

# Trafficking of Women and Girls in Nepal

Study on Trends following the 2015 Earthquake



# Trafficking of Women and Girls in Nepal

Study on Trends following the 2015 Earthquake

**PRAGYA**

83, Sector-44 Institutional Area  
Gurgaon-122003  
Haryana, India.

Tel. +91 124 4947000  
Email. [pragyain@pragya.org](mailto:pragyain@pragya.org)

[www.pragya.org](http://www.pragya.org)

## 01

## Introduction

Gender-based Violence against women and girls continues to be one of the most obdurate problems in Nepal, implicitly supported by a deeply patriarchal society and a passive submission to it by women due to their economic dependence and social conditioning. Some of the common gender based violence faced by girls and women of Nepal include witchcraft accusations, domestic violence, child marriage, marital rape, polygamy, dowry related harassment, female infanticide and trafficking of women and girls for sexual abuse, among others. Apart from these, implicit and explicit forms of violence against women include teenage pregnancy and early motherhood, gender disparity in school enrolment as well as overall educational attainment, and the poor condition of women's nutritional status, to name a few.

Probably the worst among the forms of atrocities against women and girls is that of human trafficking. The scale of this problem in Nepal was first realized on 5 February 1996, after 484 young girls were rescued from Mumbai's red light districts. What shook both Indian and Nepali governments back then was that 238 girls out of 484 were identified as Nepali nationals. More recent data, especially those of the UN and local NGO's, show that around 12,000 to 15,000 girls are trafficked from Nepal every year, and

most of whom, end-up in Indian brothels while some go as far as South Korea and South Africa, with China, Malaysia, Hong Kong and Middle East being the other destinations. Of 13,600 reported attempt to trafficking victims, 98% are females; of 6,200 trafficked persons, upwards of 60% are female, and as many as 50% are below the age of 18; of 3,900 untraced persons suspected to have been trafficked, over 70% are girls. This is an indication towards the gendered nature of the problem in which women and children are the prominent victims (NHRC Nepal, 2017).

The everyday abuse and violence against women and girls and the steady occurrence of crimes against women is frequently spiked by economic and social crises at the household level or even political strife or natural disasters. Gender-based violence and particularly trafficking has been reported to have increased significantly in the aftermath of the 2015 Gorkha earthquake.

Based on the above, Pragya carried out an in-depth thematic study on the issue of trafficking to better understand its different aspects, examine the prevalence and factors, and highlight gaps where intensive research or interventions might be undertaken, particularly to combat it in the aftermath of the 2015 earthquake in Nepal

THE EVERYDAY ABUSE AND VIOLENCE AGAINST WOMEN AND GIRLS AND THE STEADY OCCURRENCE OF CRIMES AGAINST WOMEN IS FREQUENTLY SPIKED BY ECONOMIC AND SOCIAL CRISES AT THE HOUSEHOLD LEVEL OR EVEN POLITICAL STRIFE OR NATURAL DISASTERS. GENDER-BASED VIOLENCE AND PARTICULARLY TRAFFICKING HAS BEEN REPORTED TO HAVE INCREASED SIGNIFICANTLY IN THE AFTERMATH OF THE 2015 GORKHA EARTHQUAKE

# 02

---

## Aim and Methodology

The aim of this study is to understand trafficking of women and adolescent girls in Nepal with a particular focus on the incidence and causatives since the 2015 earthquake, and drawing out implications for designing targeted interventions.

**The study comprises 3 types of analysis:**

1. Review of secondary literature and existing data on trafficking in Nepal,
2. Review of primary data collected from specific locations to understand trends since the 2015 earthquake as well as ongoing initiatives and programs to address the issue, and
3. Stakeholder consultations carried out to understand what initiatives need to be taken to better tackle the issue.

**The paper divides into broad sections, where each section seeks to answer a specific research question. The research questions conceptualized for the study are as follows:**

1. What is the pattern of violence against women and girls in Nepal?
2. What is the process of trafficking of trafficking in Nepal and what are its various causes? What are the problems faced by trafficking victims at various stages of the trafficking experience?
3. Are there any patterns to trafficking in Nepal? For instance, which are the regions or districts with higher incidence of trafficking? What are the routes, transit points and destinations? Has there been any change in this trend since the recent earthquake?
4. What are the regional and national level agencies working to address trafficking? What are the ongoing initiatives in Nepal that focus on combating trafficking?
5. What are the recommendations to curb trafficking, address needs of vulnerable women and adolescent girls, and build capacities of various agencies for combating trafficking in the post-2015 earthquake scenario?

03  
—

## Key Findings

## 3.1 Violence against women and girls in Nepal

In spite of its legal framework and the ratification of several international conventions, violence against women and girls is to an endemic degree in Nepal, with one in every five women experiencing physical violence and one in 10 experience sexual violence (2011 Nepal Demographic and Health Survey - NDHS). Violations include: domestic violence, polygamy, torture and battery in the name of practicing witchcraft, rape, sexual abuse, women trafficking, early and/or forced marriage and childbearing, dowry and associated violence. GBV is significantly associated with long-term social, physical, emotional, and psychological consequences, including mental health disorders, dysfunction and disability and is also known to be a major reason for suicide to be the leading cause of death among Nepali women of reproductive age. A comprehensive documentation of violence against women and girls in 2013 [by Informal Sector Service Centre (INSEC)] brought out 2,348 reported victims of violence among women and 700 among girls. Majority of these cases were of domestic violence (1,569), followed by Polygamy (283), rape (215), victims abused on charge of practicing witchcraft (69), sexual abuse (52), women trafficking or attempted trafficking (52). Age group wise breakdown of the victims of GBV found that women between 24 and 29 are most vulnerable (750

victims), followed by 18-23 age group (597 victims) and 30-35 age group (494 victims); 36-41 age group (227 victims), 42-47 age group (135 victims), 48-53 age group (66 victims), 54-59 age group (28 victims), 60-65 age group (31 victims), were also found to be vulnerable; vulnerability reduced only at 66-71 age group (11 victims), and 72+ age-group (9 victims).<sup>1</sup>

**Patriarchy and associated discrimination:**

Nepali society is characterized by a staunchly patriarchal system with deep-rooted malpractices of male domination and subjugation of women that maintain the discrimination and control of women by men (Nepal is 110th of 144 countries on the Gender Gap Index), from which stem several forms of violence against women and girls and violence-supportive attitudes and customs. Women and girls live within the confines of rigid gender norms, dependent on the men in their families, and suffering disproportionate access to essential services of healthcare and education, exclusion from decision-making, land-ownership and paid employment.

<sup>1</sup> "Violence against Women and Girls: Assessing the Situation in Nepal in 2013," Informal Sector Service Center, 2014, retrieved from: <http://www.inseconline.org/pics/1394188608.pdf>.



## Low access to education and health

The male/female mortality differential indicates that women have lower levels of welfare, with inferior access to health care, nutrition and education than men. Female life expectancy is 59.8 years; 75% of pregnant women and 50% of women aged 15-59 are anaemic. In contrast to 33% women, only 10% men have never attended school and 37% men have finished their School Leaving Certificate, as

against 24% women (DHS, 2016). Girls' attendance in schools and their educational attainment tends to act as a deterrent against teenage pregnancy and early motherhood. However, young girls in Nepal, especially those from impoverished families and rural areas tend to start their childbearing early- data on teenage pregnancy shows that 30.2% girls of 19 years of age have had a live birth.



**Lack of resources and opportunities:** Although the Nepalese Constitution does not allow discrimination based on sex, caste, and creed or colour, there are more than 150 discriminatory provisions against women in the forms of denial access to and control over resources, restricted mobility, and low representation in decision-making positions in civil services, politics, and public sectors. This further restricts women's economic independence and renders them vulnerable to GBV. Due in part to their lower education levels women also earn between 25% to 60% less than men (World Bank 2005). Lack of opportunities for advancement and the attendant problems result in longer working hours, illiteracy, poor health, high maternal mortality rates, witch-hunting and so on. Gender equity and inclusion of women in the political, economic and social arena of Nepal has been nominal at best with women in Parliament holding less than 6% of seats. Government allocations for programmes for women indicate the low importance accorded even at the State level- only 2.3% of the total budget of even the 3 sectoral ministries most important to women (Health, Education and MWCW).

**High rate of domestic violence:** Several factors have contributed to the milieu of violence against women and girls- men's proprietary attitudes towards women, cultural duties and commitments and the social position of women, their legal subordination and financial dependency. Among the broad categories in forms of violence, emotional violence is highly reported, followed by physical, sexual and economic. Statistics on prevalence of sexual violence have revealed that almost half of women (48%) in Nepal have experienced sexual violence at some point in their lives. A research done in 2000 by a non-government organization, SAATHI, revealed that 66% of the women in the country endure verbal abuse, 33% emotional abuse; 58% of women who suffered domestic violence confirmed daily abuse. In 2013, the picture has not changed and 25% of married women reported physical or sexual violence perpetrated by their spouses (Govt

of Nepal, 2013); at the same time, 61% of women who had experienced violence never reported it/ them to anyone, and only 13% reported knowledge of laws against violence against women (Nepal Demographic Health Survey, 2011). 77% of the perpetrators of VAWG were the family members. Associated risk factors include, intimate partner's use of alcohol and exercise of perceived sexual entitlements, as well as women's lack of autonomy, awareness, access to family and legal support systems, and the practice of early marriage.

**Predatory violence in public spaces:** Although there has been little focus on VAWG in public spaces in Nepal, in comparison to domestic violence, this phenomenon is on the rise. As many as 22% of the recorded cases of victimisation of women in the year 2013 comprised VAWG in public spaces, including rape, attempt to rape, and sexual abuse. This is in spite of the very low rate of reporting of such cases due to the fear of social stigma and retaliatory actions by the perpetrator. Inadequacies in infrastructure, such as poorly lit roads, lack of public toilets, etc., combine with the prevailing perception of women as a commodity for the pleasure of men, and the non-availability of police personnel as well as their ingrained patriarchal and misogynistic attitudinal biases compounds the issue.



---

## TRAFFICKING AS A COMMERCIAL EXPLOITATION OF WOMEN

Women and adolescent girls are tricked, lured or abducted from rural areas to urban areas in adjoining countries for both sex work and labour, mostly by force. Those taken for sex trade end up at cabin/dance restaurants, massage parlours, brothels, etc., are coerced into commercial sex acts and are rarely able to leave the trade. Those trafficked for labour end up in carpet or garment factories, domestic labour or brick-kilns. The benefits typically accrue to the male members of the families or the traffickers and the victim lives in slave-like conditions. The range of causal factors and the impacts on the lives of the trafficking victims are dealt with in detail in the next section and the scale and pattern of the problem is dealt with in the section following.



**PRAGYA**

**21,000,000**  
people globally are victims of human trafficking  
for forced labour & sexual exploitation

**Women & girls  
constitute 71%**

**#Endhumantrafficking**



## 3.2

---

# Trafficking in Nepal

Due to its open borders with India, the movement of human traffickers and their victims out of Nepal is unchecked and easy.

# Trafficking in Nepal

Nepal is one a major source country of human labour in the world. While some of the migration that happens from the country is for the purpose of decent work which generates incomes and much valued remittances for the families of the migrant workers in Nepal, much of it is clandestine in nature.

This characteristic of the migration leads to several malpractices, including forced labour, sub-human working conditions and meagre remuneration, as well as frequently use for commercial sex. The most vulnerable in Nepalese society, its women and children are regarded as commodities and are sold and exploited for profit. Due to its open borders with India, the movement of human traffickers and their victims out of Nepal is unchecked and easy. In 2013-14 and 2014-15, Nepal had 9,000 to 9,500 victims of attempted trafficking, while 8,000 to 8,500

were actually trafficked (NHRC Nepal, May 2016). In 2015-16 alone, the estimated number of trafficking victims was around 23,200: 6,100 persons were trafficked; 13,600 were victims of attempted trafficking; and 3,900 remain missing.

Trafficking victims :  
**9,000 – 9,500**

**2013-14 and 2014-15**

Actually trafficked:  
**8,000 – 8,500**

Trafficking victims :  
**23,200**

**2015-16**

Actually trafficked:  
**6,100**

Attempted trafficking:  
**13,600**

Missing victims:  
**3,900**

### 3.2.1 Process of trafficking

Source	Route	Destination
<b>Initiating:</b> through sale by families, fraud, lure		
<b>Recruiting and transporting:</b> by initiating or intermediary traffickers		
<b>Harbouring and transfer:</b> by traffickers' networks, via use of legal/fraudulent documentation and multiple intermediate locations for overseas travel.		
<b>Receipt at destination:</b> across borders and entry into sex work or forced labour.		
<b>Commercial slavery and bondage:</b> enslaved, forced into sex work or labour, controlled by 'owners' and unable to escape.		
<b>Escape or return:</b> return to stigma and ostracization.		

**Initiating:** Trafficking has a strong involvement of close family members in most cases. Most victims of trafficking are either sold by poor parents or families often to settle debts, or tricked into fake marriages, or even promised employment in towns before ending up in the sex trade or forced labour. The initiating (and intermediary) traffickers usually belong to the same location as the victim, and are familiar to the victims, as friends, peer group members, relatives or neighbours, which makes it easier for them to prey on and lure their victims with lies and deception. The victimization process

begins with spinning false hopes and dreams linked to escaping poverty, a powerful bait for the impoverished victim.

**Recruiting and transporting:** The victims depart the source location in the company of the initiating or intermediary traffickers who play a vital role in the first stage of trafficking. Majority of the victims are not aware that they are being trafficked, or of the exact nature of the exploitative conditions and work that they are entering into, and are lulled or even motivated by social, familial, and economic circumstances.

**Harbouring and transfer:** The traffickers work in networks and the processes are well-set in terms of the linkages between the traffickers and transporters, cooperation with officials and police, as well as procedures for legal documentation for overseas travel. The new recruits are harboured at intermediate locations - such as cabin-restaurants or hostels - to the destination, while documentation for the transfer (legal or fraudulent) are finalised by smuggling agencies. Key smuggling agents range from individuals to agencies -- including recruitment agencies, education consultancies, marriage bureaus, cultural groups. Often the abductor/trafficker declares himself the victim's husband or even becomes the legal spouse of the victim. This helps to culture a close romantic relationship with the victim, win their confidence and smuggle them to the brothels [Dahal]<sup>2</sup> and at border checkpoints provides an easy escape from interrogation by officials. In many cases, forced labour is aided by placement agencies engrossed in deceptive recruitment who fudge travel documents to escape recruitment regulations and checks at the borders.<sup>3</sup> It should also be noted that while 70+% of male migrant workers obtain labour permits through registered recruitment agencies, 60+% of female migrant workers do it individually, rendering them vulnerable to trafficking for sex trade. Transfer of the victims takes place through known transporters and via borders at which government officials are bribed to escape capture. Traffickers frequently change their routes and modus operandi which makes it difficult to monitor and control trafficking.

**Receipt at destination:** Once across the border and in the new country, the victim is wholly in the power of the trafficker. Identity and travel documents of the still unsuspecting victims are normally retained by the trafficker. Even when they reach the destination and enter sex work, they may not know, exactly what this work entails and may be unprepared for its exploitative nature.<sup>4</sup>

**Commercial slavery and bondage:** At the destination, the victim is most often kept in an enslaved condition, without access to legal identity and travel documents, receiving little or no pay for their work, threatened and coerced, and routinely abused. They are forced into sex work and/or other forms of labour. Physical and psychological barriers and threats, debt bondage for expenses incurred on travel and documentation, and even drug addiction, are tools used to maintain the status quo. They are completely controlled, dependent on their 'owners' and unable to escape.

<sup>2</sup> PranabDahal, Sunil Kumar Joshi & Katarina Swahnberg (2015) 'We are looked down upon and rejected socially': a qualitative study on the experiences of trafficking survivors in Nepal, *Global Health Action*, 8:1, 29267, DOI: 10.3402/gha.v8.29267

<sup>3</sup> Office to monitor and combat trafficking in persons, *Trafficking in Persons Report*, 2015, US Department of State, *Diplomacy in Action*, <https://www.state.gov/j/tip/rls/tiprpt/countries/2015/243500.htm>

<sup>4</sup> Presented by UNICEF at the consultative workshop for the development of National plan of Action against Trafficking in children and their commercial sexual exploitation 1998.



---

## ESCAPE OR RETURN

Age, disease or at times, raids by the police or NGOs helps them escape, but return to their homes leads to stigma and even ostracization of the family.



### 3.2.2 Causes of trafficking

Both demand and supply side factors contribute to trafficking and its continued escalation.

#### Demand side

Globalisation (including network effects/scale economies associated with illicit trade; the demand for goods and services)

The social and political environment (including the degree of law enforcement in both origin and destination countries).

#### Supply side

Community vulnerability factors including perceived poverty; lack of access to financial, social, human and economic capital; unemployment; gender discrimination; inequality; and aspirations with incomplete/inaccurate information (Bhutia and Rai, 2014).

The reasons usually cited by the victims of trafficking are poverty (43%); ignorance (21%); money and pleasure (18%); and family problems and political turmoil (18%).

#### Core Causes

Certain underlying and structural factors with regard to the socio-economic character of the communities in Nepal lead

to human trafficking in that they reduce the resistance to this practice at the family and societal levels.

The causes of trafficking may be categorized as follows:

Core Causes	Triggers	Contributory Factors
Poverty and caste/class discrimination	Economic or humanitarian crisis	Lack of awareness and assertion among adolescent girls and women
Gender discrimination and socially-accepted GBV	Family dysfunction or separation from family	Inadequacies in enforcement and support along with globalization trends

### **Poverty and caste/class discrimination:**

Economic need due to critical poverty is a key factor for trafficking of women and children. About 80% of human trafficking victims have been found to have been trafficked due to poverty. Families trade their women and children for a release from debt traps or in exchange for large sums of money or even as bonded labour to traffickers for the security of regular income while they are in the service of these traffickers. Frequently remittances from the trafficked women are significant cash-revenues and a key survival-mechanism for their families. Nepalese economy is often characterized as remittance economy. Nepal is an agrarian country that lacks sufficient economic base, infrastructure and developed human resources. One-quarter of the Nepalese population lives below the poverty line (ADB, 2017) and lacks access to work opportunities - three-fourths of the population depends on agriculture as a source of livelihood.<sup>5</sup> Further, where all members of a family need to work to meet its basic needs, the lack of employment opportunities for the women combined with illiteracy/low educational attainment, as well as low socioeconomic and cultural status increases the risk of their being trafficked in the lure of well-paid jobs. It must also be noted that although

women are paid less and hence remit less than men to their families, they remit a higher proportion of their earnings, more frequently, making them the preferred choice for trafficking for their families. This is evidenced from the fact that Nepal has the most feminised migrant-stock (68.2%) in all of South Asia. Many of the trafficked women have been in marginal livelihoods and belong to disadvantaged and impoverished families, and most cases of trafficking, are in the pretext of finding employment and a better life. Caste and cultural disadvantages associated with lower castes also plays a role in the incidence of trafficking. Trafficking has been found to be most common among Tharu, Tamang, Magar, Rai, Dorji and Gurung communities, and a majority of victims of trafficking are from Janajati (48%) [Trafficking in Persons's report (2015-16)].<sup>6</sup> Further, the traditional culture of certain communities in Nepal perpetuates prostitution: women of Badis and Deukis of western Nepal used to earn their livelihood by "singing and dancing for the local rich" and many of these women have chosen prostitution as their means of livelihood in current times (R. Timalaena, National Law College, 2012).<sup>7</sup>

<sup>5</sup> "Human trafficking in Nepal: A complex national injustice," retrieved from: <http://freeforlifeintl.org/resources/human-trafficking-in-nepal/>

<sup>6</sup> Executive summary, [http://nhrcnepal.org/nhrc\\_new/doc/newsletter/TIP\\_National\\_Report\\_2015\\_2016.pdf](http://nhrcnepal.org/nhrc_new/doc/newsletter/TIP_National_Report_2015_2016.pdf)

<sup>7</sup> <http://www.nalcnepal.com/index.php/component/k2/item/20-cross-border-human-trafficking-in-nepal.html>

## Gender discrimination, proprietary attitudes towards women and socially-accepted GBV



Patriarchy in Nepal has implied that women and girls are controlled and frequently viewed as family property to be bought and sold as commodities. Male domination and economic dependency of women on men are as much a cause of trafficking as other forms of VAWG. Women lack access to economic assets, resources and enablers such as land, credit, etc., which forces them to a status of subjugation to men who control these economic factors and to follow their bidding, perpetuating the stereotypical roles of the two sexes with their inherent discrimination.

Depriving females of education and subjecting them to abuse and mistreatment have also been identified as the beginning of the victimization process. As a result of such discrimination and abuse, women and girls tend to grasp at any opportunities in front of them, often masked with false promises, increasing their vulnerability to trafficking.

Men's use of brute strength also enables them to establish their supremacy over women and exploit them, while their acceptance of a lower social status hinders women from moving out of violent and exploitative relationships.

VAWG is structural and upheld by customary laws with pervasive violence supportive attitude indoctrinated into boys/men. Traditional patriarchal societies such as Nepalese society often implicitly accepts and even endorses gender-based violence as a means of maintaining the unequal relationship between men and women which is perceived to be intrinsically beneficial to men. This includes practices such as dowry, forced marriage, etc., and societal elders normally condone the male members of the family using violence and trafficking the family's women for the family's survival. In addition, social conditioning makes women/girls passive recipients of abuse, and majority of the women do not question the dictates of the men or the violence inflicted by them.



**Triggers:** In spite of the prevalence of the core causes described above, many families and individuals would become vulnerable to trafficking only when their threshold level for forbearance of adversities is breached due to extraordinary family or external circumstances.

**Economic or humanitarian crisis:** Political instability caused by years of civil strife and a protracted insurgency has left Nepal with several scars. Continuing economic deprivation and labour unrest along with a difficult geography and high susceptibility to natural disasters puts Nepal precariously at risk of incessant increase in human trafficking. In addition to a significant proportion of its population being below the poverty line, the severe flooding that the country experiences each year pushes several of its people deeper into poverty and destitution, and renders families open to trafficking of their women and children in order to cope with their economic crisis. As a Himalayan nation, Nepal also straddles a seismically active region and is vulnerable to frequent and severe earthquakes as well. The humanitarian impacts of these disasters that create uncertainty and hardship for many, include death and separation from families, loss of livelihoods and assets, violence and disease, etc. They exacerbate the root causes of human trafficking, including poverty and economic insecurity. The added shock of natural disasters for an already vulnerable population has the effect of tipping affected families into economic crises, thereby amplifying the risk of women and children to trafficking by their families and others. Traffickers are attracted to the disruption and disorder created by humanitarian crises where state and social protection systems have temporarily broken down, and women and children are often left alone and helpless. They are able to exploit these breakdown of systems and under the cover of rescuing the vulnerable traffick them.

### **Family dysfunction or separation from family:**

Family dysfunctionalities when added to other socio-economic drivers act as triggers to trafficking. These dysfunctionalities could be of several types. Alcoholism among parents which, desertion or abuse by a partner, death or remarriage of a parent, internal conflicts, child marriage, etc., are among the dysfunctionalities that critically change a family's bonding, breaking it and enabling traffickers to begin the victimization process to push a woman or child into prostitution.

**Contributory factors:** While the following factors may not directly lead to the incidence of trafficking, they enable trafficking and thereby add to the causal elements.

### **Lack of awareness and assertion among adolescent girls and women:**

Studies of women in Nepal have brought out that lack of awareness of trafficking is a key factor that led to several victims of trafficking taking the bait offered by the traffickers. Most women and girls in remote, rural areas are not aware of this criminal form of VAWG and the modus operandi of the traffickers and hence are gullible and fall unsuspectingly into their trap. Surveys have found that women and girls who are aware of trafficking and cautioned therefore have received such information through the media. However, illiteracy is high and exposure to media and awareness programmes is very limited in remote rural areas and among lower socio-economic groups, rendering the women and girls in these areas/groups exceedingly vulnerable to trafficking. Social conditioning that supports male domination and female submission, also implies that women and girls would tend to believe the lies that the traffickers feed them and follow the dictates of their families/known members who act as traffickers' agents.

## Inadequacies in enforcement and support; globalisation

Although the Nepal government has committed to combating trafficking, serious weaknesses in the implementation of its laws and their implementation, have meant continuing and escalating incidence of human trafficking.

The open and porous border and inadequacies of border surveillance and poor supervision of important transit points are other reasons behind rampant trafficking. In addition, the traffickers' networks have infiltrated the state apparatus, including the security services and immigration department, such that immigration documentation and work permit requirements may be breached. The "self-oriented society" prevailing in Nepal is also cited as one of the reasons for trafficking going unchecked (Dr Sherap Bhutia et. al.). Trafficking is dubbed as an "others' issue" and not a matter that could affect one's own family. Likewise,

witnesses and people affected by violence hesitate to report any criminal offence to authorities.<sup>8</sup> At the same time, in developed countries, a combination of demographic change and participation of women in the workforce has enhanced the need for home and child care, which are highly gendered niches, while increasing disposable incomes has led to increased demand for entertainment. Migration of women from rural Nepal is most often under the pretext of engagement in domestic help jobs, with the exploitative traffickers diverting them into the more lucrative commercial sex trade

<sup>8</sup> Dr. Sherap Bhutia, Mrs. Namrata Rai, "Human Trafficking In Indo-Nepal Border: Causes And Consequences," *Journal Of International Academic Research For Multidisciplinary*, Volume 2, Issue 4, May 2014.

## 3.2.3

---

# Impacts of Trafficking on its Victims

## Problems faced by trafficked victims at the workplace



### **Most of the trafficked women are young, unmarried girls who operate as waiters in cabin restaurants and as singers and dancers in brothels and dance bars.**

The working environment in many of the cabin restaurants, khajaghars, dance bars and dohori restaurants that the women and girls work in is unhygienic and unhealthy, and working conditions in the entertainment sectors are exploitative. Key issues include: not being able to go back to family; addiction to alcohol, drugs, and smoking; sexual abuse and coercion

into sex trade; not being paid their full pay and not being paid on time; and fear and insecurity that most girls face in these exploitative workplaces. Both mental and physical health of the trafficked victims gets affected. A majority of victims of sex trafficking experience anxiety (87%), depression (85.5%) and PTSD (29.7%) (Retina Rimal and Chris Papadopoulos, 2016). The severe inhumane practices and continued physical abuse and treatment as an object of sexual gratification alone leads to the development of suicidal tendencies in trafficking victims (Dahal et.al., 2015). A comparison of health of trafficked sex workers and non-sex workers group revealed higher anxiety symptoms in sex-workers (97.7%) than the non-sex workers, such as domestic and circus workers

(87.5%) [Atsuro Tsutsum et al.]. As for physical health, unhygienic work places, malnutrition, exploitation and lack of medical treatment, leave the trafficked women and girls in poor health. As a result of the repeated sexual exploitation and frequently being denied the choice to use condoms, there is a high risk of contracting HIV and STDs as well; health effects are not limited only to those trafficked for sexual exploitation as well, and sex trafficking victims can also introduce HIV to the broader population. Trafficked workers live and work in overcrowded, unsanitary conditions, and infectious diseases spread rapidly and put the wider populace at risk.<sup>9</sup> Repeated unwanted pregnancies and abortions also result which in turn increases health risks.



## Problems in reintegration of trafficked victims



### Survivors of trafficking who return find as cruel a world.

Reintegration of survivors is widely recognized as difficult, for multiple reasons - the mental and physical traumatized condition of survivors, the lack of preparedness for an alternative life and livelihood, and stigmatization and rejection by the community and immediate families.<sup>10</sup>

The returnees are traumatized by their harrowing experiences and continue to be suicidal. They do not find themselves equipped with the necessary preparedness for reintegration into society, and lack adequate occupational skills and

limited opportunities for finding any means of survival, which cripples and isolates them.

The returnees tend to find it close to impossible to reintegrate into their own society as a result of the continuing social stigma and lack of support, and being treated as degraded and corrupt individuals who should be outcasts and tormented. The stigmatization of survivors goes beyond themselves; their families also have to be prepared to face the associated stigma.

In their research study, Hennink and Simkhada (2004) reported that family members also start rejecting the returnee in order to maintain their social status.<sup>11</sup> The social denial and rejection often leaves returnees

to face hardship in continuing their life. Without proper skills and adequate knowledge, they're forced into manual labor, and often choose to work at places far from their origin, where their identities are not known in order to get away from stigmatization.

Trafficked survivors also often return to prostitution and the sex trade, frequently acting as agents for trafficking other unsuspecting victims, as they are not able to find any other means for survival, the difficulties faced by them compelling them to self-inflict the re-victimization processes.

<sup>10</sup> *Sex Trafficking in Nepal: Survivor Characteristics and Long-Term Outcomes\** Mary Crawford Michelle R. Kaufman University of Connecticut, *Himalayan Journal of Development and Democracy, Special Issue*, 2006

<sup>11</sup> PranabDahal, Sunil Kumar Joshi & Katarina Swahnberg (2015) 'We are looked down upon and rejected socially': a qualitative study on the experiences of trafficking survivors in Nepal, *Global Health Action*, 8:1, 29267, DOI: 10.3402/gha.v8.29267

## 3.3

---

# Patterns in Trafficking

Trafficking of women and girls from rural areas in Nepal displays certain patterns in terms of the geography, viz, source areas, routes for transiting the trafficked victims, the destination countries; the socio-economic and demographic characteristics of the traffickers and the trafficked. These patterns help to shape the interventions to curb trafficking. In addition, the 2015 Gorkha earthquake acted as a disrupter, changing trends and significantly enhancing the scale of trafficking



### 3.3.1 Trafficking destinations and routes

#### Destination countries

US State Department in their 2016 report mentioned “Nepal as a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking.” Nepali women and girls are subjected to sex trafficking in Nepal, India, the Middle East, Asia, and sub-Saharan Africa while Nepali men, women, and children are subjected to forced labor in Nepal, India, the Middle East, Asia, and the United States in sectors of construction, factories, mines, domestic work, begging, and the adult entertainment industry. Nepali girls are being smuggled to China for forced sex, to Afghanistan to work as security guards, to USA via Latin America, to South Korea and China for marriage and are subjected to sex trafficking and forced labor in other Asian countries like Malaysia, Hong Kong, and South Korea. The Chinese district of Khasa on the border with Nepal is an emerging sex trafficking destination for Nepali women and girls.<sup>12</sup>

#### Trafficking routes

Kathmandu is a key transit point for trafficking victims as are all border towns on the 1751 kms long Indo-Nepal border. India and its major metros of Delhi, Mumbai, and Kolkata, act as a destination as well as a major transit hub for other countries. Key border towns through which trafficking occurs include Mahendranagar, Nepalganj, Birganj, Kakarbitta, Biratnagar, Bhairwaha, Krishnanagar, and Pashupatinagar. The Sashastra Seema Bal of India has identified 9 important Indo-Nepal routes for human trafficking: Mahendranagar - Banbasa; Dhangarhi - Palia; Nepalganj - Rupediah; Krishnanagr - Barhni; Bhaihawa - Sonauli; Maheshpur - Thoothibari; Birganj - Raxaul; Biratnagar - Jogbani; Kakervita - Panitanki. Transit points from Nawalparasi, Rupandehi and Kapilbastu districts are the new dimensions to the issue (NHRC Nepal. 2017). Transit points and countries are chosen for their geographical location. These are usually characterized by weak border controls, proximity to destination countries, corruption of immigration officials, or affiliation with organized crime groups that are involved in trafficking. Trafficking cases registered during the last four years in 15 border districts indicated that Jhapa, Rupandehi, Banke, Morang and Kapilbastu are hotspots as trafficking hubs. Transiting through Darjeeling and Sikkim also occurs. The inhabitants of the Darjeeling hills (India) and Nepal share the same ethnicity, culture, language, and nationality (Nepalese). The cordial relations and kinship provides the easy passage of goods and people through the borders. Family events and marriages see movement of people from both sides. Hence, it becomes very difficult to track the immigrant and emigrants, which the traffickers take advantage of.

<sup>12</sup> “Human trafficking in Nepal: A complex national injustice,” <http://freeforlifeintl.org/resources/human-trafficking-in-nepal/>



### 3.3.2 Traffickers and their victims

#### Traffickers

As mentioned earlier, the initiating traffickers or traffickers' agents and intermediaries and the victims of trafficking originate from the same locations. The traffickers' networks however comprise transporters and cabin keepers from diverse areas. Majority of the trafficker are from the age-range of 26-35 years and majority are married (95%) and only literate (84%), and have been working as agricultural or wage labour prior to engaging in trafficking. Some of the traffickers' agents, as mentioned earlier, are aged and retired returnee/survivors of trafficking. According to a survey on cabin-keepers who force girls to entertain clients with sex, most of the cabin keepers are from Sindhupalchok (10%), followed by Dolakha (9.5%) and Kavre (9%) (ActionAid Nepal, 2004).<sup>13</sup>

#### Victims of trafficking

Age and beauty of the victim are key determinants for selection for trafficking, with majority of the victims of trafficking being in the age-range of 16-30 years; of this women between 24 and 29 years are the most vulnerable, followed by the 18-23 years age-group and 30-35 years age-group. Maximum number of cases reported of VAWG in Nepal are from the Mid Region, followed equally by the Eastern and Western Regions, and then by the Mid-Western Region and lastly the Far Western Region, in that order. Most of the victims are from Dhading, Sindhupalchowk, Gorkha, Sindhuli, Lamjung, Syangja and Nuwakot districts. According to a 2014 report by the Labour Ministry, Sindhupalchok tops the list of districts with the most female migrant workers, followed by Kavre, Makwanpur, Nuwakot and Dolakha districts. It has been noted that districts in Kathmandu's periphery are those from which most women migrate.

<sup>13</sup> *Plight of Cabin Keepers* ActionAid Nepal. Kathmandu: ActionAid International Nepal. 2004. [www.childtrafficking.com/Docs/action\\_aid\\_2004\\_plight\\_of\\_cabin\\_keepers\\_15.pdf](http://www.childtrafficking.com/Docs/action_aid_2004_plight_of_cabin_keepers_15.pdf)

### 3.3.3

---

## Trends since 2015 Gorkha earthquake

An analysis of existing literature, as well as organizational and newspaper reports has brought to light the fact that in the aftermath of the 2015 earthquake, human traffickers supplying to the network of brothels across south Asia, have been targeting tens of thousands of young women from the devastated regions of Nepal.

Girls and women from rural areas, who lost their homes and belongings in the 7.8 quake that killed over 7000, are the prime targets for traffickers, who abduct and force them into sex work. The risks and vulnerabilities for women and girls have increased manifold in the two years since the disaster.

The 2015 earthquake has had a particularly severe impact on women in rural Nepal, accentuating the issues around marginalisation of and violence against women in the country. The destruction of houses, crops, animals and land, and the loss of husbands, brothers and sons (either due to injuries, deaths, or out-migration for work) has left thousands destitute, homeless and with extremely limited opportunities for earning enough income to survive. It is estimated that over 2 million women and adolescent girls are vulnerable to gender-based violence and sex-trafficking post-earthquake, while almost all women in BPL families are more prone to hunger and malnutrition. Moreover, UNFPA estimates that 28,000 girls are survivors in their families and face the risk

of exploitation. Pre-existing vulnerabilities of the women and adolescent girls were exacerbated making for increased vulnerability to gender-based violence (GBV).

Studies have shown that after the earthquake the incidence of violence against women has increased. After the earthquake, cases of gender based violence survivors had increased (Kusum Thapa, 2015). A comparison of the 3-yearly National Human Rights Commission (NHRC hereafter)-Office of the Special Rapporteur on Trafficking in Persons (OSRT) data, shows that the average number of domestic violence cases before the earthquake and after a year of the earthquake, being reported in Nepal Police have increased to 1,793 from 1,569 – nearly 15% increase. The number of rape and attempted rape cases against women and children increased from 175 to 217 and the number of attempted rape cases increased from 80 to 90. At the same time it must be noted that given the disruption to normal processes in the aftermath of the disaster, GBV would increase and also go underreported.

The Sashastra Seema Bal of India which also works on security of the people in border areas, prevention of trans-border crimes, smuggling and other illegal activities at/across the borders, including unauthorized entry into or exit from India, has reported a steep increase in human trafficking since the earthquake. As per SSM records, of trafficking cases in the years 2012 to 2015:

### Trafficking Cases at the Indo-Nepal Border

Year	Cases	Arrests made of traffickers	Victims rescued
2012	8	7	72
2013	14	19	108
2014	8	8	33
<b>2015 (before earthquake)</b>	<b>8</b>	<b>12</b>	<b>47</b>
<b>2015 (after earthquake)</b>	<b>46</b>	<b>59</b>	<b>159</b>

The SSB also indicates that the majority of the trafficking victims are from the districts of Dhading, Sindhupalchowk, Gorkha, Sindhuli, Lamjung, Syangja and Nuwakot.

During the last four years (2012/13-2015/16), 313 cases of human trafficking in 15 border

districts were registered and analysis has pointed out the following five districts, in terms of highest number of human trafficking cases registered: Jhapa (19%), Rupandehi (16%), Banke (15%), Morang (13%) and Kapilbastu (8%).

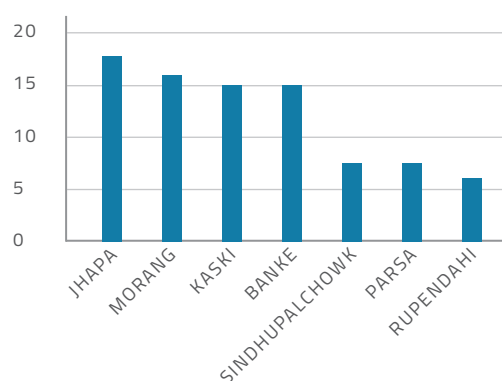
A pre-earthquake position is evidenced from the tables below which provide the top 6 districts with the highest number of reported trafficking cases in 2013-14 and 2014-15<sup>14</sup>. It must be noted though that, as against the UN and the NGO estimates, the numbers of trafficking cases registered with Nepal Police, is very low:

## Top 6 districts with the highest reported trafficking cases

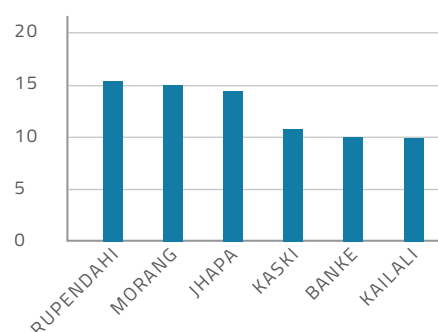
**Top 6 districts with the highest Number of trafficking cases registered by Nepal Police 2013-14 (NRHC, Nepal, 2013-14)**

Districts	2013-14	Districts	2014-15
Jhapa	8	Rupendahi	6
Morang	16	Morang	5
Kaski	5	Jhapa	4
Banke	5	Kaski	1
Sindhupalchowk	7		
Parsa	7		
Rupendahi	6		

**Number of trafficking cases registered by Nepal Police 2013-14**



**Number of trafficking cases registered by Nepal Police 2014-15**



<sup>14</sup> NRHC, Nepal, [http://nhrcnepal.org/nhrc\\_new/doc/newsletter/TIP\\_National\\_Report\\_2015\\_2016.pdf](http://nhrcnepal.org/nhrc_new/doc/newsletter/TIP_National_Report_2015_2016.pdf)



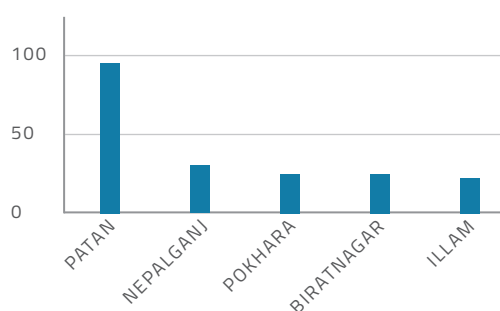
As per NHRC, in 2015-16, the registered cases of trafficking were 212, of which 352 were victims. Four in 10 victims were children; 95% victims were females and 3 in four victims had no education (NHRC, 2015-16)<sup>15</sup>. Registered cases of trafficking in the years 2012-13 to 2015-16 by NHRC records are listed below.

Year	Registered Cases Of Trafficking
2012-13	144
2013-14	185
2014-15	181
2015-16	212

A comparison between the data on registered cases of trafficking in the years 2014-15 and 2015-16, shows a 14.62% increase in the number of registered cases after the earthquake. The data on number of trafficking

cases registered, convicted, acquitted and pending in Nepal courts 2015-16, shows that Patan, Nepalgunj, Pokhara, Biratnagar and Illam are the top five districts with the highest number of reported cases (OAG, 2017).

**Number of total trafficking cases (registered, convicted, acquitted and pending) in the Nepal courts, 2015-16**



**Number of trafficking cases in the Nepal courts in 2015-2016 (NRHC)**

Patan	91
Nepalgunj	32
Pokhara	28
Biratnagar	27
Illam	25

As time elapsed since the earthquake, the scale of trafficking from various districts showed a shift. The 2017 figures released by NHRC Nepal show that the number of Trafficking in Persons (TIP henceforth) cases are on a decline in certain districts like Kathmandu (from 23 to 15), along with an increase in other districts such as Dhading (two cases to 4 cases), Makwanpur (2 cases to 4 cases), Ramechhap (0 to 1 case), Okhaldhunga (0 to 2 cases) (NHRC Nepal, 2017).

There is a massive dissonance however in the number of cases of trafficking reported by the Nepal state (police and courts) and that reported by the non-state actors (international, national and local NGOs). The media is replete with reported cases of kidnapping and abduction, in the pretext of providing jobs and then forcing women into prostitution, particularly from Sindhupalchowk, a district ravaged by the earthquake where over 3,000 people died and thousands became homeless. Given the epicenter nature of Sindhupalchowk district with respect to trafficking in terms of high number of both traffickers and victims, a focused sample study in Sindhupalchowk district (Pragya, 2017) revealed an increase

of 28% in the number of cases of trafficking since the earthquake in 2015. The study also revealed that all the victims belong to BPL families indicating that the poor families were reduced to critical poverty levels as a consequence of the earthquake which led to their resistance to trafficking being reduced. A number of those trafficked belonged to the Tamang group. 28% of the victims were below 18 years of age, and the remaining were of 20-30 years of age. The study also brought out several other cases of VAWG that happened during the same duration, which included battering, dowry-related violence, honor killing, female genital mutilation and sexual harassment in public.

## 3.4

---

# Measures to combat trafficking

The initiatives being taken with regard to trafficking may be classified into 3 categories based on the stage of trafficking and related vulnerability, viz, prevention, protection and prosecution. The initiatives need to be incorporated at all the points along the chain of trafficking viz. source, transit, and destination.

Stages in trafficking route	Intervention stages		
	Prevention (prior to initiating of trafficking)	Protection (on detection of trafficking victimisation)	Prosecution (arresting trafficker and punitive action)
Source (at victim's home location)			
Transit (along the trafficking route, including various hubs)			
Destination (at location of sex trade or forced labour)			



### 3.4.1 State and non-state measures

The Nepal government has taken significant steps to curb trafficking, although it is still falling short of meeting the Trafficking Victims Protection Act's minimum standards. Nepal's position in the second tier, as allotted by the Office to Monitor and Combat Trafficking in Persons of US State Department means that it is one of the "governments of countries that do not fully meet the Trafficking Victims Protection Act's minimum standards, but are making significant efforts to meet those standards" (Trafficking in Persons Report, 2016).

Some of the measures taken by the Nepal Government include:

- A number of organisations, committees and departments have been tasked with controlling trafficking. These include among others.
  - National Committee for Controlling Human Trafficking (NCCHT), District Committee for Controlling Human Trafficking (DCCHT), Village Committees for Controlling Human Trafficking (VCCHT)
  - CCWB (Central Child Welfare Board), District Women and Children Offices (DWCO), NCCR (National Center for Children at Risk)
  - Nepal Police, Court, and Attorney General's Office, NJA (National Judicial Academy)<sup>16</sup>
  - MoLE (Ministry of Labor and Employment), DoFE (Department of Foreign Employment), FEPB (Foreign Employment Promotion Board), MoFA (Ministry of Foreign Affairs)
  - MoFALD (Ministry of Federal Affairs and Local Development)
  - Some of the highly affected districts have installed a larger number of government committees to deal with the problem of trafficking. These districts are Sindhupalchok (39); Banke (33), Lalitapur (23), Kathmandu (13) and Chitawan (10).
- It has enacted various Acts/Laws in place to control human trafficking, to name some,
  - New Muluki Ain (Code of Law) 1964 that prohibits the taking of persons out of the country, by fraud or incitement, for the purpose of selling them (Deane, 2010);
  - Human Trafficking Control Act 1986 which provides a number of legal safeguards, including the provision of rehabilitation and integration of victims of trafficking, protection of victims and witnesses, compensation and others (Paudel & Carryer, 2010);
  - Children Act of 1992 which contains a number of provisions on child labour and has recently been amended to make the Act more abuse-specific, especially sexual abuse (ILO, 2009);
  - Child Labour (Prohibition and Control) Act 2000 which prohibits the work performed by children under the age of 14; and the Trafficking in Persons and Transportation (Control) Act, 2007 that aims at preventing trafficking in persons in Nepal and cross border trafficking from Nepal.<sup>17</sup>
  - A National Plan of Action (NPA) against Trafficking in Women and Children and their Sexual Exploitation has been adopted in 1998. The NPA identifies 6 thematic areas for intervention: i) Policy, Research, and Institutional Development; ii) Legislation and Enforcement; iii) Awareness Creation, Advocacy, Networking and Social Mobilization; iv) Health and Education; v) Income and Employment Generation; and vi) Rescue and Reintegration. In 2001, 2 priority areas, namely, Trans-border, Regional and International Issues and Monitoring and Evaluation were added. The NPA was extended against Trafficking in Persons 2011-2021, taking into account the new trafficking patterns such as those associated with foreign labor migration. It identifies five broad areas for interventions: prevention, protection, prosecution, capacity building, and cooperation for reinforcing the prevention and control of trafficking in women and children; in 2012 this was modified to intervention areas including prevention, protection, prosecution, and capacity development of concerned institutions.

<sup>16</sup> "Executive summary of the Anti-Trafficking Survey," SEEPOR Consultancy (P) Ltd., Nepal. <http://www.childrescue nepal.org/wp-content/uploads/2017/03/Executive-summary-of-trafficking-report.pdf>

<sup>17</sup> Romana Lepcha, "Cross Border Human Trafficking between India and Nepal: Legal Dimensions," Sikkim University, August 2016.



- A Combating Trafficking in Persons (CTIP) program (2010-2015) has been implemented in order to more effectively prevent trafficking, protect survivors and prosecute human traffickers.
- National Minimum Standards for Victims Care and Protection (NMSVCP) and the Standard Operating Procedures (SOPs) for Rehab Shelter Homes for trafficking survivors have been adopted in 2012 for ensuring adequate protection, assistance, and provision of safe homes.
- ‘Sex and Gender-based Violence and Gender Empowerment Strategy and Work Plan (2012/13-2016/17)’ has been formulated in 2011 and been implemented since then.
- A “GBV Elimination Fund” has been set up in 2010 to provide immediate funds for rescue, medical support, legal aid, counseling, and rehabilitation for survivors of Gender based Violence (GBV). The Enforcement of the ‘Single Women Security Fund Rules’ and institutionalization of a ‘Single Women Security Fund’ for the protection and empowerment of single women have been put into effect. Funding allocations have also been increased to each of the 75 districts for establishment of at least three new village-level anti-trafficking committees.
- Some district courts that have initiated creating a safer environment for survivors of trafficking and gender-based violence within the courts by establishing separate victims/ witness area in the court premises. Noticeable work is reported from Kathmandu, Lalitapur, Sindhupalchok, Kavre, Makwanpur, Chitawan, Parsa, Banke, and Kanchanpur district courts. In major transit points of Jhapa, Morang, Parsa, Nawalparasi, Rupandehi, Banke, Bardiya, Kailali and Kanchanpur districts.

NGOs have also been addressing trafficking in women and children. NHRC 2017 findings suggest that NGO interventions are mainly clustered in Kathmandu (10 NGOs), Morang (9 NGOs), Makwanpur and Kailali (7 NGOs each), Banke (6 NGOs) and Rupandehi and Kailali (5 NGOs each). NGOs have set up border surveillance centers. Several of them are operating child helplines which cover the following districts: Kathmandu, Morang, Makwanpur, Banke, Kaski, Kailali, Chitawan, Lamjung, Udayapur, Rupandehi and Surkhet



### 3.4.2 Interventions along the trafficking route

The range of support provided by various service providers to the trafficked survivors can be classified into the following categories:

#### Interventions in the Source areas

Initiatives need to be focused at the source points, as it is here that young girls and women are most susceptible to getting trapped in the vicious cycle of trafficking. Ongoing interventions, state and non-state, operating at the various source locations in order to prevent trafficking are:

- Awareness and community outreach programs, campaigns and sensitization programs for the trafficking-prone communities, forming women's groups
- Information and resource centers
- Paralegal services, Helpline services and networking with police and legal stakeholders
- Network building and advocacy campaigns
- Prevention homes for women, Protection centres, Shakti kendras and Mahila Awas for prevention
- Capacity development trainings and workshops
- Local level Child protection committees and enhancing child protection systems, and "Safe schools" for children

#### Interventions in the Transit areas

In the trajectory of trafficking, transit points are the most important for interventions. Some of the interventions being implemented to curtail and check the movement at the transit points are:

- Immediate temporary shelter and Children's Transitional Homes and The Girls' Centre to ensure safe homes and protection and counseling services to those rescued
- Health care and classes to provide life skills and knowledge about human trafficking to those rescued
- Legal counseling for the survivors of trafficking.
- Prosecuting traffickers by collaborating with the Department of Police and judicial courts, facilitating investigation and justice, anti-trafficking border units
- Strengthening the police operations and supporting surveillance

## Interventions in the Destination areas

At the destination country or point, the victim is ultimately subjected to sexual exploitation or forced labour. It is here that attempts are made to rescue, repatriate, and reintegrate survivors into the society. Interventions being carried out are:

- Rescue operations and repatriation
- Education- formal and non-formal education for girls and women, childcare, community support
- Sisterhood of survivors program for providing job/skills training and placement to trafficked women, savings and credit cooperatives for women
- Resource centres focused on network building and advocacy campaigns
- Women's rehabilitation homes, children's homes, shelter homes
- Reuniting families through counseling services, and reintegration programs- Family Preservation Programme, Children's Reintegration Programme, and Foster Homes
- Meditation and self-realization programs for awareness and fostering mental wellbeing of survivors and psychosocial healthcare
- Legal aid, legal advocacy, legal support, counseling, research and case documentation, and coordination
- Healthcare and addressing traumatic disorders



### 3.4.3 Gaps in combating trafficking

The trafficking of women and girls for sexual exploitation is recognized as a social evil as it is mentioned in Nepalese legislation under New Muluki Ain (1963), the Human Trafficking Control Act (1987), and the Special Provisions of Human Trafficking Act (1996). The Government of Nepal (GoN) under the Ministry of Women, Children, and Social Welfare (MoWCSW) has formulated several policies to eliminate and prevent trafficking of women and children in Nepal. The Human Trafficking and Transportation (Control) Act 2007 (HTTCA) and Regulation 2008 was enacted by the government of Nepal for combating trafficking in persons and to protect and reintegrate the victims and survivors of trafficking. India too has many laws that identify trafficking as a major problem. At the same time, an Open International Border Agreement between India and Nepal, is also in place for trade benefits and conveyance between the two countries.

However the critical gaps and loopholes that are resulting in escalating trafficking<sup>18</sup> include:

- The anti-trafficking laws have many loopholes, because the laws do not totally support and cover those being trafficked.
- The open border between India and Nepal is one of the major factors that makes it easy for traffickers (Deanne 2010). Unregulated borders and corrupt government officials working as the border patrol are sometimes involved with the brokers. At the same time, current bans on migration for domestic work discourages migration through documented channels and enhances vulnerability to trafficking.
- Both countries lack the proper enforcement of the laws enacted in each state and between them.
  - It is difficult to assess the implementation status of human trafficking Act/Regulation objectively due to the lack of consolidated data. Thus, assessment made on the implementation status tends to be more subjective rather than objective. Previous National Reports of OSRT-NHRC (2009 and 2011), has categorized the level of compliance of the government as low, low-to-moderate, and moderate. Here low compliance refers to the conditions in which provisions embodied in the Act have not been implemented at all or implementation has been highly unsatisfactory. For provisions relating to definition of offences and investigation, provisions relating to punishment and compensation and provisions relating to others (award, confidentiality, formation of committee and security and in-camera hearing), government's level of compliance has been low to moderate, while for provisions relating to rescue, rehabilitation, and reintegration, government's level of compliance has been termed as low. From the data on the level of compliance on the part of the government gives an idea that efforts related to rescue and rehabilitation has been inadequate while more is desired from the government efforts related to punishment, compensation and security services.
- The government's victim identification and protection efforts remain inadequate, in that the police sometimes detains sex trafficking victims captured during their raids and subsequently returns them to their traffickers.
- The government implementation of anti-trafficking laws suffers from inconsistencies as officials vary in their interpretation of the definition of human trafficking and domestic sex and labor trafficking victims.<sup>19</sup>
- The government in collaboration with NGOs has been running far fewer rehabilitation centres (transit homes) than are required.
- The National, District and Village level Committees for Controlling Human Trafficking have been formed recently, with the VCCHT in many VDCs not having been formed as yet, hence their impacts are still to be felt.
- The National Plan of Action against Human Trafficking, of Children and of Gender based Violence needs to be reviewed to adequately cater to the effects of natural and other disasters and crises.

<sup>18</sup> [http://soar.wichita.edu/bitstream/handle/10057/10977/t14031\\_Sharma.pdf?sequence=1](http://soar.wichita.edu/bitstream/handle/10057/10977/t14031_Sharma.pdf?sequence=1)

<sup>19</sup> Office to monitor and combat trafficking in persons, *Trafficking in Persons Report*, 2015, US Department of State, *Diplomacy in Action*, <https://www.state.gov/j/tip/rls/tiprpt/countries/2015/243500.htm>

### 3.4.4 Interventions after 2015 earthquake

- ▲ A 'Protection Cluster' has been formed comprising of GOs, UN and civil society organizations for the effective and coordinated efforts to provide services to the survivors of the earthquakes and prevent TIP especially women and children. The Protection Cluster is chaired by the Commissioner of NHRC and co-chaired by the Joint Secretary of MoWCSW and is to address the 14 most earthquakes affected districts.

---

- ▲ After the earthquake, 8 checkpoints around the country at Kakarbhitta, Biratanagar-Rani, Tatopani, Gadda choiki-Kanchanpur, Sunauli-Rupandehi, Jamuna-Banke and Trinagar-Nepalgunj were expanded and strengthened by the Nepal Police, including the ones along the border with India and China.

---

- ▲ The Nepal police established 14 additional checkpoints at Pasupatinagar-Illam, Bhadrapur, Thadi-Siraha, Khajuri-Sarlahi, Vittamod, Gaur-Rautahat, Inarawa, Tribeni, Maheshpur, Belahiya, Gulariya, Dhanaghadi and Belauri), and identified 10 strategic points where additional checkpoints may be set up: Birtamod, Itahari, Bardibash, Mirchaiya, Pathalaiya, Muglin, Butawal, Lamahi, Bhaluwang, Kohalpur, Attariya. Apart from these, security situation in Survivors' shelters are being continually monitored.

---

- ▲ 3 checkpoints have been set up in Sindhupalchowk district - Bandeu, Bhotechaur, and Bahunpati - in collaboration with UNICEF, DCWB, Women, and Children Office.

---

- ▲ A post-disaster need assessment and recovery strategy plan has been prepared to facilitate distribution of benefits under the social security schemes to women, children, and senior citizens, to reduce their vulnerability trafficking.

---

- ▲ Temporary shelters have been set up for children who lost their parents in Sindhupalchowk, Dhading, Gorkha and Nuwakot.

---

- ▲ Safe migration information booths have been established in places such as Makwanpur, Sindhupalchowk, Bardiya, Morang, Sunsari, Udayapur, and Kaikali. This initiative is part of the safe-migration education and awareness programs being carried out at the community level by some of the NGOs (for example: Pravasi Nepali Coordination Committee (PNCC), Himalayan Human Rights Monitors, Shakti Samuha) and some of the Ministries and government departments (for instance, the Department of Women and Children, Ministry of Labour and Employment).

---

- ▲ Media has been mobilized for increasing awareness against trafficking, deception, and fraud, as well as on the provisions that ensure registration of cases of TIP in 198 Nepal Police Offices across the country.

---

- ▲ Immigration Department, Airline Associations and all hospitals in Nepal have been exhorted for effective surveillance to prevent the risk of women and child trafficking.



# 04

---

## Conclusion – Combating trafficking post 2015 earthquake

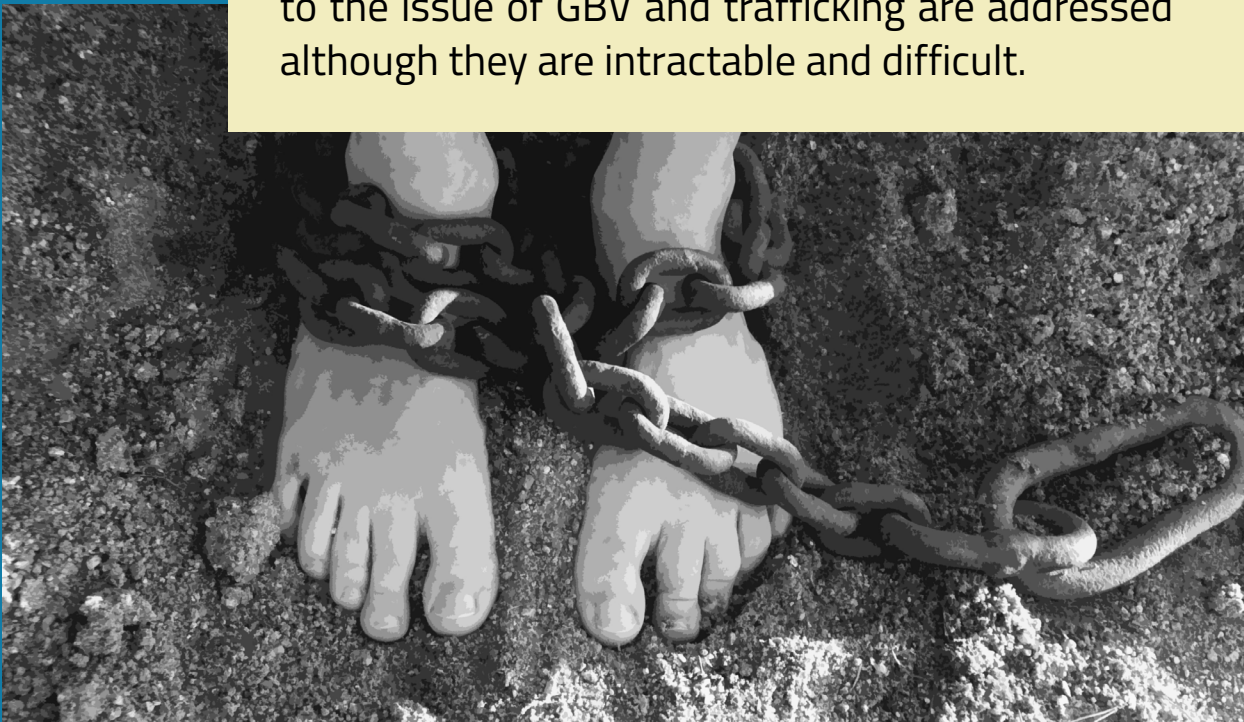
Consultations with various stakeholders and the findings of the studies have indicated that thrust of an intervention to prevent GBV and trafficking in rural Nepal in the aftermath of the 2015 earthquake would need to be on addressing poverty and critical economic crisis in families affected by the disaster, along with awareness and realisation of women's rights and care and support to the most vulnerable.

**Three Critical Needs for Combating Trafficking post-2015 earthquake are:**

# 1

## Addressing social and structural aspects of gender inequity

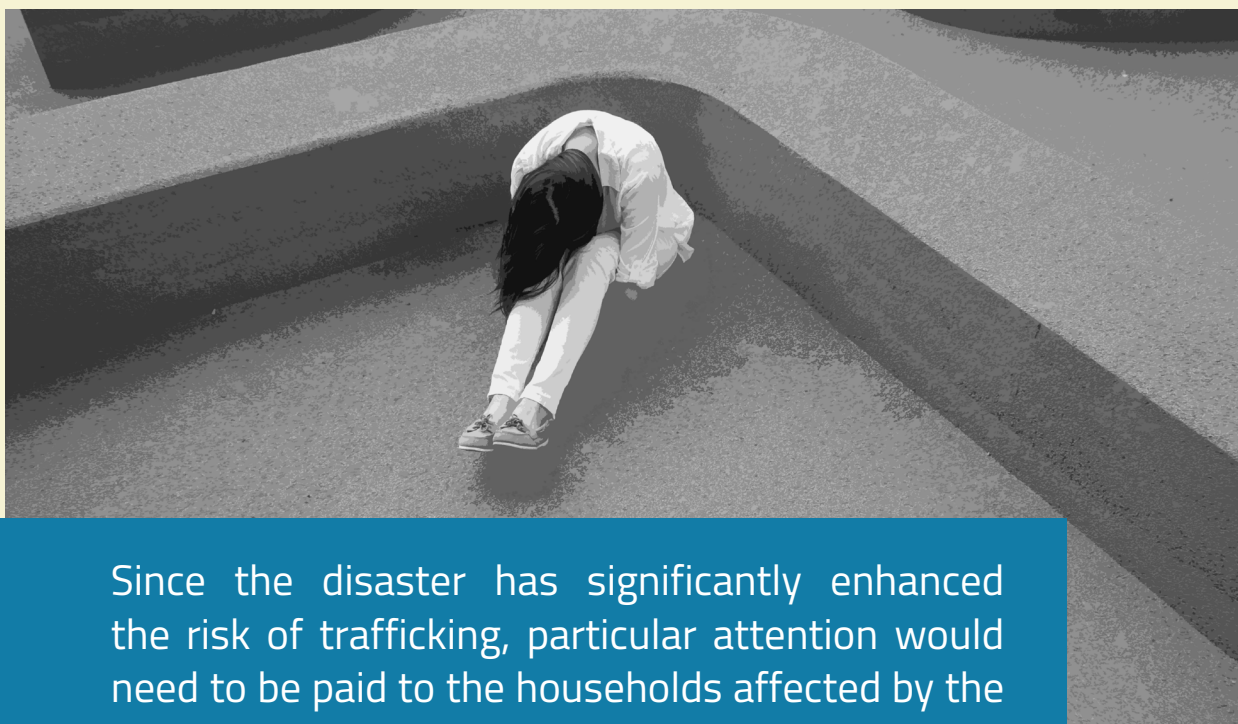
It is essential that the social and structural aspects of gender inequity that constitute the core causes to the issue of GBV and trafficking are addressed although they are intractable and difficult.



Efforts would need to be focused on bringing about attitudinal change at the structural level in society, addressing deep-rooted gender norms, violence-supportive attitudes and behaviours amongst boys and men, and social conditioning amongst women which makes them passive recipients of trafficking and VAW. This alone would lead to the social transformation that would ensure a sustainable solution to the continuing VAWG including trafficking that Nepal's women and girls are at continual risk of. It is important to focus on awareness generation and media tools needs to be better utilized to create awareness of existing policies, law, forms, factors, problems, and solutions of sex trafficking in Nepal as well as to bring about attitude and behavior change.

Women's awareness and solidarity must be built. Enabling an environment of care and support, would provide confidence to women. This can be done through forming peer supports groups, and by establishing centers that provide services related to counseling, assistance, and protection. Alongside community level prevention and protection measures are vital in order to protect women and children from any types of violence including sexual exploitation and trafficking. Apart from this, capacities of women need to be built so that they are able to actively participate in the household decisions and are able to assert and demand for their rights. This would help in generating active resistance to VAW.

## 2 Targeted attention on households affected by the earthquake



Since the disaster has significantly enhanced the risk of trafficking, particular attention would need to be paid to the households affected by the earthquake, and issues of critical poverty and/or family dysfunction.

There is a critical need to reach out to populations in remote and inaccessible areas, integrating trafficking issues with poverty alleviation and empowerment programs, and developing mechanisms to deploy remittances in the productive sector to enable a sustainable rise out of poverty and thereby reduced vulnerability to trafficking at the source areas.

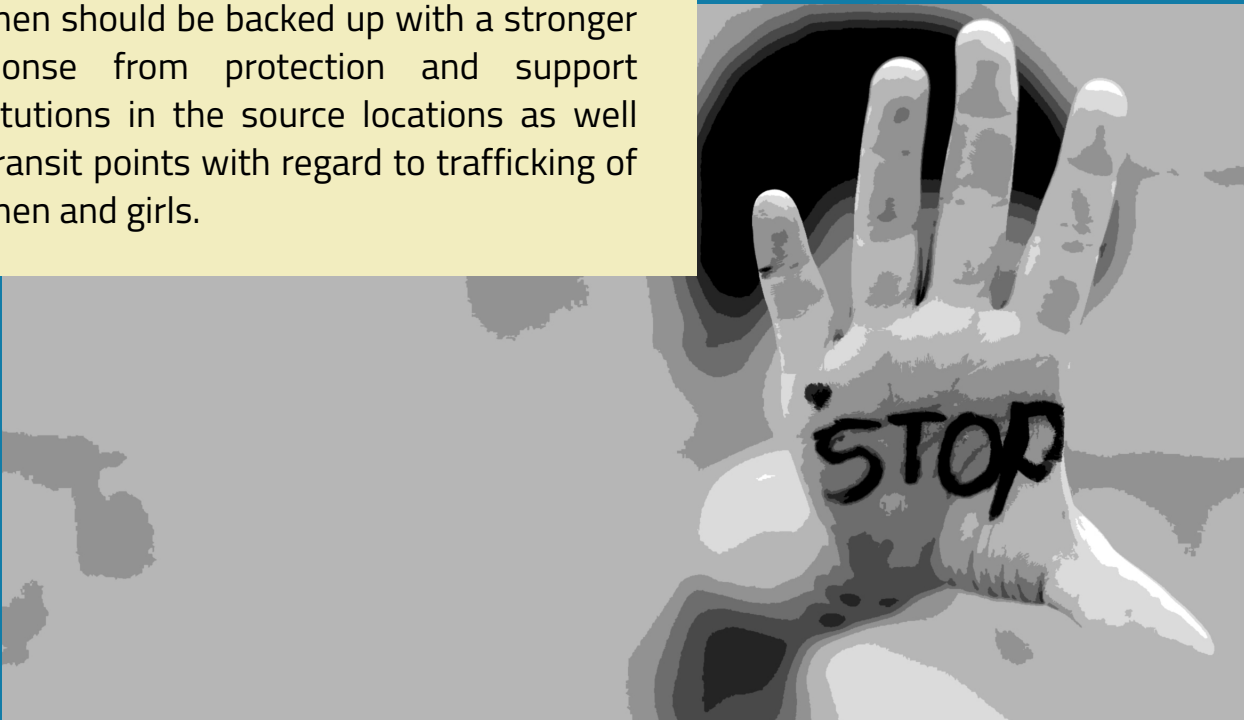
Women and adolescent girls in these affected households need targeted support to help them deal with the increased marginalisation, vulnerability, violence, as well as social protection against potential trafficking and sex-trade. Livelihood / income crisis post-disaster is a key driver for escalation

of marginalisation, trafficking and violence, and capacitating women with awareness, life-skills as well as opportunities for rural enterprise or employment, represents a route out of vulnerability for the women. Creating options for equal employment opportunity would motivate women and children to educate and train themselves for different vocations. Poverty eradication program should be a part of the organized strategic plan in conjunction with the provision for viable livelihood options that help reduce the scarcity of foods, shelters, clothes, good health, and education and contribute to fighting against sex trafficking in Nepal.

## 3

## Multi-stakeholder and multi-point GBV prevention and protection program

A community-inclusive program for primary prevention of trafficking and violence against women should be backed up with a stronger response from protection and support institutions in the source locations as well as transit points with regard to trafficking of women and girls.



Towards this the necessary capacity and linkages needs to be built to enable communities and responders to combat trafficking and GBV effectively. Counselling services, and women's shelters and support groups are essential requirements to counter dangers facing women in quake-affected areas. Local support and change agents should be developed among both men and women for providing social protection along with efforts towards effecting a change in trafficking and gender-related attitudes. A multi-stakeholder protection program addressing gender-based violence is vital.

It is important to improve the effectiveness of the response network to GBV and trafficking at both source and transit points, which in turn, would help lessen the incidence of these crimes and damage through these. Institutional stakeholders need to be mobilised for strict and effective policy

and law enforcement all along with trafficking route between Nepal and India, against all forms of trafficking. Procedures must be instituted for proactive prevention of trafficking through adequate and timely detection of vulnerable women and girls, as well as for identification and referral of trafficking victims to protection services through formal and non-formal means; suspected labor trafficking offenders and labor recruiters engaging in fraudulent recruitment must likewise be tracked. Production of reliable information/data on the impact of the earthquake, especially focusing on the vulnerability of trafficking, exploitation would greatly facilitate proper detection and targeting. Linkages with the Protection Cluster is especially necessary for strengthening its operation in the earthquake affected districts and in remote areas.

Overall, improvement in women's capacity, in terms of building their resistance to VAW as well as income and employment ability on one hand, and improvement in the response mechanisms and support facilities for prevention of gender based violence on the other, is required to effectively address the issue of trafficking of women and girls in Nepal.

At the same time, it would be wise to take note of the value of migration for work and enable non-clandestine migration, where essential for the purpose of decent work, empowering the women to protect themselves from being abused by agents and employers. An increasing 'feminisation of international migration' is discerned in South-Asia – a pattern of greater numbers and proportion of women migrating for work, without their families, but for the support of their families in their home countries via remittances. While the challenge to ensure prevention of trafficking for commercial sex and protection from abuse has been discussed, it would also be important to examine the possibilities of ensuring and enhancing positive outcomes associated with female-migration in the form of improving women's empowerment.



# 05

## References

- “Human trafficking in Nepal: A complex national injustice,” <http://freeforlifeintl.org/resources/human-trafficking-in-nepal/>
- Executive summary, [http://nhrcnepal.org/nhrc\\_new/doc/newsletter/TIP\\_National\\_Report\\_2015\\_2016.pdf](http://nhrcnepal.org/nhrc_new/doc/newsletter/TIP_National_Report_2015_2016.pdf)
- NRHC, Nepal, [http://nhrcnepal.org/nhrc\\_new/doc/newsletter/TIP\\_National\\_Report\\_2015\\_2016.pdf](http://nhrcnepal.org/nhrc_new/doc/newsletter/TIP_National_Report_2015_2016.pdf)
- Plight of Cabin Keepers ActionAid Nepal. Kathmandu: ActionAid International Nepal. 2004. [www.childtrafficking.com/Docs/action\\_aid\\_2004\\_plight\\_of\\_cabin\\_keepers\\_15.pdf](http://www.childtrafficking.com/Docs/action_aid_2004_plight_of_cabin_keepers_15.pdf)
- A Sense of Direction: The Trafficking of Women and Children from Nepal, Bashford, Peter. Emberton: Asha-Nepal. 2006.
- Burke, J., “Nepal quake survivors face threat from human traffickers supplying sex trade,” The Guardian, May 5, 2015, Retrieved from <https://www.theguardian.com/>: <https://www.theguardian.com/world/2015/may/05/nepal-quake-survivors-face-threat-from-human-traffickers-supplying-sex-trade>
- Baseline Study On Human Trafficking in the Cross Border Area of Rupandehi District, Centre for Economic Development and Administration. Kathmandu: Centre for Economic Development and Administration. 2003. [www.childtrafficking.com/Docs/ceda\\_2003\\_human\\_traffickin.pdf](http://www.childtrafficking.com/Docs/ceda_2003_human_traffickin.pdf)
- VDC Level Baseline Survey in Five VDCs of Nuwakot. Final Report Community Action Centre Nepal. Kathmandu: Community Action Centre Nepal. 2003.
- Hennink, Monique and Padam Simkhada. Opportunities and Choices Working Paper 11. 2004.
- Pranab Dahal et al, ‘We are looked down upon and rejected socially’: a qualitative study on the experiences of trafficking survivors in Nepal,” Global Health Action, 2015,
- <http://www.tandfonline.com/doi/pdf/10.3402/gha.v8.29267?needAccess=true>
- “Human trafficking in Nepal: A complex national injustice,” <http://freeforlifeintl.org/resources/human-trafficking-in-nepal/>
- Office to monitor and combat trafficking in persons, Trafficking in Persons Report, 2015, US Department of State, Diplomacy in Action, <https://www.state.gov/j/tip/rls/tiprpt/countries/2015/243500.htm>
- These 14 districts are Gorkha, Dhading, Rasuwa, Nuwakot, Kathmandu, Lalitapur, Bhaktapur, Kavre, Sindhupalchok, Dolakha, Okhaldhunga, Sindhuli, Ramechhap and Makwanpur.
- Executive summary, [http://nhrcnepal.org/nhrc\\_new/doc/newsletter/TIP\\_National\\_Report\\_2015\\_2016.pdf](http://nhrcnepal.org/nhrc_new/doc/newsletter/TIP_National_Report_2015_2016.pdf)
- <http://www.ucanews.com/news/paper-marriages-and-the-peddling-of-false-hopes-in-nepal/73259>
- Retina Rimal, Chris Papadopoulos, “The mental health of sexually trafficked female survivors in Nepal,” International Journal of Social Psychiatry, June 3, 2016.
- Dr. Sherap Bhutia, Mrs. Namrata Rai, “Human Trafficking In Indo-Nepal Border: Causes And Consequences,” Journal Of International Academic Research For Multidisciplinary, Volume 2, Issue 4, May 2014, <http://www.jiarm.com/MAY2014/paper13152.pdf>.
- Tara Jung Gurung et al, Sex Trafficking In Nepal: A Review of Problems and Solutions, National Institute of Development Studies, International Journal of Humanities and Social Science Invention ISSN (Online): 2319 – 7722, ISSN (Print): 2319 – 7714 [www.ijhssi.org](http://www.ijhssi.org) || Volume 5 Issue 3 || March. 2016 || PP:21-28

- Sex Trafficking in Nepal: Survivor Characteristics and Long-Term Outcomes\* Mary Crawford Michelle R. Kaufman University of Connecticut, Himalayan Journal of Development and Democracy, Special Issue, 2006
- <http://www.nalcnepal.com/index.php/component/k2/item/20-cross-border-human-trafficking-in-nepal.html>
- Presented by UNICEF at the consultative workshop for the development of National plan of Action against Trafficking in children and their commercial sexual exploitation 1998.
- Romana Lepcha, "Cross Border Human Trafficking between India and Nepal: Legal Dimensions," Sikkim University, August 2016.
- Office to monitor and combat trafficking in persons, Trafficking in Persons Report, 2015, US Department of State, Diplomacy in Action, <https://www.state.gov/j/tip/rls/tiprpt/countries/2015/243500.htm>

## 06

## Annexures

## Organizations working in the source areas:

Sl. No.	Names of organisation	Ongoing Initiatives
1.	Samrakshak Samuha, Nepal (SASANE)	Paralegal, school awareness, community outreach programs
2.	AATWIN (Alliance against Trafficking in Women and Children in Nepal)	Has set up a Resource center, conducts activities related to network building, and organizes advocacy campaigns
3.	Maiti Nepal	Awareness and advocacy, prevention homes, information and resource centers
4.	Child rescue, Nepal	Has taken up an imitative of “Safe schools” for children to prevent trafficking
5.	FWLD (Forum for Women, Law and Development)	Creates public awareness on the issue
6.	INSEC (Informal Sector Service Center)	Conducts awareness campaigns, acts as a pressure group, and conducts capacity development trainings and workshops
7.	Women's Rehabilitation Center (WOREC Nepal)	Conducts awareness campaigns and engages in activities relating to communication for development
8.	WOFOWON (Women Forum for Women in Nepal)	Conducts awareness training programs, and capacity building workshops
9.	PPR Nepal (Forum for Protection of People's Rights Nepal)	Carries out community orientation and follow up, preparation and distribution of awareness raising material and kits
10.	Kakani Community Development center (Nuwakot)	Has set up a helpline service, conducts awareness campaigns and establishes network with police and legal stakeholders
11.	Shakti Samuha	Has set up protection centres, Shakti kendras and Mahila Awas for prevention.
12.	CWISH (Children & Women in Social Service & Human Rights)	Works through local level Child protection committees, and works towards enhancing child protection system
13.	Sahyata Samajik Sanstha (SSS)-Nuwakot	Conducts campaigns and sensitization programs and has formed women's groups.
14.	Prayash Nepal (Dhadhing)	Conducts campaigns and sensitization programs
15.	BMSP (Sindhupalchowk)- Awareness campaigns	Conducts awareness campaigns
16.	ABC Nepal-	Conducts education and awareness programmes for the trafficking-prone communities

### Multilateral and Government Agencies

1.	Ministry of health and population, Govt. of Nepal: Runs a one stop crisis management centre
2.	The Asia Foundation: Provides support services
3.	CCWB (Central Child Welfare Board)
4.	DCWB (District Child Welfare Boards): Child care home
5.	MoWCSW (Ministry of Women, Children and Social welfare)
6.	DoFE (Department of Foreign Employment)
7.	FEPB (Foreign Employment Promotion Board)
8.	MoFALD (Ministry of Federal Affairs and Local Development)
9.	MoLE (Ministry of Labor and Employment)
10.	MoFA (Ministry of Foreign Affairs)
11.	Village Committees for Controlling Human Trafficking (VCCHT) under DWCO.
12.	Women and children Development office ( MahilatathaBalbalikaKaryalaya)
13.	District children welfare council(JillaBalkalyanSamitee)
14.	Women Development Council ( MahilaBikashSamiti)
15.	ICDC(Integrated Community Development Campaign)
16.	MahilatathaBalbalikaKaryalaya (SindhupalChowk)
17.	NJA (National Judicial Academy)- research, trainings, advancement of judicial system and capacity building of stakeholders.
18.	National Human Rights Commission – Seminars and dissemination of information.
19.	District police office and Community Police Service Centers- Community policing, protection and investigation.

### Organizations working in the Transit areas:

Sl. No.	Names of organizations engaged in the transit points	Ongoing Initiatives
1.	Maiti Nepal	<ul style="list-style-type: none"> <li>Provides immediate temporary shelter and protection as well as offers counseling services, health care and classes to provide life skills and knowledge about human trafficking</li> <li>The organization also has provision for legal counseling for the survivors of trafficking.</li> </ul>
2.	Child rescue, Nepal	This organisation works towards prosecuting traffickers by collaborating with the Department of Police and judicial courts.
3.	Asha Nepal	Has instituted Children's Transitional Home and The Girls' Centre to ensure safe homes to young girls and women
4.	ABC Nepal	Has set up a transit homes for victims of trafficking, domestic violence, rape, and other forms of displacement and basic medical services at field clinics and the transit homes

Multilateral and Government Agencies		
1.	UNICEF	Works towards strengthening the police operations between the borders of India and China, works for 11 transit centers for survivors of trafficking and collaborates with Shakti Samuha and supports surveillance and awareness-raising in the 14 districts.
2.	MoFA (Ministry of Foreign Affairs)	
3.	SSB (SashastraSeemaBal)	
4.	NCCHT (National Committee on Controlling Human Trafficking) under MoWCSW.	
5.	Nepal Armed Forces	Provides protection to the trafficked people across and within the nation
6.	District police office and Community Police Service Centres	Carries out community policing, protection and investigation
7.	NJA (National Judicial Academy)	
8.	National Human Rights Commission	Carries out investigation and justice

### Organizations working in the Destination areas:

Sl. No.	Names of organisation	Ongoing Initiatives
1.	The Umbrella Foundation Nepal	Carries out rescue operations, conducts education, childcare, community support and reintegration programs.
2.	SamrakshakSamuha, Nepal (SASANE)	Conducts sisterhood of survivors program for providing training and skills to trafficked women
3.	AATWIN (Alliance against Trafficking in Women and Children in Nepal)	Has set up resource centre, focuses on network building and advocacy campaigns
4.	Maiti, Nepal	Focuses on rescue and repatriation, job trainings and placements, women rehabilitation homes
5.	3 Angels Nepal	Rums schools
6.	Child rescue, Nepal	Conducts Rescue, children homes, Reuniting Families through providing various health education programs, and counseling services
7.	CAP Nepal (Center for Awareness Promotion Nepal)	Conducts shelter homes, programs related to stopping commercial sexual exploitation, meditation and self-realization programs, youth awareness programs for awareness and fostering mental wellbeing of survivors
8.	FWLD (Forum for Women, Law and Development)	Conducts legal aid, legal advocacy
9.	INSEC (Informal Sector Service Center)	Focuses on Rescue and Relief
10.	Women's Rehabilitation Center (WOREC Nepal)	Focuses on advocacy and networking
11.	WOFOWON (Women Forum for Women in Nepal)	Focuses on legal support, counseling, advocacy program, health support, research and case documentation, and coordination
12.	PPR Nepal (Forum for Protection of People's Rights Nepal)	Focuses on legal service and psychosocial healthcare
13.	Shakti Samuha	Focuses on reintegration and repatriation of women
14.	CWISH (Children & Women in Social Service & Human Rights)	Focuses on Education related to programs



Sl. No.	Names of organisation	Ongoing Initiatives
15.	Eternal Threads	Focuses on working on prevention and reintegration of survivors through anti-trafficking border units, safe houses and skill trainings.
16.	Asha Nepal	Focuses on Family Preservation Programme, and on the Children's Reintegration Centre program and one of the Foster Homes
17.	BMSP (Sindhupalchowk)	Assists survivors by addressing traumatic disorders and their reintegration needs
18.	Adarsha Nari Vikas Kendra	Focuses on rescue and rehabilitation
19.	ABC Nepal	Focuses on skill training, savings and credit cooperatives for women, and on formal and non-formal education for girls and women
<b>Multilateral and Government Agencies</b>		
1.	Ministry of health and population, Govt. of Nepal: running one stop crisis management center	
2.	National Network against Girl Trafficking (NNACT): Focuses on advocacy and awareness.	
3.	UNOHCHR (UN Office of the High Commissioner for Human Rights): Highlights issues, mainstreams human rights issues and training.	
4.	CCWB (Central Child Welfare Board): Conducts awareness, child protection system	
5.	UNODC Nepal: Preparation of tools, adoption of protocols and dissemination of information.	
6.	DCWB (District Child Welfare Boards)	
7.	UN Convention against Transnational Organised Crime (UNTOC): Have provisions to deal with corruption, trafficking, and criminal networks.	
8.	Nepal Embassy in India and other countries	
9.	National Human Rights Commission – Conducts Training, advocacy, seminars, documentation.	
10.	NCCR (National Center for Children at Risk) - Focuses on reintegration of children into the family.	







TRAFFICKING OF WOMEN AND GIRLS IN NEPAL  
Study on Trends following the 2015 Earthquake



# STOP HUMAN TRAFFICKING

PRAGYA

83, Sector-44 Institutional Area  
Gurgaon-122003  
Haryana, India.

Tel. +91 124 4947000  
Email. [pragyain@pragya.org](mailto:pragyain@pragya.org)

[www.pragya.org](http://www.pragya.org)