

**Address by NHRC Chairperson Nayan Bahadur Khatri, at the  
South Asia Regional Policy Dialogue Assembly on Human Trafficking, December 21, 2003**

Respected Chairperson,  
Distinguished Guests,  
Ladies and Gentlemen:

I feel privileged to be here with you all this morning. I would like to congratulate HimRights and Plan Nepal for organizing such an important regional event with the upcoming 12<sup>th</sup> SAARC Summit soon to be held in Islamabad. Therefore, there is an immense importance of this Policy Dialogue Assembly to come up with a common agenda for the future to combat human trafficking in the South Asian region.

Human trafficking especially in women and children is the contemporary form of slavery, a heinous crime and one of the worst forms of violation of human rights that is spreading all over the world with impunity. The purchase, movement and sale of human beings by deception or coercion and supplying them for extremely exploitative purposes like the sex industry, domestic labor, organ transplant and illegal adoption rackets, is undoubtedly the extreme manifestation of the dehumanization and objectification of humans, especially women. Yet, there is a lack of effective mechanism nationally and internationally to stop the crime and provide redress for the victims.

On the same note, the interlinkage of trafficking with displacement of the population is an issue that must be addressed. The adoption of legal and administrative measures to address the problem of internally displaced persons (IDPs) in line with the UN Guiding Principle on IDPs is absolutely essential in the given context of escalating floating population and increasing internal and external migration.

Here I want to present an example of Nepal visualizing the extent of the problem of women and girl trafficking. The most often quoted number of women and girls trafficked every year ranges between 5000 and 7000. A recent study conducted by ILO even mentions the number to be 12,000. In the absence of systematic and detailed study of the problem, the data on the number of women and children trafficked are far from comprehensive and accurate. It however does highlight the magnitude of the problem. As such the problem of women and girl trafficking in Nepal needs to be taken care as the national concern of priority. In this context, I want to mention some of the major steps that have been taken by HMG/N. HMG/N has shown its commitment by being party to different international conventions to combat trafficking, including the Convention on the Suppression of Trafficking and the Exploitation of the Prostitution (1994), the Convention on the Elimination of all forms of Discrimination against Women (1997), and the Convention on the Rights of the Child (1990).

As a step to translate its commitment, HMG/N has formulated National Strategy and developed a National Plan of Action on Combating Trafficking, which is the first such initiative in Asia, and has also established the national, district and VDC level task forces to combat the crime, along with the enactment of the Human Trafficking (Control) Act in 1986. A number of NGOs and INGOs are actively involved in addressing the root causes and consequences of trafficking. Yet the crime continues unabated due largely to the deep-rooted patriarchal norms and values prevalent at the family, community, market and state level-values and practices that contribute to making women and girls vulnerable to trafficking and exploitation.

In this context, both the Ministry of Women, Children and Social Welfare, which is the focal point to combat trafficking in the country, and the National Human Rights Commission felt the need for an official body mandated specifically to address the multiple challenges to effectively monitor and spearhead the efforts to eliminate the crime. Therefore, the National Human Rights Commission, in cooperation with the Government, took the crucial step of establishing the Office of the National Rapporteur to spearhead the observance and compliance of human rights of women and children in Nepal in accordance with the rights and freedoms guaranteed by the Constitution and International Human Rights Conventions and Protocols. The National Rapporteur investigates, monitors and reports on the incidences of trafficking and also co-ordinates national, regional and international efforts to combat the crime of trafficking and generate high-level commitment to efforts aimed at improving the human rights situation of women and children. The office holds special significance, as Nepal is the first country in the world to institutionalize such a mechanism. It is also in line with the recommendations of Beijing +5 Outcome Document 2000, which, among other things, calls on governments to have a National Rapporteur on Trafficking to eliminate the crime.

The National Human Rights Commission of Nepal, recognizing the seriousness of cross-border trafficking between Nepal and India has already initiated dialogue with the Indian Human Rights Commission to establish an effective mechanism to deal with the growing volume of cross-border trafficking. A delegation from the Commission visited the Indian National Human Rights Commission, followed by a visit of the officials from the Indian Commission to the Nepalese Commission, and a memorandum of understanding is being developed for further cooperation between the two Commissions on the issue of cross-border trafficking. We are in the process of developing an agreement on combating cross-border trafficking which is likely to be finalized in a meeting between the parties during the 8<sup>th</sup> Annual Meeting of national human rights institutions of the Asia-Pacific Region, which is scheduled to be held in Kathmandu in the middle of February 2004.

The initiatives of the SAARC governments to address the issue of trafficking by formulating a SAARC Regional Convention, thereby pledging to coordinate their efforts to take effective measures to address this problem must be appreciated and supported by civil society in the region. However, it has been felt that the scope of the Convention is limited and is lacking in addressing the functional regional mechanisms to combat the crisis. As such, an amendment that carries the spirit and the essence of the human rights of women and addresses the accountability of the demand side is necessary to uphold the notion of natural justice. Another proposal that has come in the fore is the formation of a regional court to address the crimes of human trafficking and to bring the perpetrators to justice without impunity. These proposals put forward are crucial in that they seek to meet the challenges and complexities involved in combating a rapidly changing, organized and sophisticated criminal enterprise of human trafficking. In this regard, the initiatives taken by this Dialogue Assembly especially to lobby for these changes during the 12<sup>th</sup> SAARC Summit to be held in Islamabad soon are therefore highly laudable.

Please allow me to highlight some other issues of concern that need to be taken into consideration in the Policy Dialogue to combat trafficking by safeguarding human rights:

- Any move to combat trafficking must not interfere with women's rights to mobility
- The Convention must not be an instrument to restrict or control the voluntary movement of women from one country to another
- Issues of trafficking and migration must be separated
- The Convention needs to broaden the scope and notion of trafficking depending upon exploitative global trading, along with demand and supply trends as dictated by the market economy
- Principles of non-discrimination, safety, fair treatment, access to justice, compassion, access to private action, repatriation, determination of residence status, provision of health, education and basic services need to be considered

Finally, I hope that this Assembly would reach to a common understanding in urging the member states of the SAARC region to begin necessary bilateral and multilateral agreements as well as required judicial mechanisms to make the regional agreement workable in the truest sense. I wish all success for this important endeavour.

Thank You