual exploitation	VAW	Legal aids	Shelter support	Medical
Change Nepal	4	5	5	0	3	2	2	3	0	0	5	0
Chhori	1	3	3	0	3	0	0	3	0	0	3	0
Him Rights	2	2	1	1	0	2	1	0	1	1	1	0
KI Nepal	3	3	3	0	2	1	1	0	2	0	0	3
PPR Nepal	2	2	2	0	0	2	1	0	1	1	1	0
Shakti Samuha	8	12	11	1	10	2	0	6	6	0	10	2
Total	17	27	25	2	18	9	5	12	10	2	20	5
Row %		100.0	92.6	7.4	66.7	33.3	18.5	44.4	37.0	7.4	74.1	18.5

Note: NGOs referred to include: Maiti Nepal, Shakti Samuha, Saath Project, Safani Vision Nepal, General Heart Foundation, Child Helpline, CAP Nepal, Asha Nepal, ABC Nepal, CWISH, Balagram, Kopila Nepal and Bala griha Sindhupalchok. The GOs referred to include: Nepal Police, FEP Board, schools and DCWB.

Prosecution related - Among the 15 NGOs provided information to NHRC, nine NGOs reported that they have also prosecution related activities (Table 5.19). Questions were framed in such a way that NGOs provided information on the whole process of law enforcement to prosecution to court proceeding and implementation of court decisions. The format included two types of cases: cases related to trafficking and fraud in foreign employment and VAW. A total of 139 cases were registered in Nepal Police with 175 trafficked victims. Overall, in 80 cases there NGOs supported to plead to the court on behalf of victims and in seven cases, the NGOs provided support to the victims for the implementation of the court decision in favor of the victims.

Similarly, these NGOs handled the VAW cases and registered 287 cases in Nepal Police and supported the victims for effective investigation and prosecution of the culprits. Further, a total of 28 cases were assisted for pleading in the courts and there was only one case in which WOREC supported for the implementation of the court decision in favor of the victim.

Table 5.19 Number of cases and victims assisted for legal treatment by NGOs, June 2015-July 2016

NGOs	No. of cases assisted for FIR in Police and Investigation/ Prosecution	No of cases Pleading to the Court on Behalf of the Victims	Support to implement the court's decisions (no. of cases)
Trafficking related:			
CeLLRd	6 (6)	33 (33)	0
Chhori	1 (1)	0	0
CWIN	57 (57)	9 (9)	3 (3)
KI Nepal	15 (32)	0	4 (4)
Maiti Nepal	28 (47)	28 (47)	-
PPR Nepal	0	10 (25)	0
PRC	1 (1)	0	0
Shakti Samuha	3 (4)	0	0
WOREC	28 (28)	0	0
Total	139 (175)	80 (114)	7 (7)
VAW related			
CeLLRd	36 (6)	441 (441)	0
CWIN	34 (34)	28 (28)	0
PPR Nepal	36 (36)	6 (6)	1 (1)
WOREC	181 (181)	0	0
Total	287 (287)	475 (475)	1 (1)

Note: figures in brackets indicate the number of victims while outside of it indicates the number of cases.



Monitoring the Efforts to Combat Human Trafficking: Evidence from Field Visits of Western, Mid and Far-Western Region Terai/Madesh

The Central aim of this Chapter is to assess the effectiveness of Government's local level anti-trafficking mechanisms. Here, the local level mechanisms are meant as the District/Local Committee on Combating Human Trafficking, Women and Children Service Centers, Border Police, Safe Houses, NGOs and Civil society organizations. This aim is assessed drawing upon case from western and far-western Terai/Madesh districts of Nepal. As discussed in Methodology, NHRC-OSRT in collaboration with the NHRC regional offices of Nepalgunj and Dhangadhi conducted field visits and monitored the border areas and safe houses.

6.1 Magnitude and Dimensions of TIP

The number of trafficking cases and victims registered in these seven District Police Offices has been discussed in Chapter 2. Accordingly, four year (2012/13-2015/16) total number of TIP cases registered were 6 in Nawalparasi, 51 in Rupandehi, 24 in Kapilbastu 24, 47 in Banke 47 and 6 in Bardiya and 20 in Kanchanpur 20 and 2 cases in Kailali in FY 2015/16. Here, some qualitative information on magnitude and dimensions of TIP is discussed. In Kapilbastu, it is known that one of the key tactics of luring the girls and women is the false marriage or pretending as husband-wife. Krishna Nagar is just a border point between Nepal-India and it is not necessarily the origin place of trafficking victims. Trafficked victims mainly originate from hill districts as well as from the locations along the East-West High ways. The member of the District Committee on Combating Human Trafficking of Bardiya district reported that majority of trafficked victims or those who are at risk of trafficking are the divorced women, separated and abandoned ones. Agents may easily lure such women. It is reported many of the suicidal cases in the district are also associated with trafficking and unsafe foreign employment²⁸. The low number of human trafficking cases registered in the Police is mainly due to victims not willing to approach to the Police and unnecessary political pressure not to register the cases.

6.2 Mapping of NGOs Involvement

There are four major NGOs working in anti-trafficking especially in protection component in Kapilbastu district.

- Three Angles Nepal, works in Krishna Nagar (the border town of Kapilbastu district)
- Tiny Hands Nepal, works in Chandrauta (East-west highway head in Kapilbastu district)
- Peace Rehabilitation Center, Krishna Nagar
- KI Nepal, Krishna Nagar

In Banke district, the following NGOs have been found working in safe migration and anti-trafficking areas:

- KI Nepal - Groups formation and mobilization and border surveillance at Jamunaha, Hiraminiya and Kharaiacha. In other places and border points, KI Nepal sometimes conducts accidental surveillances by mobilizing the local people. On the average, it rescued 70-100 women and children at risk of trafficking in Banke district.

28 In the FY 2015/16, a total of 199 suicidal cases were reported in the district.

It also provides skill development program for the victims from its skill development centers in Chitawan, Butwal and Kathmandu. During the last FY 2015/16, it handled 5 cases of human trafficking, polygamy and domestic violence and in 3 cases, the offenders were convicted.

- Fatima Foundation –It conducts the awareness program on safe migration and human trafficking, especially focusing on Muslims women and girls. It covered 23 VDCs where it formed and 86 groups for awareness programs. These groups are also said to work as surveillance groups at the community level for prevention of human trafficking including combating domestic violence.
- Maiti Nepal –It mainly involved in border surveillance at Jamunaha-Rupadeya
- Saathi–It conducted awareness programs in 70 schools in coordination with the District Education Office in the FY 2015/16 and has planned to reach 150 schools in the FY 2016/17. In the FY 2015/16, it provided training and orientation to Secretaries of 12 VDCs in Banke district for discouraging making of the fake travel documents. Saathi has run a Safe House in Nepalgunj supported by MoWCSW.
- Shakha Nepal –It basically works in areas of prevention area. It has formed adolescent groups I 28 VDCs and child groups in 16 VDCs. It has also established and mobilized adolescent girls network in 28 VDCs and one Municipality.
- CeLLRd - Legal support to the victims of trafficking
- Gyan Nepal - Border surveillance at Jamunaha.

The following NGOs have established Safe Houses targeting for the women and children victims: Tinny Hands Nepal, Saathi, KI Nepal, Three Angles Nepal and Maiti Nepal. It is found that these Safe Houses provide rehab services to women and children (boys under 12 years of age) and there is no safe house for boys aged 12 years and above.

The following organizations were comprised in the District Committee on controlling Human Trafficking:

1.	District Administration Office	Chair
2.	District Deputy Attorney Office	Member
3.	District Police Office	Member
4.	District Development Committee	Invited Member
5.	President of the Federation of Nepalese Journalist	Member
6.	Fatima Foundation	Member
7.	Maiti Nepal	Member
8.	Saathi Nepal	Member
9.	Women and Children Development Officer	Member Secretary

In Bardiya, drawing on the FGD with the NGOs activists²⁹, NGOs like WOREC, Maiti Nepal, Dalit Women Uttathan Shangha, Shakti Samuha, Janagaran Women Shangha and Tharu Women Uttathan Shangha and Tinny Hands Nepal have been found working in anti-trafficking and safe migration issues in the district.

Maiti Nepal has established surveillance center in Surajapur, Gulariya and in between August 2016 and January 2017, about 12 or 15 women and children were intercepted from the border. In addition to surveillance in the border, Maiti Nepal involved in awareness raising program including the celebration of 16 days GBV. It organized orientation program to Armed Police Force (APF) Nepal including to other GOs. WOREC has been working in Bardiya district for three months. It carried out awareness raising on safe migration, counseling and referral services. WOREC also support the safe house run by the Women and Children Office Bardiya district. During the three months work (2017), a total of seven cases have been filed in Nepal Police (2 cases related to foreign employment, 3 rape cases and 2 cases related to VAW cases).

Tinny Hands Nepal has been working in Bardiya district since 2010. It has established the surveillance center in *Tanga* stand of Gulariya Municipality. Since the July 2016, it conducted orientation about human trafficking among SSB Camps (India) Police persons in Nishangadha, Balegoin and Surajapur areas. During the FY 2015/16, a total of 44 women and children were rescued and reintegrated with their families. During the first three months of the

²⁹ Kalpana Chaudhari (WOREC), Binu Rana –WOREC District Coordinate, Sapana Sharma – Women Human Rights Network, Bardiya and Durga Rawat – Single Women Organization, Bardiya

FY 2015/16, it intercepted 31 women. Of them, 12 were Tharu, 12 Dalit and rest was Magar, Chhetri and Madeshi. Among the 31 victims intercepted, 28 were from within Bardiya district and rest was from Salyan, Dang and Banke. During September-December, 2016, a total of 13 women were intercepted. All of whom were from Bardiya district. By caste/ethnic groups, four were Tharu, four Dalit and five were Brahman/Chhetri and Giri women.

In Bardiya district hospital, OCMC has been established. The key aim of the OCMC is to provide the comprehensive services to the victims from the same place: policy investigation, counseling to the victims, medical services etc. But OCMC has no such comprehensive services available. It is reported that even the budget of Rs. 150,000 has not been spent.

6.3 Revisit the Role of District and Local Committees

This section deals with the status of District and Local Committees in Combating TIP based on information generated from the field visits.

Kapilbastu - According Kamala Paudyal - the WDO of Kapilbastu, the District Committee's meetings held 3 times in the last FY 2015/16. There are 11 VDCs/Municipalities in which VDC level Committees have been established and in two Municipalities, they shall be formed soon. Most of these Committees are formed in the VDCs bordering to India. These Committees included in the following VDC/Municipalities:

1	Bijuwa VDC	5	Bardauli VDC	9	Rajpor VDC
2	Shivaghadi VDC	6	Hathihawa VDC	10	Somadaha VDC
3	Haradauna VDC	7	Krishna Nagar Municipality	11	Gagauli VDC
4	Rangapoor VDC	8	Pathardaiya VDC	12	Badaganga Municipality (to be established)
				13	Shiva Raj Municipality (to be established)

In FY 2015/16, a total of Rs. 80,000 was allocated to the local committees (Rs. 6000/VDC Committee and Rs. 10,000/Municipality Committee). At the district level, District Rehabilitation Fund has been established with the allocation of Rs. 154,598 for the FY 2016/17. At the VDC/Municipality level, however, they have yet to be established. In addition, there is Human Rights Rescue Fund of Rs. 112,300 at the district level. The Kapilbastu District Committee has not yet formulated the district level periodic plan. Drawing on the two samples of the minutes of the District Committee on Combating Human Trafficking (DCCHT), Kapilbastu which held in the year of 2014 and 2015, the following conclusions may be drawn: i) there is the system of meeting conduction of District Committee at least 3 times a year; ii) the committee comprises of GOs including the NGOs working in the district as envisioned by the Regulation 2008; iii) the key agendas for the Committee appears to be extension of Local Committees, allocation of budget for the Local Committees, celebration of anti-trafficking days, publication of IEC materials and orientation to the District Committee members including others about human trafficking (Box 6.1).

Box 6.1 Sample of Minute of District Committee on Controlling Human Trafficking, Kapilbastu

On February 12, 2015, the District Committee on Controlling Human Trafficking of Kapilbastu held a meeting with the chairperson of CDO.

The minute show the following persons attending the meeting:

1. Chair, Shree Binod Prakash Singh – CDO, Kapilbastu
2. Member, Jananath Panta, DDC Office
3. Bikram Gurung, District Police Office
4. Krishna Prasad Khadka – CDO Office
5. Maya Gyawali – Saathi Satha
6. Sakila Khatun
7. Radha Nepal
8. Rajeshwar Aryal - Advocate
9. Bhumi Raj Bhattari – PRC
9. Kalawanti Ojha – WDO
10. Bechan Prasad Pun – WDO Office
11. Indra Devi Sunar – WDO Office
12. Tilak Ram Shrestha – WDO Office

The meeting decided that as per the decision made on May 15, 2014 (2071/2/1) that the VDC/Municipality Committees to be extended in Krishna Nagar Municipality, Shiva Raj Municipality and Pathar Doya VDC should be immediately implemented.

On September 1, 2014 (2071/5/16), the DCCHT Kapilbastu held a meeting. According to the minutes the following persons from the different offices were present:

1. Chair – Binod Prakash Sing – CDO
2. Member, Niran Bhattari – Acting LDO
3. Maya Gyawali – Chari of Saathi Sath
4. Sakila Khatun – District Education Office
5. Bhumi Raj Bhattari – PRC Home
6. Sangita Kunwar – KI Nepal
7. Kalawati Ojha – WDO, Kapilbastu
8. Bechan Yadav – WDO Office
9. Bhagawati Bhusal – WDO Office
10. Indra Sunsar – WDO Office

Decision 1- It is decided to celebrate the 8th National Day against Human Trafficking and Transportation with the slogan of *Jagau Jagau: manaba bechabikhan rokna sabai lagau* (Raise up, Raise up! To all of us for stopping human trafficking).

Decision 2 - It is decided that Rs. 6000/VDC Committee and Rs. 10,000/Municipality Committee shall be released for all the VDC/Municipality Committees established. IEC materials shall be published by the WDO in consultation with Police Officer, Journalist Association, CDO Office, and NGOs. And, in the orientation program, the members of the District committee will be invited for increasing awareness on trafficking issues.

Source: Minutes of the DCCHT, Kapilbastu (Filed visit, Dec. 2016)

In **Rupandehi district**, drawing on the information provided in the interaction program in the WDO office of Rupandehi, the District Committee meets three times in every four quarterly. The Chairperson of the Committee is the Chief District Officer (CDO) – who is often very busy in other affairs in the district and can have little time for anti-trafficking issues. It is reported that monitoring in the border areas as well as in the hotels/restaurants in Bhairahawa, Butawal and in the highway heads in combating internal trafficking is weak. Further, there are few NGOs in Rupandehi and Nawalparasi districts involved in combating internal trafficking. The District Committee has not yet formulated the district Periodic Plan for combating human trafficking. A total of 12 VDC/Municipalities Committees on combating human trafficking have been formed. It is reported that there is budget constraint in extension of VDC/

Municipality Committees because lunch-allowances should be provided once the Committees' meetings are held. For each committee, Rs. 11,000 has been allocated for this FY 2016/17. It is also reported that some VDCs are also mobilized for allocation of VDC budget in anti-trafficking activities. Some VDC Secretaries were also involved in cross-border meeting and they were also involved as trainers in 16 days Gender Based Violence -Day of 2016.

In **Nawalparasi district**, according to WDO, Mrs. Urbara Luitel, the District Committee on Combating Trafficking held meeting three times in the last FY 2015/16. It works as a routine work. A total of Rs. 300,000 was allocated for District Committee meeting for the FY 2015/16. It is reported that the meeting allowance of Rs. 1000 per person has to be paid. Therefore, it is difficult to call the meeting frequently.

By the end of FY 2015/16, a total of 6 VDC level committees have been established in Nawalparasi district. They VDCs in which committees established are i) Deurali VDC, ii) Majuwa VDC, iii) Guthiparsauni VDC, iv) Daunne VDC, v) Tilakapur VDC and vi) Ram Paruwa VDC. In the FY 2015/16, a total of Rs. 25,000 per VDC committee was also allocated for their meeting and other activities expenditure. In addition, the following GOs/NGOs were found to be working in Nawalparasi district especially in protection and prevention components of trafficking issue:

- Governmental organizations - Women and Children Office, Women and Children Service Center, Nepal Police. There is one district WCSC and 8 Community Service Center in Nawalparasi district.
- NGOs – KI Nepal, Maiti Nepal, Base Nepal, CeLLRd, Indrayani Bikash Munch
- Women groups – Women Cooperatives and groups established and mobilized with the facilitation of Ministry of Women, Children and Social Welfare across the district
- Media – FMs in the districts and print media as well.

The WCDO of Nawalparasi district (Urbara Luitel) raised the issues how to effectively mobilize the Local Committees and she suggested the following:

- The chair of the VDC Committee should be from the Women Cooperative or Women Groups that are formed with the facilitation of Women and Children Office. This is because the VDC Secretary is found to busy in many activities of the VDC other than trafficking issues and they are also not often stay in the VDC. Many of the VDC Secretaries run their daily office from district headquarter.
- For renewal of NGOs that are working for women and children should be done by CDO office only after the recommendation by the WDO Office. This system would make the NGOs more accountable in women and children issues in the district.

In **Banke**, all 33 VDCs and 2 Municipalities have local committees on combating human trafficking established. However, there are no ward level committees in the Municipalities that have to be established according to the Guideline for the formation of the local committees. Despite the local committee established in all VDCs in the district, the District Committee allocated budget only for 10 VDCs for capacity development program for the committee members. It is reported that VDCs have been effectively mobilized for anti-trafficking activities. This is because 20 out of 33 VDCs have already allocated some budget for anti-trafficking initiatives. Many VDC Secretaries were also provided training and orientation on safe migration, gender and human rights including birth registration and issues of providing the recommendation letters of citizenship certificates. It is reported that some NGOs have initiated to submit their progress report to the District Committee. The District Committee meeting held on the December 2016 decided to request all the concerned NGOs working against human trafficking and safe migration issues to submit their progress report in each three month to the District Committee (the Women and Children Office, the Secretaries of the District Committee). Despite this, it is found that there is lack of coordination between the District Committee and VDC/Municipality Committees. As a result, District Committee did not have information about all the VDC/Municipality: their functions, their activeness and any outstanding work. Further, majority of the Committee members are unaware on the committees' mandate in dealing with human trafficking issues at the local level such as maintaining records, providing the surveillance and information to the local police and other concerned agencies.

In **Bardiya**, a total of 10 local committees in 7 VDCs and 3 Municipalities have been formed. However, in the Municipalities, the ward level committees have not been established. The District Committee has allocated Rs. 24,000 for its meeting expenses and Rs. 15,000 per local committee for meeting expenses annually. The District Committee held three times meeting in the last FY 2015/16. The Women Cooperative Members in Bardiya district³⁰

30 Two Women Cooperatives were visited: Sunaulo Women Cooperative of Gulariya Municipality and Women Cooperative of Basaghadi Municipality.

complained that there is provision of representation from NGOs in the District Committee/Local Committees on Combating Human Trafficking, but there is no mandatory provision of representation in the Committees from the Women Cooperatives that have been established and mobilized with the facilitation of Ministry of Women, Children and Social Welfare across the country. As discussed in Section 5.2, mobilization of women collectivities established and facilitated by Department of Women and Children is one of the key activities prescribed even by the 14th Development Plan of Nepal.

In addition the importance of the Women Cooperatives in raising the income and employment of the women in the rural areas, these collectivities have become the key agents in communicating the safe migration information including dealing with the violence against women and children in the district. Women Cooperatives have also become a relatively permanent entity at the local level compared to functioning of NGOs. While NGOs may have expertise in areas of safe migration and anti-trafficking issues, they have largely time-bound activities and donor driven.

In Kailali district, the meeting of the District Committee on Combating Human Trafficking has been conducted three times annually. There are 10 local committees forwarded in the district. The District Committee has not developed the periodic plan, however. According to the Chief of Tikapur Municipality, Tikapur Municipality has been carrying out safe migration related programs particularly focusing of the potential women migrant workers in some of the targeted wards of the Municipality. It is also reported that the Municipality has also introduced *child friendly local governance program*. For this, the Municipality has increased the allocation of budget from 10% to 15% for child rights and welfare programs. There are 39 indicators for making the child friendly local governance. Of these indicators, child labor and trafficking are also crucially important indicators. Hoarding board has been put in many areas where potentially child labor may be employed. The Tikapur Municipality has also school education program of returnee migrant women. It provided fee and school dress etc. It is interesting to note that the Chief of Tikapur Municipality and other staff including other participants in the interaction program in Tikapur did not know whether or not the Local Committee on Combating Trafficking has been formed by the District Committee. This shows that there is little priority in anti-trafficking initiatives given by the local committees.

In Kanchanpur district, it was found that the District Committee was actively working to combat human trafficking. In Kanchanpur district, there are 8 Municipalities and 4 VDCs. Among them all municipalities except Bhim Dutta Municipality and all VDCs have local committee established and reported to be working effectively. CTIP Project (2010-2015) was also implemented in this district. The project partner organizations were LACC, TPO Nepal, Saathi, and CellRd. LACC involved in legal awareness raising in the community (about acts, regulation and guideline in combating human trafficking); Saathi established women and girls groups and raised awareness programs in the community and in the schools; TPO Nepal was involved in psychosocial counseling and CellRd involved in free legal counseling in the district. Since the October 2012, WHRD has been running safe migration counseling in CDO office in Kanchanpur district. On the average, it provides safe migration counseling to 20-70 persons daily. It is also reported that agents attempt to prevent women attending in the counseling center.

The Assistant CDO of Kanchanpur district frankly argued that human trafficking has not been in priority issue in the district administration office as there are many priority issues than that of TIP cases. There is no specific government unit in dealing with human trafficking case. He also reported that there is lack of coordination between GOs and NGOs working in this sector.

Synthesizing the Assessment – Box 6.2 gives an overview of the function of the DCCHT and Local Committees. It is revealed that all 7 DCCHTs have held at least 3 times meeting in the FY 2015/16. Examining the minutes of the DCCHTs, it appears that most of the meetings were held for celebration of anti-trafficking days, publication and dissemination of IEC materials and formation of local committees. However, none of the DCCHTs developed their periodic plans, maintained systematic data on human trafficking and smuggling, regular monitoring of Safe Houses. In Kailali, it was also found that there was no birth registration of a child of the victim who was residing in a Safe House even if the Safe House was attempting to do for several months. Thus, the level of activism and performance of the DCCHTs can be labeled as low.

Examining the formation and extension of the local committees, there are a few committees formed in Nawalparasi, Rupandehi, Kapilbastu and Bardiya while the local committees were almost formed across the VDC/Municipalities in Banke and Kanchanpur districts. However, as per the Guideline, there should be ward level committees in the Municipality, and it was found that none of the Municipality Committees were able to establish ward level

committees. The annual amount of budget per committee allocated also appeared to be very low vis-à-vis the extent of problems in the VDCs/Municipalities. Further, none of the Local Committees has developed any annual plans. It is also revealed that none of the Local Committees across the survey districts were able to establish Relief Fund for trafficked victims; neither had they initiated maintaining records of activities carried out and report to the District Committees. Given this context, the level of activism and performance of the Local Committees across the study districts cannot be comfortably inferred as satisfactory. This is mainly due to lack of special unit of ‘Human Trafficking and Safe Migration’ under the Women and Development Office that could regularly contact the local committees for their increased mobilization for anti-trafficking initiatives. Although currently the WDO is the member Secretary of the DCCHT, establishing a Special Unit would increase the performance of the DCCHT.

Box 6.2 Overview of the Performance of Local Committees

Districts	Total VDC/ Municipality	Number Local Committees	Budget (FY 2015/16) per Committee	Whether Periodic Plan of the DC?	Relief Fund?	Regular system of reporting?
Kapilbastu	77 VDC 1 M	11		No	No	No
Rupandehi	51 VDC 6 M	12	Rs. 11,000	No	No	No
Nawalparasi	57 VDC 7 M	6	Rs. 25,000	No	No	No
Banke	VDC 45 2 M	33 VDC plus 2 M	Rs. 15,000 only for 10 Committees	No	No	No
Bardiya		7 VDC plus 3 M	Rs. 15,000	No	No	No
Kailali		10		No	No	No
Kanchanpur		8 M and 4 VDCs		No	No	No

6.4 Revisit the Role of Women and Children Service Centers, Nepal Police

Nepal Police established the Women and Children Service Directorate under the Crime Investigation Department aimed at dealing with human trafficking, sexual offences, domestic violence, child marriage, polygamy, illegal abortion and other forms of GBV. The service centers at the regional and below levels are called Women and Children Service Centers (WCSCs). Nepal Police has extended WCSCs across the country in its regional levels (5), zone levels (14), district levels (75) and area levels (135) including one metropolitan WCSC, 3 range level WCSC and 8 circle level WCSC³¹.

WCSC- Kapilbastu - It is found that with the premise of DSP Office, Taulihawa, a desk called ‘Citizens help center’ has been established in front of the Office. Once people enter the office, the center provides information about availability of different services with the DSP offices and facilitates people going the concerned section such as Administrative section, Women and Children Service Center, Crime Investigation etc. The WCSC Kapilbastu has separate building. However, it has yet to be well furnished and equipped.

WCSC – Rupandehi – The Monitoring team interviewed with police officers in Bhairahawa on December 2, 2016. It is reported that there are 11 posts sanctioned Rupandehi District WCSC but currently only five staff were working. At the District level, WCSC is under the command of Sahi. It is observed that there was a separate building of WCSC, but still it was reported that there was no separate rooms for victim temporary rehabilitation or counseling.

WCSC, Nawalparasi – The Monitoring team interviewed with police officers in District Police Office of Nawalparasi in December 3, 2016. The WCSC looks after the following crime cases against women and children: human trafficking, domestic violence, rape and attempt rape, polygamy and child marriage etc. In the district, WCSC has the separate building but it has yet to be well furnished and to be digitally connected. There are five WCSC in the district including the district WCSC. The Community WCSC established are located in i) Gaidakot, ii) Dedhagoin, iii) Belatari and iv) Nawalpur. A total of 26 different positions of Police posts were sanctioned but there were currently only 11 working in these five WCSCs (Box 6.3).

31 <https://cid.nepalpolice.gov.np/index.php/cid-wings/women-children-service-directorate> (accessed on March 24, 2017).

Box 6.3 Number of Police Posts sanctioned and currently working in WCSC, Nawalparasi

Offices	Pra na ni	Pra sa ni	Pra ha	Pra jawan	Total
Sanction Posts					
District WCSC, Parasi	1	1	3	5	10
Community WCSC Ilaka Police Office of Gaidakot	-	1	-	3	4
Community WCSC Ilaka Police Office of Dedhagoin	-	1	-	3	4
Community WCSC Ilaka Police Office of Belatari	-	1	-	3	4
Community WCSC Ilaka Police Office of Nawalpur	-	1	-	3	4
Total	1	5	3	17	26
Working Posts					
District WCSC, Parasi	-	1	-	2	3
Community WCSC Ilaka Police Office of Gaidakot	-	1	1	-	2
Community WCSC Ilaka Police Office of Dedhagoin	-	-	-	2	2
Community WCSC Ilaka Police Office of Belatari	1	-	-	1	2
Community WCSC Ilaka Police Office of Nawalpur	-	1	-	1	2
Total	1	3	1	6	11

Source: WCSC, Nawalparasi (as of December 2, 2016).

WCSC, Nepal Police, Banke - In Banke district³², there are five WCSCs including one at the district level. At the community level, the following *illaka* Police Offices have the WCSCs: Bhagawanpur, Kohalpur and Chisapani and Nepalgunj Municipality Police. Altogether, a total of 27 police posts have been sanctioned but only 12 police personnel were working. With the financial support of Asian Development Bank, a separate building for Banke district WCSC has been constructed and office is being set up. It is a two and half story building and it is equipped with furniture and computers as well.

It is reported that some staff in WCSCs have received a 16-days training about GBV and dealing with the crime cases against women and children. However, they have not received any training on how to maintain records uniformly. In addition to handling of the crime cases against women and children, the WCSC conducts public awareness at the community level and at the schools. In the awareness program, the documentary like *Chetana* and *Muna* are also shown. The documentary brings the message about combating human trafficking and promoting the safe migration. The district WCSC also reported that it has established network for controlling Gender Based Violence (GBV) in two VDCs, namely, Titariya and Bageshawari VDCs.

The women Police in WCSC reported that the major crime reported in the WCSC are domestic violence, child marriage and cheating and fraud in foreign employment. Majority of cases of domestic violence and child marriage are reported among Muslims and Madeshi community while majority of case related to fraud in foreign employment is reported to be among the hill origin people. It is reported that villages and municipalities in the east-west highway are relatively at risk areas for trafficking of women and children.

When enquired about the major challenges in protection of women and children from crimes and violence including from trafficking, the women Police shared their experiences as follow:

- Victims are reluctant to report to the police and they are also deeply lured the agents. It is the main reason why many of the trafficking cases become hostile.
- The Government Hospital i.e., Veri Zonal Hospital, charges user fee of Rs. 450/victim treatment. At the time when victims are rescued, they may not have money. On the other hand, the Police do not have budgets for immediate for it. The expenses can be reimbursed through Women and Children Office.
- People go to India without carrying out travel documents including passport and it is reported that the passports are sent via a currier to New Delhi.
- Psychosocial counseling training is needed for women Police. The training must be of high quality, and may be conducted in Kathmandu. Women Police are also required to provide training on legal aspects of trafficking, sexual exploitation and foreign employment. This is because a fast change has been made in many legal and policy issues which should be updated to women Police in order to effectively mobilize Police in dealing with the crime against women and children.

32 The following Women Police were interviewed in district Police Office, Banke: Rama Shrish, Bam Kumari Gharti and Shyam Kumari Magar

- Victims are also males – There is also increasing trend that women who been have left in the villages/towns by their husband run away to another man and they misuse the remittances sent by their husband.

In Kanchanpur district, there are six WCSCs (one district level and 5 area level). The area level WCSCs include: i) Mahendra Nagar Illaka Police, ii) Illaka Police, Dohara; iii) Illaka Police Belahi; iv) Illaka Police Tribhuvan Nagar and v) Illaka Police, Beldadi. There is a wide gap in the sanctioned posts and working ones in the WCSCs. The WCSC Kanchanpur has 4 working police against 10 sanctioned police posts and among the 5 Illaka Police Offices only four posts were sanctioned. Note that not all WCSCs have female Police. In Dodhara, Tribhuvan Nagar and Beladi WCSCs, there were no women Police. Further, those whose posts are sanctioned are not placed in the same post. Some of the participants in the interaction program raised the question that WCSC has not been able to handle the cases of women and children. The cases that should be dealt by the WCSC often go to other Sections in Police Office. On the other hand, Women Police in the interaction program argued that it is difficult to file the case of trafficking because of i) lack of required documents and evidences, ii) own parents and relatives also involve in transportation of the girls and women and iii) involvement of multi-layered traffickers and the main traffickers are always invisible and hidden. There is also the paradox of how to handle the TIP case (Box 6.4).

Box 6.4 Paradox of registration of TIP case

one of the victims of child marriage, participated in the interaction program in Kanchanpur district. She was from Baitadi district and she was married at her 15 years with a man of about 30 years. After three months, she was physically tortured by her mother-in-law and husband. She was later sent to Kanchanpur with a man. She was forced to marry with a man of 65 year of age. After 15 days staying with the man, she was rescued by her aunt. The Victim now wants to file the case as human trafficking. She also raised this issue in the interaction program, but she complained that the police did not handle this case as trafficking. In the interaction program, it was found that the participants were divided whether it is an internal trafficking case or a case of mismatch marriage.

Source: Field notes developed in Kanchanpur district, January 2017.

In Kailali district, there are six WCSCs (one district level and 5 area level). The WCSCs were established in the following Police office: i) Ward Police Office Kaiali; ii) Illaka Police Office Tikapur; iii) Illaka Police Office Malakheti; iv) Illaka Police Bhajani; and v) Illaka Police Sukhad. Ten Police posts were sanctioned in district WCSC and in each Illaka level WCSC, four Police Posts have been sanctioned. It is reported that there all the posts were fulfilled.

Synthesizing the Assessment – It is found that WCSCs in the districts have been emerging as vitally important Police entities especially dealing with gender based violence including trafficking. With the interaction of Women Police in Banke and Kanchanpur, it is found that many of the Women Police deployed in the WCSCs are motivated to achieve the goals of the WCSCs. Despite these strengths of WCSCs, the effectiveness level of WCSCs cannot be labeled as satisfactory. In all districts studied, the Women Police explicitly raised the issue of need for capacity building, especially in relation to psychosocial counseling and update of the changing nature of legal system in Nepal among the women police. They also suggested deploying an adequate number of women police in the WCSCs established. Further, the number of WCSCs has yet to be extended across the major and vulnerable locations in districts to fight against both the cross-border and internal trafficking. Some Police Officers in Banke and Kailali even reported that its (WCSCs) extension is significantly important in border areas. This is because many of the trafficked victims constitute women and if the WCSCs are extended to border areas, it is expected that there would be good communication between the same sex (the victims and the women Police) – resulting much victims/survivors friendly surveillance systems in the border areas. Finally, our field visits suggest that many WCSCs have not been able to handle the crime cases of women and children independently.

Box 6.5 An overview of the WCSCs

Districts	Physical facilities	Whether involved in awareness raising at the community level?	Whether record maintained district WCSC on crime cases?	Number of WCSCs	Number of sanctioned posts	Number currently working
Kapilbastu	Separate building available	Yes	Yes, computerized			2
Rupandehi		Yes	Yes, computerized		11	5
Nawalparasi	Separate building available	Yes	Yes, computerized	5	26	11

Districts	Physical facilities	Whether involved in awareness raising at the community level?	Whether record maintained district WCSC on crime cases?	Number of WCSCs	Number of sanctioned posts	Number currently working
Banke	Separate building constructed, but not yet office shifted	Yes	Yes, computerized	5	27	12
Kailali		Yes	Yes, computerized	6	30	30
Kanchanpur		Yes	Yes, computerized	6	18	12

6.5 Surveillance Systems in Border Areas

International border surveillance is one of the major protection components of the NPA against Human Trafficking Especially Women and Children 2012. The NPA envisions effective surveillance including interception, immediate rescue, repatriation, rehabilitation and reunion of the victims by making accountable of Nepal Police, NCCHT and DCCHT including NGOs. Note that there is open border between Nepal and India while there is closed border between Nepal and Tibet-China. In this Report, we have focused surveillance systems between Nepal and India, and the surveillance systems between Nepal and China-Tibet could not be covered due to limited time available. The open border system between Nepal and India calls for a need of special protection measures to be adopted in the border areas while ensuring the rights of mobility of people, especially of girls and women. In this connection, the Monitoring team (NHRC Butawal, NHRC Nepalgunj and NHRC Dhanghadi team and the Consultant) visited the major border points in Kapilbastu, Rupandehi, Nawalparasi, Banke, Bardiya, Kailali and Kanchanpur districts in December 2016 and January 2017. The following discussion is based on the interaction programs, individual interview with the NGOs staff in surveillance centers and border Police.

Border Monitoring in Krishna Nagar, Kapilbastu - There are three NGOs, namely, Peace Rehabilitation Center (PRC), KI Nepal and Maiti Nepal that run the surveillance centers in Krishna Nagar. One of the staff of PRC in the interaction claimed that as the Krishna Nagar is one of the key border points between Nepal and India and hundreds people pass to the border every day, working of three NGOs in the border points as surveillance centers cannot be termed as duplication of activities. 'If one eye cannot see the problem, another might see it – which makes effective surveillance'. There is no chance of duplication in efforts of rescue and reintegration but it can be in case of counseling services to the victims. This is because more than one organization may be involved in counseling of an individual victim as the victim may pass from one place to another. On the other hand, there is little possibility of reporting the same victims as rescued or reintegrated by more than one organization. The question of duplication of activities in the border areas by the NGOs was also emerged in the discussion.

Mr. Ajaya Pradap Gupta, the Sahara National Daily Bureau Chief of Gorakhpur, U.P. India and the General Secretary of the Indo-Nepal Border Journalist Association raised the following issues in the interaction program. First, there is no surveillance center established and run by NGOs in Khunuwa and Majakpur while these border points are important as many people pass through these points. This is also supported by another participant in the interaction program – Mrs. Basanti Sharma, the chairperson of a Para-legal committee. The journalist (Mr. Ajaya) reported that there is bus service between Kathmandu –New Delhi, Kathmandu – Varanasi and Sunoli – New Delhi and Punjab and other places as well. Buses are often approached to the border area when there is time of border close at 10 p.m. Because of this, there will not be much time to make surveillance effectively in the bus. Buses passing through Nepal to India border should be instructed to come at least 2 hours before the close of border so that they can be effectively looked over. Second, media persons working in the Indo-Nepal cross-border are less aware on safe migration, and trafficking issues. They should be provided orientation classes in these issues. Third, as the victims crossing from Krishna Nagar border originate from the hills such as Rolpa, Pyuthan, and other Terai districts, media must cover such areas for their awareness programs.

In the interaction program in Krishna Nagar, one of the Advisors of Lions Club, Krishna Nagar reported that border surveillance in Krishna Nagar by NGOs is very effective and very praiseworthy. These NGOs, namely, KI Nepal, PRC and Maiti Nepal including border Police should be awarded by the Government for their effective and hard work to counter trafficking in persons. I have seen that NGOs staff even enter into Indian side and reaches to railway station and roadways for rescuing or intercepting the Nepalese women and girls. The Traffic Police Inspector who was also the participants in the interaction program reported that if they find any suspicion in the vehicle, they stop it is check the vehicle.

The Monitoring Team reached to Krishna Nagar border at around 3 p.m. and stayed up to 5 p.m. of December 1, 2016. The Monitoring team observed that two young women passing through Krishna Nagar border area. They were stopped by the staff of KI Nepal and asked for any travel documents they have had. These women showed ID cards issued by a network business in Audhaya, Utter Pradesh of India. But the information included in the two cards was different even if it was issued by the same Company (Box 6.6) and one can suspect that the said 'network business' may be linked to trafficking. But much research is needed in this direction, however.

Box 6.6 Sample of ID cards issued by a network company of India to Nepali girls

Reliveview International Pvt. Ltd		
11/6404 Jalwanpura, Ayodhya, Faizabad, U.P., 224123-India.		
CIN-U74999UP2016PTC083925		
<i>Yes we can</i>		Photo of the ID holder
Name.....		
I.C. No.....		
Upline Name.....		
U/L.I.C Name		
Marqu Name.....		

Reliveview International Pvt. Ltd		
Training Card		
<i>Yes we can</i>		Photo of the ID holder
Name.....		
Address.....		
Age.....		
U/P name		
U/P Marqu Name.....		Signature

The Monitoring Team also found that the NGOs have developed a management information system (MIS). The MIS includes standard format for recording the information the persons counseled or intercepted, sending of the information to the NGOs' office and sending of information to Women and Children Office or Police Office if requested. Box 6.7 shows the nature of information collected by KI Nepal surveillance center in Krishna Nagar border area.

Box 6.7 KI Nepal, Inquiry Form at Border Point, Krishna Nagar, Kapilbastu

I. Personal Information

Name, caste.....

Address: District.....VDC/Municipality.....Ward no.....Tole/Gaoin.....

Education: i) Illiterate ii) 1-5 grade iii) 6-10 grade iv) 10 grade and above

Contact No.....Huliya.....Others.....

II. Family Information

Name of garden.....No. of family members.....

Occupation.....

If main occupation is agriculture, income level: i) 3 months food sufficiency ii) 6 months food sufficiency iii) 12 months food sufficiency

III Information about the Accompanying Persons

Name, caste.....

Address: District.....VDC/Municipality.....Ward no.....Tole/Gaoin.....

Contact no.....From when know.....

Witness Name.....

IV Additional Information (any Documents)

Citizenship No.....

Issued District

Others

Name of the person who filled the format

Date:.....

Signature.....

Signature of the person going to India.....

In the border area, the NGOs staff reported that they have had security threats from *dalal* or agents as they (NGOs staff in surveillance centers) are largely exposed with a number of people including the agents in the course of their duty. It is also reported that sometimes victims themselves may physically attack the staff thinking that they have stopped going to India and other countries for 'good employment' and 'good earning'.

Sunauli Border, Rupandehi – The Monitoring team approached to Sunoli border at about 4:30 post meridiem (p.m.) in December 2, 2016. There were three surveillance centers run by NGOs in Sunauli border area. From the border side, they have been arranged in the following order: Maiti Nepal, Angles Nepal and KI Nepal. They are somewhat 50 to 100 meters in distance in each another.

NGOs run surveillance centers from 6 ante meridiem (a.m.) to 6 p.m. in the winter and 6 a.m. to 7:30 p.m. in the summer. Nepal-India border is closed after 10 p.m. and opened at 6 a.m. every day. Border surveillance between 6 p.m. to 10 p.m. is not covered by NGOs as it is reported that all the staff of NGOs that establish the surveillance centers are women and for security reasons, they do not stay after 6 p.m. During this interval, several buses especially those in the long-routes pass through Nepal to India especially to New Delhi, Varanasi and Punjab. It is reported that the surveillance during this interval is entirely dependent upon the border Police.

Maiti Nepal staff reported that they inquired at least 2 to maximum of 25 girls and women passing through Nepal to India daily and they maintain their records. We have also observed the record file maintained in the Maiti Nepal surveillance center that included the following information: date of surveillance, name, age, education level, address, name of father, name of mother, name of husband, type of vehicle in which the person enquired was going, destination address, reasons for going, vehicles taken to reach the destination, number of persons going, religion, number of family members, marital status (married or unmarried), evidence of any documents (such as citizenship certificate), relation of person going with, and contact number of parents. Unfortunately, we found that the record format was hand written by the staff themselves and they did not have printed copy.

Three Angles Nepal has been engaging in border surveillance in Sunauli for the last three years and it has registered 6 cases as TIP in Police during this period. On the average, it makes an enquiry of 5 to 10 women and children daily who pass through Nepal border to India and maintains their records. The staff in the surveillance center checks the travel documents if any of the women and children who pass through the border. They are asked about their family background, parents and other family matters and even sometimes number of animals etc. Sometimes, if it is needed staff also call to the person's family at home through mobile phone. It is reported that many of the women and children intercepted comprised of disadvantaged groups including single, widow or divorced or separated.

KI Nepal staff reported that they have been working for 4 years in Sunoli border as establishing surveillance center. There are four staffs. The KI Nepal has also awareness programs in Deva Daha area. It formed 11 agricultural cooperative groups and mobilized a total of 425 women in the groups. KI Nepal has registered 6 cases as TIP.

ABC Nepal in Rupandehi district has run Information Desk in Bhairahawa Bus Park and Area Administrative Office of Butwal with the financial and technical support of International Labor Organization.

Maheshpur, Chhoti Bhansar (Nawalparasi) – The Monitoring team approached to this border at around 12 noon in December 3, 2016 and stayed about 2 hours. There is only one surveillance center run by Maiti Nepal. It is reported that KI Nepal closed its center before 8 or 9 months ago.

The Monitoring Team interviewed Maiti Nepal Staff who were deployed as surveillance staff. They reported that the flow of people passing through the border to India has recently increased due to mainly demand of girls in Orchestra in Bihar. Main flow of people from this border is three days of a week: Monday, Thursday and Saturday. Each day, 6 to 8 women and children are enquired and maintained their records. The staff reported that they have stopped the girls being brought for Orchestra dance. One of such girls was of 13 or 14 year old. Ganga says, 'When we stopped and returned her, people objected us as we are not allowing people going for work in India'. The staff reported that they have intercepted girls even from the lands of India up to Gorakhpur. Last year, some girls were brought up to Gorakhpur using a minor border in Nawalparasi district. The interception was possible due to the good cooperation and coordination with Kotwali Police and border Police of India.

The Monitoring team also interviewed, the Police Inspector of Maheshpur Illaka Police Office located at Chhoti Bhansar. The Inspector reported that this border area has become one of the major ones in Nawalparasi district as people even from Chitawan area use this border to enter into India. During the 4 or 5 months, about 40-50 girls were intercepted and enquired by the Nepal Police. Many girls are being brought for Orchestra dance. They are found wearing ornaments and *sindur* (vermilion) in their forehead. Using ornaments and *sindur* among the young girls are the new modus operandi of transporting the young girls from Nepal to India. *Sindur* is the sign of married women in Nepali Hindu culture and if they are married they may be perceived as matured. Many of such girls are married, Dalit, BK and Nepali and those having step-mothers.

The Inspector complained that victims are often reluctant to report to the Police about the reality. This creates the problem of identifying the accused persons. Further, victims often do not bring the travel documents including citizenship certificates and even victims use the false marriage certificates. Despite this difficulty, the Police use different techniques to identify accused persons. The Police uses Face book accounts of the victims and searches the friends in the network.

The Police Inspector also reported that there is joint patrolling in the border area by Nepali and Indian Police every month. The joint patrolling is organized alternatively by the Nepali Police in one-month and by the Indian border Police in another month. There is a fixed area for patrolling for a Police Unit. The Maheshpur Illaka Police Post covers about 8 to 10 Kilometers along the border and rest area is covered by other Police units in their command areas. During the border patrolling, the joint team inspects whether there has been any encroachment in *dasha gaja* area or other places from either side or not. The patrolling is also aimed at regulating the cross-border crimes such as drugs trafficking, human trafficking and small arms trafficking.

The Police Officer thinks that open border between Nepal-India is one of the key challenges to prevent crime. He perceives that there must be continued cross-border patrolling and there is also need to install CCTV in main border areas and even in minor border areas and connect it to the Illaka border Police Office so that people movement can be effectively monitored.

In Banke, the Monitoring team approached to inspect the border in Jamunaha-Rupadiya about 1 p.m. on January 27, 2017 and discussed with the staff of Maiti Nepal, Gyan Nepal and Nepal Police. We found the following NGOs/Nepal Police for border surveillance (from border areas to Nepal side): Maiti Nepal, Nepal Police, KI Nepal, Gyan Nepal and Saathi. However, it was reported that as the District Committee on December 2016 decided to run surveillance centers only by two NGOs here, only Maiti Nepal and Gyan Nepal were functioning at the time of our supervision. Jamunaha border is the major border pass in Banke district. The border opens from 6 am to 10 pm and closes from 10 pm to 6 am. NGOs have surveillance from 6 am to 6 pm and there is no NGOs surveillance in between 6 pm to 10 pm. During this interval, the whole surveillance depends on Nepal Police.

The flow of outmigration varies by seasons. A relatively heavy outflow is reported after the Dashain and Tihar (the main festivals of Nepal during September and October) and during May/June when School Living Certificate (SLC) examination is completed when many young people become free. Although people across Nepal use this border to enter into India or come to Nepal, majority of people are from Dang, Banke, Surkhet and Bardiya. The Sub-Inspector of Jamunaha border Police reported that the border becomes a relatively crowd between 3-5 pm daily as many commuters cross the border for their daily needs. It is also the time in which long-route bus departs from here to New Delhi, Punjab and other places in India. The Border Police Post has established CCTV that captures about 200 meters and it is also noted that this area is under CCTV surveillance. But when the Monitoring Team visited the CCTV computer, it was closed and there was also no staff looking at the CCTV.

Maiti Nepal has five staff in its surveillance center. It deploys staff in two shifts: one shift from 6 am to 11 am and another from 11 am to 6 pm. Gyan Nepal has been running surveillance center with its two staff for the last 6 or 7 years. It is somewhat 300 meters back from the border. It runs the center from 10 am to 5 pm. Whereas Maiti Nepal runs the surveillance center for all days in a week; Gyan Nepal closes its surveillance centers in the public holidays. On the average, 12 to 15 women and children are enquired daily for their safe migration by Gyan Nepal and 50 to 60 women and children by Maiti Nepal.

In Rupadeya, a border India town in Nepalgunj, Development Association for Human Advancement (dehat) – an NGO has been working for the child protection areas. Hasan Phiroj – a staff of dehat – reported that there is close coordination between dehat and Nepalese NGOs such as Fatima Foundation, KI Nepal, Rural Society Up-liftment Forum Nepal, Maiti Nepal and Tinny Hands in Nepal. It is also reported that India-Nepal Child Protection Action Forum has been formed and it conducts a regular meeting alternatively: one month within Nepal side and another month in India side.

In the interaction program with the District Committee of Banke on Combating Human Trafficking³³, a number of important issues evolved about the system of border surveillance. There is about 64 Kilometers length across India-Nepal border in Banke district covering 12 VDCs. Jamunaha, Khadaicha, Katarkaiya, Hiraminiya, Radhapur and Sitapur are the major border points. Nepal Police has established border surveillance in Jamunaha, Khadaicha, Radhapur and Sitapur while NGOs have established surveillance centers in Jamunaha border, Kohalpur and Nepalgunj bus-park. In each three-month, a cross-border meeting is reported to be conducted between the security forces/administration of Nepal and India. In each month, there is a cross-border patrolling from the Nepal security forces and Indian Border Police. In the cross-border meeting, according to the CDO of Banke district, several security-related agendas come into focus but it is the issue of human trafficking that persistently evolves. He also reported that Indian Police have effectively supported for rescuing Nepali girls and women from New Delhi, Nanapada, and Baharaich district of Uttar Pradesh and handed over them to Nepal Police in Nepalgunj.

Gaps – There is lacking of surveillance in between 6 pm to 10 pm as NGOs do not run the surveillance this time. This is also the time for departure of long-route night buses from Nepalgunj and Rupadiya to different places of India including New Delhi. Although the District Committee decided to shift the NGOs surveillance in other minor border areas in Banke district, none of the NGOs are willing to shift their surveillance centers, mainly because of their security concerns and partly because of inaccessible area from Nepalgunj city where it is difficult to run the business daily from Nepalgunj. Further, Narainapur border which is about 1.5 Kilometers from Jamunaha border is reported to be much sensitive border and there is no surveillance center established by NGOs. Drawing on the information from the NGOs, women and children aged 13-35 years are most of risk of trafficking. The victims comprised of both illiterates, with some education and having even the higher education. Polygamy, child marriages are also reported the core causes of trafficking of women and children. One of the challenges to combat the human trafficking is that in many of the cases, victims' own relatives are involved as agents of human trafficking. It is found that almost all NGOs have focused on cross-border trafficking and while focusing on cross-border trafficking, NGOs have less focused on internal trafficking issues such as in hotel and restaurants, domestic workers, transport sectors and in the name of

There are six major border points in **Bardiya district**:

1. Jamunaha – it is in the far east of the district. Among the 9 wards of the Jamunaha VDC, 7 wards are open to India and it is easy to enter into India from anywhere in the VDC.
2. Balegaoin – This border lies in Mohamadpur VDC in the east part of the district and it covers areas of

33 The following persons were present in the interaction program: Rabi Lal Pantha, CDO of Banke, Sunita KC, WDO of Banke, Tej Prasad Rai (SP Banke), Maimuna Siddhiki from Fatima Foundation, Saraswoti Sharma of Saathi Sastha and Gyatri Rimal of Maiti Nepal.

- Mainapokhar and Mohamadpur VDCs including Basaghadi from the east-west highway.
3. Laukai – It lies in the Gulariya Municipality ward number 13 (south east of Gulariya Municipality).
 4. Surajapur – It lies in the Gulariya Municipality ward number 11 (south Gulariya Municipality and is linked to Murthiya in India where there is railway service).
 5. Taratal – It lies the west part of the district in area of Sanoshree Municipality.
 6. Kothiyaghat – It lies in the bank of the Karnali river and it is linked with the Nisanghad town of India. After the building of the bridge in the Karnali river, people from Rajapur area including from Kailali district may come and pass through the border using this border. However, in Indian side there is forest area of about seven or eight kilometers that may prevent travelling of people freely.

Maiti Nepal, Dalit Women Uttathan Sangha and Tinny Hands Nepal have surveillance centers in Surajapur. Maiti Nepal surveillance center is established in the very border area, Tinny Hands Nepal has the surveillance center in *Tanga*-stand of Gulariya Municipality while currently, Dalit Women Uttathan Sangha has closed its surveillance center from the border. The staff of Maiti Nepal in Surajapur reported that they have run the surveillance from 10 am to 5 pm for seven days in a week. Tinny Hands Nepal surveillance centers runs from 10 am to 5 pm but it is closed in the public holidays. Kamal Singh Karki, the Police *Haldar* in the Surajapur Police Post reported that there are 11 persons in the Police Post under the Sub-inspector. They have cross-border patrolling regularly.

Cross-border meeting is said to be conducted in each month. The monitoring team also encountered the incidence of interception. Three girls were rescued from Sanoshree (Taratal) area. These girls were being crossed at about 10 pm from the border. When they saw the Police vain, they tried to run away but they fell down. As a result, they have somewhat injured. However, the agent who brought these girls could not be captured.

In **Kailali district**, there is 67 Kilometers from Majani to Trinatar open border between Nepal and India. In between the following locations are the major ones: Khakraula, Lalpuji, Bhajani, Jugeda and Gauriphanta. NGOs have surveillance only in Khakraula and Gauriphanta. There is a single Armed Police Force (APF) Nepal across the border. On the other hand, the Government of India has established SSP of Border Police in every 3 to 5 kilometers. It is also reported that there is no even appropriate building to stay in the border for APF. In Trinagar, custom is one side and the APF is another side.

Monitoring of Khakraula border - Nepal-India border lies at about 14 or 15 Kilometer south from Tikapur in Kailali district. In Nepal side, the border area is called Khakraula and in the Indian side, it is called Tikuniya. In Khakraula-Tikuniya, Nepal Police and Tinny Hands Nepal has border surveillance. It is a small border location having few numbers of vehicles in the border. The border is located in a river called Mohna and has few huts. It seems it is a poverty stricken area and the road going to Indian side is very rough and dumpy. The border Police in India lies somewhat 2 Kilometers from Nepal border area.

Border Monitoring of Tribeni- Gauri Phanta – It is the major border location in Kailali district. We found the NGOs and Nepal Police surveillance in the following order from south to north in about 300 meters distance: PRC, APF, Three Angles Nepal, Nepal Police Border Police Post and Maiti Nepal. NGOs run their surveillance from 7 am to 6 pm every day. The border closes after 10 pm and it opens after 6 am.

PRC staff reported that a total of about 1500 women and children were provided safe migration information from this border point in the FY 2015/16. Majority of the intercepted women and children from Gauri Phanta is reported from Achham, Surkhet, Kailali and Kanchanpur. When we were in monitoring, we encountered with the four girls intercepted in the border by the PRC staff. These girls were being brought to New Delhi. There are two long route buses from Gauri Phanta to New Delhi at around 5 p.m. The intercepted girls were brought to Tribeni Police Post. These girls were of around 18 to 22 years. We found that they were in fear of interception and they were telling the story that might have been taught by the traffickers. One of the around 18 year girl reported that she is from a Brahman family and she married with a Chhetri boy and she had already two children. We also interviewed a SSP of Indian Border Police in Gauri Phanta. He reported that Indian Border Police have maintained a good coordination with Nepal Police and NGOs in issues of border surveillance including countering the human trafficking. When enquired about the key challenges in border surveillance, he replied that ‘in the border area a few people speak the truths’.

Major border points in **Kanchanpur district** are the following: Punarbash, Belauri, Dodhara-Chadani, Brahamadev and Gaddachouki. Among these border points, Gaddachoki is the major one. Four NGOs, namely, Three Angles Nepal, Tinny Hands Nepal, Maiti Nepal and Sahara Clubs have established the surveillance centers in Gaddachoki. One of the staff of

Three Angles Nepal reported that they have established CC camera in the surveillance center and women friendly toilet as well. On the average, Three Angles Nepal provides counseling for safe migration to 75 to 80 persons daily. They reported that in the border areas, there is good cooperation between NGOs and Police. One of the key challenges reported in the border area is that the victims are highly influenced by the agents and it is difficult if not impossible to counsel them about risk of trafficking and exploitation.

The Monitoring team also visited Dodhara-Chadani at about 5 p.m. in January 31, 2017. Nepal Police was providing the security in the border. None of the NGOs have run the surveillance center here.

No surveillance centers have been run by NGOs in other border points. However, Three Angles Nepal formed different surveillance groups comprising of women and girls and mobilized these groups in Bramadev and Belauri border areas. It is reported that after the earthquake of 2015 that the cases of human trafficking have increased in Kanchanpur district. Trafficking increased from Punarbash area.

Synthesizing the Assessment - It can be inferred that the border surveillance between Nepal and India is a daunting task. This happens because of the following reasons. First, open border system between the two countries meant that citizens of both countries are entitled to move freely in one country to another. Hundreds and thousands of people commute for daily needs. This demands a border surveillance system in place that ensures the rights of mobility of people including women while ensuring their protection. Many victims feel that they have been unnecessarily intercepted and housed. The Monitoring Team encountered this case in Gauri Phanta where 4 girls were intercepted by Three Angles Nepal who were being sent to Gulf countries via New Delhi. Second, the NGOs staffs in border surveillance centers was found highly motivated, skilled and even some were once trafficked victims. We encountered a Maiti Nepal staff in Chhoti Bhansar, Nawalparasi who was on duty with her six months baby. They themselves are at threats from the agents. In this context, there work must be appreciated and awarded. Third, Nepal Police across the border areas visited reported that they have good coordination with NGOs in case of border surveillance and interception of the victims.

Despite the strengths of the border surveillance system, a number of women and children are trafficked to India and to a third country via India. This raises the question on the effectiveness of the current border surveillance system in place, and therefore, the border surveillance system cannot be happily taken as a complete surveillance system. It is found that NGOs surveillances were largely concentrated in major transit points across all the seven districts studied. There is a cross-border patrolling system and the issue of trafficking comes as a permanent issue in the meeting. The Indian Border Police are generally deployed in each 8 to 10 Kilometer distance across India-Nepal border whereas in Nepal, there is one or two APF in one district for the entire border surveillance. In Kailali, for example, there is 80 Kilometers length between Nepal and India, but there is only one APF and in Kanchanpur, two APF were reported for the entire more than 65 lengths. Nepal Police, however, has yet to be advanced its surveillance system by installing modern equipments such as CCTV. Fourth, it was found that generally, all border areas close between 10 pm and 5 pm; NGOs surveillance starts from 6 or 7 am to 5 or 6 pm. In between 6 pm to 10 pm, the border surveillance completely depends upon the Nepal Police while this time interval is found important as several long-route buses pass to New Delhi from and via Sanauli and Rupadiya.

Box 6.8 Summary of the Surveillances Systems in the border areas visited

S.N.	Major border areas visited	Security forces	Name of NGOs in surveillance	NGOs' surveillance time	Average no. counseling/daily	Key gaps
1	Krishna Nagar, Kapilbastu	Nepal Police	PRC Ki Nepal Maiti Nepal	7 am to 6 pm	15-25 (Ki Nepal)	NGOs staff feel security threats from agents/dalal Difficult to effectively monitor the daily commuters No CCTV installed in Nepal Police Post Other: No NGOs surveillance in Khunuwa border
2	Sunoli Border, Rupandehi	Nepal Police Armed Police Force (APF)	Maiti Nepal Three Angles Nepal Ki Nepal ABC Nepal (bus park)	6 am to 7 pm (summer) 7 am to 5 pm (winter)	Up to 25 (Maiti Nepal) 5-10 (TAN)	Surveillance after 6 pm to 10 pm only depends upon Nepal Police – a pick time for running the night buses. Rickshaw pullers, Money changers, bus ticketing and hotel owners need to be aware about trafficking
3	Chhoti Bhansar, Nawalparasi	Nepal Police Ililaka Police Post	Maiti Nepal	7 am to 6 pm	6 to 8 girls/women	Victims reluctant to report Trafficking for Orchestra dance pretending marriage
4	Jamunaha, Banke	Nepal Police CCTV installed APF	Maiti Nepal Gyan Nepal	6 am to 6 pm	50 to 60 (Maiti Nepal) 12 to 15 (Gyan Nepal)	Victims own relatives act as agents CCTV installed in Police Post but not well functioning No NGOs surveillance in between 6 pm and 10 pm. Other: No NGOs surveillance to Rapti area, even 1.5 KM from Nepaigunj
5	Surajapur, Bardiya	Nepal Police Ililaka Police Post	Maiti Nepal Tinny Hands Nepal	10 am to 5 pm	2 to 5 girls/women	Only one NGO staff working No NGOs surveillance before 10 am and after 5 pm No CCTV installed in Ililaka Police Post Other: No NGOs surveillance in Sanoshree, Jamuna area
6	Khakraula, Kailali	Nepal Police APF	Tinny Hands Nepal	10 am to 5 pm	2 to 5 girls/women	Everywhere open space to cross to India Small huts – no building for NGOs and Police
7	Tribeni-Gauriphanta	Nepal Police APF	PRC Three Angles Nepal Maiti Nepal	7 am to 6 pm		Victims not willing to cooperate Open space for NGOs surveillance
8	Gaddachoki, Kanchanpur	Nepal Police APF	Three Angles Nepal Maiti Nepal, Sahara Clubs			Victims highly motivated by the agents Other: No NGOs surveillance in Bramadev, Belauri and Punarbash area

Note: Except Maiti Nepal, all other NGOs that run the surveillance centers in border areas and on the border areas closes the surveillance centers in public holidays including on each Saturday.

6.6 Monitoring the Safe Houses

Review of the Previous Work - Pursuant to the Section 13 of *Human Trafficking and Transportation (Control) Act of 2007* Government of Nepal is obliged to establish a rehab center to provide the rehab services to the victims of human trafficking. Victims can be provided rehab services at most 60 days. Section 12 (1) of the Act and Regulation 2008 make it provision of formation of Management Committee to oversee the management of the rehab center. In the Management Committee, there must be at least 50% women and the Government has already issued a *Guideline for the Running of Rehab Center 2012*.

Accordingly, the MoWCSW has been financially supporting rehab centers run by NGOs since 2010. These rehab centers are located in eight districts: Jhapa, Sindhupalchok, Kathmandu, Parsa, Chitawan, Rupandehi, Banke and Kailali. In addition, the Kolkata Consulate General also initiated providing rehab services from the FY 2013/14. As presented in Table 6.9, altogether 6,588 victims were provided rehab services during the last five-fiscal year (FY 2010/11-2015/16). There were much higher numbers of victims in the FY 2015/16 (n=1697), in FY 2012/13 (n=1458) and FY 2011/12 (n=1311) compared to other FYs. Out of the total, the highest proportion was in Jhapa (32%), followed by Rupandehi (19%), Banke (17%), Parsa (14%), Sindhupalchok (6%) and the lowest in Kathmandu and Kailali districts (less than 3% each).

Table 6.9 Number of victims provided rehab services by the Government supported rehab centers, FY 2011/12-2015/16

District	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Total (FY 2011/12-2015/16)	%
Jhapa	116	412	635	212	244	494	2113	32.1
Sindhupalchok	0	66	19	25	231	33	374	5.7
Kathmandu	25	69	8	14	28	41	185	2.8
Parsa	28	240	176	68	114	278	904	13.7
Chitawan	12	43	107	109	13	112	396	6.0
Rupandehi	177	195	233	157	90	411	1263	19.2
Banke	50	254	254	126	165	253	1102	16.7
Kailali	30	32	26	29	18	75	210	3.2
Kolkata Consulate General	0	0	0	25	16	0	41	0.6
Total	438	1311	1458	765	919	1697	6588	100.0
Row %	6.6	19.9	22.1	11.6	13.9	25.8	100.0	

Source: raw data provided to NHRC by MoWCSW, 2016.

Despite the Government financial support to these rehab centers for six or seven years, there were no studies to reflect the situation of these centers in term of observed number of victims provided rehab services, types of rehab services, management and governance and condition of the victims in the rehab center. For the first time in 2015/16, the MoWCSW conducted a study among the Rehab Centers including in the Service Centers that addresses these issues. The study³⁴ was conducted in four rehab centers (in Sindhupalchok, Banke, Chitawan and Kathmandu) and five service centers (in Kavre, Sarlahi, Bardiya, Makwanpur and Kanchanpur).

The study found that there was much lower number of victims in the rehab centers at the time of the survey compared to the reported number of victims in the FY 2015/16. For example, reported number of victims in Sindhupalchok, Banke, Chitawan and Kathmandu were 33, 253, 112 and 41, respectively. On the other hand, the observed numbers of victims at the time of the survey were 12, 14, 26 and 15 respectively (Table 6.10). This huge difference may be due to either i) exaggeration of number of reported victims by the NGOs to continually receive the funding; or ii) different definition of victims provided rehab services by the NGOs and by the study team.

Further, the study found that among total victims, a few were trafficked victims. In Sindhupalchok, out of the total 12 victims, only one was trafficked victim. In Banke, out of total 14 victims, the highest number of victims were of victims of domestic violence (n=10), 3 were children and only one was trafficking victim. There were 26 and 15 victims in Chitawan and Kathmandu rehabilitation centers, respectively. As no disaggregated data by the type of victims is provided, it is difficult to know how many these victims were related to trafficking. The average flow of the victims in each of the rehab centers and service centers is also estimated. Accordingly, the average number of victims' flow

³⁴ The study was conducted by i) visiting of the service centers and rehab centers, ii) conducting interaction with District Committee members, iii) conducting interaction with members of the Management Committee of Service centers and iv) with the victims in the service centers and in rehabilitation centers.

ranges from 5 and 6 in the rehab centre in Chitawan and Sindhupalchok to 14 in Kathmandu and Banke rehabilitation center. In case of service centers, the monthly average flow of the victims ranges as low as 10 in Sarlahi, Bardiya and Makwanpur districts to 13 in Kavre to as high as 20 in Kanchanpur district.

Table 6.10 Number of victims in the rehab centers and average monthly number of victims, FY 2015/16

Centers	Number of victims	Monthly flow of victims (average number)
Rehab centers		
Sindhupalchok	12	6
Banke	14	14
Chitawan	26	5
Kathmandu	15	14
Service Centers		
Kavre	2	13
Sarlahi	0	10
Bardiya	1	10
Makwanpur	0	10
Kanchanpur	3	20
Total	74	103

Source: MoWCSW, 2016.

In the study, of the 74 victims in these sampled rehab centers and service centers, 57 were interviewed³⁵. The victims can be characterized as young, mostly never married, low level of education and comprising from across the caste/ethnic groups (Table 6.11). For example, 63 percent of the victims comprised of 10-19 years, 23 percent 20-30 years and 14 percent 30 years and above. Two-thirds of victims were of never married, 32 per cent were married and nearly 2 percent were separated. Victims come from across the caste/ethnic groups of Nepal- majority being others (46%), followed by Janajati (44%), Dalit (7%) and Madeshi (3.5%). Note 'Others' here may include the Brahman, Chhetri, Thakuri and Sanyasi and others.

Table 6.11 Distribution of victims by selected characteristics in rehab centers

Characteristics	Number of victims	Percent
Age group		
10-19	36	63.2
20-30	13	22.8
30 and above	8	14.0
Marital Status		
Never married	38	66.7
Married	18	31.6
Separated	1	1.8
Divorced	0	
Widow	0	
Caste/ethnic groups		
Janajati	25	43.9
Dalit	4	7.0
Madeshi	2	3.5
Others	26	45.6
Education status		
Illiterate	7	12.3

35 Unfortunately, the Report did not provide how these victims were selected and how many from a particular rehab centers and service centers.

Primary (1-5 grade)	24	42.1
Secondary (6-10 grade)	19	33.3
SLC and above	7	12.3
Duration of Stay		
< 6 months	19	33.3
6 months and above	38	66.7
Total	57	100.0

Source: MoWCSW, 2016.

Among the victims in the rehab centers, 12 per cent were illiterate, 42 percent had primary level of education. On the other hand, a considerable proportion of victims have secondary level education (33%) and 12 percent have had SLC and above education. In terms of duration of stay in the rehab centers and service centers, the law makes the provision of maximum 45 days in the service centers and 60 days in the rehab centers. In contrast to it, it was found that two-thirds of the victims have been residing in the rehab and service centers for more than 6 months and the rest one-thirds have been residing in less than 6 months.

A number of problems of managing the rehab centers have been emerged from the discussion with the key stakeholders.

In Sindhupalchok, it is reported that as there are no Service Centers established, the rehab center has to even provide the rehab services of the victims of GBV. Victims of the GBV have been reported to be increasing while the victims of trafficking have been declining in the Center. There is legal difficulty in providing the rehab services to the GBV victims as rehab centers are provisioned rehab service for the trafficked victims. As victims have to kept long duration in the Center due to different reasons, the time to reunite with the family within the 6 months appears to be short. Further, there is need of effective follow-up system to the victims already reintegrated with the family. Victims are reluctant to file their cases in the Police due to lack of security in the Rehab center. The Rehab Center has no own building. The key informants also reported that Rehab center was not running maintaining the minimum standards and the service providers increasingly need to keep the privacy of the victims.

In Banke, the key informants reported that the Rehab Center needs to be effectively monitored and much transparency is expected. They also claimed that the Rehab Center has not been running as per the minimum standards set forth. There is a need to ensure the social protection of the victims by launching programs to reduce the risk of re-victimization and skill development. It is suggested to increase the duration of stay of the victims in the rehab center for more than 6 months and making more responsible to the District Committee on Combating TIP on managing the Rehab Center.

The Alternative Report of CEDAW (2016) also realized that 'there are not enough shelters to accommodate survivor and victims of trafficking at one hand and on the other, shelters offer very short period of stay for survivor and victims not allowing an opportunity to rehabilitate survivor and victims need a proper shelter socially and psychologically'.

Findings from the Field Visits - In Banke³⁶, Saathi has been running a Safe House since 2010/11 in Nepalgunj municipality for the trafficked victims of women and children. The Ministry of Women, Children and Social Welfare (MoWCSW) has been financially supporting it (the Safe House). The Safe House is a two and half story house. There are six rooms in the ground floor; six rooms in the first floor and one kitchen room in the second floor. There 3 beds per room. It has a separate kitchen, a toilet and a Television set installed in a room. In the Safe House, there were six tailoring machines installed for giving training to the victims on tailoring.

The capacity of the Safe House is said to be 40 persons but during the monitoring, it was found that it has a capacity of 15 persons. At the time of monitoring, there were seven victims. In the FY 2016/17, the Ministry provided Rs. 4.4 million to the Safe House considering Rs. 350 daily/per victim. The budget covers food, clothing, medical services, counseling and legal treatment of the victims including the full time salary³⁷ for a warden and a cook and part-time salary for a Psychosocial counselor. The Counselor is paid Rs. 2000/per victim. The Government budget does not include the management costs like house-rent, charges of electricity, water and cleaning including renovation and maintenance of Safe House. We observed that the Safe House displayed a notice board about the food menu for a

36 On January 27, 2017, the NHRC team of Nepalgunj (Murari Kharel, Laxmi Paudyal and Ajit Thakur) and the Consultant Dr. Govind Subedi visited the Safe House run by Saathi at Nepalgunj at 11 am and stayed two hours over there.

37 Saathi staff is paid only for 12 month salary. Note that the Government pays 13 months' salary to its permanent staff – one month extra salary for celebration of the Dashain festival.

week. Accordingly, food is provided to the victims four times in a day. Diet such as *daal*, eggs, vegetables and meat is also offered. In the break-fast, tea and toast and tea and egg are offered. In the lunch, rice, *daal* and vegetables are offered. At the afternoon, tea and some light food are offered and in the dinner, rice, *Daal* and vegetables are offered. In each Saturday, meat is offered.

The Safe House of Saathi-Banke maintained the records of number of victims and their children provided safe house services since the FY 2010/11 (Table 6.12). It provided safe house services to 758 number of victims and victims' children during the FY 2010/11 and 2015/16. The six-yearly average number of victims and children comes out to be 115 and 11, respectively. Among the total victims (692), majority were of trafficked victims (63%), followed by victims of GBV (27%) and other cases (11%).

Table 6.12 Number of victims handled by Safe House of Saathi, Banke

Fiscal Year	Number of victims of:				No. of children came with the mother	Total victims and children
	Gender-based violence	Trafficking and transportation	Other cases	Total		
2010/11	23	85	10	118	12	130
2011/12	20	65	12	97	11	108
2012/13	28	67	18	113	11	124
2013/14	23	93	11	127	5	132
2014/15	27	66	14	107	10	117
2015/16	62	55	13	130	17	147
Total	183	431	78	692	66	758
6-yearly avg. number	31	72	13	115	11	126
Row %	27.0	62.6	11.3	100.		

Source: Safe House of Saathi-Banke, 2017.

According to the records of the Safe House, the Safe House of Saathi-Banke provided different services to the victims and their children. The six yearly (2010/11-2015/16) average number provided counseling, psychosocial counseling, professional training, legal aids, and shelter services and referral services were 118, 51, 24, 20 and 113, respectively.

Key challenges

- Providing the rehab services to the mentally challenged women who are sometimes rescued and referred by District Police Office. Providing shelter for both mentally challenged women and normal women is very difficult and sometimes there is also fighting between the victims and such mentally challenged women.
- There is provision of Rescue Fund in the Government but the Fund is mandated to repay the cost incurred in rescuing a trafficked victim within the territory of Nepal. In case of those victims who are rescued from Baharaich, Utter Pradesh, for example, cannot be paid from the Rescue Fund.
- Providing the services to the children of the victims – many victims either come with their children or they come during their pregnancy and give births while in the Safe House. In case of many children, they need separate room and entertainment facilities. Further, birth registration of children is also problematic one.
- There is no safe house for boys aged 12 years and above. NGOs personnel reported the need of such safe houses in Banke district.

In Bardiya, Srijanshil Women Cooperative has been running a Safe house in Gulariya for the trafficked and GBV victims. It is one-story building having six rooms including a kitchen. Its capacity is 10-12 persons. The Safe House two full time staff: one warden and a support staff. This Safe House is financially supported by Women and Children Office Bardiya. It is known that this Safe House has been run by a Women Cooperative of Sanoshree Municipality that has no working area in Gulariya Municipality. The members of the Sunaulo Women Cooperative of Gulariya Municipality reported that the guideline of mobilization of the Women Cooperative of the MoWCSW provisioned that there would be one cooperative in one VDC/Municipality and its working area is also within its territory. The Director of the Cooperative also instructed the Sanoshree Cooperative to leave the place but it has still running the Safe House in Gulariya municipality supported by the Women and Children Office. As a result, it is said that Safe House has not posted a sign board.

Despite the debate whether or not working areas of the Cooperative, the Monitoring team found that the Safe House has maintained records of the victims provided rehab services. The record includes the following information: name of the victims, address, age, types of violence, registration date and time came. It has also developed the daily attendance of the victims in the safe house. There were five victims at the time of monitoring of the Safe House (on January 30, 2017). Among them, three were rescued on January 29, 2017 from Sanoshree border of Bardiya district. There were two girls who were prevented from child marriage:

Case 1. Nisha J.C 14. She is from Pathabhar VDC-8, Bardiya. She was admitted in the Safe House on 2073/10/13 at 3:30 pm as she was being married. It was found that she was willing to marry with a man of about 25 years old next to her village in order to avoid the torture of her step-mother in the house.

Case 2. Sunita Chaudhari, 18, is from Sanoshri Municipality. When enquired her, she replied that she wanted to marry with a boy of her school. Sunita was studying at grade 10. We also interviewed her parents in the Safe House and found that she is the third daughter of them and even her two elder sisters have yet to marry. When further enquired to Sunita's parents, it was found that she was unduly influenced by an agent and she might be the victim of trafficking.

In Dhanghadi, Kailali, the Creation of Creative Society (CCS) has run a Safe House since 2010 with the financial support of MoWCSW. The budget allocated by the Ministry covers the expenses of food and lodging for the victims including the monthly salary of one warden, one helper and one security guard. The CCS has a separate building for its office. It has several projects including the project of Safe House. It has run the Safe House in the first floor of a building. It is a big and single room having the capacity of 6 persons. It has also a separate kitchen and a toilet for victims. According to the record of the Safe House of CSS³⁸, it provided rehab services to 24 victims during the first six month of the FY 2015/16. Of them, only 30 percent were related to risk of trafficking while majority were related to domestic violence. All the victims were adult women (18 -57 years of age) of Brahman/Chhetri, Dalit, Janjati and Tharu. The average duration of stay in the Safe House is 10 days – ranging from as low as low as 1 day to as high as 36 days. Of the 24 victims provided rehab services, 11 were from Kailali district and rest were from different districts especially from Nawalparasi, Chitawan, Dang and Surkhet.

Synthesizing the Assessment - The *Guideline for the Operation of Rehabilitation Center 2012* sets a number of standards to be maintained for the operation of a Safe House targeted for the trafficked victims. It outlines the services to be provided as safe accommodation and food, clothing, psychosocial counseling services, education and skill development training, reintegration with the family/community, monitoring and follow-up, staff and management, daily routine to be maintained etc. Following the standards of the Guideline, we have attempted to assess the Safe Houses supported and run by the Government of Nepal in Banke, Bardiya and Kailali (Box 6.9).

It can be inferred that the Safe House run by Saathi in Nepalgunj has maintained the minimum standards prescribed by the Guideline in many aspects. This was possible because Saathi has its own building for Operation of Safe House and also very experience its management team including President of Saathi, Safe House Coordinator and the warden. However, there were several challenges to well manage the Safe House especially in relation to providing shelter for the mentally challenged women, children of the victims, and maintaining the Safe House due to lack of budget.

The Safe House in Gulariya has not maintained at the minimum standards prescribed by the Guideline especially in relation to physical space. There was no board of the Safe House because the Safe House is being run by a Women Cooperative which is outside of Gulariya. Further, there were no daily food menu and activities displayed publicly. The records of the victims have been maintained but it was not systematically. There were no psychosocial counselor and medical persons. A few target groups i.e. were provided safe house services. Despite these weaknesses, the Safe House has been providing temporary shelter basically for the victims of GBV including victims of child marriage.

38 CSS Safe House has maintained the record of individual victims who have been provided rehab services. The record file contains the following information: name, age, address, father's name, mother's name, reasons at risk, date of registration in the Safe House, types of self-employment training provided and date of reintegration of the victims.

Box 6.9 Summary of the Safe House Monitored

Name of Safe House	Physical space and facilities	Staff	Capacity	Number of victims at the time of monitoring	Gaps/Challenges
Saathi Safe House, Nepalgunj	Two-story building, 13 rooms, separate kitchen and toilet, one TV room	1 Warden 1 Cook 1 part-time psychosocial counselor	15 persons	7	Target group constitutes only 63% of the total 692 victims provided Safe House Services No provisions for mentally challenged women Physical space and child friendly services for the children of the victims No budget in management – including renovation and clearing of the Center
Srijanshil Safe House, Gulariya	One-story building, 6 rooms, 1 kitchen, 1 toilet	1 Warden 1 Cook	10-12 persons	5	The Safe House is run by a Women Cooperative which is outside of Gulariya
CCS Safe House, Dhanghadi	One floor of the office of CSS, 1 big room	1 Warden 1 Cook 1 Security guard	6 persons	1 victim and 1 her child	Target group constitutes only 30% of 24 victims provided services in the first 6 months of FY 2015/16

The CSS Safe House has not been at the par with the prescription of Minimum Standards of the Guideline especially in relation to physical space and number of targeted victims provided services. The Safe House is located in an appropriate place having own building and within the CSS office premise. However, there was no separate building for Safe House, but rather it is a first floor of the CSS building. It was found that only 30% of the victims sheltered were the target groups among those who were provided rehabilitation services during the first 6 months of FY 2015/16.

6.7 Emerging Challenges

Drawing on the interaction program held with the District Committee in Kailali district, several key challenges to combat human trafficking in the district may be noted.

- First, incidence of child marriage is reported to be high in Kailali district. It is reported that love marriage at the very early age is increasing due to demonstration effects such as through social networks. The consequence of child marriage is also linked to trafficking, SRH problems like uterus prolapse.
- Second, it is difficult to monitor whether or not the provision of free visa and free ticket has been implemented effectively. One of the participants, Anju Shrestha of TPO Nepal also raised the issue of handling of more than one mobile numbers by a person. The trafficker misuses this facility and they keep on changing their number.
- Third, the Assistant CDO of Kailali district claimed that the desired of individuals becoming very rich in a few days is also the key reason for women and children falling into trap of trafficking and exploitation. Fourth, according to some NGO activists such as Goma Acharya of CSS, Kailali viewed that the issue of trafficking has not been in priority in Government agenda. For example, CDO and other Governmental Officials say, 'your (NGOs) human trafficking program'. Police is also negative especially in case of handling of the cases of social issues such as domestic violence. It is reported that nearly 200 women and children committed suicide in the FY 2015/16 in Kailali district. Majority of them was related to foreign employment and domestic violence.
- Fourth, as raised by the President of the Bar Association of the Mahendra Nagar High Court, Mr. Netra Bahadur Tamang, to what extent we are respecting the **rights of mobility of people**. It is paradox that many young people make passports with the consent of their parents and guardians, they are also warmed farewell by offering the flowers' garland but once they reach in the border area – Gadda Chauki in Kanchanpur, they become victims of trafficking and they are intercepted by NGOs and the Police. This raises the question that to what extent we are really respecting the rights to mobility and rights to choose employment that the people desired to do. He said that he would not write a *jaheri* (complaint for FIR to Police) at least three days about the case of trafficking. 'Before I write a complaint for FIR, I would ask the victim to think tolerantly and I inform them all the processes involved in court procedure'.
- Fifth, one of the participants in Kanchanpur, a journalist of Bikalpa daily newspaper, argued that there has been increasing trend of accusing of persons as traffickers wrongly. He reported that three months ago, a couple went to India via Banabasa Chauki. When there was somewhat misunderstanding in marriage, the case was filed as trafficking by the girl's parent. One should stop thinking that if a boy and a girl are going to India, the boy is a trafficker and the girl is the victim of trafficking. We need to rethink this concept.

- Finally, the Women and Children Officer of Kanchanpur district, Gayatri Giri, argued that human trafficking shall not be counted in numbers. It is not the question of numbers of trafficked victims that matters, we must value and matter a single case that it is the gross violation of human rights. The estimates of human trafficking must not be exaggerated. TIP data of Nepal Police is only the authentic data on human trafficking.

In Tikapur, Kailali, the following issues evolved:

- As the country is the post-conflict and transitional phase, people have high level of expectation. So, Police must be prepared for dealing with specific issues such as human trafficking.
- Deploy women Police in each of the Border Police Post as women police are relatively better in dealing with women issues compared to the men Police.
- Police should be developed according to the post sanctions. It is reported that there are 92 posts sanctioned and among them, 50 have been working.
- The DSP in Tikapur-Kailali argued that women and children crossing the border shall take recommendation letter from the border Police.
- The charges of phone calls from the Gulf countries are very high compared to the Phone calls in Europe, Australia and America. It cost Rs. 28 or 29 per minutes. As Nepal is receiving a large amount of remittances from the Gulf countries and as there is large number of calls from and to Gulf countries due to the large number of Nepali migrant workers in the Gulf countries, the charges of the phone calls shall have to make cheap.

In Bardiya and Banke, the following issues evolved:

- Revise the guideline that District Committee shall be given some authority to rescue the trafficked victims from India (fast-track)
- Invest remittances in the productive sector
- Increase the budget in prevention related activities.
- Increase the capacity of the service centers run by the Women Cooperatives and Safe House. If the Service Center is strengthened, the victims and survivors would be protected and the possibility of getting immediate legal justice also increases. The service centers should be equipped with comprehensive services such as arranging legal and psychosocial counseling, provide the free legal services, medical treatment.
- Strengthen the capacity of the WCSC of Nepal Police. Many of the cases in the WCSC are reported to end by reconciliation, rather than offering the punishment for the offenders. Bringing the offenders into justice would reduce the repetition of the cases of violence against women and children.
- Strengthen the Free Legal Support Committee in order to provide the effective legal services of the trafficked victims and survivors. It is essential to revert the provision of requirement of taking the approval letter from the local Government for free legal treatment for the victims. This provision restrains the victims taking the immediate legal treatment as many of the victims may not be able to take the approval letters.
- Mobilize and strengthen the Foreign Mission of Nepal to rescue the victims of rape, attempt rape, trafficking and exploitation from the foreign country and provide effective treatment and bring the offender into the justice.

In Nawalparasi, the following issues evolved:

- Open border
- Few border police post than that of the required number
- Not conceptually clear on trafficking or the definition of human trafficking
- Human trafficking/transportation takes place from own relatives and hence it is difficult to file the case against own relatives.
- Provision of free visa has not been fully implemented
- Police often attempt to reconcile even the crime cases against 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 levels and trends of trafficking cases registered, disposed, conviction rates and pending rates over the years.

7.1 Nepal's Key International Commitments on Combating Human Trafficking

Nepal has ratified several international human rights instruments including combating on trafficking in persons and forced labor situation. As a member of the United Nations, Nepal is obliged to adhere to various international treaties. Section 9 of the Nepal's Treaty Act, 1991 states that international laws prevail over national laws if there is conflict between two. Furthermore, national provision must be made to enact international treaties and laws. Box 7.1 summarizes the key relevant international laws, treaties that have been ratified by the Nepal Government, and the date of ratification.

Box 7.1 Key international laws and treaties relevant to combating trafficking in persons and forced labor

Laws/treaties	Year of International adoption	Year of accession/ ratification in Nepal
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	1956	1963
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949	1949	1995
The UNs Convention on Child Rights (CRC), 1989	1989	1990
Optional Protocol to the Convention on the CRC on the Sale of Children, Child Prostitution and Child Pornography, 2000	2000	2006
SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution	2002	2005
Convention on the Elimination of All Forms of Violence against Women	1979	2006
The Optional Protocol to the CEDAW on December 2006	2006	2006
ILO Convention 1999 (No. 182), Elimination of Worst Forms of Child Labor	1999	2002
ILO Convention 1930 (No. 29), Forced Labor	1930	2002
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, 1999	1999	2007
Nepal has yet to be ratified:		
Protocol to Prevent, Suppress and Punish Trafficking in Persons supplementing the UN Convention on Transnational Organized Crime, 2000		
UN Convention on Rights of the Migrant Workers and Their Families, 1990		

7.2 Assessment of the Existing Legal Framework

The Constitution of Nepal, adopted in September 2015 by the Constituent Assembly of Nepal, is the overarching framework for protection and promotion of human rights, including rights of children and women. Article 38 and 39 of the Constitution confirm specific provisions of woman's rights and children's rights, respectively. Article 39 (4) protects children from working in hazardous settings such as factories, mines including from involvement in armed conflict or recruitment in police or the army and Article 39 (5) prohibits the acts of child marriage, illegal transportation and trafficking of children or making children captive. Article 29 (3) assures fundamental rights to be free from exploitation, including traffic in human beings, slavery, serfdom and forced labor. Other relevant rights confirmed in the Constitution include rights against Untouchability and caste discrimination (Article 24)); rights to Dalit (Article 40); and rights within the criminal justice system such as freedom from torture and cruel or degrading treatment (Article 22) and rights of victims of crime in relation to information regarding the status of the case, and rights to social rehabilitation and compensation (Article 21). A number of other fundamental rights like rights of education (Article 31), rights of health (Article 35) and rights of social justice (Article 42) are also relevant in case of prevention of trafficking in persons. In addition, a number of directive policies set out in the Constitution are relevant in addressing the issues of human trafficking. Some examples are policies related to basic needs of the citizens (Article 51.Ja), policies related to labor and employment including effective monitoring and management of foreign employment business and investment of remittances on the productive sector (Article 51.Jha), policies related to social justice and inclusiveness (Article 51.Ya) and policies on justice and punishment (Article 51.Ta).

The *Human Trafficking and Transportation (Control) Act 2064 (2007)* and *Regulation 2008* are the two sets of legal frameworks that sanction prosecution to the traffickers as well as protection of the human rights of the trafficking survivors. The Act defines trafficking of human being and transportation (as discussed in Chapter 1) but it fails to include other forms of sexual exploitation such as pornography, forced labor or services, slavery, slavery like practices and servitude. Similarly, an act of receiving someone with purpose of buying and selling is not included in the definition. Section 11 makes provisions for the translator or interpreter but the victims may not afford the translator or interpreter. Section 17 makes the provision for compensation to the victim. However, if the offence cannot be proved the victim will not get any compensation. Section 13 (1) does not make a mandatory provision of establishment of rehabilitation centers for physical and mental treatment, social rehabilitation and family reconciliation of the victim by the Government. Section 27 makes provision of In-Camera hearing but it fails to maintain confidentiality of the victim from the beginning of the case.

After the enactment of the Act, activists and law practitioner viewed the need of amendment of the Act in several areas mainly because of difficulty in implementation of the measure and provisions. Kunwar (2016) analyzed the problem of the implementation of the Act in detail. The Supreme Court of Nepal in response to the different writ petitions ordered the Government of Nepal for the amendment of the Act particularly in the following areas:

- Amend the Section 15 (6) and make a law that if a person who gives the statement in the court at the beginning changes the statement latter or if a person is not cooperating with the court, such person shall be imprisoned.
- Make compulsory arrangement to provide the information to the victims about the case
- Establish the Compensation Fund for the victims and provide the compensation to the victims immediately after the decision of the courts through the concerned Police Offices.
- Make compulsory budget arrangement for the witnesses and pay the expenditure incurred for attending the court to a witness of the Government cases.
- Arrange the security to the victims and informants
- Arrange the continuous hearing of the serious nature of the crimes such as trafficking and rape.

The Government of Nepal has amended the Act in the following areas:

- Section 8 replaced with – the offenders shall be put into custody during the court procedure in case of the offence committed as stated in Section 4 (1, *Gha*)
- Section 10 replaced with – Under this case, victims may appoint other legal professionals if they desire to do so.
- Section 10 – Appointment of Language expert, symbolic language expert and translator – If victims do not

understand the court language and if she desires to appoint language expert, she may appoint them by taking the permission from the court. The remuneration of the translator and symbolic language expert shall be paid by the Government of Nepal on request of the victims.

- Section 12 – added Section 12 (Ka) – Government of Nepal shall receive legal aids from the concerned organizations in the context of rescue or legal procedure for the offences committed in a foreign land.
- Replace Section 14 (1) with Section 14 (1) – Government of Nepal shall establish a Rehabilitation Fund in order to run the rehabilitation centers and provide the compensation of the offences under Act 17 (1 Ka)
- Replace Section 15 (6) with 15 (6) – provision of punishment from three months to one year if the applicant who changes his/her statement and if on the basis of his/her statement, someone has been accused and the court proceeding has been running, if the person intentionally changes the statement, if the person does not show up in the court as called on or if the person is not supporting the court, the person shall be punished for three to one-year.
- Replaced Section 16 with Section 16 – No Punishment – if a victim believing that she is being sold, or being put into prostitution, or being transported and if the person is willing to escape from the situation and the person is arrested, or forced to do something, or threats to killing, or forced to rape, in this context, if the person kills the perpetrators or injures them, no punishment shall be offered.
- Section 17 (1) – added Section 17 (1Ka) – paying compensation to the survivor and victims if the perpetrator is unable to pay the compensation
- Section 26 (Ka) replaced with Section (26 Ka) - in order to encourage witness, the amended Act has included a provision of paying daily and travel allowances to the witness

7.3 Law Enforcement and Adjudication

Our field visits to western and far-western Terai districts suggested that there is weak mechanism or no existence of mechanism to implement the court's decision especially related to GBV, rape and trafficking cases. In Bardiya, it is reported that a rape victim of Magragadi VDC had to spend more than Rs. 35,000 for getting the compensation of Rs. 20,000. There is delay in giving the compensation and the victim had to travel frequently.

Problem in court proceeding - The participants in Rupandehi interaction program complained that the district court has seldom called the civil society organizations during taking the *bakpatra* from the victims. Neither the court has called the civil society organizations in other interactions and functions. Further, there are no separate rooms either in the Government Advocate office or in the Court in Rupandehi district. Victims and offenders are sometimes are kept in the same room during investigation in Police or in the Government Attorney Office and during the court proceeding. This makes it difficult to open up the victims with the court and it is also the violation of maintaining the privacy of the rights of the victims. It is reported that the district court of Nawalparasi initiated close-hearing practices in many crime cases related to women and children. However, such a practice has yet to be institutionalized and it is often the women Advocates or women activists who have to remind the Judges that a particular case demand close-hearing.

Victim becomes hostile – One of the key informants in Nawalparasi (Sharswoti Sharma, the Advocate) reported that sometimes the Government Attorney has not showed up or sometimes it is also seen that taking the *bakpatra* from the victim may take time 2 or 3 days. She described one case as follow: One girl of Nawalparasi district was rescued from Sunoli border last year. FIR about her being trafficked was done in Nawalparasi district Police office. In the course of making the *bakpatra* in the court, it could not be done in one day. The victim was from Daunne area – place far from the district headquarter. The victim stayed the whole day but the *bakpatra* could not be done in that day. The victim did not have money or support to stay in a hotel and wait for another day. So, the victim returned without making the *bakpatra* in the court and the case became hostile. It is reported in Dhangadhi interaction program that one of the main reasons for hostile of trafficking cases is the lack of security of victims. 'Whenever the victims are in a Safe House, they feel secure and tell the truth in front of the Police and court. However, when they go their houses and in the communities, they change their initial statement and the case becomes hostile.

The district Attorney of Kanchanpur shared his experience that many of the trafficking cases, victims become hostile. In such case, there is a general trend that if the victim is a minor, the court's decision is mainly based on initial *bakpatra* (statement in the court) of the victim while in case, the victim is an adult person, the court's decision is based on the latest *bakpatra*. The provision of continuous hearing on trafficking cases is reported to be obstructed even if

one of the accused persons runs away. On the other hand, the President of the Bar Association of the High Court, Kanchanpur argued that the provisions of continuous hearing cannot be effective because of lack of sensitiveness of the Government Attorneys on crime cases against women and children and sometimes the Government attorneys are also unduly influenced by the lawyers of the opponents or by the agent of human trafficking.

Free legal aids - One of the advocates in Nawalparasi shared her experienced that free legal aids to the victims cannot be valued as it must have been. This is because the victims think that it is easy to obtain and may not be useful for conviction of the case. She also reported that there has been few cases field as TIP in Nawalparasi district compared to the extent of trafficking and transportation of women and children in the districts, especially on Orchestra dance, kidney selling and for sexual exploitation. Another reason for low level of FIR as TIP case is that victims and their guardians do not want to file the case as they think that it is related to their prestige. In Kanchanpur, it is known that the free legal provision for the trafficked victims was not effectively implemented although the Committee for Legal Support has been established with the financial support of UNDP. Free legal services are however provided to those GBV victims whose family's annual income is less than Rs. 40,000. The victim must produce a recommendation letter from the concerned VDC/Municipality for claiming the free legal service. This provision makes it problematic to access such services as many victims may not easily produce such letters from their villages/municipalities.

Difficult to identify the address of the offenders - Due to the recent changes in the border area of a VDC or in a Municipality or merging of a ward or several wards of a VDC to form a municipality or naming of new name as a Municipality has created problem in identification of the address of the offenders. Sometimes it takes many days to identify offenders' address and hand over the court orders.

CIB data on trafficking offenders - During the last 5-year (FY 2012/13-2016/17), the number of human trafficking cases registered by the CIB was 23. A total of 54 persons were arrested in charge of human trafficking crime. Of them, 3 were foreigners and the rest 51 were Nepali citizens. Among the total offenders (54), nine were females and the rest 45 were males (Table 7.1).

Table 7.1 Number of human trafficking data of CIB, Nepal Police

FY	Nepali citizen arrested			Foreign citizen arrested			Grand total	No. of trafficking cases registered
	Male	Female	Total	Male	Female	Total		
2012/13	2	-	2	-	-	-	2	-
2013/14	13	2	15	-	-	-	15	5
2014/15	19	3	22	2	-	2	24	8
2015/16	7	4	11	-	-	-	19	9
2016/17	1	-	1	1	-	1	2	1
Total	42	9	51	3	-	3	54	23

Source: Central Investigation Bureau, Nepal Police, Kathmandu, 2016 (raw data sent to NHRC).

Inmates/thunuwa (offenders in custody) on Charge of Human Trafficking and Transportation – According to the information provided by the Department of Prison Management, there were 632 inmates and 161 *thunuwa* in charge of human trafficking and transportation across the country in Nepal in the FY 2015/16. Female accounted one-thirds of the inmates and *thunuwa* among the inmates/*thunuwa* (Table 7.2).

Table 7.2 Distribution of inmates on charge of human trafficking and transportation, FY 2016/17, Nepal

Inmates	Female	Male	Total
Number			
Inmates	201	431	632
Offenders in custody	62	99	161
Total	263	530	793
Percent			
Inmates	31.8	68.2	100.0
Offenders in custody	38.5	61.5	100.0
Total	33.2	66.8	100.0

Source: Department of Prison Management, MoHA cited in WCSW Annual Report 2016/17 (forthcoming).

Data reveal that the inmates/*thunuwa* on charge of human trafficking case were found to be in 52 districts' prisons out of 75 districts in the country: 170 in Kathmandu prisons alone; 50-99 inmates/*thunuwa* in two districts' prisons;

25-49 number of inmates/*thunuwa* in 8 districts prisons; 10-24 number of inmates/*thunuwa* in 11 districts' prisons. It is interesting to note that districts that were traditionally said to be influenced by trafficking of girls and women such as Sindhupalchok, Sarlahi, and Dolakha did not have a single inmate/*thunuwa* on the charge of human trafficking case in FY 2015/16.

Table 7.3 Number of inmates and *thunuwa* by districts

Number of inmates and <i>thunuwa</i>	Districts	Number of districts	Total Inmates/ <i>thunuwa</i>	Percent
>100	Kathmandu	1	170	21.4
50-99	Jhapa, Parsa	2	124	15.6
25-49	Sunsari, Palpa, Morang, Nuwakot, Banke, Kanchanpur, Kaski and Nawalparasi	8	263	33.1
10-24	Chitawan, Kailali, Makwanpur, Illam, Rupandehi, Bardiya, Lalitapur, Kapilbastu, Sankhuwasaba, Mahottari and Ramechhap	11	146	18.4
5-9	Rasuwa, Dailekha, Surkhet, Dhading, Kavre	5	34	4.3
3-4	Tertham, Salyan, Panchthar, Rautahat, Baglung, Gulmi, Rukum, Dang, Darchula, Baitadi	10	32	4.0
2	Taplejung, Bhojpur, Siraha, Udayapur, Sindhuli, Lamjung, Syanja, Parbat, Doti	9	20	2.5
1	Dhankuta, Gorkha, Tanahu, Arghakhanchi, Rolpa, Bajhang	6	6	0.8
	Total	52	795	100.0

Note: information from Dhanusa, Bara and Bhaktapur was not available.

Source: cited in MoWCSW (2017, forthcoming) from Department of Prison Management, MoHA cited in WCSW Annual Report 2016/17 (forthcoming) and see also Annex 7.1.

7.4 Assessment of the Victim Friendly Environment in the Courts

According to the information received from PPR Nepal and *Yatra Bulletin* published by the MoWCSW, a number of courts in the country have initiated creating a safer environment for trafficked survivors and gender-based violence within the courts.

In the FY 2015/16, victims/witness friendly rooms have been established in Kathmandu, Lalitapur, Sindhupalchok, Kavre, Makwanpur, Chitawan, Parsa, Banke, and Kanchanpur district courts. These rooms have been established with the financial support of CTIP project in collaboration with the Supreme Court and the concerned district courts. It is believed that a safer environment would allow the survivors to deliver valid testimony by making them free from threats of perpetrators or others' manipulation. It is argued that establishing such a room is an initiation to address challenges that deprive survivors of human trafficking and gender based violence (GBV) of basic human rights. It would help create an enabling environment for survivors/victims to confidently engage in judicial processes while reducing the instances of withdrawal or changes to testimony during the prosecution due to undue influence, fear or hostility.

- A victim/witness protection room was established in Makwanpur district court on March 15, 2016 in Makwanpur district. The Judge of Makwanpur District Court, the Honorable Krishna Ram Koirala and Ms. Reshma Thapa of Democracy and Governance Specialist of USAID jointly inaugurated the room. Honorable Koirala expressed that establishment of the room is an initiation towards addressing victims/survivors needs.
- In Kathmandu the inauguration of the victim/witness friendly room took place on March 25, 2016. It was inaugurated jointly by the Judge of Kathmandu District Court, Honorable Achyut Bista, and Ms. Maria Barrón, the Director of Democracy and Governance Office, USAID. In the inaugural event, Ms. Barrón and the Asia Foundation Acting Country Representative Mr. Edward Anderson both expressed their sincere thanks for the Kathmandu District Court's partnership to address the needs of victims and witnesses on their premises.
- In Kavre district, the Judge of the Appellate Court Patan Honorable Til Prasad Shrestha and Ms. Maria Barrón, Director of Democracy and Governance Office, USAID jointly inaugurated the victim/witness protection room on April 1, 2016.
- In Kanchanpur, it is reported that the Office of the Attorney General issued its second strategic plan that has given trafficking as a priority issue. Following this, according to him, Kanchanpur district Attorney Office is increasingly becoming victim friendly by construction of a separate room for victims and by displaying a signboard in the office about the rights of the victims.

- The Supreme Court regularly notifies in its weekly case list the type of case – whether it is related to close-hearing and it is also reported that in each of 75 district courts of Nepal and a paid legal professional has been appointed in all 75 district courts of Nepal to support the victims of violence including trafficking in persons.

7.5 Judicial Responses of Trafficking

The Share of Trafficking Cases – Table 7.4 shows the number of trafficking cases registered in Supreme Court, High Courts and District Courts of Nepal in two FY 2013/14 and FY 2015/16 vis-à-vis the total number of cases in the courts. A total of 1,007 trafficking cases were registered in the courts in the FY 2013/14, which increased to 1092 in FY 2015/16. Examining the data, it appears that the proportion of human trafficking and transportation accounts less than one percent of the total cases in the courts of Nepal. However, it is 1.6 percent in case of the Supreme Court, 1 percent in the high court and 0.3 percent in the district courts.

Table 7.4 Share of trafficking persons cases to the total cases in the courts of Nepal, FY 2013/14

Courts	FY 2013/14			FY 2015/16		
	Total cases in the courts	Number of cases of trafficking in persons	% share of cases of trafficking in persons	Total cases in the courts	Number of cases of trafficking in persons	% share of cases of trafficking in persons
Supreme Court	20,353	215	1.1	27,100	431	1.6
High Courts	28,997	206	0.7	34,764	336	1.0
District Courts	109,349	586	0.5	117,713	336	0.3
Total	158,699	1,007	0.6	179,713	1092	0.6

Source: Annual Reports of Supreme Court, FY 2013/14 and 2015/16.

Table 7.5 shows the levels and trends of trafficking crime cases registered and disposed by the Supreme Court of Nepal from FY 2011/12 to FY 2015/16. A 5-year-average number of the trafficking cases registered in the Supreme Court come out to be 127 and the 5-year average number of trafficking cases decided by the Court is 15. The conviction rate ranges from 23 percent in the FY 2014/15 to 67 percent in the FY 2015/16 and the five-year average conviction rate comes out to be 40 percent only. On the other hand, the pending rates are very high in each Fiscal year, which is more than 80 percent.

Table 7.5 Number of trafficking crimes registered, convicted, acquitted and pending in the Supreme Court, 2011/12 -2015/16, Nepal

Years	Total Case	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
2011/12	59	4	3	7	57.1	52	88.1
2012/13	78	4	8	12	33.3	66	84.6
2013/14	119	0	2	2	0.0	117	98.3
2014/15	138	7	23	30	23.3	108	78.3
2015/16	239	16	8	24	66.7	215	90.0
5-year average	127	6	9	15	40.0	112	88.2

Note: The conviction rate is defined as the ratio of number of convicted cases in a particular year to the total cases decided by a court in that year. The pending rate is defined as the ratio of number of pending cases in a particular year to the total cases registered in that year in a court.

Source: Annual Reports of OAG, 2011/12, 2012/13, 2013/14, 2014/15 and 2015/16.

High Courts - The 5-year average number of cases registered in the High Court comes out to be 245 and the 5-year average conviction rate is 42 per cent. On the other hand, the 5-year average pending rate is 49 per cent (Table 7.6).

Table 7.6 Number of trafficking cases registered, convicted, acquitted and pending in the high courts, 2011/12 -2015/16, Nepal

Years	Total Cases	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
2011/12	188	44	53	98*	44.9	90	47.9
2012/13	208	48	58	108*	44.4	100	48.1

Years	Total Cases	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
2013/14	231	32	48	80	40.0	151	65.4
2014/15	300	96	105	201	47.8	99	33.0
2015/16	299	46	94	140	32.9	159	53.2
5-year average	245	53	72	125	42.4	120	49.0

Note: * cases of *multabi* also includes in this category and hence number of conviction and acquittal cases may not tally with the total decided cases.

Source: the same as in Table 6.1.

In FY 2015/16, among the 299 cases of human trafficking, 154 were related to 'selling of a person' and 145 were related to 'human transportation'. The conviction rate for the former cases was 27 percent and for the latter cases was 39 percent.

The number of trafficking cases, conviction rates and pending trails however varies by high courts of Nepal. There are relatively large number of trafficking cases in Patan, Biratnagar, Nepalgunj, Hetauda, Pokhara and Illam (Table 6.7). In FY 2014/15, top-five number of TIP cases recorded high courts were Patan (126), Biratnagar (47), Nepalgunj (27), Hetauda (27) and Pokhara (17). Note that there were no cases at all in Jumla high court. Among the high courts, the conviction rates ranged as low as 0 percent in Janakpur to about 30 percent in Hetauda and Biratnagar to 57 percent in Patan and 100 percent in Baglung and Tulsipur. A relatively large number of pending trails are found in Biratnagar, Patan, and Nepalgunj high courts. In the FY 2015/16, a total of 293 cases were recorded in the high court in Nepal. Among the high courts, it is the Patan high court that has the highest number of cases (91) while Nepalgunj, Pokhara, Biratnagar and Illam high courts have also considerable number of cases from 25 to 32. The conviction rate was 0 in Illam high court that decided the 9 cases of trafficking the fiscal year and it was less than 30 percent in Patan and Nepalgunj high courts. There were considerable number of pending trails in all the high court in which there are relatively large number of trafficking cases recorded such as in Patan, Illam, Dhankuta and Biratnagar.

Table 7.7 Number of trafficking cases registered, convicted, acquitted and pending in the high court of Nepal courts, FY 2014/15 and 2015/16

	Total Cases	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
FY 2014/15							
Illam	16	8	6	14	57.1	2	12.5
Dhankuta	4	2	2	4	50.0	0	0.0
Biratnagar	47	9	20	29	31.0	18	38.3
Rajbiraj	10	2	2	4	50.0	6	60.0
Janakpur	3	0	2	2	0.0	1	33.3
Hetauda	27	5	13	18	27.8	9	33.3
Patan	126	53	40	93	57.0	33	26.2
Pokhara	17	6	2	8	75.0	9	52.9
Baglung	2	1	0	1	100.0	1	50.0
Tulsipur	2	1	0	1	100.0	1	50.0
Nepalgunj	27	5	8	13	38.5	14	51.9
Surkhet	5	1	2	3	33.3	2	40.0
Jumla	0	0	0	0		0	0.0
Dipayal	9	2	4	6	33.3	3	33.3
Mahendranagar	5	1	4	5	20.0	0	0.0
Total	300	96	105	201	47.8	99	33.0
FY 2015/16							
Illam	25	0	9	9	0.0	16	64.0
Dhankuta	19	1	1	2	50.0	17	89.5
Biratnagar	27	5	3	8	62.5	19	70.4
Rajbiraj	12	2	3	5	40.0	7	58.3
Janakpur	5	2	0	2	100.0	3	60.0
Hetauda	20	6	12	18	33.3	2	10.0
Patan	91	6	16	22	27.3	69	75.8

	Total Cases	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
Pokhara	28	11	14	25	44.0	3	10.7
Baglung	3	2	1	3	66.7	0	0.0
Tulsipur	7	2	1	3	66.7	4	57.1
Nepalgunj	32	5	14	19	26.3	13	40.6
Surkhet	4	0	2	2	0.0	2	50.0
Jumla	0	0	0	0		0	
Dipayal	14	2	1	9	22.2	5	35.7
Mahendranagar	6	1	3	4	25.0	2	33.3
Total	293	45	80	131	34.4	162	55.3

Source: Annual Reports of OAG 2014/15 and 2015/16.

District Courts - The 5-year average number of trafficking cases registered and disposed comes out to be 325 and 167 respectively (Table 6.8). The 5-year average conviction rate is 54.5 per cent and the 5-year average pending rate is also 49 per cent with fluctuating rates in each year (Table 7.5).

Table 7.8 Number of trafficking cases registered, convicted, acquitted and pending in the district courts, 2011/12 -2015/16, Nepal

Years	Total Cases	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
2011/12	288	87	57	146**	59.6	142	49.3
2012/13	341	58	56	115	50.4	226	66.3
2013/14	168	47	39	86	54.7	82	48.8
2014/15	431	133	107	241*	55.2	190	44.1
2015/16	395	130	115	245	53.1	150	38.0
5-year average	325	91	75	167	54.5	158	48.6

Note: * cases of *multabi* also includes in this category and hence number of conviction and acquittal cases may not tally with the total decided cases.

Source: Annual Reports of OAG 2014/15 and 2015/16.

Office of the Attorney General has maintained human trafficking cases according to the definition of human trafficking and transportation as given in the *Human Trafficking and Transportation (Control) Act 2007*. As discussed in Introduction, the Act defines the following acts as human trafficking and transportation:

- To sell or purchase a person for any purpose,
- To use someone into prostitution, with or without any benefit,
- To extract human organ except otherwise determined by law,
- To go for in prostitution
- Human transportation

In the FY 2015/16, a total of 395 human trafficking cases have been recorded in the district courts of Nepal (Table 7.9). Two-thirds of cases comprised of 'human transportation', 31 percent for 'selling a person', and the rest related to 'trafficking of human organs' and 'using someone into prostitution'. Note that there were no cases related to 'going for in prostitution'. Among the total cases of 395, a total of 977 persons were offenders. The average number of offenders per case comes out to be 2.5 persons. And it is interesting to note that the share of the offenders by the types of trafficking cases is almost the same as in the share of the trafficking cases.

It is found that the conviction rates are relatively higher for charges of 'selling of a person' against the charges of 'human transportation'. This holds in both financial years. In the FY 2014/15, the conviction rate for charge of 'selling of a person' was 55 percent against 51 percent for the charge of 'human transportation'. The comparable figures for the FY 2015/16 are 58 and 51 percent, respectively. Conviction rates in charge of 'trafficking of human organs' and 'using a person into prostitution' ranged 67 percent to 100 percent. However, generalization of these high conviction rates may not be appropriate due to the few number of crime cases of human organs' and 'using a person into prostitution' registered in the district courts of Nepal.

Table 7.9 Number of trafficking cases registered, convicted, acquitted and pending in the district courts, by types of charges, FY 2015/16 and 2014/15, Nepal

FY 2015/16	Total		Conviction		Acquittal		Returned		Total cases decided
	Cases	Offenders	Cases	Offenders	Cases	Offenders	Cases	Offenders	
To sell or purchase a person	121 (30.6)	305 (31.2)	41 (54.7)	81	34	84	0		75
Human transportation	267 (67.6)	658 (67.3)	84 (51.2)	170	80	147	1	5	164
Extraction of human organs, selling	3 (0.8)	7 (0.7)	2 (66.7)	6	1	1	-	-	3
To use someone into prostitution	4 (1.0)	7 (0.7)	3 (100.0)	5	0	0	-	-	0
To go for in prostitution	0	0	0	0	0	0	-	-	3
Total	395	977	130	262	115	232	1	5	245
FY 2014/15									
To sell or purchase a person	175 (40.6)	412 (43.7)	66 (58.4)	129	46	91	1	23	113
Human transportation	254 (58.9)	528 (56.0)	63 (50.8)	128	61	132	0	2	124
Extraction of human organs, selling	0	0	0	0	0	0	0	0	0
To use someone into prostitution	2 (0.5)	3 (0.3)	2 (100.0)	0	0	0	0	0	2
To go for in prostitution	0	0	0	0	0	0	0	0	2
Total	431	943	133	257	107	223	1	25	241

Note: Figures in parentheses indicate the percentage of total. In case figures in the 'conviction' column, the figures refer to the conviction rates.

Source: Annual Reports of OAG 2014/15 and 2015/16.

In the FY 2014/15, a total of 431 trafficking cases were recorded in the district courts of Nepal. Among the total cases, nearly 41 percent were related to 'selling of a person', 59 percent to 'human trafficking' and less than one percent to 'using someone into prostitution'. There were no cases on the charge of 'going for in prostitution'. There were 943 offenders' consisting of, on the average, two numbers of offenders per case. In the charge of 'selling of a person, the proportion of offenders is relatively higher vis-à-vis the number of cases (44% offenders vs. 41% cases) while it is relatively lower in charge of 'human transportation' (56% offenders vs. 59% cases).

There are some landmark decisions by the district courts in the FY 2015/16 (Box 7.1).

Box 7.1 Some landmark judgment on human trafficking by the district courts, FY 2015/16

On January 1, 2017, the Chitawan District Court decided 20 years of imprisonment and Rs. 200,000 fine of the woman convicted on human trafficking. The court also decided to provide the compensation of Rs. 100,000 for the victim from the Rehabilitation Fund.

The complaint was this: Sobha Sapkota of Tanahu trafficked to a woman aged 24 of Madi Municipality-9 of Chitawan district to Dehradun of India and sold her there in May 2016. The accused was arrested from Debaghat-1 of Tanahu district in October 7, 2016.

Source: <http://radiokantipur.ekantipur.com/news/2017-01-01/20170101201636.html> (accessed on 2016/05/16).

On May 15, 2016, the District Court Kapilbastu decided 45 years of imprisonment for a trafficker who sold her own younger sister. The woman was charged of selling of her own young sister in a *Kothi* (prostitution) in Allahabad, India. The convicted woman called Dhuli Tamang is from Chitawan. In addition to the imprisonment of 45 years, the convicted woman was also fined Rs. 400,000.

Source: <http://radiokantipur.ekantipur.com/news/2016-05-15/20160515192801.html> (accessed on 2016/05/16).

Despite these landmark decision of the courts of Nepal regarding the trafficking cases, studies such as by CeLRRd (2015)³⁹ suggested that investigation process is largely dependent upon victims and perpetrators rather than evidences. There is political pressure on investigation. There is lack of legal provision to address the new dimension of trafficking related to foreign employment and it is also high possibility that innocent can be accused due to the mass scale migration for foreign employment.



39 The study was carried analyzed district court orders on TIP cases in the CTIP districts (i.e. Banke, Kanchanpur, Makwanpur, Kathmandu, Kavre, Sindhupalchok) and Appellate Court in the CTIP district and also obtained information from actors of justice sector of CIP district and project key personnel.

The Way Forward

The main aim of this National Report is to explore and describe the situation of trafficking in persons in Nepal and to monitor the laws, policies and programs combating trafficking in persons implemented by different GOs and NGOs in the FY 2015/16. The Report utilized both primary and secondary sources of data.

This National Report 2015/16 recommends the future areas of interventions by assessing the implementation status of the recommendations forwarded by NHRC-OSRT to the Government of Nepal and new areas of concerns evolved from the major findings of this Report. On July 13, 2016, National Human Rights Commission wrote to the Prime Minister Office to implement the NHRC's recommendations relating to combating Trafficking in persons. These recommendations were based on the findings of previous *National Reports*. There were 10 recommendations related to prevention, 14 related to protection, 6 prosecution and 3 related to study and reporting. The Prime Minister Office ordered the different relevant Ministries to implement the recommendations provided by NHRC on June 25, 2016. These Ministries include: Ministry of Home Affairs; Ministry of Women, Children and Social Welfare; Ministry of Labor and Employment; Ministry of Education; Ministry of Information and Communication; Ministry of Foreign Affairs; Ministry of Finance and Ministry of Law, Justice and Management of Parliament.

From the Preliminary consultation of the key stakeholders on September 16, 2016, it is known that most of the Ministries appreciated NHRC efforts for providing recommendations to the Government. Some of the participants, however, reported that they received the instructions from the Prime Minister Office after the budget speech of the FY 2015/16. They worried about the possibility of implementation of the recommendations due to the lack of budget.

It is difficult to assess the implementation status of the recommendations of NHRC-OSRT objectively due to the lack of consolidated data. Thus, assessment will be more subjective rather than objective. Drawing on the methodology of assessment employed by the previous National Reports of NHRC-OSRT (2009, 2011 and 2016), the level of compliance is assigned as **low**, **low-to-moderate** and **moderate**. Low compliance refers to the conditions in which recommendations 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 not been fully realized but they are at the state of satisfactory level.

1. Prevention

S.N.	Areas	Lead Ministry/ Department	Analysis of Implementation Status of Recommendations	Way Forward
1.1	Formulate anti-trafficking policy/revise the NPA against TIP in the changing context	Ministry of Women, Children and Social Welfare (MoWCSW)	Low-to-moderate: The current 14 th Development Plan (2016/17-2018/19) provides a specific Chapter on combating TIP. It outlines the objectives, strategies, activities and challenges to combat TIP (Box 5.3) Yet policy has not been formulated and NPA not revised after the Earthquake	Formulate the anti-trafficking policies in line with the 14 th Development Plans Revise the <i>Implementation Plan of NPA 2071</i> basically considering more allocation of budget in prevention related activities
1.2	Make functional Labor Bank as a financial institution to provide easy banking services to MWs and their dependent families	Ministry of Labor and Employment (MoLE)	Low: The MoLE planned to establish a separate financial institution to provide easy banking services to migrant workers and their dependent families But Nepal Central Bank and Ministry of Finance are not in favor of establishing a separate Government Bank, but just an Investment Fund and the like	Lobby the key stakeholders in establishing the labor bank such as World Bank, IMF, Central Bank of Nepal and Ministry of Finance, the Parliamentary Committee on International Relations and Labor Develop development project for investment of remittances deposited in the Labor Bank and make share holders to the contributors.
1.3	Maintain effective surveillance in border areas	Ministry of Women, Children and Social Welfare (MoWCSW) Ministry of Home Affairs (MoHA)	Low-to-moderate: Nepal Police and NGOs border surveillances have been established in major transit points between Nepal and India and there is also cross-border patrolling. Yet there is need of overlapping border surveillance by NGOs and many of the important transit points do not have border surveillance systems. Indian Border Police are generally deployed in each 8 to 10 Kilometer distance across India-Nepal border whereas in Nepal, there is one or two APF in one district for the entire border surveillance and Minor transit points are left (Box 6.8)	Continue border surveillance by the NGOs and extend their coverage in other more sensitive border areas Ensure good surveillance in between 6 pm to 10 pm mainly in the major transit points Increase APF in border areas and provide them orientation about TIP Equip Nepal Police in border areas with adequate human resources including extending WCSCs, CCTV surveillance and physical facilities
1.4	Incorporate safe-migration and human rights issues in school level curriculum	Ministry of Education (MoE)	Moderate: CDC has introduced some contents about safe migration and human trafficking in school education from grade 6 to 10 in Social Study curriculum (see Section 5.3) Yet it seems that human trafficking issue is discussed as a social problem, not from the human rights perspective	Revise the contents from human rights and gender perspective as well social problem as well as the violation of human rights Reorient Social Study teachers about concepts of migration, smuggling, exploitation and trafficking
1.5	Monitor the adoption process and Child Care Homes and strengthen the District Monitoring Committee on Child Care Homes	Ministry of Women, Children and Social Welfare (MoWCSW)	Low-to-moderate: CCWB has initiated maintaining the records of Child Care Homes and details about the children. In FY 2015/16, CCWB and different DCWBs monitored 40 and 374 Child Care Homes, respectively and 10 Child Care Homes were suspended for their illegal operation and 136 children were rescued. Yet majority of Child Care Homes are operated by foreign aids and one-thirds are operated by faith-based organizations – making it vulnerable for the sustainability of these Child Care Homes. The Monitoring Committee on Child Care Homes chaired by the Assistant CDO has yet to make functional by providing orientation on child protection including child adoption and child trafficking.	Allocate budget for Child Care Homes at least 10-15 in order to compliance with the UN CRC and also initiate making Home more sustainable Continually monitor the adoption process and Child Care Homes to ensure the rights of child and eliminate child trafficking in the name of Education or another cultural programs. Extend the mandate of the Monitoring Committee to cover the street children and children working in the hotels as well as in bike kilns and other risk sectors.

1.6	Raise awareness on safe migration and trafficking among the most vulnerable groups/communities	Ministry of Women, Children and Social Welfare (MoWCSW) Ministry of Labor and Employment (MoLE)	<p>Low-to-moderate: NGOs have been found to be implementing different safe-migration or anti-trafficking programs in 38 out of 75 districts in the country (Box 5.5). Yet they are largely clustered few districts mainly in Kathmandu, Morang, Makwanpur, Kailali, Banke, Rupandehi, Chitawan, Nawalparasi, Nuwakot and Sindhupalchok</p> <p>Few DCCHTs and Local Committees are mobilized for it</p>	Extend the NGOs interventions on eastern and Central Terai districts as well Reach out to the most vulnerable groups/communities even in the districts where NGOs are largely clustered Mobilize and extend the Local Committees on Combating Human Trafficking by allocating more budgets for it
1.7	Strengthen and expand the Information Booths on safe migration	Ministry of Labor and Employment (MoLE)	<p>Moderate: A total of 133,445 persons were benefited from the safe migration booths run by leading NGOs of Nepal (Box 5.6)</p> <p>ILO has been supporting National Migration Resource Centers. Yet Migration Resource Centers have yet to be extended especially in central Terai districts</p> <p>The effectiveness of such resource centers have not been evaluated yet</p>	Continue the Migration Resource Centers in CDO Offices, Kathmandu and other Terai districts with relatively large number of MWs Study the impact of such centers by taking a representative sample
1.8	Establish a separate Unit of 'Human Trafficking and Transportation' under the Women and Children Office	Ministry of Women, Children and Social Welfare (MoWCSW)	This provision is vitally required to maintain regular contact with the Local Committees for their increased mobilization and coordination of anti-trafficking activities in the districts.	New Recommendation
1.9	Make the cheap phone calls to the Gulf countries and other major destination countries	Ministry of Information and Communication (MoIC)	Monitoring the boarder point in Kanchanpur district shows that issues the phone calls from Nepal to Gulf countries are more costly than to call to Europe and America, whereas the migrants family have to contact their relatives abroad frequently and they have also contributed a lot remittance to the country	New Recommendation
1.10	Establish and increase the border surveillance by NHRC, NCCHT and DCCHT regularly	NHRC NCCHT DCCHT	The finding of this Report suggests two things: first, regular monitoring by these authentic organizations would increase the carefulness of staffs and Police working in border surveillance and second, ensure that the border surveillance does not violate the rights of movement of women	New Recommendation
1.11	Increase awareness among community people to discourage the growing trends to attempt to file cases of child marriage, mismatch marriage or non-consent marriage by parents as human trafficking cases	Ministry of Women, Children and Social Welfare (MoWCSW)	Findings indicated that in some the cases, people tend to file the TIP case even if it is not so.	New Recommendation
1.12	Extend and mobilize the child clubs in both schools and community by giving them opportunity to different exposure visits	Central Child Welfare Board (CCWB)	Findings of this Report indicated that child clubs have become an active agent for disseminating information about child marriage and human trafficking. However, many of the child clubs have not been active due to the lack training, budget and motivation	New Recommendation

1.13	Restructure the NCCHT, DC and Local Committees following the Constitution of Nepal : that is restructure at the federal level, province level and local level .	Ministry of Women, Children and Social Welfare (MoWCSW) National Committee on Combating Human Trafficking (NCCHT)	As the Constitution of Nepal has shared the State Power to the province and Local Levels and the Government has already established 744 Local Levels, the Committees on Combating Trafficking shall have to be formed in these Local Levels – District Committee may work as a Coordination Body in the district.	New Recommendation
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2. Protection

S.N.	Areas	Ministry/Department	Implementation Status of Recommendations	Way Forward
2.1	Implement the NPA against TIP	Ministry of Women, Children and Social Welfare (MoWCSW)	Low-to-moderate: The MoWCSW developed <i>Implementation Plan for the NPA Action against TIP 2071 (2014)</i> . It outlines detail activities under each of the Strategies of NPA. It also provides the estimated budget to implement each of these activities, but Many of the activities stated in the implementation Plan have not been initiated	Initiate the implementation of the activities stated in the Implementation Plan by lobbying the Ministry of Finance for allocation of budget in each activity and mobilization of the lead organizations
2.2	Encourage local Committees to develop and implement the period Action Plans	Ministry of Women, Children and Social Welfare (MoWCSW)	Low: By FY 2014/15, 350 committees were formed in 70 districts in the country. Among the districts where the committees are formed, the numbers of committees formed are very low (Section 5.3). However, none has developed their periodic plans, maintained systematic data on human trafficking and involved in formation and mobilization of the local committees effectively	Motivate the local committees to develop periodic plans and allocate more budget for mobilization of these committees Restructure the District and Local Committees as per current restructuring of the Local Bodies, representation of Women Cooperatives is also needed
2.3	Initiate the bi-lateral agreements with major destination countries to seedily and safely rescue the victims	Ministry of Foreign Affairs (MoFA) Ministry of Labor and Employment (MoLE)	Low-to-moderate: The GoN has already signed bilateral agreements with Qatar (2005), UAE (2007), the Republic of Korea (2007), Bahrain (2008), Japan (2009) and Israel (2015) to protect and promote the rights of Nepali migrant workers in these destination countries. NHRC conducted MoU with NHRI of Qatar Government to protect the rights of Nepali migrant workers, Yet many of MoU with the Saudi Arabia for domestic workers has not been yet done and there is lack of monitoring of the compliance of the MoUs	Extend the MoU in countries especially in where there is high demand of women domestic workers like Saudi Arabia Evaluate the compliance of the MoUs in the countries where MoUs have already done
2.4	Increase budget to the Rescue Fund, NGOs and Rehab Fund and Central and District Level Programs	Ministry of Finance (MoF)	Low-to-moderate: The GoN allocated slightly more than Rs. 9 million to 8 rehabilitation centers in FY 2011/12, but the amount of budget sharply declined in the subsequent three FYs. It is only in FY 2015/16, the GoN allocated Rs. 37.2 million for the eight rehabilitation centers (Table 5.8). Yet as the scope of these NGOs extended covering all 75 districts, the budget appears to be low. Further, a huge amount of Rehabilitation Fund has not been spent due to not relaxed policy for mobilization the Fund	Increase the Fund for allocation of Safe Houses run by NGOs and also extend the rehab centers supported Make more relaxed policy for operation of rehabilitation Fund so as to easily reach the Fund to the target groups timely and avoid the risk of not spending budget
2.5	Strengthen WCSCs	Ministry of Home Affairs (MoHA)	Low-to-moderate: Many of the Women Police deployed in the WCSCs are motivated to achieve the goals of the WCSCs. But women police demanded capacity building training deploying an adequate number of women police in the WCSCs, extending the number of WCSCs across the major and vulnerable locations including in border areas (Box 6.5)	Extend the WCSCs even to the Illaka Police especially in more vulnerable locations Reorient the Women Police especially in dealing with psychosocial aspects of trafficked victims and changing nature of legal system Strengthen the WCSCs in dealing with crime cases against women and children more independently

2.6	Strengthen the Department of Consular Services	Ministry of Foreign Affairs (MoFA)	<p>Low: The Government of Nepal has created the Department of Consular Services on May 3, 2013 aiming to provide increased services to the Nepali working abroad. Yet it largely lack adequate number of human resources to maintain reporting system, coordinate with the stakeholders in Nepal</p>	Provide adequate number of human resources and budget to maintain data reporting system of the number of victims and coordination with the stakeholders in Nepal for effective rescue and repatriation
2.7	Increase allocation of budget to the Missions to abroad	Ministry of Foreign Affairs (MoFA) Ministry of Women, Children and Social Welfare (MoWCSW) Ministry of Labor and Employment (MoLE)	<p>Low-to-moderate: The GoN allocated to altogether Rs. 2 million for Nepali Embassy to Thailand and UAE in 2014/15 and Rs. 3.3 million altogether in FY 2015/16 for Nepali Embassy to India, Thailand, UAE, and Kolkata Consulate General (Table 5.7). But the GoN did not allocate budget regularly to Nepali Embassy to India and other Foreign Missions including in Malaysia, and Gulf countries</p>	Increase and extend to budget allocation to Nepali Embassies especially to Qatar, Malaysia, Saudi Arabia, and UAE. These countries accounted more than 90% of 3.6 million Nepali MWs in between 2006/07 to 2015/16.
2.8	Strengthen and expand the Safe Houses in destination countries	Ministry of Labor and Employment (MoLE)	<p>Low: Information on Safe Houses in destination countries is not available in the Annual Report of MoLE and MoWCSW</p>	Strengthen and expand the Safe Houses in destination countries including for the male MWs
2.9	Monitor reintegration processes	Ministry of Women, Children and Social Welfare (MoWCSW)	<p>Low: The GoN has adopted the Minimum Standards for the Protection and Care of Victim/Survivor of Human Trafficking 2012. Yet from the field visits of the western and far-western Terai, it was known that there is grossly lacking of monitoring of reintegration process as well as follow-up after the reintegration</p>	Monitor reintegration processes and follow-up by increasing budget for reintegration and follow-up activities
2.10	Ensure access to education/vocational training, income generating activities/skilled foreign labor migration	Ministry of Labor and Employment (MoLE)	<p>Low-to-moderate: The FEP Board in partnership with private skill training institutes has provided 160-hours skill development trainings in nine areas, namely, electricians, masons, plumbing, scaffolding, house-paintings, still fixers, carpenters, cooks and waiters to 3,338 persons in FY 2014/15. However, this number of is very low compared to about annual outflow of 500,000 Nepali for foreign employment and it was also found that far lower number of females received skill development training (1.2%) (Table 4.17)</p>	Extend the skills training to district and local levels and even mobilize the local bodies for it Avoid gender segregation in skill development training by increasing both women as trainees and by looking the demand of women in labor market
2.11	Establish strong monitoring of the Government Foreign Employment delivery mechanisms as well as private actors is crucially important to combat	Ministry of Labor and Employment (MoLE)	<p>As also indicated by the <i>US Trafficking in Persons Report 2016</i>, Nepal being in Tier 2 over the years as ranking of the compliance of the <i>Trafficking Victims Protection Act Minimum Standards</i> of USA is mainly due to gross irregularities involved in foreign employment business and migration. This Report also found that individual agents and illegal channels or groups predominates the foreign employment business, especially in the pre-departure stage, and there are adequate testimonies that there is large scale trafficking for forced labor in Gulf and other countries.</p>	New Recommendation

2.12	Develop strong monitoring and surveillance system to assess the extent of compliance of MoUs by the destination countries especially in relation to women domestic workers by strengthening the Nepali Embassy and Labor Attaché board.	Ministry of Labor and Employment (MoLE) Ministry of Foreign Affairs (MoFA)	There is widespread criticism and media reporting from the Gulf regions that domestic workers are treated like a commodity and the GoN has recently conducted MoU with Government of Saudi Arabia for the increased protection of women domestic workers. However, there is a need to mobilize the Nepali Embassy and strong lobbying through the NHRIs to protect the rights of women domestic workers.	New Recommendation
2.13	Strengthen the surveillance and monitoring system in TIA to end the 'setting' in Immigration Desk and Labor Desk.	Ministry of Home Affairs (MoHA)	There is widespread criticism that the Immigration Desk at the TIA has not been effective in combating illegal and unsafe foreign labor migration. It has even sometimes colluded with the agents to transform the workers illegally.	New Recommendation
2.14	Extend and strengthen the OCMCs and initiate maintaining disaggregated data of the types of GBV and types of services provided	Ministry of Health (MoH)	Findings indicated that the OCMCs have provided incredible job to the GBV across the hospitals where they are established. Yet they should be well equipped with more motivated and victim friendly health workers including psychosocial counselors	New Recommendation
2.15	Strengthen the Metro-Police Crime Division, Teku	Ministry of Home Affairs (MoHA)	Findings indicated that the CIB Metro-Police Crime Division at Teku has handed the cases across the 35 countries through different channels, yet there is need of adequate physical space, budget and trained human resources	New Recommendation
2.16	Strengthen the monitoring mechanism of entertainment sector and provide long-term shelter support to the victims of international trafficking	Ministry of Women, Children and Social Welfare (MoWCSW)	Findings of this Report indicated that there is weak monitoring if not exist in the entertainment sector. There is also need to encourage the NGOs especially in highway heads of Terai districts to engage in entertainment sectors.	New Recommendation
2.17	Create and allocate Rescue Fund in each Foreign Embassies/ Missions to Nepal especially in Gulf nations and South East Asian countries	Ministry of Finance (MoF) Ministry of Foreign Affairs (MoFA)	Findings of this Report indicated that GoN has not yet recreated a Rescue Fund in Nepalese Embassies/ Missions abroad under the Ministry of Foreign Affairs. A limited amount of budget for rescue effort is allocated through MoWCSW – but such fund remains in a few countries.	New Recommendation
2.18	Remove the provision of age ban of 24 years for women domestic workers.	Ministry of Labor and Employment (MoLE)	The GoN has reduced the age ban from 30 years to 24 years for women going for domestic work in Gulf countries. Findings of the Report suggested that the age ban has not been effective in protection of the rights of the women. Unfortunately, it resulted to increase trafficking of young girls to Gulf nations via India. Removing this provision would reduce the flows via India which is relatively unsafe compared to those who go via using Kathmandu International Airport.	New Recommendation

3. Prosecution

Areas	Ministry/Department	Implementation Status of Recommendations	Way Forward
3.1 Formulate Act to regulate the entertainment sector	Ministry of Women, Children and Social Welfare (MoWCSW)	Low: The Implementation Plan of NPA has allocated budget of Rs. 500,000 within one-year in 2014 for drafting of law in collaboration with Law Commission and Ministry of Law, But the activity was not carried out	Conduct study with the female workers in the entertainment sectors including Dance bars, Cabins, Massage parlors and restaurant bars Draft the law based on the findings of new study and the Supreme Court Guideline
3.2 Amend the Human Trafficking and Transportation (Control) Act 2007 and Foreign Employment Act 2007 to incorporate the cases of human trafficking in the process of foreign employment	Ministry of Women, Children and Social Welfare (MoWCSW) Ministry of Labor and Employment (MoLE)	Moderate: Several aspects of the HTTCA have been amended in relation to provision of custody during the court proceeding, appointment of legal professionals, language experts, establishing the Rehab Fund, offer of the punishment who changes the initial <i>bakpatra</i> , rights to self-defence and paying of compensation. However, the violence and abuse of human rights that occur during the process of migration for foreign employment for any purpose are not addressed. Further, the amount of compensation of Rs. 100,000 to victims is too low to relieve the pain of the victim. There is no Victim Protection Act adopted by the Government. Yet it was reported that the MoLIMP has drafted the bill and waiting to submit in the Cabinet.	Amend the HTTCA and FEA to incorporate trafficking of persons Address the human rights violation that occurs during the process of migration for foreign employment and 'smuggling' as well.
3.3 Adopt Victim and witness Protection Act	Ministry of Law, Justice and Management of Parliament (MoLJMP)		New Recommendation
3.4 Strengthen WCSD/ WCSCs	Ministry of Home Affairs (MoHA)	Low-to-moderate: Nepal Police has extended WCSCs to regional levels (5), zone levels (14), district levels (75) and area levels (135) including one metropolitan WCSC, 3 range level WCSC and 8 circle level WCSC Some WCSCs also have separate building constructed by the financial support of Asian Development Bank	Expand the coverage to other areas with more physical, financial and human resources
3.5 Make functional National Committee on Controlling Human Trafficking (NCCHT)		Low-to-moderate: The NCCHT is a high level committee representing from MoWCSW, MoLE, MoHA, MoFA, and OAG and Nepal Police including three women nominees with anti-human trafficking expertise and two female victims of trafficking in persons. FY 2015/16, NCCHT held meeting five times; sub-Committees 4 times and 9 times meeting held with other stakeholders; Published National Report on Trafficking and Transportation (Control) 2072 and made several decisions especially after the earthquake 2015 to effectively control TIP, but The NCCHT has not been effective in carrying out the monitoring anti-trafficking initiatives including Safe Houses, Child Care Homes	Allocate more human and financial resources for the Secretariat of the Committee, i.e. TIP Division of MoWCSW Increase budget for monitoring of DCCHT activities, Safe Houses, Child Care Homes and investigation the cases registered in Nepal Police
3.6 Strengthen the capacity of National Judiciary Academy	Ministry of Law, Justice and Management of Parliament (MoLJMP)	This issue is not studied in detail in this Report but with the review of Annual Report of NJA, it is found that the previous recommendation still prevails	Strengthen the capacity of National Judiciary Academy

3.7	Strengthen and extend the Free Legal-Aid Committees at the district level and repeal the provision of requirement of recommendation letter to free legal treatment	Ministry of Women, Children and Social Welfare (MoWCSW) Ministry of Law, Justice and Parliamentary Management (MLJPM)	Free Legal-Aid committees have not been active where they were established such as in Kapilbastu and Nawalparasi The provision of recommendation letter from the Local Body for the free legal treatment of the trafficked victims is also the constraints for increased access to free legal services to the victims	New Recommendation
3.8	Institutionalized the provisions of court close hearing, victim/witness friendly environment, and speedy court hearing in human trafficking cases	Ministry of Law, Justice and Parliamentary Management (MLJPM)	Findings of this Report suggest that in many of the cases, the provisions are inadequate and have yet to be institutionalized	New Recommendation
3.9	Strengthen the Government Attorney for increasingly handling the human trafficking cases: establish victims friendly rooms in all 75 districts and effectively implement the Guideline for the Protection of Women and Children 2071	Ministry of Law, Justice and Parliamentary Management (MLJPM) Office of the Attorney General	Government attorney present in the court proceeding was not 100%. In some cases there is delay in preparation of <i>bakpatra</i> from the victims – making the case hostile. The same is recommended in case of hearing in the Foreign Employment Tribunal. By the end of FY 2015/16, there were 44 districts in which victims' friendly rooms have been reported to have established in Government District Attorney Offices	New Recommendation

4. Reporting System and Monitoring

S.N.	Areas	Ministry/Department	Implementation Status of Recommendations	Way Forward
4.1	Maintain details data of returnee migrants	Department of Immigration Ministry of Labor and Employment (MoLE)	Low: There is no evidence that the data of returnee migrants are systematically maintained except some research studies and reporting by some NGOs, maintaining returnee migrants are vitally important both to understand the working conditions at abroad as well as learn the skills, technology and money bought by these returnee migrants for country's development	Maintain details data of returnee migrants
4.2	Conduct different studies on WMWs, TIP and missing marriage, TIP and missing children phenomenon, TIP and Organ extraction, situation of TIP after the Earthquake of Mid-2015	Ministry of Labor and Employment (MoLE) Ministry of Women, Children and Social Welfare (MoWCSW), Ministry of Home Affairs	Low-to-moderate: Annual Reports and Labor Bulletin and some Studies have addressed the several issue of MWs, yet there is no representative survey that provides the estimates of trafficking for forced labor in Gulf countries including in other countries	Conduct a representative household survey to estimate the magnitude of trafficking for forced labor Also study about the emerging issues of human smuggling, role of Education Consultancy and other private sectors Study about the circular migration and contribution on economic growth of Nepal
4.3	Maintain disaggregated data of foreign labor migrants and update the graveness faced by the Nepali MWs abroad	Ministry of Labor and Employment (MoLE)	DoFE has yet to extend to maintain the information of the MWs especially their age, sex, caste/ethnic groups, education, types of work (skilled, unskilled or semi-skilled work), and monthly salary promised. Data on number of injuries, deaths are maintained by FEPP while data on detention, imprisonment of Nepali MWs have yet to be well managed	New Recommendation

4.4	Carry out evaluation study on how effectively and appropriately the Contribution Fund of FEPP has been utilized in favor of migrant workers and their families	Ministry of Labor and Employment (MoLE)	The MoLE under FEPP has created Contribution Fund by taking Rs. 1,000 from the migrant workers. The aim of the Fund is to provide the welfare measures to the migrant workers and their families. With the absent of the study, it has been difficult to ensure that the migrant workers' contribution of Rs. 1000 has been spent in their favor.	New Recommendation
4.5	Conduct the study on the social cost of migration for foreign employment especially among women who have been left at home	National Human Rights Commission (NHRC), Ministry of Women, Children and Social Welfare (MoWCSW)	There is a need to understand what has changed at home after migration of husbands for foreign employment: rearing and taking care of children, the psychological stress on wives, increase in workload of wives, their experiences of domestic violence including sexual exploitation/abuse. The findings of the study would facilitate to manage effectively the family of the migrant workers and protect their rights.	New Recommendation
4.6	Conduct study about working conditions of female workers in entertainment sector	Ministry of Women, Children and Social Welfare (MoWCSW), National Human Rights Commission (NHRC)	The Supreme Court issued the Guideline to regulate the entertainment sector in 2009. Since then, a number of NGOs have been working to protect the rights of female workers in the entertainment sector. However, there is no aggregated information on the magnitude of female workers in the entertainment sector, working conditions and linkage of this sector with trafficking and implementation status of the Supreme Court Guideline.	New Recommendation
4.7	Monitor the children especially female workers in entertainment sector	Ministry of Women, Children and Social Welfare (MoWCSW) National Human Rights Commission (NHRC)	Findings indicated that the monitoring in the entertainment sector is not effective. In addition to the GoN monitoring mechanism, NHRC time and again monitor the situation of workers in these sector through visits and through study.	New Recommendation
4.8	Monitor the situation of human organ trafficking, and possibility of trafficking of women and children from small industries and factories such as brick kilns, Embroidering (Jari) industry, hotel and restaurants along the Highway	Ministry of Women, Children and Social Welfare (MoWCSW) National Human Rights Commission (NHRC)	Monitoring in hospitals and other possible areas of kidney trafficking has yet to make effective. In addition to the monitoring by the Government of Nepal, NHRC monitoring is needed to make more responsible of the stakeholders including the Government on combating trafficking of children from these industries and factories	New Recommendation
4.9	Monitor the border points in between Nepal-India, and Nepal-China to combat human trafficking	Ministry of Women, Children and Social Welfare (MoWCSW) National Human Rights Commission (NHRC)	Regular NHRC monitoring on the border points between these countries would increase the respect of the dignity of the persons especially women who cross Nepal to India and also support to combat TIP.	New Recommendation

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Annex

Annex 1.1 SDGs Goals, Targets and Indicators related to combating trafficking and sexual exploitation, Nepal

Indicators	2014	2017	2020	2022	2025	2030
Target 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation						
5.2a Sex ratio at birth (female to male)	0.96	0.97	0.98	0.98	0.99	1
5.2b Ratio of women to men in life expectancy	1.03	1.02	1.02	1.02	1.01	1
5.2c Women (15-49 years) who experience physical or sexual violence (%)	26	21	16	13	8	0
5.2d Females (all) who experienced physical or sexual violence (often) in the past 12 months (%)	10.2	8.3	6.4	5.1	3.2	0
5.2e Women and girls trafficking (number)	-	-	-	-	-	-
Target 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation						
5.3a Women aged 15-19 years who are married or in union (%)	24.5	20	15	12	8	0
5.3b Cases of domestic violence per annum (number)	-	-	-	-	-	-
5.3c Discrimination by chhauapadi and menstruation (number)	-	-	-	-	-	-
5.3d Cases of allegations of witchcraft per annum (number)	29	24	18	15	9	0
5.3e Children (1-14 years) who experienced psychological aggression or physical punishment during last 1 month (%)	81.7	66.4	51.1	40.9	25.5	0
Target 8.7 Take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, eradicate forced labour and, by 2025, end child labour in all its forms, including the recruitment and use of child soldiers						
8.7a Child working under hazardous conditions (%)	30	24.4	18.8	15.0	9.4	0
Other indicators are to be developed						
Target 8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment						
8.8a Illegal migrant workers (%)	20	16.3	12.5	10	6.3	0
Other indicators are to be developed						
Target 16.1 Significantly reduce all forms of violence and related death rates everywhere						
16.1a Intentional homicide rate per 100,000 population	3	3	2	2	1	0
Target 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children						
16.2a Child labour (% of children age 5-17 years)	37.4	30.4	23.4	18.7	11.7	0
16.2b Children age 1-14 years who experienced psychological aggression or physical punishment during the last 1 month (%)	81.7	66.4	51.1	40.9	25.5	0
16.2c Women aged 20-49 years who were first married before age 18 years (%)	48.8	39.7	30.5	24.4	15.3	0
16.2d Children trafficking to abroad (including India) per annum (number)	3387	2752	2117	1694	1058	0

Source: National Planning Commission, 2015.

Annex 2.1 Statement of three victims who were rescued by Rupandehi Police and Small Hands (on September 21, 2016)

Case 1. My name is A .from a village of Ramechhap district. ... I am now 19 year old. I have completed SLC education. I was working in Beauty Parlor in Kathmandu for the last 6 or 7 months. ..My elder sister told me that we have to go to Gorakhpur; work in a fancy factory; take training and the Company would provide the salary accordingly. ... This is my first visit; I do nothing about DD Company; I am going to know more about it.

Case 2. My name is B and I am from Ramechhap district. Now, I am 27 year old. I married with a man in Sindhuli district. But we had divorce two years ago. I am now living in maternal house. In maternal home, my mother ... and young brother ... are residing. I do not have children. I am currently living in Kathmandu Buddha with my aunt. My aunt son from Ramechhap told me that in Gorakhpur we would have employment after taking 7 days training. I went with him to Gorakhpur in *Phalgun 2072* and reached to the DD Company which is located in Sangam Chauraha. I find many Nepali going there; many have already become the members. Now today I am bringing two persons: my aunt Alisha Lama and my distant relative. I have informed them and their parents about the Company in Kathmandu. I have not unduly lured them. I confirm that this is the true statement.

Case 3. My name is C (name changed). I am from Ramechhap district. Now I am 24 years old. I have studied up to 10+2. I have been told by my brother's son that he was going to a good Company and whether I was also interested to go over there. He told that the Company provides 7-day training. I went with him in Gorakhpur in *Baishakha 2073* and reached to DD Company which is located in Sangam Chauraha. There are many Nepali. There are about 8,000 people working; many are becoming the members daily.

Source: District Police Rupandehi, 2016.

Annex 2.2 Estimates of trafficked persons, attempted to trafficking and untraced persons, FY 2015/16, Nepal

	Total	Male	Female	Adult	Children
Attempted to trafficking					
Interception by NGOs (Table 5.11)	13593	267	13326	6840	6753
Estimates of number of persons trafficked	6129	2762	1155	3742	494
Rescue/repatriation by NGOs (Table 5.12)	1833	59	115	201	197
Prosecution aids by NGOs (Table 5.18)	175				
Rescue from different border areas (Table 2.10)	910	59	627	484	202
Rescued from different Embassies (Table 4.18)	869	405	310	715	95
Rescued by Metropolitan Crime Investigation Division (Table 4.19)	2342	2239	103	2342	0
Estimates of number of untraced persons	3910	745	2342	926	2160
<i>Missing persons application received</i>					
By NGOs (Table 5.15)	1980	272	1708	973	1007
By <i>Bal Balika Khoja Talas Kendra</i> (Table 2.6)	1502	600	902	0	1502
By District Police Office in 14 earthquake hit districts (Table 2.7)	2394				
By District Police Office in 16 border districts (Table 2.8)	1021	247	775	400	621
<i>Total missing persons' application received</i>	6897	1119	3385	1373	3130
<i>Found numbers</i>					
Found by NGOs (Table 5.15)	1019	171	848	447	572
Found by <i>Bal Balika Khoja Talas Kendra</i> (Table 2.6)	398	203	195	0	398
Found in 14 earthquake hit districts not found (Table 2.7)	1060				
Found in border districts (Table 2.8)	510				
<i>Total found persons</i>	2987	374	1043	447	970
NOT included in estimates of trafficking					
Rehabilitation by NGOs (Table 5.13)	3758	286	3381	1818	1299
Reintegration by NGOs (Table 5.14)	7218	205	6979	3782	148
Referral cases received by NGOs (Table 5.16)	117	5	111	80	37
Referred to other organizations by NGOs (Table 5.17)	27	2	25	9	18

Note: The disaggregated data by sex, and age may not be equal to 'total' figure due to the missing of age-sex disaggregated data. Thus, interpretation by age-sex figures must be done carefully.

Source: Different Tables of this Report.

Annex 2.3 Number of domestic violence cases, and crimes cases against women and children registered in Nepal Police in the Districts hard hit by the April/May 2015 Earthquake of Nepal

Types of cases	2012/13	2013/14	2014/15	3-yearly average no. of cases (2012/13-2014/15)	2015/16	Number increase
Dhading						
Domestic violence cases	21	25	22	23	44	+21
Rape	11	15	7	11	26	+15
Attempted Rape	6	5	8	6	11	+5
Human trafficking	2	1	2	2	4	+2
Rasuwa						
Domestic violence cases	N/A					
Rape	3	3	1	2	1	-1
Attempted Rape	0	0	3	1	1	0
Human trafficking	0	0	0	1	1	+1
Nuwakot						
Domestic violence cases	0	0	1		0	
Rape	3	5	5	4	7	+3
Attempted Rape	2	6	6	5	5	0
Human trafficking	10	6	4	7	1	-6
Kathmandu						
Domestic violence cases	1192	1237	1229	1219	1400	+181
Rape	67	83	95	82	91	+9
Attempted Rape	18	46	42	35	27	-8
Human trafficking	19	26	23	23	15	-8
Bhaktapur						
Domestic violence cases	176	153	225		146	
Rape	15	15	21	17	13	-5
Attempted Rape	2	3	7	4	9	+5
Human trafficking	0	3	1	1	1	0
Kavre						
Domestic violence cases						
Rape	13	22	7	14	11	-3
Attempted Rape	4	9	3	5	7	+2
Human trafficking	3	0	0	1	0	+1
Sindhupalchok						
Domestic violence cases	-	99	105	68	100	+47.1
Rape	7	10	17	11	10	-1
Attempted Rape	5	10	4	6	6	0
Human trafficking	4	7	2	4	2	-2
Dolakha						
Domestic violence cases	58	75	85	73	101	+38.4
Rape	6	5	7	6	14	8
Attempted Rape	2	4	2	3	1	-2
Human trafficking	1	0	0	1	1	0
Ramechhap						
Domestic violence cases	0	0	0	0	0	
Rape	0	2	2	1	6	5
Attempted Rape	0	0	1	0	1	1
Human trafficking	0	0	0	0	1	1
Sindhuli						
Domestic violence cases	NA	NA	2	1	NA	
Rape	4	14	4	7	15	8
Attempted Rape	1	4	5	3	2	-1
Human trafficking	0	0	2	1	0	-1
Okhaldhunga						
Domestic violence cases	0	0	0	0	2	

Rape	2	5	2	3	7	4
Attempted Rape	1	2	1	1	5	4
Human trafficking	0	0	1	0	2	2

Source: Concerned District Police Offices (data sent to NHRC on its request), 2016.

Annex 2.4 Number of missing persons, not found persons and untraced rate (in %) before and after the April/May 2015 Earthquake of Nepal

District	Before three-yearly average (2012/13-2015/16) of the April 2015 earthquake)				After one year of the April 2015 earthquake (2015/16)			
	Women	Boys	Girls	Total	Women	Boys	Girls	Total
Dhading								
Missing persons				94				120
Not found persons				64				98
Untraced rate (%)				68.1				81.7
Nuwakot								
Missing persons	49	7	16	72	72	6	16	94
Not found persons	40	2	13	55	52	4	10	66
Untraced rate (%)	81.6	28.6	81.3	76.4	72.2	66.7	62.5	70.2
Kathmandu								
Missing persons	897	221	346	1464	734	248	247	1229
Not found persons	715	92	212	1020	502	126	146	774
Untraced rate (%)	79.7	41.6	61.3	69.7	68.4	50.8	59.1	63.0
Bhaktapur								
Missing persons	90	26	29	145	111	35	41	187
Not found persons	57	14	11	81	55	12	15	82
Untraced rate (%)	63.3	53.8	37.9	55.9	49.5	34.3	36.6	43.9
Kavre								
Missing persons	63	12	12	86	73	10	17	100
Not found persons	40	6	9	55	48	3	4	55
Untraced rate (%)	63.5	50.0	75.0	64.0	65.8	30.0	23.5	55.0
Sindhupalchok								
Missing persons				71				74
Not found persons				63				17
Untraced rate (%)				88.7				77.0
Dolakha								
Missing persons	39	13	10	72	36	17	19	72
Not found persons	20	6	7	43	2	6	5	13
Untraced rate (%)	51.3	46.2	70.0	59.7	5.6	35.3	26.3	18.1
Ramechhap								
Missing persons	33	0	11	4	37	0	19	56
Not found persons	3	0	0	3	11	0	3	14
Untraced rate (%)	9.1	-	0.0	6.8	29.7	-	15.8	25.0
Sindhuli								
Missing persons	64	13	26	103	71	9	11	91
Not found persons	36	7	11	55	41	6	6	53
Untraced rate (%)	56.3	53.8	42.3	53.4	57.7	66.7	54.5	58.2
Okhaldhunga								
Missing persons				19				59
Not found persons				8				42
Untraced rate (%)				42.1				71.2
Total								

Source: Concerned District Police Offices (data received by NHRC), 2016.

Annex 2.5 Number of missing persons by selected characteristics according to border districts with India

	2012/13	2013/14	2014/15	2015/16	Total	% of total
1. ILLAM						
Sex						
Females	66	88	96	75	325	91.8

	2012/13	2013/14	2014/15	2015/16	Total	% of total	
Males	8	11	9	1	29	8.2	
Age groups							
Children (<18 years)	11	22	20	8	61	17.2	
Adults (>=18 years)	63	77	85	68	293	82.8	
Total	74	99	105	76	354	100.0	
Number of children not found	33	23	32	42	130		
Untraced rate (%)	44.6	23.2	30.5	55.3	36.7		
2. JHAPA							
Sex							
Boys	15	14	64	34	127	41.9	
Girls	35	37	46	58	176	58.1	
Age groups							
5-10 years	13	17	45	35	110	36.3	
10-16 years	37	34	65	57	193	63.7	
Caste/ethnic group							
Brahman/Chhetri	35	25	45	54	159	52.5	
Dalit	8	10	23	18	58	19.1	
Janajati	7	16	42	20	84	27.7	
Total	50	51	110	92	303	100.0	
Number of children not found	33	44	66	58	201		
Untraced rate (%)	66.0	86.3	60.0	63.0	66.3		
3. MORANG							
Sex							
Boys		56	38	39	133	39.1	
Girls		73	66	68	207	60.9	
Age groups (in years)						0.0	
< 5		1	5	0	6	1.8	
5-10		3	7	2	12	3.5	
10-16		125	92	105	322	94.7	
Caste/ethnic groups						0.0	
Madeshhi		66	41	36	143	42.1	
Janajati		25	27	27	79	23.2	
Brahman/Chhetri		22	27	27	76	22.4	
Muslims		9	5	6	20	5.9	
Dalit		7	3	8	18	5.3	
Minority		0	1	3	4	1.2	
Total		129	104	107	340	100.0	
Number of children not found		66	76	43	185		
Untraced rate (%)		51.2	73.1	40.2	54.4		
4. SUNSARI							
Sex							
Boys	12	5	11	3	31	33.3	
Girls	14	8	35	5	62	66.7	
Total	26	13	46	8	93	100.0	
Age groups							
<=10	0	0	0	0	0		
10-16 years	26	13	46	8	93		
Caste/ethnic groups							
Muslims		7	3	5	2	17	18.3
Janajati		11	4	10	2	27	29.0
Chhetri		0	3	6	0	9	9.7
Brahman		0	0	2	0	2	2.2
Dalit		4	2	9	0	15	16.1
Madeshhi		4	1	14	4	23	24.7
Number of children not found		12	0	39	4	55	100.0

Untraced rate (%)	46.2	0.0	15.2	50.0	59.1	
5. Saptari						
Females	50	47	76	53	226	82.5
Males	20	9	10	9	48	17.5
Age group						
< 18 years	35	31	48	41	155	56.6
>=18 years	35	25	38	21	119	43.4
Total	70	56	86	62	274	100.0
Number of persons not found	36	44	35	39	154	
Untraced rate (%)	51.4	78.6	40.7	62.9	56.2	
6. MOHATTARI						
Sex						
Boys	8	9	11	6	34	33.3
Girls	11	18	25	14	68	66.7
Total	19	27	36	20	102	100.0
Number of children not found	19	25	18	9	71	
Untraced rate (%)	100.0	92.6	50.0	45.0	69.7	
7. SARLAHI						
Sex						
Boys	7	15	15	5	42	37.2
Girls	19	24	20	8	71	62.8
Total	26	39	35	13	113	100.0
Number of children not found	17	20	18	7	62	
Untraced rate (%)		51.3	51.4	53.8	54.9	
8. PARSa						
Sex						
Females	17	49	76	49	191	71.3
Males	11	24	27	15	77	28.7
Age groups						
Children (<18 years)	19	52	62	36	169	63.1
Adults (>=18 years)	9	21	41	28	99	36.9
Total	28	73	103	64	268	100.0
Number of children not found	12	24	19	13	68	
Untraced rate (%)	42.9	32.9	18.4	20.3	25.4	
9. NAWALPARASI						
Sex						
Female	N/A	117	113	86	316	92.4
Male	N/A	5	8	13	26	7.6
Age groups						
Children (<18 years)		27	28	38	93	27.2
Adults (>=18 years)		95	93	61	249	72.8
Total		122	121	99	342	100.0
Number of children not found		99	78	57	234	
Untraced rate (%)		81.1	64.5	57.6	68.4	
10. KAPILBASTU						
Sex						
Boys	4	2	5	9	20	24.7
Girls	6	14	12	29	61	75.3
Total	10	16	17	38	81	100.0
Number of children not found	0	0	0	2	2	
Untraced rate (%)	0.0	0.0	0.0	10.0		
11. KANCHANPUR						
Sex						
Boys	20	18	21	19	78	65.0
Girls	8	13	11	10	42	35.0
Age groups						

<5	2	1	0	0	3	2.5
5-9	10	12	12	9	43	35.8
10-13	9	8	13	12	42	35.0
14-16	7	11	7	7	32	26.7
Caste/ethnic groups						
Brahman	5	7	8	6	26	21.7
Chhetri	6	8	9	7	30	25.0
'Baishaya'	9	7	4	9	29	24.2
'Sudra'	8	9	11	7	35	29.2
Total	28	31	32	29	120	100.0
Number of children not found	24	23	25	21	93	
Untraced rate (%)	85.7	74.2	78.1	72.4	77.5	

Source: Concerned District Police Office (data received by NHRC), 2016.

Annex 2.6 Number of persons rescued by Nepal Police Offices, the border districts with India

	2012/13	2013/14	2014/15	2015/16	Total (2012/13-2015/16)	%
Illam	13	23	15	56	107	100.0
Women	4	11	11	49	75	70.1
Men	2	0	0	3	5	4.7
Boys	7	4	0	1	12	11.2
Girls	0	8	3	3	15	14.0
Morang						
Adults	43	54	56	78	231	69.8
Women	43	54	56	78	231	69.8
Men	0	0	0	0	0	0.0
Children	5	35	22	39	101	30.5
Boys	2	18	7	12	39	11.8
Girls	3	17	15	27	62	18.7
Total	48	89	77	117	331	100.0
Rupandehi*						
Rescued from India						
Men	1	0	0	0	1	0.8
Women	4	7	27	7	45	35.2
Children	9	13	17	12	62	48.4
Total	14	20	64	19	128	100.0
Interception						
Men	14	13	6	35	75	5.2
Women	205	213	196	180	991	68.4
Children	88	77	81	79	362	25.0
Total	307	303	283	294	1448	100.0

Note: In case of Rupandehi, the total refers to five-years (2012-2016).

Annex 2.7 An overview of major border entry points between Nepal and India

	Border entry point		
	Illam		Mahottari
1	Illaka Police Office Pasupati Nagar, Illam	1	Border surveillance centers of Nepal Police
2	Police Post Sri Antu	2	Police Post, Nainhi, Mahottari
3	Police Post Jirmale	3	Police Post, Matihani, Mahottari
4	Border Police Post Manephanjyang Illam	4	Police Post, Samsi, Mahottari
5	Police Post Jaubari Illam	5	Police Post, Raghunathapur, Mahottari
6	Police Post Samalung	6	Police Post, Gaidabhetpur, Mahottari
	Jhapa	7	Police Post, Bathanaha, Mahottari
1	Kakarbhitta	8	Police Post, Pokharbhinda, Mahottari
2	Bhadrapur	9	Police Post, Parsapataili, Mahottari
3	Prithwinagar	10	Police Post, Itahrwakatti, Mahottari
4	Kechana	11	Illaka Police Office, Khayarbani

5	Khajurgachhi	12	Border Police Post, Katikataiya
	Morang	13	Police Post, Bhithamod
1	Border Police Post Rani	14	Sarlahi (14 border points)
2	Ilaka Police Office Rani		
3	Temporary Police Post Materuwa		Parsa (16 border points)
4	Ilaka Police Office Budhanagar	1	Police Checkpoint Inaruwa Parsa
5	Ilaka Police Office Rangeli	2	Police Checkpoint of Inaruwa
6	Border Police Post Pokhariya		Rupandehi
7	Border Police Post Mayaganja	1	Police Post Piprahawa, Rupandehi
8	Police Post Aapagachhi	2	Police Post Mainihawa, Rupandehi
9	Police Post Bardanga	3	Police Post Mainihawa, Rupandehi
10	Police Post Gadariya	4	Police Post Chanauli Bagaha, Rupandehi
11	Police Post Amahiwariyati	5	Ilaka Police Post Belahiya, Rupandehi
12	Police Post Siktti	6	Police Post Meudihawa Rupandehi
13	Border Police Post Doriya	7	Police Post Maryadpur, Rupandehi
14	Police Post Sonapur	8	Border Police Post Kadamhawa, Rupandehi
15	Police Post Mahadewa	9	Border Police Post Kadamhawa, Rupandehi
	Sunsari	10	Police Post Bagauli, Rupandehi
1	Bhantawari,	11	Police Post Pandey Piprahawa, Rupandehi
2	Koshi Barrage	12	Police Post Sumerugadha, Rupandehi
3	Kaptanganj	13	Police Post Sumerugadha, Rupandehi
4	Ghuski	14	Police Post Mudila Karauta, Rupandehi Police Post Gulariya, Rupandehi
5	Sisuwa	15	Police Post Dube Dhumuwa, Rupandehi
6	Dharampur	16	Police Post Khajahana, Rupandehi
	Saptari	17	Police Post Kalidaha, Rupandehi
1	Police Post Tilathi	18	Police Post Sukrauli Aama, Rupandehi
2	Police Post Ram Nagar Kodarkatti		Kapilbatu
3	Police Post Beli	1	Police Post Hathihawa Dohanee (1.Gheruwa Joota Naka, 2.Silwalwa Naka and 3.Chhotidiha Naka)
4	Ilaka Police Office Pato	2	Police Post Gulari Bijuwa (4.Hara Bansapur Naka, 5.Chhotaki Nandanagar Naka)
5	Police Post Rampura Malhaniya	3	Border Police Post Chakar Chauda (6.Chakarchauda Naka, 7. Gaura Naka 8. Buledihawa Naka)
6	Police Post Jhudki	4	Police Post Rangapur (9.Rangapur, 10. Naka Purnihawa Naka)
7	Police Post Tarahi	5	Police Post Maryadpur (11.Khunuwa Naka, 12.Bhagawanpur Naka, 13.Nanawa Naka, 14.Simari Naka and 15.Bandha Naka)
8	Ilaka Police Office Hanuman Nagar Saptari	6	Border Police Post Hardauna (16. Kareliya Naka, 17. Algi Naka, 18. Mujahani Naka, 19.Mujahana Naka)
	Dhanusa	7	Police Post Kushahawa Badhani (20. Badhani Naka and 21 Satabara Naka)
1	Ilaka Police Office Khajuri	8	Police Post Bedarmee (22.Thakurapur Naka 23. Manpur Naka 24. Narainapur Naka 25. Lakhaura Naka)
2	Border Police Post Lagma	9	Police Post Bagahee (26. Bagahee Naka, 27.Dumahee Naka)
3	Police Post Bahedawala	10	Temporary Police Post Linget (28.Linget Naka)
4	Police Post Tulsiyahi	11	Ilaka Police Office Krisna Nagar (29. Banakauda Naka, 30. Kukur bhukuwa Naka, 31. Laxmi Nagar Naka, 32. Yatru Gate Naka)
5	Police Post Duhabi	12	Police Post Sisarhawa (33. Gharbar Naka, 34. Mahadev Naka)
6	Police Post Mukhiyapatti	13	Police Post Bhilmee (35. Bhilmee Naka, 36. Lohari Naka, 37. Banachaura Naka, 38. Charigaun Naka)
7	Police Post Dhanauji	14	Police Post Thakurapur (39. Thakurapur Naka and 40. Nauragiya Naka)
8	Police Post Thadijhijha		Kanchanpur district
9	Police Post Inrauwa	1	Gaddachauki
10	Police Post Balahagotha	2	Bramhadev.
11	Police Post Itaharwa	3	Ilaka Police Office, Dodhara
		4	Ilaka Police Office, Tribhuwanbasti
		5	Ilaka Police Office, Belauri
		6	Police Post, Babathan

		7	Police Post, Jhilmila
		8	Police Post, Bhuda
		9	Police Post, Tedawa
		10	Police Post, Parasan
		11	Police Post, Pachui

Source: Concerned District Police Offices, 2016.

Annex 3.1 Distribution of the girls and women interviewed in the entertainment business, Kathmandu

	Number	Percent
Caste/ethnicity		
Brahmin	53	17.0
Chhetri	72	23.1
Janajati	172	55.1
Dalit	16	5.1
District of origin		
Kavre	23	7.4
Nuwakot	19	6.1
Dhading	19	6.1
Dolakha	19	6.1
Sindhupalchok	16	5.1
Makwanpur	16	5.1
Others	200	64.1
Marital status		
Never married	147	47.1
Married, living with husband	109	34.9
Separated	34	10.9
Divorced	19	6.1
Not responded	3	1.0
Education level		
Illiterate	41	13.1
Primary (1-5 grade)	56	17.9
Lower secondary (6-8 grade)	52	16.7
Secondary (9-10 grade)	88	28.2
Intermediate level	52	16.7
Bachelor	18	5.8
Masters	1	0.3
Not responded	4	1.3
Current employment		
Waitress	5	1.6
Dancer	30	9.6
Singer	25	8.0
Hostess	8	2.6
Cashier	2	0.6
Bartender	2	0.6
Other	94	30.1
Not responded	146	46.8
Total	312	100.0

Source: Safe Migration Project (SaMi) (2016).

Annex 4.1 Countries and territories permitted by the Government of Nepal for foreign employment by 2016

S.N.	Country	S.N.	Country	S.N.	Country
1	Afghanistan	38	Holy See	75	Norway
2	Albania	39	Hong Kong, China	76	Oman
3	Algeria	40	Hungary	77	Pakistan

4	Argentina	41	Iceland	78	Panama
5	Armenia	42	Indonesia	79	Peru
6	Australia	43	Iran	80	Poland
7	Austria	44	Iraq	81	Portugal
8	Azerbaijan	45	Ireland	82	Qatar
9	Bahrain	46	Israel	83	South Korea
10	Bangladesh	48	Italy	84	Slovakia
11	Belarus	49	Japan (JITCO)	85	Romania
12	Belgium	50	Jordan	86	Russia
13	Bolivia	51	Kazakhstan	87	Saipan
14	Bosnia Herzegovina	52	Kenya	88	Saudi Arabia
15	Brazil	53	Kuwait	89	Singapore
16	Brunei Darussalam	54	Lao	90	Slovenia
17	Bulgaria	55	Latvia	91	South Africa
18	Canada	56	Lebanon	92	Spain
19	Chile	57	Libya	93	Sri Lanka
20	China	58	Luxembourg	94	Sweden
21	Columbia	59	Macau, China	95	Switzerland
22	Cambodia	60	Malaysia	96	Seychelles
23	Costa Rica	61	Maldives	97	Tanzania
24	Croatia	62	Malta	98	Thailand
25	Cuba	63	Macedonia	99	Philippines
26	Cyprus	64	Mexico	100	Tunisia
27	Czech Republic	65	Moldova	101	Turkey
28	Denmark	66	Magnolia	102	Uganda
29	Egypt	67	Mauritius	103	Ukraine
30	Estonia	68	Morocco	104	United Arab Emirates
31	Fiji	69	Mozambique	105	United States of America
32	Finland	70	Myanmar	106	Venezuela
33	France	71	Netherlands	107	Viet Nam
34	Germany	72	New Zealand	108	Zambia
35	Great Britain	73	Nicaragua	109	Congo
36	Greece	74	Nigeria	110	Uzbekistan
37	Guyana				

Source: DoFE, 2016 (Labor Migration for Employment: A Status Report 2014/15).

Annex 4.2 Number of foreign labor migrants by sex and country of destination, FY 2007/08-2015/16

Country	2006/07			2007/08			2008/09			2009/10			2010/11		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Qatar	59642	63	59705	85247	195	85442	78562	313	76175	55656	284	55940	104685	996	105681
Malaysia	73998	31	74029	50395	159	50554	35011	59	35070	113733	249	113982	96157	2210	98367
Saudi Arabia	39279	0	39279	42355	39	42394	48618	131	48749	63217	183	63400	80218	237	80455
UAE	25152	20	25172	44881	461	45342	30911	777	31688	31506	1682	33188	49959	4523	54482
Kuwait	2441	0	2441	1573	394	1967	1421	870	2291	6067	2188	8255	12080	12495	24575
Bahrain	1198	2	1200	4878	221	5099	6102	258	6360	3617	617	4234	5333	532	5865
Oman	509	0	509	2503	123	2626	4105	142	4247	2678	607	3285	2868	295	3163
South Korea	724	41	765	143	3	146	2909	0	2909	2526	6	2532	5315	312	5627
Lebanon	0	0	0	73	2490	2563	176	3203	3379	92	3696	3788	38	205	243
Israel	182	223	405	20	90	110	1251	2127	3378	82	234	316	102	472	574
Afghanistan	182	0	182	1398	2	1400	1521	17	1538	733	2	735	822	1	823
Japan	0	0	0	1278	28	1306	1707	120	1827	505	11	516	1036	108	1144
Others	836	10	846	9622	480	10102	1777	577	2354	3626	297	3923	3094	572	3666
Total	204143	390	204533	244366	4685	249051	211371	8594	219965	284038	10056	294094	361707	22958	384665

Source: DoFE (2016) Annual Progress Report of FY 2015/16.

Annex 4.2 (contd.)

Country	2011/12			2012/13			2013/14			2014/15			2015/16		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Qatar	102653	313	102966	102474	1012	103486	126549	2325	128874	122050	2318	124368	127520	1518	129038
Malaysia	104520	1386	105906	151013	7199	158212	208120	6029	214149	196929	5899	202828	59355	1624	60979
Saudi Arabia	70960	156	71116	96328	667	96995	85905	971	86876	97570	676	98246	136958	1571	138529
UAE	42553	1911	44464	50235	8212	58447	49886	5079	54965	46105	7594	53699	44641	8152	52793
Kuwait	9392	5795	15187	9873	7400	17273	11393	7960	19353	8750	918	9668	9286	763	10049
Bahrain	4441	206	4647	3913	305	4218	3738	447	4185	3623	542	4165	2824	322	3146
Oman	2385	57	2442	3054	919	3973	2292	1143	3435	1873	427	2300	2243	816	3059
South Korea	3727	1	3728	4248	192	4440	1821	304	2125	4804	354	5158	6855	577	7432
Lebanon	67	84	151	220	369	589	306	811	1117	136	462	598	51	116	167
Israel	122	151	273	70	70	140	178	496	674	131	319	450	81	108	189
Afghanistan	653	2	655	353	3	356	598	7	605	1495	6	1501	1417	2	1419
Japan	550	53	603	1102	126	1228	1964	134	2098	2742	94	2836	3725	119	3844
Others	2277	301	2578	2947	1239	4186	6098	3260	9358	4651	2419	7070	4450	3616	8066
Total	344300	10416	354716	425830	27713	453543	498848	28966	527814	490859	22028	512887	399406	19304	418710

Source: DoFE (2016) Annual Progress Report of FY 2015/16.

Annex 4.3 Monthly progress report of Embassy of Nepal in Riyadh, Saudi Arab, and FY 2072/73 (2015/16)

	Srawan	Bhadra	Ashwin	Kartik	Mansir	Paush	Magha	Falgun	Chaitra	Total
1. Number of labour problem cases tackled	47	33	9	19	75	48	63	23	76	393
2. Number of housemaid rescued and sent back to Nepal	7	3	3	15	7	13	10	15	10	83
3. Number of dead bodies sent to Nepal	18	28	7	24	21	30	22	11	19	180
4. Number of persons for which compensation sent to MOFA, Nepal	38	38	19	0	0	41	0	40	50	226
Amount of compensation sent to MoFA Nepal (in Saudi Riyal)	285642	285642	96278			342382		528168	412247	1950659
5. Number of travel documents issued	54	59	30	23	247	179	250	206	483	1531
6. Number of visa Issued	26	26	34	46	48	43	25	66	12	326
7. Number of MRP Passport Application sent to DOP	3483	2,838	1710	3106	3,392	2,918	702	256 405	18 438	18423
8. Number of temporary Passport Issued	161	181	180	116	73	21	17	13	17	843
9. Number of demand attestation	55	92	51	70	61	86	108	90	78	779
10. Number of translation / attestation	21	35	26	64	11	79	52	113	86	691
11. Number of power of Attorney (<i>Waresnama</i>)	9	10	8	6	7	9	4	4	12	487
12. Number of general attestation	10	18	10	7	78	25	20	25	14	69
13. Number of amendments in Passport	0	0	0	0	0	0	0	0	0	207

Source: data received from Nepali Embassy to Saudi Arab to NHRC, November 18, 2016.

Annex 5.1 Number of committees against TIP formed at the local levels by districts, Nepal

SN	District	FY 2013/14	FY2014/15	Total
1	Taplejung	1	3	4
2	Panchathar	0	3	3
3	Illam	0	3	3
4	Jhapa	0	3	3
5	Morang	3	3	6
6	Sunsari	0	3	3
7	Dhankuta	0	3	3
8	Terthum	0	3	3
9	Sankhuwasaba	0	3	3
10	Bhojpur	0	3	3
11	Solukhumbu	0	3	3
12	Okhaldhunga	0	0	0
13	Khotang	3	0	3
14	Udayapur	0	3	3
15	Saptari	0	3	3
16	Siraha	0	2	2
17	Dhanusa	0	3	3
18	Mahottari	0	3	3
19	Sarlahi	0	1	1
20	Sindhuli	0	3	3
21	Ramechhap	0	3	3
22	Dolakha	0	5	5
23	Sindhupalchok	0	39	39
24	Kavre	0	53	53
25	Lalitapur	18	5	23
26	Bhaktapur	0	0	0
27	Kathmandu	10	3	13
28	Nuwakot	0	3	3
29	Rasuwa	0	0	0
30	Dhading	0	0	0
31	Makwanpur	0	43	43
32	Rautahat	0	3	3
33	Bara	0	4	4
34	Parsa	0	3	3
35	Chitawan	0	10	10
36	Gorkha	0	3	3
37	Lamjung	0	3	3
38	Tanahu	2	3	3
39	Syanja	0	3	3
40	Kaski	0	3	3
41	Manang	0	3	3
42	Mustang	0	3	3
43	Myagdi	0	1	1
44	Parbat	0	3	3
45	Baglung	0	2	2
46	Gulmi	0	3	3

47	Palpa	3	3	6
48	Nawalparasi	0	3	3
49	Rupandehi	0	3	3
50	Kapilbastu	0	6	6
51	Arghakhanchi	0	3	3
52	Pyuthan	0	3	3
53	Rolpa	0	3	3
54	Rukum	0	3	3
55	Salyan	0	3	3
56	Dang	3	5	8
57	Banke	27	6	33
58	Bardiya	0	3	3
59	Surkhet	0	6	6
60	Dailekha	0	2	2
61	Jajarkot	0	3	3
62	Dolpa	0	3	3
63	Jumla	0	3	3
64	Kalikot	0	3	3
65	Mugu	0	1	1
66	Humla	0	3	3
67	Bajura	0	3	3
68	Bajhang	0	3	3
69	Achham	0	3	3
70	Doti	0	3	3
71	Kailali	0	3	3
72	Kanchanpur	0	3	3
73	Dadeldhura	0	3	3
74	Baitadi	0	3	3
75	Darchula	0	3	3
	Total	70	350	420
	District covered	9	70	71

Source: MoWCSW, 2073 BS. National Report of Human Trafficking and Transportation 2072 (Kathmandu: MoWCSW).

Annex 5.2 Number of GBV victims provided services by Service Centers by districts, FY 2011/12-2015/16

Districts	No. of District/Community based SC	2011/12		2012/13		2013/14		2014/15		Total	
		No. of complaints registered	No. decided	No. of complaints	Number decided	No. of complaints	Number decided	No. of complaints	Number decided	No. of complaints	Number decided
Jumla	5	31	29	64	29	61	44	59	42	215	144
Panchathar	6	54	50	65	50	261	261	114	111	494	472
Doti	7	142	135	43	31	494	486	210	205	889	857
Kanchanpur	6	55	54	90	0	195	193	210	207	550	454
Baglung	6	63	46	159	142	198	168	216	214	636	570
Sunsari	5	45	40	92	82	108	108	227	227	472	457
Solukhumbu	5	0	0	113	98	285	285	249	247	647	630
Nawalparasi	9	41	30	171	146	1035	1011	0	0	1247	1187
Kavre	7	70	57	129	70	495	466	126	126	820	719
Makwanpur	7	123	100	157	157	714	714	179	168	1173	1139
Dang	9	191	0	134	23	404	399	0	0	729	422
Sarlahi	9	0	0	36	24	336	320	9	5	381	349
Saptari	9	49	27	153	128	478	467	0	0	680	622
Tanahu	7	199	123	102	38	319	263	82	51	702	475
Bardiya	9	25	12	59	33	775	753	40	12	899	810
Rautahat	8	0	0	0	0	0	0	0	0	0	0
Pyuthan	7	0	0	0	0	52	48	238	233	290	281
Total	121	1088	703	1567	1051	6230	5938	1959	1848	10844	9540

Source: MoWCSW, 2016 National Report 2072on Trafficking in Persons.

Annex 5.3 Profile of organization working against human trafficking for all 75 districts, FY 2015/16, Nepal

	Districts	No. of NGOs	Name of NGOs working
1	Kathmandu	25	Aasha Nepal, AATWIN, ABC Nepal, Biswas Nepal, CELRRD, Change Nepal, Child Helpline Nepal, CWIN Nepal, CWIS, FWLD, HimRights, LACC, Maiti Nepal, Manab Bichabikhan biroddhi aviyan Nepal, Navajyoti Kendra, NEEDS Sachetana, Paurakhi Nepal, PPR Nepal, RRN (post box 08130), Shakti Milan Samaj, Shakti Samuha, Step Nepal, Teke Samuha, TPO Nepal, Women Forum for the Women (WOFOWAN)
2	Makwanpur	14	ABC Nepal, Child Helpline Nepal, CWIN Nepal, Education Training and Community Service Nepal, FWLD, Gramin Mahila Srijanshil Kendra Mitranagar (WOSS), HimRights, LACC, Maiti Nepal, Nagarpalika Chowk Hetauda, PPR Nepal, RRN Nepal, Shakti Samuha, TPO Nepal
3	Banke	10	CELRRD, CWIN Nepal, FWLD, KI Nepal, LACC, Maiti Nepal, Nepal Child Helpline, RRN, Saathi Sastha, TPO Nepal
4	Sindhupalchok	9	CELRRD, Gramin Mahila Srijanshil Pariwar, LACC, Mahila Aatmanirvar Kendra, Maiti Nepal, Nepal Red Cross Society, Paurakhi Nepal, Shakti Samuha, TPO Nepal
5	Morang	8	ABC Nepal, Child Helpline Nepal, CWIN Nepal, FWLD, KI Nepal, Maiti Nepal, Sana Haatharu, WOREC
6	Kavre	6	CWIN Nepal, LACC, Maiti Nepal, Nepal Tamang Women Ghedung, PPR Nepal, TPO Nepal
7	Lalitapur	6	Aasha Nepal, HimRights, KI Nepal, LACC, Saathi, WOREC Nepal
8	Nawalparasi	6	ABC Nepal, CELRRD, FWLD, KI Nepal, Maiti Nepal, Sunawal Community Development Center
9	Rupandehi	6	ABC Nepal, KI Nepal, Maiti Nepal, Nepal Child Helpline, Sana Hata haru Nepal, WOREC
10	Jhapa	5	KI Nepal, LACC, Maiti Nepal, Sana Hataharu Nepal, Shakti Samuha,
11	Kailali	5	CWIN Nepal, KI Nepal, Maiti Nepal, Nepal Child Helpline, WOREC Nepal
12	Rautahat	5	CELRRD, Legal Investigation and Development Resource Center, Nari Aawaj Kendra, Pressure Group for Women Security, Shakti Samuha
13	Chitawan	4	Aadarsha Griha, CELRRD, KI Nepal, Nepal Child Helpline
14	Kanchanpur	4	KI Nepal, Maiti Nepal, Nari Utthan Kendra, TPO Nepal
15	Saptari	4	Kriyashil Patrakar Samuha Creative Journalist Group), Mahila Jagaran Samaj (Women Awareness Society), Mahila Utthan Samuha (Women Promotion Group), Setu Community Development Center
16	Bara	3	HimRights, RRN Nepal, Shakti Samuha
17	Kalikot	3	Dalit Women Empowerment Center, Kirdak Nepal, Women Protection Network for Women's Human Rights
18	Kaski	3	CWIN Nepal, Nepal Child Helpline, Shakti Samuha
19	Sindhuli	3	Community Service Center, Dalit Women Organization Empowerment Center, Network for Women Protection for Human Rights
20	Sunsari	3	CWIN Nepal, Maiti Nepal, WOREC
21	Bardiya	2	CWIN Nepal, Nepal Child Helpline
22	Bhaktapur	2	CELRRD, CWIS
23	Dailekha	2	Aawaj, Nepal Child Helpline
24	Dhading	2	Chandra Jyoti Akikrita Bikash Samaj, Nari Jagaran Kendra
25	Dolakha	2	CWIN Nepal, RRN Nepal
26	Kapilbastu	2	KI Nepal, Saathi District Office,
27	Nuwakot	2	Maiti Nepal, Shakti Samuha
28	Parsa	2	KI Nepal, Maiti Nepal
29	Rolpa	2	Community Service Center, Women's human rights protection network
30	Rukum	2	Community Police, CWIN Nepal
31	Salyan	2	Women's human rights protection network, WOREC,
32	Udayapur	2	Child Helpline Nepal, WOREC Nepal
33	Dang	1	WOREC-Nepal
34	Dhanusa	1	WOREC-Nepal
35	Gorkha	1	WOREC-Nepal
36	Illam	1	Maiti Nepal
37	Lamjung	1	Nepal Child Helpline
38	Mugu	1	Human Rights Protection Network
39	Parsa	1	HimRights
40	Pyuthan	1	Mahila Sahayuga Mancha (Forum for Women Support)
41	Ramechhap	1	RRN Nepal
42	Sankhuwasaba	1	Rural Reconstruction Nepal (RRN)
43	Siraha	1	WOREC-Nepal
44	Surkhet	1	Aawaj

Note that there were no NGOs working on safe migration and anti-trafficking initiatives were listed in the Profile of MoWCSW in the following 31 districts: Achham, Arghakhanchi, Baglung, Baitadi, Bajhang, Bajura, Bhojpur, Dadeldhura, Darchula, Dhankuta, Dolpa, Doti, Gulmi, Humla, Jajarkot, Jumla, Khotang, Mahottari, Manang, Mustang, Myagdi, Okhaldhunga, Palpa, Panchathar, Parbat, Rasuwa, Rolpa, Sarlahi, Solukhumbu, Syanja, Tanahu, Taplejung, Terthum.

Source: MoWCSW (2016) Profile of the NGOs.

Annex 6.1 Number of inmates/thunuwa on the charge of human trafficking and transportation, Nepal by districts

SN	District	Female		Male		Total		Total
		Inmate	Thunuwa	Inmate	Thunuwa	Inmate	Thunuwa	
1	Taplejung	0	0	1	1	1	1	2
2	Panchthar	1	0	1	1	2	1	3
3	Illam	5	1	7	1	12	2	14
4	Jhapa	13	17	17	18	30	35	65
5	Morang	6	2	19	6	25	8	33
6	Sunsari	0	0	40	9	40	9	49
7	Tertham	1	0	3	0	4	0	4
8	Bhojpur	0	0	2	0	2	0	2
9	Dhankuta	0	0	1	0	1	0	1
10	Sankhwasaba	4	0	6	0	10	0	10
11	Okhaldhunga	0	0	0	0	0	0	0
12	Solukhumbu	0	0	0	0	0	0	0
13	Saptari	0	0	0	0	0	0	0
14	Siraha	1	0	1	0	2	0	2
15	Udayapur	0	0	2	0	2	0	2
16	Khotang	0	0	0	0	0	0	0
17	Dhanusa	Na						
18	Mahottari	2	0	4	4	6	4	10
19	Sarlahi	0	0	0	0	0	0	0
20	Sindhuli	1	0	1	0	2	0	2
21	Ramechhap	0	0	10	0	10	0	10
22	Dolakha	0	0	0	0	0	0	0
23	Rautahat	1	0	2	0	3	0	3
24	Bara	Na						
25	Parsa	55	0	4	0	59	0	59
26	Makwanpur	0	0	17	0	17	0	17
27	Chitawan	5	0	13	0	18	0	18
28	Kavre	0	0	5	0	5	0	5
29	Nuwakot	4	2	22	4	26	6	32
30	Rasuwa	0	0	9	0	9	0	9
31	Dhading	2	0	3	1	5	1	6
32	Sindhupalchok	0	0	0	0	0	0	0
33	Kathmandu (Jagan Dewal and Delli Bazar)	29	17	92	32	121	49	170
34	Lalitapur (Nakkhu)	0	0	12	0	12	0	12
35	Bhaktapur	Na						
36	Manang	0	0	0	0	0	0	0
37	Gorkha	1	0	0	0	1	0	1
38	Lamjung	1	0	1	0	2	0	2
39	Kaski	7	0	19	0	26	0	26
40	Syanja	0	0	2	0	2	0	2
41	Tanahu	0	0	1	0	1	0	1
42	Mustang	0	0	0	0	0	0	0
43	Baglung	2	0	1	0	3	0	3
44	Myagdi	0	0	0	0	0	0	0
45	Parbat	1	0	1	0	2	0	2
46	Rupandehi	0	0	13	0	13	0	13
47	Nawalparasi	11	8	4	3	15	11	26
48	Kapilbastu	0	0	11	0	11	0	11
49	Arghakhanchi	0	0	1	0	1	0	1
50	Palpa	23	3	12	0	35	3	38
51	Gulmi	1	0	2	0	3	0	3
52	Humla	0	0	0	0	0	0	0

53	Jumla	0	0	0	0	0	0	0
54	Kalikot	0	0	0	0	0	0	0
55	Mugu	0	0	0	0	0	0	0
56	Dolpa	0	0	0	0	0	0	0
57	Dailekha	0	0	7	0	7	0	7
58	Jajarkot	0	0	0	0	0	0	0
59	Banke	7	4	13	7	20	11	31
60	Surkhet	2	0	4	1	6	1	7
61	Bardiya	4	1	7	1	11	2	13
62	Rukum	0	0	3	0	3	0	3
63	Salyan	1	0	1	2	2	2	4
64	Pyuthan	0	0	0	0	0	0	0
65	Rolpa	0	0	1	0	1	0	1
66	Dang (Ghorahi and Tulsipur)	0	0	2	1	2	1	3
67	Bajhang	0	0	1	0	1	0	1
68	Bajura	0	0	0	0	0	0	0
69	Doti	0	1	1	0	1	1	2
70	Achham	0	0	0	0	0	0	0
71	Kailali	6	4	4	4	10	8	18
72	Darchula	0	0	3	0	3	0	3
73	Baitadi	0	0	3	0	3	0	3
74	Dadeldhura	0	0	2	0	2	0	2
75	Kanchanpur	4	2	18	4	22	6	28
	Total	201	62	431	99	632	161	793

Source: Department of Prison Management, MoHA cited in WCSW Annual Report 2016/17 (forthcoming).

Annex 1.2 Name of the staff of Freedom Fund Partner Organizations participated in the discussion about internal trafficking in entertainment sector, Kathmandu

SN	Name of the staff	Name of organization
1	Victor Thapa	YST Nepal
2	Janka Joshi	KCDC
3	Kabita Shah	Saath Sath
4	Narbada Sorali	Shakti Samuha
5	Srijana Pun	WOFOWON
6	Radhika Karki	GMSP
7	Shadha Baskota	
8	Manju Marasaini	CeLRRd
9	Bhupal Dhakal	CAP Nepal
10	Bhawisha Koirala	AATWIN
11	Satri Joshi	AATWIN
12	Binu Lama	CAP Nepal
13	Tara Bhandari	Biswas Nepal
14	Srada Paudyal	CAP Nepal
15	Pramesh Pradhan	Change Nepal
16	Garima Shrestha	Change Nepal

Annex 1.3 Border observation and monitoring, Kapilbastu, Rupandehi and Nawalparasi

SN	Name of border location	Name of GOs/NGOs	Name of staff interviewed	Date of observation
1	Krishna Nagar, Kapilbastu (small entry point)	KI Nepal	Menuka Giri Sunita Saru	December 1, 2016
	Krishna Nagar, Kapilbastu (main entry point)	KI Nepal	Padma Gaire Sunita Saru	
2	Belahiya/Sunauli, Rupandehi	Maiti Nepal	Sunita Rai Januka Adhikari	December 2, 2016
		Three Angles Nepal	Sita Khatri Hema Bum	
		KI Nepal	Manu Rana Magar Nisha Giri	
3	Maheshpur, Chhoti Bhansar, Nawalparasi	Maiti Nepal	Ganga Sunwar Sharaswati Tiwari	December 3, 2016
		Border Police, Maheshpur	Inspector Mr. Sailendra Bhatta	

Annex 1.4 Name list of persons in which interaction conducted

SN	Name and designation	Remarks
	District Committee, Banke	
1	Rabi Lal Pantha, CDO Banke	Chair, District Committee, Banke
2	Tek Prasad Rai, SP, Banke	Member, District Committee, Banke
3	Sunita KC, Women and Children Officer, Banke	Member-Secretary
4	Maimuna Siddiki, Fatima Foundation, Banke	Member
5	Saraswoti Sharma, Saathi Sastha	Member
6	Kalpana Panta, Saathi Sastha	Member
7	Gayatri Rimal, Maiti Nepal	Member
	District Committee, Bardiya	
1	Bishnu Bahadur Thapa	CDO, Bardiya
2	Tara Dutta Panta	SSP, District Police Office, Bardiya
3	Bhoja Raj Shrestha	Assistant CDO, Bardiya
4	Bharat Bahadur Bohora	DSP, Bardiya
5	Bimala BK	Dalit Women Utthan Shangha
6	Parhati Pandit	DDC, Bardiya
7	Bimala Nepal	Tinny Hands Nepal
8	Tara BK	Tinny Hands Nepal
9	Gayatri Rimal	Maiti Nepal
10	Gira Basnet	Women and Children Officer, Bardiya
11	Shetha Kanta Paudyal	Land Reform Office, Bardiya
12	Tej Raj Sharma	DDC Office
13	Min Raj Sharma	Federation of Nepal Journalist Association, Bardiya
	Women Cooperatives, Gulariya, Bardiya	
1	Indira Subedi	Chairperson, Sunaulo Women Cooperative, Gulariya
2	Khuma Pokheral	Manager of the Cooperative
3	Krishna Devi Chaudhari	Member of the Cooperative
4	Badri Kala Acharya	Vice President of the Cooperative
	Tikapur, Kailali district	
1	Bala Ram Sharma	Chief, Tikapur Municipality
2	Sudhir Raj Pathak	DSP, Tikapur
3	Amrit Rawal	Information Section, Tikapur Municipality
4	Nava Raj Joshi	Tikapur Municipality
5	Bhanu Bhakta Joshi	Subba, Illaka Administration Office, Tikapur

Interaction with District Committee/NGOs in Dhanghadi, Kailali		
1	Hari Lal Chaudhari	Assistant CDO, Kailali
2	Sriva Charan Chaudhari	Maiti Nepal, Kailali
3	Hari Lal Chaudhari	CWIN Nepal
4	Gopal Karki	District Police Office, Kailali
5	Sarita Chaudhari	WOREC Nepal
6	Sabita Ghimire	Dalit Women Rights Forum
7	Puja Kafle (Ghimire)	WDO, Kailali
8	Lokesh Dhami	Radio Pachim Today
9	Kailash Rana	PRC, Kailali
10	Tara Thakunna	Creative Creation Society
11	Radha Joshi	Shakti Samuha
12	Anju Shrestha	TPO Nepal
13	Rabindra Chaudhari	INSEC
14	Dhanapati Dhungana	Tinny Hands Nepal
Interaction with Kanchanpur District Committee/Stakeholders		
1	Prem Singh Kuwar	Assistant CDO, Kanchanpur
2	Gayanti Giri	WDO Officer, Kanchanpur
3	Krishna Singh Deuba	CWIS Nepal
4	Netra Bhahadur Tamang	Bar Association of the High Court, Kanchanpur
5	Bhagiratha Joshi	CellRd, Kanchanpur
6	Ishor Upadhaya	Needs Nepal
7	Deepak Bhatta	Three Angles Nepal
8	Khem Raj Bhatta	District Government Attorney Office, Kanchanpur
9	Sapana Devi Chaudhari	WCSC, Kanchanpur
10	Sita Bohara	Conflict Affected and Single Women Development Center
11	Urmila Shai	Saathi, Kanchanpur
12	Rabi Bibash	Bikalpa Daily Newspaper
13	Rajendra Bhatta	Nagarik Daily Newspaper
14	Birana Bhatta	Nari Utthan Center
15	Komal Niranjana Bhat	INSEC Kanchanpur
16	Punam Singh (Chand)	LAC, Kanchanpur
17	Bhuvan Kuwar (KC)	KOCAP, Kanchanpur
18	Maheshwari Bhatta	Maiti Nepal, Kanchanpur
19	Sharada Chand	Women and Elderly Service Center, Kanchanpur
20	Laxmi Bohara	WHRD
21	Bhagawati Thapa	WHRD
22	Laxmi Chand	Victim of domestic violence
23	Lalun Lawad	Victim's anti – Bhim Datta Municipality-6
24	Januka Lawad	Victim of attempted trafficking through child marriage
Interaction with District Committee/Stakeholders, Bhairahawa, Rupandehi		
1	Dila Rana	Assistant WDO, Rupandehi
2	Rama Rumel	WDO Office, Rupandehi
3	Ambu KC	WDO Office, Rupandehi
4	Nijamuddin Pathan	Maiti Nepal, Rupandehi
5	Radhika Sharma	WDO Office, Rupandehi
6	Prahha Nepal	Maiti Nepal, Rupandehi
7	Sital Pun	Small Hands Nepal, Rupandehi
8	Usha Gurung	KI Nepal, Rupandehi

9	Bishnu Bhandari	Three Angles Nepal, Rupandehi
10	Sundar Aaijan	ABC Nepal, Rupandehi
11	Subhadra Gautam	WDO Office, Rupandehi
12	Maiya Gurung	WDO Office, Rupandehi
13	CK Chaulagain	NRRC regional office Butwal
14	Buddhi Narayan Sahani	NRRC regional office Butwal
15	Kalpana Nepal	NRRC regional office Butwal
16	Dr. Govind Subedi	NHRC – Consultant

Annex : 1.5– Name list of stakeholders to which interaction conducted at NHRC head office .

Consultation meeting about preparation of Human Trafficking National Report 2015/16 with state holders , on 2074/5/31:

S.N.	Name	Organization/Address
1.	Hon. Anupraj Sharma(Chairperson)	NHRC
2.	Hon. Sudip Pathak(Member)	NHRC
3.	Hon. Govinda Sharma Poudel(Member)	NHRC
4.	Dr. Govinda Subedi	Consultant, NHRC
5.	Sunita Nepal	MOCSW
6.	Gyanraj Koirala	MOHA
7.	Bharati Pokherel	ILO
8.	Hira Dahal	Chhori
9.	Pramesh Pradhan	Change Nepal
10.	Manju Marasini	CeLRRd
11.	Sabita Moktan	CAP Nepal
12.	Indu Dhungana	Navjyoti Center
13.	Nirmala Baral	ABC Nepal
14.	Parshu Ram Chaudhari	SAATHI
15.	Tara Bhandari	Biswas Nepal
16.	Bhawana Ayer	Biswas Nepal
17.	Neha Sharma	MMSD
18.	Bhawesh Rimal	Nepal Police
19.	Rameshwor Kharel	NCCR 104
20.	Narendra Shah	NCCR 104
21.	Rupesh P Khanal	Ministry of Education
22.	Sangeeta Koirala	MOHA
23.	Dhurba Raj Chhetry	NWC
24.	Kopila Rijal	WPNCC
25.	Asmita Sapkota	WOREC
26.	Hira Singh Thapa	SOSEC
27.	\krishna Prasad Neupane	People Forum
28.	Mani Ram Acharya	Terre desh home(Tdh)- Tripureswor
29.	Sabin Gurung	Maiti Nepal
30.	Krishna Subedi	CWISH
31.	Basu Bhattarai	PRC
32.	Kosh Raj Neupane	NHRC
33.	Yeshoda Banjade	NHRC
34.	Saman Manandhar	NHRC
35.	Kamal Thapa Kshettri	NHRC
36.	Murari P Kharel	NHRC(NPJ)
37.	Benumaya Gurung	AATWIN

S.N.	Name	Organization/Address
38.	Laxmi Karki	RRN
39.	Samjha Shrestha	INSEC
40.	Indra Raj Bhattarai	KI Nepal
41.	Shradha Thapa	Amnesty International Nepal
42.	Sumitra Shrestha	COCON
43.	Manoj Neupane(SSP)	CIB, Nepal Ploice
44.	Shiddhi C. Baral	NNSM/Asian Forum
45.	Ashok Rana	NNSM/Youth Action
46.	D.B. Magar	Pourakhi Nepal
47.	Bishnu Kharel	IDI Nepal
48.	Pitamber Koirala	TPO Nepal

Consultation Meeting on National Human Rights Commission of Nepal Recommendation Implementation Status on TIP 2013-15, on Mangsir 8, 2073 B.S.::

S.N.	Name	Organization/Address
1.	Hon. Mohana Ansari	NHRC
2.	Sunita Nepal	MOWCSW
3.	Sanju Khanal	WOREC
4.	Krishna Prasad Neupane	People Forum
5.	Satish Sharma	PPR Nepal
6.	Bharati S Pokharel	ILO
7.	D.B. Magar	POURAKHI, Nepal
8.	Writtu Bhattarai	Swatantra Abhiyan Nepal
9.	Manju Marasini	CeLRRd
10.	Charimaya Tamang	Shakti Samuha
11.	Yagya Adhikari	NHRC
12.	Kul Prasad Karki	Pravasi Nepali Committee
13.	Kishor Pd. Poudel	Conquer Nepal
14.	Sanjaya Kr. Chaudhary	PNCC
15.	Suresh Tamang	Nepal Samacharpatra
16.	Sudhir Bhattarai	Ministry of Foreign
17.	Nilambar Badal	Asian Forum/ Safe Migration
18.	Sabin Gurung	Maiti Nepal
19.	Govinda Khanal	Ministry of Law
20.	Yadu Prasad Panthi	Ministry of Information and Communication
21.	Baburam Gautam	Pathyakram Bikash Kendra
22.	Kumar Pokhrel	Ministry of Home Affair
23.	Krishna Dhungana	Ministry of Education
24.	Nirmala Thapa	Foreign employment promotion Board
25.	Bhawisha Koirala	AATWIN
26.	Dr. Govinda Subedi	NHRC, Consultant
27.	Kamal Thapa Kshetri	NHRC
28.	Yeshoda banjade	NHRC

Consultation meeting about Final draft of Human Trafficking National Report 2015/16 with NGOs in 2074/1/20 B.S.(3 May 2017) :

S.N.	Name	Organization/Address
1.	Hon. Mohana Ansari	NHRC
2.	Benumaya Gurung	AATWIN
3.	Tara Bhandari	Bishwas Nepal

4.	Krishnaraj Gautam	Rastriya Samachar Samiti
5.	Neha Sharma	MMSD Nepal(Journalist)
6.	Hira Dahal	Chhori
7.	Satish K. Sharma	PPR Nepal
8.	Sneha Ghimire	ABC Nepal
9.	Alisha Lama	Navjyoti Centre
10.	Anita Khadka	KI Nepal
11.	Tara Nath Ghimire	Chhori
12.	Mahashankar Upadhyay	CAP Nepal
13.	Victory Thapa	YST Nepal
14.	Mina BK	PRC Lalitpur
15.	Writtu Bhatta Rai	Swatantra Abhiyan Nepal
16.	Advocate Krishna Prasad Neupane	People Forum
17.	Advocate Apekshya Niraula	WOREC
18.	Rita Thapa Magar	IHWOLAG
19.	Dilip Koirala	Shakti Samuha
20.	Nabin Kumar Shrestha	Mahila Kanun Tatha Bikas Munch
21.	Saman Manandhar	NHRC
22.	Rasana Dhakal	Mahilako Nimti Mahila Munch
23.	Sumina Machamasi	Change Nepal, Kathmandu
24.	Sushila G.C.	Tiny Hands, Nepal
25.	Karuna Shrestha	Tiny Hands, Nepal
26.	Charimaya Tamang	Shakti Samuha
27.	Anita Shrestha	The Himalayan Times
28.	Sharmila Khanal	Radio Kantipur
29.	Dr. Govinda Subedi	NHRC, Consultant
30.	Kamal Thapa kshetri	NHRC
31.	Yeshoda Banjade	NHRC

Consultation meeting about Final draft of Human Trafficking National Report 2015/16 with GOs in 2074/1/22 B.S.(5 May 2017):

S.N.	Name	Organization/Address
1.	Hon. Mohana Ansari	NHRC
2.	Basudev Ghimire	Department of Immigration
3.	Kumar Pokharel	Ministry of Home Affair
4.	Uttam Shahi	Ministry of Foreign
5.	Shila Sapkota	District administration Office, Kathmandu
6.	Laxmi Khanal	Nepal Police, Directorial Office of Women and Children
7.	Sunita Shah	Central Child Welfare Committe
8.	Aruna Joshi	Kanun, Nyaya tatha Sansadiya Mamila Mantralaya
9.	Durga Khadka	Office of Attorney General, Ramshahpath
10.	Madhu Aryal	National Women Commission
11.	Mukunda Acharya	Supreme Court
12.	Dipak Bhandari	Baideshik Rojgar Nayadhikaran
13.	Kabita Parajuli	Intern, NHRC
14.	Kamal Khadka	Nepal Police, NCB Kathmandu, Interpol
15.	Sannani adhikari	MOWCSW
16.	Hom Prasad Luitel	Dept. of Consular Services
17.	Asmita Pokharel	NHRC
18.	Dr. Govinda Subedi	Consultant, NHRC
19.	Kamal Thapa kshetri	NHRC
20.	Yeshoda Banjade	NHRC

Photograph of Different Activities



National Anti-Trafficking Day, 20 Bhadra 2073



Rally of 10th National Anti-Trafficking Day, on 20 Bhadra 2073



Consultation Meeting on Implementation Status of TIP Recommendation on Mangsir 8, 2073 B.S.



Consultation meeting on final draft sharing of TIP report 2015/16, 2074/1/22 B.S. (5 May 2017)



Consultation meeting on final draft sharing of TIP report 2015/16, 2074/1/22 B.S. (3 May 2017)



TIP National Reports 2013-15, dissemination on June 2016 at NHRC by Hon. Chairperson Anup Raj Sharma



Consultation meeting with stakeholders -TIP Report 2015/16



Initial consultation meeting with stakeholders - TIP National Report 2015/16, 2073-05-31

