

# TRAFFICKING IN PERSONS ESPECIALLY ON WOMEN AND CHILDREN IN NEPAL



National Report 2012-2013



**National Human Rights Commission (NHRC)**  
**Office of the Special Rapporteur on**  
**Trafficking in Women and Children (OSRT)**

Harihar Bhawan, Pulchowk,  
Lalitapur, Nepal

2014



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

Report No. : NHRC Publication 181  
Publised Date : July 2014  
Copies : 1500  
Supported by : Strengthening the Capacity of National  
Human Rights Commission (SCNHRC) Project  
Printed at : National Printing Service. Babarmahal  
Ph: 01-4258394, [nationalps159@gmail.com](mailto:nationalps159@gmail.com)

## Prologue

Office of the National Human Rights Commission is pleased to bring out the National Status Report on *Trafficking in Persons Especially on Women and Children (2012-13)*. Upon the year long monitoring and consultations held via the Office of the Special Rapporteur (OSRT) under the purview of the Commission, the sixth report has been published on trafficking in persons (TIP). The first report was published in 2005.

This Report guided by the NHRC fourth Strategic Plan 2011-2014. All in all, the Report unveils the major findings on Situation of Trafficking in Persons, Situation of Foreign Labor Migration, Monitoring of Anti-Trafficking Initiatives including Law Enforcement and Judicial Responses of Trafficking.

Trafficking in Persons is indeed one of the fastest-growing areas of organized crime which has, with the pace of time, emerged as a long-standing concern of the international community and the United Nations. Owing to its nature as well as global dimension, trafficking requires a concerted international response. The need of the hour, therefore, is the building of both regional and international mechanisms to combat the incidents of trafficking of all forms including transnational trafficking.

In this concern, international commitments have been put to the forefront by creating universal legal regime gradually embodying in treaties, conventions and resolutions such as CEDAW, CRC, UN Security Council Resolutions 1325 and 1820 and SAARC Convention 2002 in combating trafficking. Similarly, state entities have endeavored in combating trafficking with their national laws, creating at times, special cell within their crime investigation and prosecution Department of Police Organization and so on so forth.

I would like to remind here that the perennial issue of trafficking in persons was one of the main agendas discussed among the NHRIs of Asia Pacific region during the international conference on the rights of migrant workers and their Families held in Kathmandu Nepal. On the occasion, the Kathmandu Resolution was adopted as the vital achievement of the program that envisaged addressing the rights of migrant workers including those trafficked persons in the name of employment.

I would like to extend my thanks to all the participants of GOs, NGOs, INGO and other development partners involved during different workshops and consultation meetings held in the process of preparing the report. Ministry of Women, Children and Social Welfare; Ministry of Labour and Employment, Department of Women and Children; Department of Foreign Employment; Women and Children Service Directorate Nepal Police and Office of the Prime Minister and Council of Ministers including the Office of the Attorney General also have to be credited for their wholehearted contribution to prepare the Report

with the data and information provided with selfless propensity from their respective areas. Had we not received the sincere support and necessary inputs from them, we would not have been able to bring this Report to the public in this form.

I am convinced that the Report has been able to unearth both ground situation including the database information with regard to the trafficking in persons especially on women and children in national perspective. I am also confident that the way forward conceived via this Report would pave ways for working on future roadmap to combat ever burgeoning problem of trafficking in persons.

Mr. Kamal Thapa Kshetri, Human Rights Officer of the Office of the Special Rapporteur on trafficking in women and children has worked hard in conceptualizing, writing, co-ordinating and organizing the consultation and interaction programs with representatives of Government, International and National Non-Governmental Organizations, and UN agencies to bring this Report to this stage. Prof. Dr. Govind Subedi, the consultant, deserves due appreciation for preparing and giving the final shape to this report. I, on behalf of the Commission, also extend my heartfelt thanks to the Strengthening the Capacity of National Human Right Commission – program (SCNHRC) for its technical and financial support provided to prepare this Report.

Last but not the least; I firmly believe that this Report will be useful to all concerned and more specifically to those who work on the issues around human trafficking. If at all the Report brings about the improvement in the field of present scenarios of the human trafficking, this will be remarkably a source of inspiration for us. The Report may have inadvertent errors and discrepancies. If so, constructive suggestions from the distinguished readers would be appreciated for further improvement of the Report.

Bed Prasad Bhattarai  
Acting Secretary

## Acronyms and Abbreviations

AATWIN	Alliance against Trafficking in Women and Children in Nepal
CBO	Community Based Organization
CBS	Central Bureau of Statistics
CCWB	Central Child Welfare Board
CDO	Chief District Officer
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFLG	Child Friendly Local Governance
CMW	UN Convention on the Rights of Migrant Workers and Their Families
CPPC	Child Protection and Promotion Committee
CRC	Child Rights Convention
CRPD	Child Rights Protection Desk, NHRC
CTIP	Combating Trafficking in Persons Project
CWIN	Child Workers Concerned Center in Nepal
DCCT	District Committee on Combating Trafficking in Persons
DDC	District Development Committee
DoFE	Department of Foreign Employment
DR	Development Regions
EPS	Employment Permission System
FEPB	Foreign Employment Promotion Board
FGD	Focus Group Discussion
FWLD	Forum for Women, Law and Development
FY	Fiscal Year
GBV	Gender based Violence
GCC countries	Gulf Cooperation Council Countries
GDP	Gross Domestic Product
GECU	Gender and Empowerment Coordination Unit
GMSP	Gramin Mahila Srijanshil Pariwar
GO	Governmental Organization
GoN	Government of Nepal
GoN	Government of Nepal
HTTC Act	Human Trafficking and Transportation (Control) Act 2007
I/NGO	International Non-Governmental Organization
IACG	Inter-Agency Coordination Group on Combating TIP
IEC	Information, Education and Communication
ILO	International Labor Organization
INSEC	Informal Sector Service Center
IOM	International Organization for Migration
LACC	Legal Aid and Consultancy Center
MoE	Ministry of Education
MoFA	Ministry of Foreign Affairs
MoFALD	Ministry of Federal Affairs and Local Development
MoHA	Ministry of Home Affairs
MoLE	Ministry of Labor and Employment
MoPH	Ministry of Population and Health
MoU	Memorandum of Understanding
MoWCSW	Ministry of Women, Children and Social Welfare

MWs	Migrant Workers
NAFEA	Nepal Foreign Employment Association
NCCR	National Center for Children at Risk
NCCT	National Committee on Combating Trafficking in Persons
NDC	National Dalit Commission
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission of Nepal
NHRIs	National Human Rights Institutions
NIDS	National Institute of Development Study
NJA	National Judiciary Academy
NPA	National Plan of Action
NWC	National Women Commission of Nepal
OAG	Office of the Attorney General
OSRT	Office of the Special Rapporteur on Trafficking, NHRC
PAF	Poverty Alleviation Fund
PLC	Paralegal Committee
PPR Nepal	Forum for Protection of People's Rights Nepal
RN	Raksha Nepal
TAF	The Asia Foundation-Nepal
TIA	Tribhuvan International Airport, Kathmandu
TIP	Trafficking in Persons
TIP	Trafficking in Persons
TVPA	Trafficking Victims Protection Act
UAE	United Arab Emirates
UN	United Nations
UNHCR	UN High Commissioner for Human Rights
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USA	United States of America
VAW	Violence against Women
VCPC	Village Child Protection Committee
VDC	Village Development Committee
VDC	Village Development Committee
WCSC	Women and Children Service Center, Nepal Police
WHO	World Health Organization
WL	Watch List
WMWs	Woman Migrant Workers
WOREC Nepal	Women's Rehabilitation Center

# Table of Contents

Executive Summary.....	i
<b>Chapter 1.....</b>	<b>1</b>
Introduction.....	1
1.1 Background.....	2
1.2 Definition of Migration, Smuggling and Trafficking in Persons.....	3
1.3 Framework of Analysis.....	6
1.4 Data and Methods.....	7
1.5 Organization of the Report.....	12
<b>Chapter 2.....</b>	<b>13</b>
Situation of Trafficking in Persons.....	13
2.1 Magnitude of Trafficking in Persons.....	13
2.2 Missing Women in Kathmandu Valley.....	17
2.3 Child Trafficking.....	17
2.3.1 Missing Children.....	17
2.3.2 Cross-border Trafficking of Children in Labor Exploitation.....	18
2.3.3 Intercountry Adoption of Nepali Children and Nexus of Trafficking.....	18
2.3.4 Children Residing in Child Care Homes.....	19
2.4 Female Workers in Entertainment Sectors: Deception, Exploitation and Trafficking..	20
2.5 Trafficking of Human Organs (Kidney) .....	25
2.6 Smuggling of Girls to Korea.....	26
2.7 Gender Based Violence and Trafficking.....	27
2.8 Processes and Causes of Trafficking in Persons.....	31
2.9 Awareness Level against GBV including Trafficking.....	32
2.10 Key Issues and Challenges.....	35
<b>Chapter 3.....</b>	<b>37</b>
Situation of Foreign Labor Migration and Nexus of Trafficking in Nepal.....	37
3.1 Magnitude of Foreign Labor Migration.....	37
3.1.1 Magnitude of Woman Migrant Workers to Gulf Countries.....	40
3.1.2 Magnitude of Female Domestic Workers.....	41
3.2 Processes of Foreign Labor Migration.....	41
3.3 Working Conditions in the Destination Countries.....	46
3.4 Rescue, Imprisonment, Mental Retardation, Missing and Deaths.....	51
3.5 Linking the Migration Process with Trafficking: The Case of Woman Domestic Workers.....	55
3.6 Responses of Foreign Labor Migration.....	58
3.6.1 Laws, Policies and Programs Initiatives.....	58
3.6.2 Labor Governance Polices in GCC Countries.....	64
3.6.3 Responses of Ministry of Labor and Employment, Government of Nepal	65
3.6.4 Service Delivery Agencies and Their Monitoring.....	70
3.6.5 Responses of National Human Rights Commission.....	71

3.6.6 Responses of Nepalese Foreign Missions.....	74
3.6.7 Responses of Civil Society.....	76
3.7 Key Issues and Challenges.....	77
<b>Chapter 4.....</b>	<b>79</b>
Monitoring of Anti-Trafficking Initiatives.....	79
4.1 Nepal's Position in TIPs Report and Global Slavery Index Report.....	79
4.2 Key Policy Initiatives.....	81
4.3 Institutional Mechanism.....	84
4.4 Government Programs.....	85
4.4.1 Programs Indirectly Responses to Trafficking.....	85
4.4.2 Programs Directly Responsive to Trafficking.....	92
4.4 NGOs Responses.....	102
4.4.1 Profile of NGOs.....	102
4.4.2 Prevention Related Activities: Coverage, Beneficiaries.....	107
4.4.3 Protection Related Activities: Rescue, Repatriation, Rehab and Reintegration.....	110
4.4.4 Legal Support and Counseling.....	113
4.5 Responses of Donor Community.....	114
4.6 Political Commitments.....	118
4.7 Key Issues and Challenges.....	120
<b>Chapter 5.....</b>	<b>121</b>
Law Enforcement and Judicial Responses of Trafficking.....	121
5.1 Nepal's International Commitments.....	121
5.2 Assessment of the Existing Legal Framework.....	123
5.3 Judicial Responses of Trafficking.....	128
5.4 Some Landmark Judgments Related to Trafficking Cases in FY 2011/12 and 2012/13.....	131
5.5 Implementation Status of Access to Justice to the Victims of GBV.....	133
5.6 Key Issues and Challenges.....	136
<b>Chapter 6.....</b>	<b>137</b>
Conclusions and Recommendations.....	137
6.1 Conclusions.....	137
6.2 Recommendations.....	139
References Cited.....	142
Annex.....	147



## Executive Summary

The Office of the Special Rapporteur (OSRT) under the National Human Rights Commission (NHRC) is mandated to monitor the incidence of trafficking in persons (TIP), coordinate national, regional and international efforts to combat crime of trafficking and publish Annual Reports on Situation of TIP in Nepal. The OSRT-NHRC has already published five National Reports since 2005. This National Report entitled *Trafficking in Persons Especially Women and Children* is the continuous of the previous National Reports. The key aims of this National Report were to assess the status and emerging trends of TIP in Nepal; explore the nexus between foreign labor migrations and trafficking; monitor the anti-trafficking initiatives; measure the level of legal enforcement and judicial responses of TIP in Nepal and recommend policies and programs for combating TIP. This Report covers the period of FY 2011/12-2012/13 but in case of monitoring the anti-trafficking initiatives carried out by NGOs it covers the period of January 2012-June 2013. The Report utilized both primary and secondary data. Secondary data were collected from different Governmental (GOs) and Non-Governmental Organizations (NGOs) including the Judiciary. Both published and unpublished data/information was used. The primary data were collected through administering the questionnaire to NGOs about their initiatives and through consultation workshops conducted among female workers in the entertainment sectors. The Preliminary Draft Report was shared with the concerned GOs, I/NGOs and NHRC staff and the feedback from the consultation workshop was incorporated in the Final Report.

This Report is guided by the NHRC fourth Strategic Plan 2011-2014. The Fourth Strategic Plan has identified 8 priority issues. Among them, 'support to increase realization of Economic, Social and Cultural rights and promotion and protection of collective/group rights' is the one priority area where NHRC aims to promote the collective rights such as rights of children, women rights and migrant rights through monitoring and advocating for the rights, lobbying for effective remedies and review of laws, policies and practices, holding dialogue and working with the NHRIs of Nepali migrant receiving countries.

The context of the Report is set through review of concerns raised by the UN Committee on the Elimination of Discrimination against Women, CEDAW (fourth and fifth combined report of Nepal, 2011) and various concerns raised by the international human rights bodies for the protection and promotion of child rights and migrant workers' rights. The CEDAW Committee urges the Government of Nepal (GoN) to fully implement Article 6 of the Convention by collecting and analyzing data on all aspects of trafficking; implementing the Human Trafficking and Transportation (Control) Act, 2007 (hereafter HTTCA 2007); strengthening preventive measures; strengthening efforts to cooperate at the international, regional and bilateral levels; ensuring the effective implementation of the SAARC Convention; ratifying the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 (hereafter UN Protocol on Trafficking) supplementing the UN Convention against Transnational Organized Crime and providing information and training to the criminal justice actors, prosecutors, legal professionals, immigration and border police, and social workers. Regarding the migrant workers (MWs), especially of undocumented MWs, the CEDAW Committee raises the following: investigate the cause of women's migration; establishing mechanisms to promote safe migration procedures; enforcing and monitoring standardized and comprehensive pre-departure orientation and skill training; signing bilateral agreements with the country of employment; providing assistance for migrant women who seek for redress; creating alternative livelihood opportunities for returnees and promote their reintegration; and prosecuting punishing the perpetrators engaged in illegal recruitment processes.

This Report follows the definition of trafficking in persons as envisioned in UN Protocol on Trafficking and HTTCA 2007 of Nepal. Following the Trafficking Protocol and HTTC Act 2007, it requires that the crime of trafficking be defined through a combination of the three constituent elements, namely, acts, means and purpose, and not the individual elements though in some cases these individual elements will constitute criminal offences independently and may be charged in different offences such as abduction.

The major finding of the Report is summarized as follows:

### ***On Situation of Trafficking in Persons***

Trafficking in persons appears to be a thriving industry in Nepal. Yet there is no household survey conducted ever in Nepal to estimate the magnitude of trafficking or in modern slavery state. Based on the program enforcement data (GOs, NGOs and Nepal Police), nearly 29,000 persons were trafficked or attempted to trafficked. Among them, roughly 16,000 were attempted to traffic while 13,000 persons were trafficked. On the other hand, the Global Slavery Index 2013 estimated that at least 250,000 to 270,000 Nepalese were enslaved.

Different sources provide data on number of trafficking survivors with different numbers. Maiti Nepal rescued 336 trafficking survivors during the period of 2008 to 2012. Among them, 209 were rescued from India, 121 from Gulf countries, 4 from Khasa, Tibet and 1 from Bangladesh. In the FY 2012/13, 144 cases of trafficking were registered in Nepal Police. The modus operandi of traffickers in most of the cases is luring with false promises. According to the record of Office of the Attorney General (OAG), there were altogether 203 woman trafficking survivors and 109 woman defendants in the FY 2012/13. According to WOREC, a total of 25 women were trafficked and other 8 women were attempted to traffic in the year 2012. Among them, majority were trafficked by friends of the victims (43%). Almost half of the trafficking survivors were in the age range of 16-25 years. The data compiled by National Women Commission (NWC) from the news paper clippings revealed that there were 98 trafficking cases and 56 cases related to foreign employment in the FY 2011/12. In the FY 2012/13, the Interpol Nepal issued a red corner notice to 13 criminals. The criminal detail shows that 11 cases are related to deception and fraud in relation to foreign employment. The newspaper clipping of NHRC during the period of 2011/12 to 2013/14 showed that 1955 incidents were reported as trafficked, 1524 as women rescued, 1519 as missing cases, 624 rape cases, 368 as human trafficking incidents and 66 incidents of sold cases.

Data on missing children and women have been available from different sources. According to the records of Kathmandu Valley Police Commissioners, the four-yearly average (2009/10-2012/13) number of women reported missing was 845 in Kathmandu valley. Nearly four in five women reported missing continue to remain missing. According to the Central Child Welfare Board (CCWB), the total number of missing children recorded was 1453 in 2012/13. Two in 5 missing children continued to remain missing while one out of two missing girls continued to remain missing. This fact provides the nexus of missing children phenomenon with trafficking for sexual exploitation.

Cross-border trafficking of children for labor exploitation has been widely reported, especially in circus performance, agriculture, manufacturing and construction work. Internal trafficking of children especially in embroidering, domestic work, brick kilns has also been reported in media. Despite these, the magnitude of the child trafficking for the labor exploitation was not available.

Previous studies suggested the linkage between intercountry adoptions and trafficking of children due to irregularities involved in adoption process. There is no record available about the number of intercountry adoptions before 1993 in Nepal. According to the CCWB (2010), the number of intercountry adoptions in between May 1993 to August 2008 were 2,234; 127 in between May 2008 and December 2010, the number of intercountry adoption was 24 and 7 in the FY

2011/12 and 2012/13, respectively. This decline in intercountry adoption after 2010 is due to the adoption of *Terms and Conditions 2008* and formation of the Management Committee to regulate the intercountry adoption.

Children residing in the Child Care Homes are also the concerns for a study of child trafficking in Nepal. This is mainly because many Child Care Homes do not meet the standard set to provide the minimum services to the children. The non-compliance is reported especially in areas of process of entry, residential care facilities and environment, ensuring the basic rights such as education and health and provisions for child protection such as sexual abuse and exploitation. According to the survey of CCWB 2013, a total of 797 Child Care Homes have been recorded in 46 districts out of 75 in Nepal. Majority of Child Care Homes are located in Kathmandu valley (560 out of the 797). Altogether, 15215 children (53% boys and 47% girls) were residing in these Child Care Homes.

One of the widely concerned internal trafficking phenomena is the entertainment sector, namely, dance, cabin restaurants and massage parlors in Nepal. This sector evolved especially after 2000 with the growth of urban centers and liberalization of economy in the country. The entertainment sector demanded hundreds of thousands of young female workers. The Supreme Court of Nepal also ordered the GoN to regulate the entertainment sector so as to protect the rights of workers. There is, however, no systematic and scientific study to understand the magnitude of problem in this sector. Despite this, there are some studies that can be indicative to understand the working conditions of female workers in this sector. The Free the Slave revealed that there were about 12,000 cabin, dance restaurants and massage parlors alone in Kathmandu valley and an estimated 50,000 girls/women working in this sector in 2009. Nearly half of these workers were reported to be forced to go out with customers or have sex with them at work. According to Nepal Youth Survey Team, there were over 25,000 dance and cabin restaurants across the country while Karki's (2013) study showed that there were around 600 cabin restaurants in Kathmandu valley. The female workers in Kathmandu valley originated mainly from outside of the Kathmandu valley comprising of across the caste/ethnic groups. It is also reported that at least 40 per cent of female workers are below 18 years of age.

The monthly salary of the workers in the cabin restaurants is very low as reflected by the fact that nearly 58 per cent of 200 respondents interviewed reported that they had monthly salary to Rs. 3000 (Karki, 2013). However, the workers in the cabin restaurants receive some tips. The monthly tips range as low as Rs. 1000 to as high as Rs. 15,000. A range of health problems was reported. Female workers develop bad habit of drinking, smoking and dress-up vulgar dress. Nine in 10 female workers in the cabin restaurants reported that they ever faced sexual indulgences. Superficial body touch, sensitive body part touch and physical relationship were the key types of sexual indulgences inside the cabin restaurants.

In the sample of 200 respondents, one-fourth agreed that they had sexual relationship inside the cabin restaurants while more than three-fourth agreed that their sensitive body part was touched either by the clients, co-male workers or by the owners.

Female workers in the entertainment sectors faced many problems from the owners, clients, police and co-workers. Workers have no appointment letters. There is no any facility of holidays, leave in festivals and during the illness. Owners forced to do more business, attract the clients by anyhow. Workers also reported that they are also sexually abused by the owners. There is discrimination in the payment among the workers in the same working hours and same nature of work. Workers also highlighted the lack of rights to mobility. Of the 200 respondents in cabin restaurants, more than 90 per cent reported that clients expect to 'prefer girls as entertainment' and 'demand girls for any sexual favor'. Many female workers see police as problem maker rather than as a collaborator. Similarly, the female workers complain that media exaggerates the case and events and publishes their photographs without their consent.

Another widely reported but less understood trafficking phenomenon in Nepal is human organ trafficking. Chhid- Nepal, an NGO, estimated that there were nearly 300 victims of kidney removal in Kavre district in 2009. Trafficking of kidney involves an organized criminal group. The victims are provided very low amount in exchange of the kidney removal. Initially, the middle persons offers Rs. 100,000 to 300,000 but when they got removed the kidney; they are only paid merely Rs. 20,000 to Rs. 30,000. The consequences of the removal of kidney are wide at both the individual and families levels. There are cases that the some of the victims have died after 4 or 5 year of kidney removal or became ill and not able to work. At the family level, the family could not escape from poverty as the main adult members or breadwinner got removed kidney and could not work hard.

Another emerging trafficking phenomenon in Nepal is smuggling of girls to South Korea for marriage. There are approximately 1,000 female migrants who have come to Korea through marriage bureaus. These bureaus are selling dreams to Nepalese women about the rich and happy life in Korea, citizenship upon arriving in Korea, job opportunity and a good family life. It is reported that these women face several problems: only old Koreans seek foreign brides and they do not treat women with respect; marriage bureaus give false counselling to these women and they think they could escape once reached in Korea, but that becomes impossible upon reaching to Korea due to language, strict monitoring of the husband, and difficult life in Korea for a stranger.

Although there are few studies showing the linkages between the gender-based violence (GBV) and trafficking of women and girls, it is one of the leading causes of trafficking of women and girls in Nepal. According to the record of Women and

Children Service Directorate, the reported cases of GBV have increased substantially over the years – an increase from 2370 in the FY 2010/11 to 3235 in the FY 2012/13. A total of 371 cases of GBV were reported in the NWC in FY 2012/13. Similarly, a total of 96 GBV cases were registered in the Gender and Empowerment Coordination Unit (GECU) under the office of the Prime Minister and Council of Ministers by February 2013. According to the records of the Service Centers (15 districts and 84 Community Service Centers), there were 1388 and 990 complaints registered in the FY 2011/12 and the first nine months of FY 2012/13, respectively. According to WOREC, the number of GBV cases increased from 1569 in the FY 2010/11 to 1703 in FY 2012/13. According to the INSEC, the reported number of victims increased from 1360 in 2012 to 2993 – an increase by more than double.

Assessing the awareness level of rural women about the laws related to combating violence, it appears that prevention related programs have yet to reach the needy groups and communities in the country. In a study conducted by the Office of the Prime Minister (2012) among 900 rural women, it was found that the proportion of women reporting heard of laws ranged from as low as 13 per cent for Domestic Violence and Crime and Punishment Act, to 24 per cent for law on sexual harassment of women, to 35 per cent for HTTCA 2007 to 70 per cent for the law that guarantees property rights to daughters. Age, caste/ethnic groups, education and wealth quintile determine the knowledge of laws. While women were enquired about whether or not they were aware of the presence of different support systems for violence survivors, a few women (less than 5%) reported that they had knowledge on such systems in the district.

Three key challenges may be drawn from the analysis of situation of trafficking in persons in Nepal. First, there is lack of unified institutional mechanisms to collect reliable statistical information on the scope of trafficking in persons. Second, there has been expansion of scope, nature of trafficking and trafficking rackets. Third, there is insufficient awareness about laws related to combat trafficking and promote safe migration at the local level.

### ***On Situation of Foreign Labor Migration***

Foreign labor migration of Nepal has emerged as one of the major contributors of national economy. It contributed to nearly one-quarter of Gross Domestic Product (GDP) in FY 2011/12. Despite this, foreign labor migration has also brought the challenges to protect and promote the rights of MWs, especially of woman migrant workers (WMWs).

According to the Population Census 2011, there were 1.92 million absentees population in 2011 in Nepal. This figure is nearly three-fold increase from 2001. Among the absentees population, 85 per cent originated from the rural areas.

More than half (52%) of the absentees were from the hills, while Terai accounted for 42 per cent and 6 per cent for mountains. Female migrants accounted for 13 per cent in 2011 while this figure was just 11 per cent in 2001. Data from Department of Foreign Employment (DoFE) revealed that the number of documented foreign labor migrants has increased from 249,021 in FY 2007/08 to 415,818 in the FY 2012/13. The share of female migrants also increased from 1.9 per cent in the FY 2007/08 to 6.3 per cent in the FY 2012/13. As per the data of FY 2012/13, the major destination countries of Nepali labor migrants were Malaysia (37.7%), Qatar (21.9%), Saudi Arabia (20.7%) and UAE (12.6%) in the FY 2012/13.

A Nepali may go to work in a foreign country either through institutional basis (recruiting agencies) or through individual basis. Data reveal that the share of those who went through the individual basis has been declining. In the FY 2008/09, there was 20.5 per cent of the total labor approvals as individual's basis, this figure declined to 12 per cent in FY 2012/13. However, there were still 38 per cent of the total female workers going abroad through individual basis in the FY 2012/13.

Nepal has witnessed an increase in the number of women migrating for employment, especially after the turn of the 21<sup>st</sup> century. The Non-residence Nepali (NRN) association estimated it to be 212,700. Other studies suggested that of the total MWs, female constituted 30 per cent. Among the WMWs, according to Pourakhi Nepal, domestic workers accounted for 80 per cent while another earlier study conducted by NIDS (2002) suggested that out of the total WMWs, 66 per cent were involved in domestic work.

Examining the process of foreign labor migration by reviewing the different studies, it is found that the foreign labor migration is largely dominated by individual/agents, rather than institutional mechanism. The Asia Foundation Nepal (2013) data reveal that 59 per cent of aspirant migrants and 72.5 per cent of the returnee migrants relied on the agents for management of the travel documents. This is followed by the recruiting agencies (18.8% for aspirant and 17.6% returnee migrants). On the other hand, the cost of migration is relatively high when emigration is facilitated by the recruiting agencies. The same study indicated that the total cost for migrants to the Gulf countries ranges from nearly Rs. 15,000 to more than Rs. 85,000 while according to the Government rule, the visa charge is not required for the domestic workers. At the same time, cost of migration is largely managed through borrowing from informal institutions. For example, among the 100 returnee women of MoLE (2012) study, 94 borrowed for the management of migration process. Majority borrowed Rs. 10,000 to Rs. 50,000 (41 persons out of 94). Unemployment, increased household expenditure and indebtedness are the key motivating factors for foreign labor migration. Data from Pourakhi Nepal revealed that among the 680 returnee migrants in the year of 2012 and 2013, 62 per cent were undocumented migrants. Among

undocumented migrants, 45 per cent went through Nepal while rest via India including other Gulf countries. Pre-departure Orientation Programs has been recognized as one of the most effective means to address the problems encountered by MWs in the destination countries. The DoFE has made such training compulsory for those who opt to work abroad. However, pre-departure training has not been effective and the recruiting agencies tend to escape the training. Some studies such as Asian Foundation Nepal (2013) even found that none of the 51 returnee women migrants it studied received pre-departure orientation training.

The working conditions in the destination countries, especially in the Gulf countries, Malaysia including in South Korea have been reported unsatisfactorily, unhygienic, exploitative and discriminatory. Inadequate information about job conditions in the destination country has been a major problem for some migrants.

Domestic workers in the Gulf countries can be divided into two groups on the basis of the nature of their work and living arrangements: the live-in domestic workers staying with the employer and those living outside of the house of employer. It is estimated that more than 80 per cent of the domestic workers fall in the first category in the living arrangement and this living arrangement is much exploitative. The domestic workers in the Gulf are reportedly assigned a range of work and they have to work from as minimum 12 hours to 18 hours per day. Other key problems faced by the migrant workers are language problems, lack of training, detached from the family contact, facing social scandal, violence, losing physical organs and facing sexual harassment.

In case of construction workers, accommodation arrangement in Qatar is rather harassing, unhygienic and crowded, for example. The severe violation of the rights of MWs in construction sector in Qatar was widely criticized when the Qatar Government was beginning to construct Stadiums for FIFA World Cup 2022. With its evidence-based findings, the Amnesty International issued Press release 'Qatar: End corporate exploitation of migrant construction workers' on 17 November, 2013, calling for the global community to protect the rights of the MWs in Qatar as well as the call for the Government of Qatar to compliance with the minimum human standards.

Nepali MWs Situation in South Korea is also reported to be unsatisfactorily and discriminatory. According to the NHRC Observation and Monitoring Report, 2013, two types of Nepali migrants were found: female marriage migrants to Korean men and migrants for work. Female marriage migrants face several problems – abuse, exploitation and isolation. In case of Nepali migrants for work, they face discriminatory treatment by companies and government of Korea. Some argue



that due to faulty Employment Permission System (EPS) agreed with the Korean Government that Nepali MWs are not free to choose the nature of work.

Limited available data reveal that women domestic workers face different problems – consequently they ran away from the employer’s house, they are imprisoned; they are in need of rescue and safe homes; they suffer from mental illness; they get forced pregnancy and abortion and in some extreme cases, they died without clinical reasons. Various Embassies and Consulate Offices’ records show that a total of 2,820 Nepali WMWs were rescued from exploitative work situation and trafficking during the period of 2009 to April 2011. Of them, the highest proportion was from Saudi Arabia (35.5%), followed by Lebanon (32%) and Kuwait (25%) while a few were from Bahrain, Oman, UAE and Qatar. Similarly, 111 WMWs were reported to be in custody in these four countries. Among them, 40.5 per cent in Kuwait, 36 per cent in Saudi Arabia, 14 per cent in Oman and 9 per cent in Lebanon. According to the record of the Nepali Embassy to Saudi Arabia, there were 82 Nepali MWs (81 males and 1 female) in jail in Saudi Arabia in the FY 2012/13 in different charges. The common charges were becoming alcoholic (39%), followed by theft (17%), assaulting women (11%) and bribe (10%).

Data reveal that a large number of women have suffered mental illness due to mainly abuse, violence and physical exploitation and confinement at the working place including family separation and other difficulties. In Saudi Arabia, Lebanon and Kuwait, a total of 415 women domestic workers were reported to suffer mental illness. Of them, 96 per cent were in Saudi Arabia. There are cases of women returned to Nepal with pregnancy (86 women) and with a baby (32 women). Reintegration with the family is difficult in such cases and hence they are likely to be abandoned from the family. There are also the cases of women committing suicide (80) and missing (31) in the destination countries. It is reported that WMWs often commit suicide due to not bearing the heavy work burden, sexual exploitation, rape and feeling of isolation.

Looking at the figures of death toll of MWs is alarming. As many as 1702 MWs were reported to die in different destination countries till July 2012. Note that this figure may even underestimate the actual number of deaths as it only counts those who claim compensation in the Foreign Employment Promotion Board (FEPB). The highest proportion of deaths was recorded in Malaysia (34%), followed by Saudi Arabia (27%), Qatar (23%) and UAE (2%). Deaths of MWs were recorded even in relatively more prosperous and more favorable destination countries of Nepal like South Korea (15 deaths), Japan (2 deaths) and Israel (4 deaths). Major causes of deaths include cardiac arrest, natural death, traffic accident and workplace accident. There are also substantial number of deaths due to suicide, murder and heart attack.

At the origin, there has been increasingly realization of social cost of foreign labor migration such as increase in the number of polygamy cases, abandonment of women by the migrant husbands, 'illegal' abortion and abandonment of children.

To what extent Nepali women domestic workers to Gulf countries can be termed as the victim of trafficking for forced labor? Following the methodology and findings of the Harroff-Tavel and Nasri (2013), the estimated number of Nepali women domestic workers trafficked for forced labor situation ranged from 105,000 to 128,000<sup>1</sup>. The major contributing elements of forced labor situation, in order of priority, are deceptive recruitment, retention of identify papers, impossibility to leave the employers, forced overtime, withholding of wages, threats and/or violence, forced tasks and limited freedom.

The Government of Nepal has attempted to regularize the foreign employment by adoption and enforcement of laws, policies and programs and monitoring of the service delivery sectors. The Government has already enforced Foreign Employment Act 2007 and Foreign Employment Rules 2008 to regulate the process of foreign employment and also to protect the rights of migrants through taking different measures including entering into bilateral agreements/ treaties with other countries. The GoN has also approved and implemented the Foreign Employment Policy 2012. The policy aims to provide knowledge and skills as demanded by the international labor market and develop a skilled, capable and competitive labor force so as to make the entry of Nepali workers into the international market safe, organized and respectable ways. The GoN has also introduced the Directives of Nepal Domestic Workers 2010 for sending domestic workers to Saudi Arabia, Qatar, Kuwait and the UAE. The directive has provisions for basic monthly salary, insurance, safe accommodation, safety assurance, regular contact with family and the concerned Nepali embassy. The FEPB issued the Guideline to increase the skilled labor for the international labor market and thereby to reduce the risk of workers in destination countries. The MoLE has issued standards criteria for the appointment of the labor attaché in 2012; it also prescribed the Minimum Salary and Allowance to Nepali workers in Saudi Arabia, Qatar and Kuwait. Similarly, the Ministry prescribed the minimum expenditure required to proceed for migration and minimum salary per month in countries like Malaysia, Gulf countries, Libya, Mauricio, Algeria, Israel, Japan, Russia, Poland, Uganda and Canada.

There are number of private sectors to deliver the services for the foreign labor migrants: recruiting agencies, agents, health institutions, insurance companies, and orientation institutions. In the by FY 2012/13, there were 764 recruiting agencies with valid registration, 319 recruiting agencies renewed for sending caregivers in Israel, 319 agents provided licenses. Similarly, there were 9 life

---

<sup>1</sup> If the proportion of domestic workers to the total WMWs is 66%, the figure comes out to be 105,000 while if it is 80%, the figure comes out to be 128,000.

insurance companies and 86 orientation companies. In the FY 2012/13, more than 354,000 aspirant migrants were provided pre-departure orientation. The DoFE monitored 656 orientation training centers in the FY 2012/13. Among them, 34 centers were asked for justification and other 11 were cancelled. During the same period, 65 recruiting agencies were monitored and of which 33 were asked for justification.

During the period of last five years (2009/10 to 2013/14), a total of 682 cases were registered in Foreign Employment Tribunal (FET). Of the total registered cases, nearly 63 per cent were decided. Drawing on the preliminary report of People's Forum which studied 250 cases in 2013, the nature of the cases registered in the DoFE and FET can be characterized as male dominated complaints (85% males and 15% female complaints), majority of complaints being from Janajati (54%), from the hills (60%), individual cases (61%) and majority of cases being related to an act of not sending workers by receiving money (56%).

The response of NHRC to protect and promote the rights of MWs is immense. In the FY 2011/12 and 2012/13, NHRC conducted international seminar on the rights of MWs in Kathmandu in November 2012. It recommended to the GoN for the ratification of UN Convention on the Rights of Migrant Workers and Their Families 1990 (CMW). It also conducted the Memorandum of Understanding (MoU) with the Human Rights Institutions (HRIs) of South Korea and is proposed to carry out the MoU of HRIs of Malaysia and Qatar. The NHRC chairperson including other Honourable members and staff visited South Korea and Malaysia to understand the situation of Nepali MWs and recommended to the GoN to protect and promote the rights of MWs.

Several Foreign Missions of Nepal has been handling of labor problems. The Nepalese Mission to Saudi Arabia, for example, handled a total of 1011 labor cases; 553 housemaids were rescued; 442 dead bodies were sent back to Nepal; 377 persons' compensation were sent to Ministry of Foreign Affairs (MoFA) and a total of 36,203 copies of travel documents were issued during the period of January 2012-June 2013.

Safe Houses have been established in Qatar, UAE, Kuwait and Saudi Arabia. The FEPB has been allocating some budget for running the Safe Homes since the FY 2008/09. A number of NGOs have been involving to protect and promote the rights of MWs. A safe migration network has been formed by 15 NGOs with the objective to ensure the women's rights to migration.

Despite these efforts, the GoN has imposed the age bar for women domestic workers as 30 years in the name of protection of female workers. The GoN ended the loan provisions in FY 2005/06 to the marginalized groups and women that were (the provision of loan) initiated in FY 2000/01.

Analyzing the foreign employment status of Nepal, the following evolved as the key issues and challenges to protect and promote the rights of MWs: maintaining the database of the undocumented MWs; removing the age barrier of woman domestic workers; expansion of coverage of NGOs in prevention program; decentralization of foreign employment management system; regularizing the recruiting agencies and other service delivery agencies; coordinating cases related to Foreign Employment Act 2007 and HTTC Act 2007; strengthening the Nepalese Foreign Missions; establishing Safe Houses in Gulf Countries; ratifying the UN CMC; making efforts to bring the common agenda about workers rights through Colombo Process; utilization of remittances at the grassroots to create employment opportunities; addressing unemployment, poverty, inequality and social exclusion, reducing the VAW before and after the migration of women.

### ***On Monitoring of Anti-Trafficking Initiatives***

Nepal's position in terms of combating trafficking and modern slavery situation can be evaluated through the two Global level Reports: The United States' (US) Trafficking in Persons (TIP) Reports and the Global Slavery Index Report 2013. The Global Slavery Index Report 2013 ranked Nepal in fifth position among 162 countries (the lower the value of ranking, the much worse situation) and an estimated 250,000 to 270,000 number of people in enslavement. Modern slavery is tied to ethnic and gender inequalities, domestic violence against women and children and unsafe foreign labor migration. The United States' TIP report places Nepal in Tire 2 over the years – indicating that Nepal's compliance in combating trafficking in persons has been relatively satisfactory.

The Government of Nepal has taken several strategies for prevention of offences of trafficking in persons by formulating the laws and ensuring law enforcement measures; prioritizing the issues of addressing trafficking in Periodic Plans; allocating some budgets to assist the rescue, rehabilitation of victims of trafficking; developing community based institutional mechanisms; expanding educational opportunities to girls by providing scholarships; providing vocational training and income generation opportunities to adolescent girls and their families; launching awareness-raising programs; and introducing and expanding social protection plans targeting the most vulnerable group and families.

The Ministry of Women, Children and Social Welfare (MoWCSW) is the key responsible Ministry for formulation, implementation, coordination and monitoring the policies, programs and activities related to prevention and combating in trafficking in persons, especially women and children. Recently, the Ministry has created a separate Unit for dealing with trafficking issues. Under the MoWCSW, the Department of Women and Children (DoWC) plays the key role in implementation of women empowerment programs. At the district level, all

districts have Women and Children Offices (WCO). Realizing the addressing the issue of trafficking as multi-sectoral and cross-cutting issue, the GoN has envisioned to form the four-layered Committees on Combating Trafficking: the National Committee, District Committees, District Sub-Committees and VDC/Municipality Committees. The National Committee has already been formed and all 75 districts have District Committees. Districts like Rupandehi, Banke, Kailali, and Parsa have District Sub-Committees and districts like Banke, Sindhupalchok and Morang have already established Village Committees. In addition, CCWB and District Child Welfare Boards; Social Welfare Council and Nepal Police also play key roles in prevention and combating of trafficking in persons.

Different Ministries and line agencies, as stated in *Government of Nepal (Work Division) Rules 2012*, are responsible to deal with directly or indirectly trafficking in persons, exploitation and promotion of human rights in the country. Under the Prime Minister Office, Gender Empowerment Coordination Unit (GECU) has been established as an inter-ministerial unit in order to address gender-related challenges. The Ministry of Finance has initiated classifying the national budget by gender-responsiveness since FY 2007/08. Data reveal that the proportion of national budget allocated in the 'directly gender responsive' program has increased substantially over the years. It increased from 11 per cent in FY 2007/08 to 19 per cent in FY 2011/12. Despite this, there is a need to ensure that it is not only limited to planning and allocation process but actually implemented. In the FY 2011/12, the Ministry of Land Reform and Management resettled 23,681 families of freed bonded labourer. The Ministry of Youth and Sports adopted National Youth Policy (NYP) 2009 and following this policy, the Ministry has developed National Youth Mobilization program focusing on raising awareness against gender based violence, skill oriented training, entrepreneurship and employment. Local Youth Partnership Program under this program is being conducted through all 75 District Development Committees (DDCs).

The Ministry of Education has been providing scholarships at different levels of school education aiming to expand equitable access of education and reduce the drop-outs rates and broaden meaningful teaching opportunities. Accordingly, 3.65 million students in FY 2010/11 and 3.82 million in FY 2011/12 and 2.30 million students in the first eight months of FY 2012/13 were provided different scholarships in Nepal. The Food for Education Program is carried out in 17 districts. However, it is revealed that the targeted distribution of food for education programs has not been fully achieved. The Ministry has been providing daily Tiffin allowance of Rs. 15 to all students in Karnali zone and Rs. 12/student of some students from the marginalized communities in 14 districts. In addition, the Ministry of Education incorporated the issues of human trafficking and foreign labor migration in different grades of school education curriculum. Much research, however, is needed to understand to what extent these scholarships

programs have been actually contributed to prevent trafficking in persons in Nepal.

The Ministry of Federal Affairs and Local Development implemented inclusiveness programs, administered vital registration system, developed local development and social security to elderly and single women including indigenous people, Dalit, Badi and Muslims. Under the Ministry of Health and Population, most relevant programs in relation to prevention of trafficking are its 'National AIDS and Sexually Transmitted Disease (STD) Control' and 'National Population, Health Education, Information and Communication'. Under former program, in fiscal year 2011/12, 4,200 infected persons were provided ARV treatments; 99 training and orientation to different level health professionals were provided and in 113 ARV centers, medicine was distributed. The program was extended to jail inmates and homosexuals, sex workers, injection drug users, migrants on service contract of non-government organizations. In FY 2011/12, the National Population, Health Education, Information and Communication program was implemented in all 75 districts in the country. The Long-term Population Perspective Plan (2010-32) has already been approved by the Government. One of the key intervention areas of the population program is to increase awareness on safe-migration.

Since the Poverty Alleviation Fund (PAF) establishments till mid-March 2012, the PAF programs have been implemented in 1,619 VDCs of 49 districts by 22,534 COs and a total of 640,522 targeted households have been benefited. Looking at the household beneficiaries by caste/ethnic groups and gender, it appears that the PFA programs are inclusive. During the FY 2012/13, the National Dalit Commission of Nepal (NDC) conducted 17 consultation and interaction programs against racial discrimination and untouchability, five programs on preserving and modernizing traditional occupation of Dalit and one program on protecting inter-caste married couple. During the FY 2012/13, the NWC monitored the several cases of violation of rights of women like the victim in relation to accusation of witchcraft, murder of a woman journalist and gang rape. The NWC also conducted several studies related to women's issues such as dowry system, economic condition of Nepali's women; situation of foreign employment of Nepal and conditions of women migrant workers; causes of women's suicide including others.

The Government of Nepal has been carrying out programs that directly address prevention and combating trafficking in persons and of promotion of safe migration through allocation of budget. The GoN initiated allocation of budget after the enactment of HTTC Act 2007 through MoWCSW while the NGOs and donors have been working for more than two decades in this sector. Data reveal that in the FY 2012/13, a total of Rs. 277.3 million was allocated with nearly 90 per cent coming from donor communities. The contribution of donor is much higher in the FY 2013/14. This suggests that anti-trafficking initiatives are largely donor driven. Even after the five or six years of the enactment of HTTC Act 2007,

the Government's share of budget is very low (less than 10%). Further, a few NGOs mobilize their internal resources (less than 0.5%).

The Government of Nepal through MoWCSW initiated allocation of budget for Nepali Embassy to India since the FY 2008/09 for rescuing the Nepalese people, especially women and children in difficult situation in India. In the FY 2013/14, the Government allocated Rs. 800,000 to Nepali Mission to Kolkata, India. The GoN has been allocating budget for welfare of the foreign labor migrants (excluding India) through FEPA since the FY 2008/09. In the FY 2012/13, about Rs. 15.1 million was allocated for this purpose. However, a large share of budget was spent in office setting, purchasing of vehicles and paying salary of local staff by the Embassy.

The Government of Nepal has not yet managed rehabilitation Centers. However, it has been providing some financial help to the rehabilitation centers run by NGOs. Looking at the budget allocation to NGOs, it appears that the budget allocation to NGOs is very small and it is not dependent upon the extent of problems but rather depends on 'availability' of government fund. The GoN has been allocating budget to the District Committees against TIP through DoWC. Depending upon the trafficking risk district, the GoN allocated Rs. 42,000 to Rs. 57,000 annually per district. Data reveal that almost all districts spent Rs. 33,000 in the FY 2011/12 while some districts spent up to Rs. 48,000. District Committees like Rupandehi, Kalikot and Rupandehi were reported to have no balance fund; while other 10 District Committees (Darchula, Taplejung, Solukhumbu, Dhanusa, Lamjung, Mustang, Parbat, Dolpa, Dadeldhura and Baitadi) had less than Rs. 10,000 in their balance fund.

The MoWCSW has already carried out the following activities. It prepared Guidelines to Operate Rehabilitation Center 2011; National Minimum Standard of Rehabilitation Targeting to Trafficking in Persons 2011 and Guidelines for Psychological Counseling for service providers. However, it is reported that they are yet to be disseminated to concern stakeholders. The Ministry has established 'Rehabilitation Fund' and the Fund is managed by the National Committee on Combating Trafficking. As of February 27, 2012, a total Rs 38, 660,000 has been collected in the central level Rehabilitation Fund.

The GoN funded NGOs provided rehabilitation services to 3580 women and children victims of trafficking during the period of 2010/11 to January 2014. The per capita expenditure for the victim was Rs. 6,021 for the three and half years. This amount is too low to rehabilitate the victims of trafficking given the extent of trauma, isolation, physical and psychological problem face by the trafficking survivors. The Ministry established 15 district and 84 *illak* level (area) service centers/sub-centers. During the three year period (FY 2010/11 to 2012/13), a total of 4,043 cases of VAW were handled by these Service Centers/Sub-Centers.

Under the MoWCSW, the DoWC has been implementing *Women Development Program* to mainstream women in overall development process. By the end of FY 2011/12, this program reached to all 75 districts, 3,570 VDCs and 41 municipalities. A total of 123,573 women groups have been formed having 736,046 group members. The program appears to be inclusive as reflected by the fact that a considerable proportion of Dalit (16% to 17%) and Janjati (34% to 38%) women have been the members of the groups. The women groups have savings amount Rs. 1686 million in the FY 2011/12 which increased from Rs. 1060 in the FY 2009/10.

The Crime Investigation Department of Nepal Police agreed to work with CTIP program (USAID funded project) in areas of creation of comprehensive organized crime investigation training. The Women and Children Service Center (WCSC) has been expanded to all five regional Police Offices, 14 Zonal Police offices and 75 districts including Metropolitan Police Commissioners Office, Kathmandu, 3 Metropolitan Circles and 7 Metropolitan Service Desk. Currently, there are 23 districts with separate building for WCSC and 20 places with child friendly rooms in WCSC. In addition, WCSC has prepared strategic Plans of Bara, Dhanusa, Doti, Jumla and Rautahat district separately in combating crime and violence against women and children with the financial and technical support of Asian Development Bank.

In the FY 2013/14, National Judicial Academy (NJA) with the support of the Asia Foundation (TAF) conducted two-day trainings on SOP for Adjudication and Prosecution of TIP Cases. The participants included 48 support staff of the various Appellate Courts and District Courts covering 19 districts. NJA also conducted an exposure visit to understand the practice of continuous hearing of cases of crime including TIP in Bara, Bhaktapur, Chitawan, Dang, Kathmandu, Kavre, Lalitapur, Makwanpur, Nawalparasi, Parsa Sindhupalchok, and Tanahu districts. In the FY 2012/13, the OAG has developed a training curriculum to train public prosecutors on TIP and GBV cases; carried out a study to figure out how the public prosecutors have interpreted the legal provisions to claim for multiple charges, maintenance of confidentiality, practice of continuous hearing, and compensation in the crime cases and held ToT with the collaboration of CeLLARd for 21 Appellate level public prosecutors.

Several child rights protection and promotion programs have been implemented by the MoWCSW and Ministry of Federal Affairs and Local Development (MoFALD). Under the MoWCSW, there are two programs: Child Protection and Promotion Committees (CPPC) and Child Friendly Program. The Ministry has been implementing the former program since 2009 in the country. This program aims to save the life of children, provide protection and promotion of child rights and enhance children's participation in their concerned issues. Accordingly, by the end of 2013, the CPPC have been extended to all 75 districts covering 1481 VDCs, 23



Municipalities and 41 wards of the Municipalities. The MoFALD has been implementing the child friendly local governance program (CFLG) through its local bodies. By the end of 2013, there were 42 DDCs, 22 Municipalities and 302 VDCs having CFLG programs. The CFLG incorporates the components of child survival, child development, child protection and meaningful participation of children. The GoN has adopted a policy of allocating at least 10 per cent out of the 'block grant' (capital grant) for funding projects for children.

Besides, by the end of 2013, there were 17,864 child clubs in 73 districts out of 75 in the country. Among them, 10,925 have been affiliated with the DCWB while 6,939 clubs have yet to be affiliated. There were more than four hundred thousand members in the child clubs. Child clubs appear to be largely gender inclusive in terms of number of representation (88 girls per 100 boys as members in the child clubs). In addition, a number of networks of child clubs have been established at the district, *Ilaka* and VDC level. Accordingly, by the end of the 2013, there were: 61 district level networks with 5,890 child clubs as network members; 55 *Ilaka* (area) level networks with 269 child clubs as network members and 1,124 VDC/Municipality level networks with 6,604 child clubs as network members. According to the CCWB (2013), six NGOs were conducting Child Help Lines 1098 services. CWIN is the leading one which has Child help Lines programs in six districts. During the 2013, it is reported that 1523 child victims/vulnerable to victims were provided emergency support.

Non-Governmental Organizations' (NGOs) response to trafficking is remarkable in Nepal, especially after the restoration of multi-party democracy in 1990. NGOs mainly carry out number of activities related to prevention, protection and legal support to the victims/survivors, capacity building and empowerment of trafficking survivors and research, study and policy advocacy. Key NGOs engaged in promotion of safe-migration and prevention and combating trafficking in persons that provided information of their activities to NHRC include the following: Alliance against Trafficking in Women and Children (AATWIN); ABC Nepal; Amnesty International Nepal; CAP Nepal; Child Helpline Nepal, CWIN; Gramin Mahila Srijanshil Pariwar (GMSP), Sindhupalchok; Forum for Women, Law and Development (FWLD); Maiti Nepal; People Forum for Human Rights (People Forum); Forum for Protection of People's Rights (PPR) Nepal; Pravasi Nepali Coordination Committee (PNCC); Raksha Nepal (RN); Saathi; Shakti Samuha; Women Skilled Creation Center (WOSCC), Makwanpur and Women's Rehabilitation Centre (WOREC Nepal).

Mapping of the NGOs activities suggests that NGOs are mostly concentrated in districts with high incidence of foreign labor migration (Terai districts) and traditionally trafficking prone districts such as Makwanpur, Sindhupalchok, Kavre, Nuwakot and Rasuwa. Despite this, while the foreign labor migration has spread across the country, the geographical coverage of the NGOs appears to be limited

in some 15 to 20 districts out of 75 districts in the country. However, some of the NGOs such as WOREC Nepal have formed Women Human Rights Defenders in all 75 districts of Nepal to address the problem related to violation of women's rights.

During the period of January 2012-June 2013, roughly 194,000 persons were benefited from these NGOs efforts. Among the beneficiaries, the highest proportion was benefited through awareness raising programs (58.5%). This is followed by beneficiaries participating in the dissemination of existing laws and policies (12%), non-formal education (9%), safe migration information through Booths (7%) and lobbying and advocacy (5%). On the other hand, there are few beneficiaries in formal education and micro-credit services. Although it is difficult to quantify the outcomes of these prevention programs, the qualitative information received from different NGOs suggests that these prevention programs can have a far reaching implication at the individual as well as the community level. These programs have contributed to increase in awareness level of potential migrants about safe migration; increase knowledge on existing laws and policies among potential migrants; increase in number of reported cases related to migration and trafficking; increase in interception, rescue and repatriation of trafficking victims; increase in Government's commitments to implement existing laws; strengthen the capacity of women; increase in number of survivors getting vocational skills training; increase in coordination and collaboration of women groups with the local bodies and increase in the mobilization of youth groups.

In relation to protection activities, NGOs provided protection and legal aids to the victims/survivors of trafficking. During the period of January 2012 to December 2013, a total of 14190 persons were intercepted across the country; 874 persons were rescued from within the country and abroad. Similarly, a total of 1928 persons were provided rehabilitation services. During the same period, 1325 persons were reintegrated being majority with the family. Data are not available to understand how and to what extent the reintegration of victims is effective: whether the victims are really reintegrated with the family or they again ended other types of violation or re-trafficked. During the same period, 470 persons were provided referral services (referred to other organizations and received from other organizations). Majority of the referral cases were of females (87%) and adult (51%). In relation to legal aids, a considerable number of persons (4185 persons) were provided legal aids during the same period. Of the persons provided legal aids, 84 per cent were females while only 16 per cent were males. In terms of age group of the persons who were provided legal aids, 56 per cent were children and rest 44 per cent were adults.

The response of Inter-Agency Coordination Group against Trafficking in Persons (ICAT) in Nepal to trafficking is very commendable. The ICAT group has been

providing technical and financial support to different GOs and NGOs in carrying anti-trafficking, safe-migration, and anti-VAW and HIV/AIDS prevention programs. The ICAT comprised of the following organizations: End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International); The Department for International Development (ESP/DFID); Family Health International; Free the Slave; International Labor Organization; International Organization for Migration (IOM); ISIS Foundation; Next Generation Nepal; Plan Nepal; Planate Enfant; Samanata; Save the Children; Terre des Homes (TDH); The Asia Foundation; The Easter Benjamin Trust; United Nations for Women; United Nations Children's Fund (UNICEF); United Nations Office on Drugs and Crime (UNODC); United States Agency for International Development (USAID) and World Education.

According to the record of Social Welfare Council, in the FY 2012/13, a total of 11 donor agencies supported financially to different NGOs for prevention and combating trafficking in persons. Of the total Rs. 250 million, 247 million was received from the external donor agencies. American Himalayan Foundation, USA and Friends of Maiti Nepal are the two largest donor agencies in terms of financial contribution – accounting for about 65 per cent of the total external support. The other major donor agencies in terms of financial contributions include: External Threads, USA (8.8%), the Asia Foundation (TAF) (8.2%), Peace Gospel International, USA (6.3%) and Free the Slave (3.5%). The contribution of Stichting Nepal and EBT, Go Campaign USA and Global Fund for Women and Compassion International, India is also substantial. Accordingly, the three largest recipient NGOs were Rural Health and Education Service Trust, Maiti Nepal and Kingdom Investment.

In the FY 2013/14, there were 11 donor agencies registered in the Social Welfare Council that were providing financial support to different NGOs for the prevention and combating of trafficking in persons. These donor agencies altogether allocated Rs. 1.5 billion for the FY 2013/14 including some three or four year terms.

Combating Trafficking in Person (CTIP) program funded by USAID is being implemented across six districts by the Asia Foundation and World Education since 2010 in collaboration with different NGOs and GOs in Nepal. The program uses the holistic approach for combating human trafficking by using 3P approach (prevention, protection and prosecution). As the prevention program, the program has been strengthening local government and civil society to prevent TIP and creating and capacitating 250 Safe Migration Networks with around 3,000 members at grass root level as frontline service providers. Under the protection component, the project is contributing to enhance the capacity of rehabilitation centers and safe homes and providing the services to the victims of trafficking. Under the prosecution component, the project is contributing to strengthen the capacity of government prosecutors, lawyers and judges through training and

facilitating the continuous hearing, maintaining the privacy of the victims and witness protection.

Political commitment to prevent and combat trafficking in Nepal has been clearly reflected in the documents of the major Political Parties of Nepal. The parties also ensure the rights of marginalized groups, women, children and migrant workers in their Election Manifestoes of the second Constituent Assembly (CA) election held in November 4, 2013. According to the 2013 Election Manifesto of the Nepali Congress Party, Nepali Congress is in favour of discouraging the foreign employment in the long run by increasing the employment opportunities within the country but in the short-term, it views several measures to be taken to make foreign employment safe and secured. Nepal Communist Party (UML) in its Election Manifesto also states that 'Foreign employment will be gradually replaced by domestic employment' and for the short-run, foreign employment will be made secured, decent and skilful. The political commitment is also reflected through the participation of major political parties of Nepal in International Conference for Asian Political Parties (ICAPP) workshop on Human Trafficking held in Katmandu from January 16-18, 2014. The gathering came with 'Kathmandu Statement of Human Trafficking' – an agreement to create synergies among all stakeholders in fighting against human trafficking.

Key issues and challenges include effectively implementation of NPA against trafficking; effectively dissemination and implementation of Guidelines; effectively mobilization of National Committees, District Committees on combating trafficking in persons; targeting the most vulnerable communities and groups; increasing Government's budget allocation to anti-trafficking initiatives; strengthening the capacity of WCSC; monitoring the child rights programs including the child clubs; bridging the child rights programs and child clubs with the adolescents and youths programs; encouraging NGOs targeting the most vulnerable communities and groups; adopting a comprehensive 5R policy (rescue, repatriation, reparation, rehabilitation and reintegration); encouraging the donor community to expand their programs to the most trafficking prone areas, communities and groups and making the major political parties to compliance with the commitments stated in their Election Manifestoes of Constituent Assembly held in November 2012.

### ***On Law Enforcement and Judicial Responses of Trafficking***

Nepal has ratified several international human rights instruments including combating on trafficking in persons and forced labor situation. However, Nepal has yet to ratify UN Protocol to Prevent, Suppress and Punish Trafficking in Persons supplementing the UN Convention on Transnational Organized Crime 2000 and UN CMC 1990. The Trafficking Protocol has two primary objectives. It seeks to prevent and combat trafficking in persons, paying particular attention to

the protection of women and children, and to promote and facilitate cooperation to this end among State Parties. The UN CMC guarantees the rights of migrant workers at origin, transit and destination countries.

Interim Constitution of Nepal 2063 (2007) is the overarching framework for protection and promotion of human rights, including rights of children and women. The Human Trafficking and Transportation (Control) Act 2064 (2007) and Regulation 2008 are the two sets of legal frameworks that sanction prosecution to the traffickers as well as protection of the human rights of the trafficking survivors. Despite the several strengths of Act, several studies and Order of the Supreme Court in different times indicate a need of revision of the Act in the changing context of trafficking in persons. Key revisions issues are: inclusion of other forms of sexual exploitation in the definition of trafficking; requiring the state arranging the translator or interpreter upon the request of the courts; providing compensation of repatriation to the victim; mandatory provision of establishing of rehabilitation centers by the Government; maintaining confidentiality of the victim from the beginning of the case to the end; exemptions from punishment in the acts of saving chastity during the attempt to rape/after the rape before trafficking of the victim; provisions of continuous hearing of crime cases including trafficking; making arrangement to provide the copy of charge-sheet filed by the Police or Government attorney office to the concerned victims; allocating the budget for the compensation of the victims and witness compulsorily and making arrangement of security to the victims and witness.

A 5-year (FY 2008/09 to FY 2012/13) average number of the trafficking cases registered in the Supreme Court come out to be 73 and the 5-year average number of trafficking cases decided by the Court is 22. The five-year average conviction rate comes out to be 36% only. On the other hand, the pending rates are very high in each fiscal year. The 5-year average number of cases registered in the Appellate courts comes out to be 165 and the 5-year average conviction rate is 46 per cent. On the other hand, the 5-year average pending rate is 48 per cent. The 5-year average number of trafficking cases registered and disposed in district courts comes out to be 301 and 124, respectively. The 5-year average conviction rate in the district courts is 59 percent. In the FY 2012/13, there were 242 cases registered in the district courts in the country in charge of 'selling or purchasing of a person for any purpose', 69 cases in charge of 'human transportation' and one case in charge of 'engaging someone into prostitution with or without any benefit'. There were no cases in charge of 'having a sexual intercourse with a prostitute' and 'extracting human organ otherwise determined by law'.

Examining the four landmark judgments of the courts of Nepal in the FY 2012/13, it is revealed that Nepal's judiciary system has become well sensitized and informed on the international human rights treaties including CEDAW as a

guideline for judgment of the cases. It is also revealed that there is considerable judicial activism towards gender equality and combating trafficking in persons, which is evident through Directives and Guidelines issued by the Supreme Court to revise and amend the HTTC Act 2007 as discussed above. Further, the judgments are victim centric.

Drawing upon the studies of the Asia Foundation (2013) and NJA (2013), it is known that provisions for rehabilitation, compensation, victim/witness protection, continuous hearings, and closed hearings have not been effectively implemented. It is also revealed that under-reporting of cases of trafficking, inadequate investigation mechanisms, hostile survivors/witnesses, threats from the accused and political pressure all play a role in disrupting effective prosecution of trafficking cases. All 82 informants in NJA study reported that it is difficult to get access to the courts by the woman victims of GBV. Key reasons for this were: complexity of working procedures, no feeling of assurance of the justice to the victims of GBV, costly judicial system, geographical difficulty, lack of knowledge on laws of Nepal, unnecessary delay in court proceedings, lack of sensitiveness towards the victims, misuse of power of authority, lack of security of witness, lack of information on legal provisions, political protection of the perpetrators and police not wanting to file the GBV cases. Of the total 82 respondents, majority reported that the provisions for maintaining the privacy of the GBV victims have been implemented in the courts while one-fifth regards that they are not implemented at all. Similarly, an overwhelmingly majority of respondents (84%) regard that provisions related to protection of the victims and witness have not been implemented at all. In the same study, it is reported that half of the informants stated that the provision of free legal support to the victims has not been implemented at all.

Key issues and challenges evolved are the following: revising and amending the HTTC Act 2007; ensuring the effective implementation of the Act and Regulation; ensuring the privacy and confidentiality of the victims and witness during the court proceedings; implementing effectively the provisions of witness and victims and free legal aid provisions; allocating the budget for free legal support to the victim of trafficking, travel and daily allowance to a witness from the Government staff; soliciting the trafficking related cases under prioritized cases of judicial system and making continuous hearing as mandatory; and developing coordinated efforts among GOs and NGOs.

Drawing on the findings and conclusions of the Report, recommendations are drawn related to prevention, protection, prosecution, capacity development, coordination and cooperation and maintaining data information system.

## Introduction

National Human Rights Commission of Nepal (NHRC) established in 2000 as a statutory body and elevated as constitutional body in 2007. The Commission is an independent and autonomous body responsible for the protection, promotion, and enforcement of the human rights in Nepal. The International Coordination Committee of National Human Rights Institutions (NHRIs) has accredited NHRC with 'A Status' (fully compliance with the Paris Principles) in May 2011 for the promotion and protection of human rights in the country. As an institutional arrangement, the NHRC has central office, regional offices and sub-regional offices. They all are competent to receive the complaints; carry out investigations upon complaints; monitor the human rights situation; conduct dialogue, advocacy, and lobbying, campaigning programs and publish and disseminate of reports under their jurisdiction.

The vision of NHRC is 'creating Nepalese society where all the people enjoy the full-fledged human rights equally with respect and dignity and social justice and with zero-tolerance to impunity and its mission is building and enhancing culture of human rights to ensure respect, protection and promotion of human rights compatible to universally recognized values, principles and standards of human rights' (NHRC, 2011).

NHRC has already implemented its three Strategic Plans (First, 2001-2003; Second, 2004-2008; Third, 2008-2010) and currently it has the fourth Strategic Plan 2011-2014. Each of the Strategic Plans provides the highest priority to gender equality and combating trafficking in persons (TIP). The Strategic Plan 2011-14 of NHRC (NHRC, 2011) has identified 8 priority issues: support to protect life, liberty and security; support to end impunity; support to end discrimination; capacity development of human resource development; national capacity building on human rights based approach and ensure development initiatives to needy people; support to increase realization of Economic, Social and Cultural rights and promotion and protection of collective/group rights. Under the promotion and protection of collective/group rights, NHRC plan to promote the collective rights such as rights of children, women rights and migrant rights through monitoring and advocating for the rights, lobbying for effective remedies and review of laws,

policies and practices, holding dialogue and working with the NHRIs of Nepali migrant receiving countries.

One of the key values of NHRC is that TIP violates the right to liberty, human dignity, and the right not to be held in slavery or involuntary servitude. Trafficking is often related to the violation of a wide range of fundamental rights. Also, NHRC believes that trafficking is a transnational organized crime, which poses considerable threats to individuals/personal security.

Office of the National Rapporteur on Trafficking (ONRT) was established under a Memorandum of Understanding (MoU) between Ministry of Women, Children and Social Welfare (MoWCSW) and NHRC in 2002 and in 2009, it was renamed as Office of the Special Rapporteur on Trafficking (OSRT). The OSRT is mandated to monitor the incidence of trafficking, coordinate national, regional and international efforts to combat crime of trafficking. The monitoring covers all forms and manifestations of trafficking. For this purpose, the OSRT-NHRC publishes National Report on *Trafficking in Persons Especially Women and Children*. OSRT-NHRC has already published five National Reports (2005; 2006/07; 2008/09 and 2009/10 and 2011). The overall aim of each of the National Report was to assess the status and emerging trends of TIP in Nepal in the given timeframe; identify the nexus between internal/foreign labor migration and TIP; monitor the anti-trafficking initiatives and gauge the level of legal enforcement and judicial responses of TIP in Nepal and recommend policies and programs for combating TIP. This Report covers the period of FY 2011/12-2012/13 but in case of monitoring the anti-trafficking initiatives carried out by NGOs it covers the period of January 2012-June 2013.

## **1.1 Background**

Trafficking in girls and women in Nepal for commercial sexual exploitation to India has been a long history. In recent years, an increasing number of persons including boys and men are being trafficked for multiple purposes. Internal and cross-border trafficking flows are increasingly reported – suggesting the changing dynamics of trafficking vis-à-vis changing socio-economic and polity in Nepal (ONRT-NHRC, 2009). Increase in rural to urban migration, establishment and expansion of entertainment sectors such as dance restaurants in urban areas and highway heads have contributed to increase in internal trafficking of minor girls in these service sectors. Increasing flow of foreign labor migration to Gulf countries, Asia and Pacific Region and the western countries has created challenges to protect the rights of migrant workers (MWs), especially women migrant workers (WMWs). The foreign labor migration phenomenon reveals that not only women and girls are trafficked, but also men are also the victims of trafficking and forced labor situation.

Several studies reveal that TIP in Nepal can be categorized into i) internal trafficking, ii) cross border trafficking (India) and iii) cross-border trafficking



(excluding India) in terms of destination of trafficking. All of these types of TIP have three forms of trafficking i.e. trafficking for commercial sexual exploitation, labor exploitation and trafficking for entertainment and other purposes. Each type and form of trafficking has age and gender dimension. Children are victims of trafficking both internally as well as cross-border to India for sexual and labor exploitation and other purposes. Women are victims of trafficking in all three types of trafficking and for all purposes of trafficking especially for sexual exploitation. Men are victims of trafficking especially for labor exploitation, especially in Malaysia and Gulf countries.

Trafficking in persons crosses-across the social and economic strata, gender, and regions of the country. Yet the most vulnerable groups are hard hit by the trafficking. According to the United Nations (2011), the most vulnerable groups in Nepal requiring immediate support to transform their lives include the following: i) migrant workers and their families (mainly women and children); ii) women and children from illiterate households; iii) bonded and forced laborers such as *Haliya* and *Haruwa*; iv) endangered and highly marginalized indigenous groups; iv) rural landless and land poor households; v) Dalit; vi) religious minorities; vii) people with disability; viii) urban slum dwellers; ix) conflict affected and missing persons' families and x) people living in the lowest performance districts in term of human development and those residing in a place/area vulnerable to climate change and natural disasters.

## **1.2 Definition of Migration, Smuggling and Trafficking in Persons**

Migration, migrant smuggling and trafficking in persons are overlapping and perplexing concepts but they are not the same. Two United Nations (UN) Protocols define the definition of these concepts: i) UNs Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 supplementing the UN Convention against Transnational Organized Crime (hereafter Trafficking Protocol) and ii) Protocol against the Smuggling of Migrants by Land, Sea and Air (hereafter Smuggling Protocol). This Report follows the definition of these Protocols while analyzing the information/data.

**Trafficking in Persons** - The Trafficking Protocol says (Article 3(a) says:

*Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.*

*Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.*

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

In line with the Trafficking Protocol, the Government of Nepal (GoN) adopted *Human Trafficking and Transportation (Control) Act 2007* (hereafter HTTC Act 2007) to control the acts of human trafficking and transportation, and to protect and rehabilitate the victims of such acts. Section 4 of the Act defines acts of human trafficking and transportation separately.

*(1) If anyone commits any of the following acts that shall be deemed to have committed human trafficking:*

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

*(2) If anyone commits any of the following acts that shall be deemed to have committed human transportation:*

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

Following the Trafficking Protocol and HTTC Act 2007 require that the crime of trafficking be defined through a combination of the three constituent elements and not the individual components, though in some cases these individual elements will constitute criminal offences independently and may be charged in different offences such as abduction (Box 1.1).

Box 1.1 Trafficking in persons (TIP) – Matrix of elements of offence

<u>Acts</u> (The offence must include any of the following)		<u>Means</u> (It must also contain at least one of the following means)		<u>Purposes</u> (It must be any of the following purposes)	
<ul style="list-style-type: none"> <li>• Recruiting</li> <li>• Transporting</li> <li>• Transferring</li> <li>• Harboring</li> <li>• Receiving a person</li> </ul>	+	<ul style="list-style-type: none"> <li>• Use of force</li> <li>• Treat of force</li> <li>• Coercion</li> <li>• Abduction</li> <li>• Fraud</li> <li>• Deception</li> <li>• Abuse of power or of a position of vulnerability</li> <li>• Giving or receiving of benefits</li> </ul>	+	<ul style="list-style-type: none"> <li>• Exploiting the prostitution of others</li> <li>• Sexual exploitation</li> <li>• Forced labor</li> <li>• Slavery or similar practices</li> <li>• Removal of organs</li> </ul>	= TIP

Source: United Nations, (2009).

**Migration** – It is a voluntary movement of a person from one country to another and from one area to another area. Trafficking is a movement by deception or coercion. The difference lies only in the element of choice. All acts of trafficking involve migration but not all acts of trafficking are migration. If migration is not accompanied by coercion or deception and does not result in forced labor or slavery like conditions, it is not trafficking, although many people migrate voluntarily but end up being trafficked. Migration with consent does not mean trafficked with consent.

**Migrant Smuggling** – Article 3 (a) of Smuggling Protocol defines ‘smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident’.

Box 1.2 summarizes the key differences between trafficking and migrant smuggling considering victims’ age, mental element, material elements, consent, transnationality and involvement of organized crime. Victim’s age is irrelevant for migrant smuggling; it is relevant in case of trafficking of whether adult or children. Transnationality is required for migrant smuggling while it is not required for trafficking; involvement of organized group is not required for both trafficking and migrant smuggling. Three elements (acts, means and exploitative purpose) are essential to define TIP of adult while for children ‘means’ is irrelevant and in case of migrant smuggling, act and purpose are required.

Box 1.2 Key differences between trafficking in persons and smuggling of migrants

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

Source: United Nations, 2009.

### 1.3 Framework of Analysis

This Report is built upon the concerns of the UN Committee on Children, the UN Committee on the Elimination of Discrimination against Women, CEDAW (fourth and fifth combined report of Nepal, 2011) including National Plan of Action for Combating Trafficking in Persons of Nepal. The Committee calls for the GoN to implement Article 6 of the CEDAW to combat trafficking focusing on the following:

1. *Collecting and analyzing data on all aspects of trafficking and prostitution, disaggregated by age, sex and country of origin, in order to identify trends;*
2. *Implementing the HTTC Act 2007 to ensure that perpetrators are punished and victims adequately protected, assisted and provided shelters;*
3. *Strengthening preventive measures aimed at improving the economic situation of girls and women, gainful employment and other resources to eliminate their vulnerability to traffickers;*
4. *Strengthening its efforts at international, regional and bilateral cooperation with countries of origin and transit so as to address more effectively the causes of trafficking, and improve prevention of trafficking through information exchange;*
5. *Ensuring effective implementation of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution;*
6. *Ratifying the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children; and*
7. *Provision of information and training on the anti-trafficking legislation to the judiciary, law enforcement officials, including immigration and border police and social workers in all parts of the country, and undertaking awareness-raising campaign among the population.*

The Committee raises the issues of Nepalese WMWs, especially of undocumented MWs and urges the GoN to initiate the following:

1. *Investigate the cause of women's migration, create employment or self employment opportunities for women within the country and ensure provision of loan opportunities for women;*
2. *Establish mechanisms to promote safe migration procedures and protect and fulfill women's rights throughout the migration cycle;*
3. *Enforce and monitor standardized and comprehensive pre-departure orientation and skill training;*
4. *Sign bilateral agreements with the country of employment with adequate provisions ensuring the security of woman migrant workers and establishing mechanisms in the country of destination dealing with violation of the rights of woman migrant workers during employment;*
5. *Provide assistance for migrant women who seek for redress;*
6. *Create alternative livelihood opportunities for returnees and promote their reintegration; and*
7. *Prosecute and punish the perpetrators engaged in illegal recruitment processes fuelling trafficking of women in the name of foreign employment.*

The UN Committee on Children calls for the GoN to protect and promote the rights of children, especially children in difficult circumstances like trafficked children, conflict affected children, street children and abandoned children. The NPA for combating trafficking in persons outlines the five comprehensive areas for intervention for combating and preventing trafficking in persons: prevention, protection, prosecution, capacity strengthening and coordination and collaboration.

#### **1.4 Data and Methods**

As there is no centralized counter-trafficking database system in Nepal, this Report utilizes a variety of sources to assess the situation of trafficking in persons (TIP) in Nepal. Various studies indicate several reasons for not having reliable, valid and routinely data on TIP in Nepal. Major reasons include: i) the majority of victims are lured from their homes under false promises or deception; ii) social stigma attached to it as majority of trafficking involves for sexual exploitation; iii) there is inadequate coordination between and among actors within the country as well as at bilateral level (Bashford, 2006; MoWCSW, 2008; and ONRT, 2008).

The UN High Commissioner for Human Rights (UNHCR) Recommended Principles and Guidelines on Human Rights and Human Trafficking<sup>1</sup> urges the states to use the internationally agreed definition of trafficking contained in the Trafficking Protocol while collecting and maintaining data on trafficking and other related movements by ensuring that data on trafficking survivors disaggregated in line with age, sex, ethnicity and other relevant attributes.

---

<sup>1</sup> UNHCR Recommended Principles and Guidelines on Human Rights and Human Trafficking, available at: [http://www.unhcr.org/other/r\\_p\\_g\\_hr\\_ht\\_en.pdf](http://www.unhcr.org/other/r_p_g_hr_ht_en.pdf)

In Nepal existing database system can be divided into five categories based on the nature of problem: i) law enforcement status, ii) prosecution and execution status, iii) protection status of survivors, iv) situation of and status of prevention of trafficking and v) data related to foreign labor migration. Box 1.3 shows the types of existing data availability used by this Report. Further, it also suggests the types of data that could be produced by the organizations for further understanding of the trafficking situation.

Box 1.3 Counter-trafficking databases in Nepal

Areas/organizations	Existing data availability	Data not available
<b>1. Assessing the Status of Law Enforcement</b>		
Women and Children Service Center (WCSC)	<p>Number of trafficking cases field in the courts in a fiscal year</p> <p>Number of trafficking survivors by age groups in a fiscal year</p>	<p>Number of persons involved in the crime by their age and sex</p> <p>Disaggregated data of trafficking for sexual exploitation (brothel-based, non-brothel base, massage parlor, cabin restaurants, pornography, paedophilia and in domestic sexual abuse)</p> <p>Disaggregated data of trafficking for labor exploitation like circus performance, bonded labor, domestic labor and children for begging</p> <p>Disaggregated data on types of trafficking - internal or cross-border trafficking.</p>
Interpol Nepal	<p>Number of complaints received for a missing person according to his/her residence in Nepal and country of destination in which he/she is reported to be missing</p> <p>Number of persons repatriated by age-sex and country of destination</p>	<p>Number of persons involved in the crime by their age-sex and their network in the country</p> <p>Qualitative data on the nature of exploitation: sexual, labor and other purposes.</p>
<b>2. Assessing the Status of Prosecution and Execution of Traffickers</b>		
Office of the Attorney General (OAG)	<p>Annual Report:</p> <p>Number of trafficking cases disposed in each layered courts of Nepal</p> <p>Number of trafficking cases convicted in each layered courts of Nepal</p> <p>Number of trafficking cases acquitted in each layered courts of Nepal</p> <p>Number of trafficking cases pending in the courts in each layered courts of Nepal</p>	<p>Description of trafficking cases according to the fine awarded and/or number of years' imprisonment.</p>
The Supreme Court	<p>Annual Report:</p> <p>Number of trafficking cases registered in each layered courts of Nepal</p> <p>Number of trafficking cases running with accused in imprisonment (<i>thunuwa mudda shankha</i>)</p> <p>Number of persons in imprisonment with the order of the Supreme Court in charge of trafficking (by gender, nationality child/aged/disabled persons/adult)</p>	<p>Description of trafficking cases according to the status of judgment - acquittal or conviction</p> <p>Description of trafficking cases according to the punishment and fine awarded and/or number of years imprisonment</p> <p>Description of trafficking cases according to the pending status</p>

Box 1.3 (contd.)

Areas/organizations	Existing data availability	Data not available
---------------------	----------------------------	--------------------

<b>3. Assessing the Status of Protection of Trafficked Survivors and Persons Vulnerability to Trafficking</b>		
Child Rights Protection Desk (CRPD) -NHRC	Number of complaints received by nature of violation of rights of children Number of investigations/inquires conducted by place and nature of the violation of the rights of children	
The National Center for Children at Risk (NCCR)	Monthly data on (Published by Central Child Welfare Board (CCWB) Annual Report): Number of children reported missing by age, sex and district of origin of the missing children Number of children traced by age-sex and by district of origin of the missing children Number of children untraced by age, sex and by district of origin of the missing children Number of the children rescued referred to rehabilitation centers age, sex and by rehabilitation centers Number of the children reintegrated with the family by age and sex	Disaggregated data on the causes and effects of trafficking in children
Child Helpline-Nepal	Number of children rescued Number of investigation and monitoring Number of children provided legal aid Number of children provided medical support Number of children referred to rehabilitation centers Number of children follow-up Number of child trafficking, kidnapping	Disaggregated data on the causes and effects of trafficking
NGOs	Annual data: Number of persons by sex interception Number of women and children rescued Number of women and children repatriated Number of women and children in rehabilitation centers Number of women and children in reintegrated	Disaggregated data on inputs such as financial resources, human resources and number of branch offices including interception offices No systematic data access to public. They can provide only on request

Box 1.3 (contd.)

Areas/organizations	Existing data availability	Data not available
---------------------	----------------------------	--------------------



<b>4. Assessing the Situation of Trafficking and Status of Prevention of Trafficking</b>		
NGOs	Geographical Coverage of the Intervention areas Number of beneficiaries (awareness program, IG program, campaigns, NFE, education, skills training, safe migration booths etc.)	Cost-benefit data
Ministry of Education (MoE)	Number of school students getting scholarship Number of school students getting daily allowance	Disaggregated by trafficking prone areas or not
Ministry of Women Children and Social Welfare (MoWCSW)	Number of women groups, members, saving by caste/ethnic groups	Disaggregated by trafficking prone areas or not
Poverty Alleviation Fund	Number of groups, members, saving by caste/ethnic groups	Disaggregated by trafficking prone areas or not
Ministry of Population and Health (MoPH)	Number of STI/HIV affected people served	Disaggregated by trafficking victim or not
National Women Commission (NWC)	Number of complaints handled in relation to Violence against Women (VAW)	
<b>5. Assessing the Situation of Foreign Employment</b>		
Department of Foreign Employment (DoFE)	Number of foreign labor migrants by sex, country of destination	Disaggregated data by district of origin and other social status
Foreign Employment Promotion Board (FEPB)	Number of decreased families who received compensation	
Foreign Employment Tribunal (FET)	Number of complaints registered in relation to foreign employment	
The Supreme Court	Number of cases registered, disposed, convicted and acquitted in relation to foreign labor migration	Disaggregated by fine/punishment awarded
Foreign Missions of Nepal	(Only some Missions produce data) Number of persons in imprisonment, rescue and repatriation	

## **1.5 Organization of the Report**

This Report is structured in Six Chapters. **Chapter 1** provides the context of the Report – background, conceptualization of the trafficking in persons, methods and data used in the Report. **Chapter 2** analyzes the situation of trafficking in persons

in Nepal – magnitudes, processes and causes of trafficking. It also deals with the situation of girls/women working in the entertainment sectors. **Chapter 3** analyzes the nexus of foreign labor migration and trafficking. It discusses the magnitude, processes and working conditions of the migrants. It attempts to juxtapose the elements of trafficking for forced labor situation. It further goes on assessing the responses of foreign labor migration. **Chapter 4** attempts to assess the implementation status of the anti-trafficking initiatives carried out by Governmental Organization (GOs), Non-Governmental Organization (NGOs) and donor communities. **Chapter 5** reviews the law enforcement status and responses of judiciary and **Final Chapter** draws the Conclusions and Recommendations.

## Situation of Trafficking in Persons

This Chapter discusses the magnitude of trafficking in persons, processes of trafficking, causes of trafficking.

### 2.1 Magnitude of Trafficking in Persons

Trafficking in persons appears to be a thriving industry in Nepal. However, there is an absence of reliable and scientific data regarding the number of persons trafficked for sexual exploitation, labor exploitation or other purposes. There is no household survey conducted ever in Nepal to estimate the magnitude of trafficking or in modern slavery state. However, the extent and magnitude of trafficking in persons can be indicative through the data generated by different Governmental as well as non-Governmental organizations.

The National Report 2011 of NHRC revealed that about 11,500 persons were trafficked or attempted to traffic in the FY 2011/11. Drawing on the selected NGOs and Police Record (discussed in Chapter 4), this Report estimates that nearly 29,000 persons were trafficked or attempted to trafficked<sup>2</sup>. On the other hand, the Global Slavery Index 2013 estimated that at least 250,000 to 270,000 Nepalese were enslaved – of which at least 6,250 to 6,750 persons were trafficked (Table 2.1).

Table 2.1 Figures based on program enforcement/implementation

Source	Magnitude
--------	-----------

<sup>2</sup> The attempted to traffic is calculated by adding the number of persons intercepted plus number of persons found (e.g. 14,190+ 1667=15,857). The number of persons trafficked is calculated by adding number of persons rescued/repatriated, persons provided rehabilitation services, persons reintegrated with the family, persons' missing applications received, persons provided referral services and persons provided legal aid services (e.g. 874 + 1,928 + 1,325 + 4,287 +223 + 247 +4,185 = 1,3069).

WCSC, 2007	2,216 missing children from various regions in Nepal between July 2007 and June 2008
WCSC, 2007	3,258 missing women in Kathmandu valley between 1998 and 2007
Different NGOs*, 2008/09 (National Report 2008/09)	3,164 and 322 intercepted and rescued by different national level NGOs in FY 2008/09
Different NGOs, 2009/10 (National Report 2009/10)	About 5,500 were trafficked or attempted to traffic
Different NGOs 2011 (National Report 2011)	About 11,500 were trafficked or attempted to traffic
Different NGOs 2012/13 (This Report)	Nearly 29,000 persons were trafficked or attempted to trafficked (Among them, roughly 16,000 were attempted to traffic while 13,000 persons were trafficked)
Global Slavery Index 2013	250,000 to 270,000 were enslaved; Of which, 2.5% or 6250 to 6750 were trafficked alone

**Levels and Trends of Trafficking Survivors Rescued/Repatriated: Maiti Nepal Data** - As presented in Table 2.2, a total of 336 trafficking survivors were rescued by Maiti Nepal during the period of 2008 to 2012. Among them, 209 were rescued from India, 121 from Gulf countries, 4 from Khasa, Tibet and 1 from Bangladesh. In India, Mumbai, Delhi, Kolkata and Poona were the major metropolis areas from where a greater number of girls/women rescued. Kuwait, Saudi Arabia and Lebanon are the major three countries in the Gulf region from where a large number of trafficking survivors were rescued. Annex 2.1 and 2.1a show the efforts of Maiti Nepal in promotion of safe migration and conducting interception, rescue, repatriation and reintegration of trafficking survivors for the five years period (2009-2013).

Table 2.2 Number of girls/women rescued/repatriated by Maiti Nepal, 2008-2012

Year	Total	India	Gulf countries	Khasa, Tibet	Bangladesh
2008	71	52	19	-	-
2009	72	48	24	-	-
2010	54	33	21	-	-
2011	56	27	28	-	1
2012	83	49	29	4	1
Total (2008-2012)	336	209	121	4	2

Source: Annual Reports of Maiti Nepal, 2009 to 2012.

**Levels and Trends of Trafficking Cases: the Police Record** - Women and Children Service Directorate, Nepal Police, provides data on trafficking in persons since the 1996/97 (Table 2.3). Data reveal that the registered case of trafficking in Nepal Police is far lower than that of the believed to be. It is, however, revealed that the registered trafficking cases were much lower from 2001/02 to 2005/06 – a period

in which Nepal was hard hit by the armed conflict between the state and Maoist insurgency. In the FY 2011/12, of all the 118 cases of trafficking were trafficked for forced prostitution.

Table 2.3 Number of crime against women and children recorded in Women and Children Service Directorate, Nepal Police, Nepal

Fiscal Year	Number of trafficking cases
1996/97	117
1997/98	130
1998/99	110
1999/00	120
2000/01	92
2001/02	40
2002/03	55
2003/04	56
2004/05	72
2005/06	97
2006/07	112
2007/08	123
2008/09	139
2009/10	161
2010/11	183
2011/12	118
2012/13	144

**Source:** <http://www.nepalpolice.gov.np/1.html> (Accessed on April 14, 2013).

The modus operandi of traffickers in most of the case is luring with false promise (115 cases), followed by undue influence (2 cases) and fake marriage (1 case). Annex 2.2 also reveals the extent of crime cases handled by the Women and Children Service Directorate since 1996/97. In addition to trafficking cases, Women and Children Service Directorate handles crime cases of children and women such as rape, attempted to rape, abortion, polygamy, child marriage and domestic violence.

**Number of Women Trafficking Survivors and Defendants as Per the Record of Office of the Attorney General (OAG)** – As presented in Table 2.4, the Annual Report of the OAG maintains data on the number of women trafficking survivors and defendants against different criminal cases including trafficking. Annex 2.5 shows the number of women trafficking survivors and defendants in the FY 2011/12 by districts. Accordingly, the woman survivors of trafficking and defendants come from 31 out of 75 districts. There were altogether 125 victims and 98 defendants. In the FY 2012/13, there were altogether 203 woman trafficking survivors while the numbers of defendants were 109 in the same year (See also Annex 2.5a for district wise information).

Table 2.4 Number of women trafficking survivors and defendants as per the Office of the Attorney General, Nepal

FY	Survivors	Defendants
----	-----------	------------

2008/09	168	90
2009/10	134	96
2010/11	237	37
2011/12	125	98
2012/13	203	109
5-years average	173	86

Source: Annual Reports 2011, 2012 and 2013 of Office of the Attorney General.

**Trafficking Cases: WOREC 2069 Report** - According to WOREC's Report 2012, a total of 25 women were trafficked and other 8 women were attempted to traffic in the year 2012. Among them, majority were trafficked by friends of the victims (43%), followed by unrelated persons (24%), neighbors (21%), family members (9%) and husbands (3%). Nearly 45 per cent of the victims were only literate. Almost half of the trafficking survivors were in the age range of 16-25 years.

**Trafficking Cases: National Women Commission** – The data compiled by National Women Commission from the news paper clippings revealed that there were 98 trafficking cases and 56 cases related to foreign employment in the FY 2011/12.

**Trafficking Cases: Interpol Nepal Records** - The Interpol issues a red corner notice on request of an agency or a country for those criminals who have been convicted by the courts but they are escaped. Among the 12 criminals, 11 are males and one is female. The criminal detail shows that 11 cases are related to deception and fraud in relation to foreign employment while two cases are related to rape of minors. Similarly, Interpol Nepal has issued Green Blue Notice for one Nepali national who have committed to involve in pornographic activities (Annex 2.3).

**Trafficking Cases: Newspaper Clipping of NHRC Security Unit** – The newspaper clipping of NHRC shows an increasing number of crimes and/or incidents for the last three years (2011/12 to 2013/14). Among the crime cases, crimes like 'trafficked', 'missing cases', 'rape and sexual harassment', 'human traffic incident' and 'sold' were substantially reported in media. Although data were compiled from different newspapers, and there is high possibility of overlapping, NHRC compilation does show an insight of the extent of crimes and impunity in the country. During the period, a total of 1955 incidents were reported as trafficked, 1524 as women rescued, 1519 as missing cases, 624 rape cases, 368 as human trafficking incidents and 66 incidents of sold cases (Annex 2.4).

## 2.2 Missing Women in Kathmandu Valley

The WCSC, Office of the Metropolitan Police Commissioner, Kathmandu Valley, maintains data on the missing women. Table 2.5 shows the number of women reported missing and those who have continued to remain missing from FY 2009/10 to 2012/13. The four-yearly average (2009/10-2012/13) number of women reported missing comes out to be 845 with very high untraced rate. Nearly four of five women reported missing continue to remain missing.

Table 2.5 Number of missing women in Kathmandu valley, FY 2008/09-2012/13

Year	Number of women reported missing	Number of women continue to remain missing	Untraced rate
2009/10	705	573	81.3
2010/11	836	692	82.8
2011/12	889	698	78.5
2012/13	950	705	74.2
4-yearly average	845	667	78.9

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

## 2.3 Child Trafficking

**Number of Children Trafficking Survivors and Defendants as Per the Record of OAG** – The Annual Report of the OAG provides data on the number of child trafficking survivors and defendants. Accordingly, the five-year (2008/09-2012/13) average number of children as survivors of trafficking was 31 with much higher in the FYs of 2010/11 and 2011/12 (Table 2.6 and Annex 2.5 and 2.5a for district wise information).

Table 2.6 Number of children trafficking survivors and defendants as per the Office of the Attorney General, Nepal

FY	Survivors	Defendants
2008/09	24	Na
2009/10	6	Na
2010/11	45	Na
2011/12	46	8
2012/13	34	5
5-years average	31	Na

Note: NA refers to not availability of data.

Source: Annual Reports 2011, 2012 and 2013 of Office of the Attorney General.

### 2.3.1 Missing Children

The National Center for Children at Risk (*Balbalika Khoj Talash Kendra*), Kathmandu maintains data for those children who have been reported missing and this information is published by the CCWB in its annual reports. The following conclusions may be drawn from the data (Table 2.7). First, the missing cases recorded in the Center have declined substantially. For example, the total number of missing children recorded was 2431 in FY 2010/11 which declined to 1453 in 2012/13. Second, the untraced rates remained high over the four-year period (2 in 5 missing children continued to be missing). Third, the untraced rates for girls are much higher across the years compared to the boys. One out of two missing girls continued to remain missing. This fact provides the nexus of missing children phenomenon with trafficking for sexual exploitation.

Table 2.7 Distribution of children missing and untraced rate, 2009/10-2012/13, Nepal

Year	Number of missing children recorded			Untraced rate		
	Boys	Girls	Total	Boys	Girls	Total
2009/10	1139	1047	2186	34.0	49.1	41.2
2010/11	Na	Na	2431	-	-	44.7
2011/12	774	804	1578	34.9	53.2	44.2
2012/13	671	782	1453	31.9	53.2	43.4

Note: Untraced rate is defined as the number of children continues to remain missing divided by the total number of children reported missing.

Source: CCWB, Annual Reports of 2010, 2011, 2012 and 2013.

### 2.3.2 Cross-border Trafficking of Children in Labor Exploitation

There are instances of cross-border trafficking of children (boys and girls) from Nepal for the purpose of labor exploitation (as bonded laborers, using them in circus, begging and for the sale of organs). According to Easter Benjamin Trust-Nepal, it is estimated that 500 children under the age of 14 years are trafficked to Indian cities for the purpose of using them in circus. Of them, 233 children were rescued and brought back to the country and reunited to their families by the same organization. Among the rescued children, 217 were girls and 16 were boys.

### 2.3.3 Intercountry Adoption of Nepali Children and Nexus of Trafficking

Nepal legalized intercountry adoption by amending the National Code of 1964 in 1976. The Government signed the *Hague Intercountry Adoption Convention, 1993* in April 28, 2009 to make the adoption procedures of international standard and transparent. The GoN suspended intercountry adoption process in between May 2007-April 2008 and again resumed it (adoption process) from May 2008.

There is no record available about the number of intercountry adoptions before 1993. According to the CCWB (2010), the number of intercountry adoptions in between May 1993 to August 2008 were 2,234; 127 in between May 2008 and December 2010. As suggested by the data presented in Table 2.8, from the FY 2010/11, the number of intercountry adoption has been declining. This is mainly due to the fact that the GoN has issued the *Terms and Conditions for Intercountry Adoption 2010 (second amendment)* and the also formed Intercountry Adoption Management Development Committee under the MoWCSW on 2067/10/3 to regulate adoption process.

Table 2.8 Number of inter-country adoption of Nepalese children

Year	Girls	Boys	Total
Before 1993			No records
May 1993-Aug 2008	na	Na	2234
May 2008-Dec. 2010	na	na	127
2010/11	35	18	53
2011/12	18	6	24
2012/13	5	2	7

Source: CCWB, 2011, 2012 and 2013.



The Committee is mandated to i) formulate policy for inter-country adoption; ii) develop longer term, short term and annual plan of action; iii) investigate the cases of children for inter country adoption; iv) gather necessary information of the person intending to adopt Nepali children; v) monitor the Child Care Homes, and vi) coordinate the concerned agencies and organizations.

Although there are no studies linking the intercountry adoption with trafficking of children especially after the Government enforcement of the Terms and Conditions 2008 and formation of the Management Committee to regulate the intercountry adoption, the previous studies suggested that there has been linked between the intercountry adoptions of Nepalese children and trafficking. A study conducted by UNICEF and Terre Des Hommes Foundation in 2008 revealed that only one-third of the intercountry adoption children comprised of abandoned children while the rest had either parents or guardians. In 2009, an INGO - the Hague Conference on Private International Law – revealed a number of irregularities associated with adoption processes and violation of the Purposes, Principles and Safeguards set forth in the *1993 Hague Intercountry Adoption Convention* including falsification of documents, false statements about the child's abandonment and lack of transparency and accountability.

### 2.3.4 Children Residing in Child Care Homes

According to the survey of CCWB 2013, a total of 797 Child Care Homes have been recorded in 46 districts out of 75 in Nepal (Table 2.9). Majority of Child Care Homes are located in Kathmandu valley (560 out of the 797). Altogether, 15215 children were residing in these Child Care Homes, with relatively higher proportion for boys (53%) over girls (47%). The average number of children per Child Care Home was calculated as 19 with much higher in outside of the Kathmandu valley (29 children per Child Care Homes) compared to the Child Care Homes in Kathmandu valley (15 children per Child Care Homes).

Although age-wise break-down data was not available for 2013 data, the CCWB 2011 report suggested that there were 7 per cent of children below 3 years of age residing the Child Care Homes in Nepal; 18.5 percent children were below 6 years of age; 40 per cent children were below 9 years of age; 64 children were below 13 years of age and about 89 percent children were below 16 years of age.

Table 2.9 Distribution of children residing in Child Care Homes, 2013, Nepal

Districts	No. of Child Care Homes	Girls	Boys	Total	Avg. no. of children/ Child Care Home
<i>Kathmandu valley</i>	570	4036	4625	8661	15
Kathmandu	422	2198	2615	4813	11
Lalitapur	127	1543	1635	3178	25
Bhaktapur	21	12	375	387	18
<i>Outside of the</i>	227	3146	3408	6554	29

<i>Kathmandu valley</i>					
Total	797	7182	8033	15215	19
Row %		47.2	52.8	100.0	

Source: CCWB, 2013.

There have been media reports that children residing in many of the Child Care Homes are at risk of exploitation and trafficking. Many Child Care Homes do not meet the standard set to provide the minimum services to the children. It has been widely reported that many of the Child Care Homes have not been compliance with the *Standards for Operation and Management of Residential Care Homes, 2012*<sup>3</sup>. The non-compliance is reported especially in areas of process of entry, residential care facilities and environment, ensuring the basic rights such as education and health and provisions for child protection such as sexual abuse and exploitation.

#### **2.4 Female Workers in Entertainment Sectors: Deception, Exploitation and Trafficking**

Several studies indicate that there has been increasing exploitation of girls/women working in the entertainment sectors in Nepal.

There are no systematic and scientific studies about the cabin, dance restaurants and massage parlors in Nepal to understand the magnitude, processes, working conditions and sexual and labor exploitation in this sector. Yet there are studies covering selected samples which may highlight some indications in this direction. In this Report, two major information sources were used to discuss the situation of female workers in the entertainment sector. One is the results of a workshop organized by Shakti Samuha – a NGO of the trafficking survivors. Shakti Samuha organized the workshop among the 22 women workers in the entertainment sectors on 3-4 December, 2013 in Kavre district. The NHRC Report Preparation Team was also invited in the workshop. Another source of information is the Karki's (2013) study 'Exploitation of Women in Cabin Restaurant: A Case Study of Kathmandu Metropolis City' for the SNV Nepal. Besides these sources, Nepal Youth Survey Team Report was also reviewed.

**Magnitude of Female Workers in the Entertainment Sector** –The Free the Slave revealed that there are about 12,000 cabin, dance restaurants and massage parlors alone in Kathmandu valley and an estimated 50,000 girls/women working in this sector. Nearly half of these workers have been forced to go out with customers or have sex with them at work (<https://freetheslaves.net>). According to Nepal Youth Survey Team, there were over 25,000 dance and cabin restaurants across the country (YPP Nepal Youth Survey Team, 2010). According to Nepal

---

<sup>3</sup> The Standards of Operation is based on the four principles. They include: i) dignity of the children, ii) non-discrimination, iii) the best-interest of children in relation to protection and harmonious development and iv) rights to expression and promotion of children.

Restaurant Association (cited in Karki, 2013), there are around 600 cabin restaurants in Kathmandu valley.

**Who are Female Workers?** – Among the 22 women participated in the workshop organized by the Shakti Samuha, 5 were working in the *Dohari* restaurants, 9 in Dance Bars/restaurants, 6 in open restaurants and 1 in massage parlors. In terms of age-group, 2 were under 18 years, 12 were 18-24 years and 7 were 25 and above years. Majority of the participants were Janjati (15 persons), followed by Brahman/Chhetri (3 persons) and Dalit (3 persons). The participants originated both from the surrounding areas of Kathmandu valley (Nuwakot, Kavre, Ramechhap, Dolakha, Makwanpur) as well as far from the country such as Rolpa, Syanja, Okhaldhunga, Morang, Jhapa and Kailali.

Karki (2013) studied 200 female workers in 100 cabin restaurants in some selected places of Kathmandu metropolis area. Among the 200 workers, 93 per cent originated from outside of the Kathmandu valley. Her study showed that workers comprised across the caste/ethnic groups – yet majority were from Janjati (52%), followed by Brahman/Chhetri (40.5%) and Dalit (7%). In terms of age of the workers, a considerable proportion was under 19 years (42%) – implying that children are also involved in the cabin restaurants in Nepal. Workers comprised from married, unmarried, divorced and widow – yet majority were unmarried women and girls (Table 2.10).

Table 2.10 Background Characteristic of female workers in the cabin restaurants, Kathmandu

	N	%
<b>Origin districts</b>		
Within Kathmandu valley	15	7.0
Outside of the Kathmandu valley	185	93.0
<b>Caste/ethnic groups</b>		
Brahman/Chhetri	51	40.5
Janjati	104	52.0
Madheshi	1	0.5
Dalit	14	7.0
<b>Age groups</b>		
15-19	84	42.0
20-24	84	42.0
25-29	29	14.5
30 and above	3	1.5
<b>Marital status</b>		
Married	55	27.5

Unmarried	132	66.0
Divorced	8	4.0
Widow	5	2.5
Total	200	100.0

Source: Karki, 2013

Karki (opt. cit.) showed that a considerable proportion of female workers (78.5%) in the cabin restaurants reported that they contribute financial support to their families – and thus, they are happy in this sense. The main reasons for involving in the cabin restaurants were lack of education (39% of 200 respondents), unemployment (52% of 200 respondents), dysfunctional families (60% of the 200 respondents and poverty (51% of the 200 respondents).

**Working Hours and Salary** - The workshop participants of the Shakti Samuha (22 participants) highlighted the fact that in the entertainment sector exact value of work does not exist and work in the entertainment sector has not been recognized as work. Salary is inadequate and there is discrimination in paying the salaries among workers. In the discussion, it is known that among the 22 participants, majority were working in the evening/night (16 persons), while other 2 work in the morning and others 3 in the day time. The average working hours ranged from 6 hours to 12 hours. The average monthly salary is estimated to be Rs. 4250 – ranging from as minimum of Rs. 2,000 to as maximum of Rs. 9,000.

Karki (opt.cit.) also revealed that the monthly salary of the workers in the cabin restaurants is very low as reflected by the fact that nearly 58 per cent of 200 respondents interviewed reported that they had monthly salary to Rs. 3000. However, the workers in the cabin restaurants receive some tips. The monthly tips range as low as Rs. 1000 to as high as Rs. 15,000 (Table 2.11).

Table 2.11 Monthly salary without (TIPS) and TIPS

Monthly salary (in Rs.)	N	%
1000-3000	115	57.5
3100-6000	85	42.5
Monthly TIPS in Rs. (without salary)		
1000-5000	106	53.0
5100-10,000	86	43.0
10,100-15000	6	3.0
More than 15,000	1	0.5
Total	200	100.0

Source: Karki, 2013

**Health, Habit and Sexual Exploitation** – A range of health problems evolved from the discussion such as lack of safe environment to work, physical and mental stress, very unhygienic food, giving decay and rotten foods, half cooked and expired food, staff are compel to drink wine by owners showing greed of commission which is owners trick. Karki (2013) study suggested that female workers develop bad habit of drinking (78% out of 200 respondents), smoking (95% out of 200 respondents) and dress-up vulgar dress (33% out of 200 respondents) in order to attract the client and increase the sale of the owners.

Nine in 10 female workers in the cabin restaurants reported that they ever faced sexual indulgences. Superficial body touch, sensitive body part touch and physical relationship were the key types of sexual indulgences inside the cabin restaurants. In the sample of 200 respondents, one-fourth agreed that they had sexual relationship inside the cabin restaurants while more than three-fourth agreed that their sensitive body part was touched either by the clients, co-male workers or by the owners (Table 2.12). It is reported that many clients expect to have sexual relationship with the girls outside the cabin restaurants due to the fear of arrest by the Police inside the cabin.

Table 2.12 Distribution of female workers in cabin restaurants reporting sexual indulgences faced inside the cabin restaurants, Kathmandu Metropolis, 2013

	N	%
Sexual indulgences faced?		
Yes	192	91.0
No	21	10.7
Types of indulgences		
Superficial body touch	196	98.0
Sensitive body part touch	156	78.0
Physical sexual relationship	49	24.5
Total	200	200.0

Source: Karki, 2013

**Workers Feeling towards the Owners** - The workshop participants highlighted many problems from the owners. Workers have no appointment letters, they are

appointed orally – consequently workers are vulnerable to be withheld at any time. Majority of workers feel no respect while working. Sometimes, restaurants opening time varies from day to day. There is no any facility of holidays, leave in festivals and during the illness. Owners forced to do more business, attract the clients by anyhow. As the slavery is given very low, the workers are required to live just on the basis of tips from customers. Further, owners encourage the workers to take alcohol and cigarette with the customers so that they could increase the sale.

Workers are further exploited when a worker has to pay the prices of anything that she has damaged or by the clients to whom she was serving. Workers also reported that they are also sexually abused by the owners: their private body parts are touched without any consent. Some owners also compel the workers wear semi-naked dress so that they could attract the male clients. Workers are appointed on the basis of their beauty and age. This also holds for paying the salary. There is discrimination in the payment among the workers in the same working hours and same nature of work. Generally, workers are withheld after their 30 years.

Workers also highlighted the lack of rights of mobility – thus, making some of the workers as bonded labor and as the workers sometimes are forced to work till the night, they are at risk of arrest by the police while returning to home or in the working place.

**Clients' Expectation** – Of the 200 respondents in cabin restaurants, more than 90 per cent reported that clients expect to 'prefer girls as entertainment' and 'demand girls for any sexual favor'. In her study, Karki (2013) observed how clients behave inside the cabin with the girls and women:

- *Client demands the girls of his choice.*
- *Talks to workers with informal words ( k chha Maiya, Dear, Darling, Baini )*
- *Spends more time with the girl touching her.*
- *Orders hard drinks and food for both.*
- *Touches her body.*

**Worker Feeling towards the Police** – Many female workers see police as problem creator rather than as a helper. They complained as follow:

*Police never listens to us. They use vulgar words in time of raid. Sometimes, they enter into our dressing room while we are changing our clothes. They force us to sit in a table and show our private parts to them. Police take us to custody at night when we are about to go home. They do not permit us to meet our friends in custody. Instead, they ask unnecessary questions and demands money and sexual favor. They ask us whether we are married or not.*

**Workers Feeling towards the Media** –The workers complained that the workers names and pictures have been published in the media without their permission.

They complain that media exaggerate the case and events. One of the example is that media reports that women are naked inside restaurants which is not true. Rumours are created my media and news is published without depth investigation.

## **2.5 Trafficking of Human Organs (Kidney)**

Trafficking for the purpose of 'removal of organs' is identified as trafficking under the UN Trafficking Protocol 2000 definition. According to this definition, organ trafficking only occurs when a person is trafficked for his or her organ removal. Organ removal is thus one of the forms of exploitation that characterize trafficking in human. The Protocol recognizes that although some of the persons who are trafficked are aware that they may be used for labor or prostituted in the country of destination, their initial 'consent' is a result of their vulnerable or difficult situation and should not dispense the traffickers from legal responsibility.

Organ transplantation is widely practiced worldwide including Nepal. According to World Health Organization (WHO), kidney transplants are performed in nearly 100 countries. There exist two situations pertaining to kidney transplantation among Nepalese (CeLLARd, 2013). First, kidneys transplanted in the native or third country of the recipient adhering to the existing law of the land. Second, organs that are bought, sold, and transplanted in a third country, mainly in India, which is executed by a recurrent organ racket with cooperation from medical doctors and their institutions.

There are no reliable studies or surveys to understand the magnitude, processes and causes of trafficking of kidney in Nepal. Yet there some previous studies conducted in limited areas gives some indication that trafficking of human organs (kidney) has been an emerging issue to protect the human rights of Nepali people.

Chhid- Nepal, an NGO has conducted a survey among the victims of kidney extraction in *Kavre* district from May to July 2009. It estimated that there were nearly 300 victims of kidney extraction in the district. Among them, there are about 100 victims alone in eight VDCs, namely, *Hokse, Jamdi, Mahadecsthan, Anaiкот, Baluwa, Panchkhal, Jaisethok and Patlekhola*, VDCs (cited from NHRC, 2010). In addition to the Chhid-Nepal data, media reports have at various times showed that there were 3,000 victims in Kavre. Of which, one-fifth is in the Shikhapur, 75 donors in Hokse, 95 or 100 donors in Hokse and the neighboring villages, 60 donors in Dakshindhoka, and 400- 500 in Jorpati, Gokarana, and Mulpani (cited in CeLLRd, 2013).

Trafficking of kidney involves an organized criminal group – a network from the village to Kathmandu, Kathmandu to India. They have also network with the medical person. There have been some reports that the victims are tricked into going to India as suggested by the narratives of the victims cited in CeLLRd (2013).

*In some cases, a villager is told he will merely be accompanying a Nepali patient to India. In others, a villager is led to believe he is travelling to India for work. In both scenarios the donor is asked to undergo a blood test in Nepal before travelling. In the vast majority of reported cases, though, the donor knows the purpose of the trip to India. The donor may not have been fully advised of the health risks, and the donor may get less money than initially promised.*

It is reported that the victims have been provided very low amount in exchange of the kidney. Initially, the middle persons offers Rs. 100,000 to 300,000 but when they got removed the kidney; they are only paid merely Rs. 20,000 to Rs. 30,000. The consequences of the removal of kidney are wide at the individual and families. There are cases that the some of the victims have died after 4 or 5 year of kidney removal or became ill and not able to work. At the family level, the family could not escape from poverty as the main adult members or breadwinner got removed kidney and could not work hard.

## **2.6 Smuggling of Girls to Korea**

*According to the NHRC Observation and Monitoring Report, 2013, the protection and prevention of female marriage migrants to Korea was the first priority issue for the Nepalese community in Korea. There are approximately 1,000 female migrants who have come to Korea through marriage bureaus. The bureaus are match making agencies in Nepal, that are playing the key role in fixing marriage of Nepalese women with Korean men for the last few years. These bureaus are selling dreams to Nepalese women about the rich and happy life in Korea, citizenship upon arriving in Korea, job opportunity and a good family life.*

It is reported that these women face several problems: only old Koreans seek foreign brides and they do not treat women with respect; marriage bureau give false counselling to these women and they think they could escape once reached in Korea, but that becomes impossible upon coming here due to language, strict monitoring of the husband, and difficult life in Korea for a stranger (Box 2.1).

### **Box 2.1 victims of a female marriage migrant in Korea**

Xxx Tamang (name changed), 26 yrs, female married to a Korean in his 50s. She came to *Inson* with her husband about three months ago. In the beginning she was happy and doing well. The husband also allowed her to work.

One day, she came back home late. Being worried, the husband beat her seriously by hitting her head to a wall, and left the home. She fainted for a day, and only the next day, someone found her in lying on the floor and took her to the hospital. Later the hospital



declared her half body was paralyzed. It has been about 2 months now, and still she is in similar situation.

The Embassy communicated with the Ministry of Law and Justice of Korea and dragged their attention. Police then registered the case. But because she is now seeking legal remedy, the husband is trying to send her back to Nepal. Her visa is expiring soon, and she will be considered illegal if not renewed the visa.

Source: NHRC Monitoring and Observation Report, 2013

However, it is reported that not all marriage migrants face such problems. Embassy personnel reported that about 300 girls are very happy family life with Korean men. The major challenge for the Embassy to respond to the problem of marriage migrants is that protection of marriage migrants' rights sometimes conflicts with the rights of Korean citizens. It is difficult to raise the issues of marriage migrants' rights as neither Korea nor Nepal has signed the International Convention on Migrant Workers (CMW) and only remedial to such cases is to request the Korean Government for judicial support.

## **2.7 Gender Based Violence and Trafficking**

Although there are few studies showing the linkage between the gender-based violence (GBV) and trafficking of women and girls, it is one of the leading causes of trafficking of women and girls in Nepal. The Government of Nepal (GoN) has provided a top priority in dealing with the gender based violence. Several line agencies such as Gender and Empowerment Coordination Unit (GECU) under the office of the Prime Minister and Council of Ministers, Service Centers under the Ministry of Women and Children and Social Welfare (MoWCSW), Women and Children Service Directorate of Nepal Police, National Women's Commission including several NGOs handle the cases of GBV in Nepal.

Looking at the data compiled by different organizations, it is clear that there is no apparent consistency in definitions or reporting methods of GBV cases. It makes difficult to compare data across data sets. Despite this, there appears to be some consistency in the GBV cases that the most commonly reported category of violence is domestic violence, sexual violence, rape, and child marriage and trafficking.

### **Number of Reported Cases of GBV in Women and Children Service Directorate –**

It aggregates data on the crime against women and children from its district offices. The Directorate has maintained database on GBV – reflecting domestic violence, rape, trafficking, polygamy, attempted rape and child marriage. The reported cases of GBV in the Directorate have increased substantially over the years – an increase from 2370 in the FY 2010/11 to 3235 in the FY 2012/13. The 3-yearly (2010/11-2012/13) average number of cases were 2982. The 3-yearly

average number of cases data reveal that 6 in 10 GBV cases are related to domestic violence and 2 in 10 GBV cases are related to rape and 1 in 20 GBV cases are related to trafficking (Table 2.13).

Table 2.13 Reported number of GBV cases, Nepal Police

Types of violence	2010/11	2011/12	2012/13	Three-yearly average (2010/11-2012-13)	
				N	%
Domestic violence	1355	2250	1800	60.4	1802
Rape	481	555	677	19.2	571
Trafficking	183	118	144	5.0	148
Polygamy	197	249	350	8.9	265
Attempted rape	151	156	245	6.2	184
Child marriage	3	12	19	0.4	11
Total	2370	3340	3235	100.0	2982

Source: <http://www.nepalpolice.gov.np/women-children-service-directorate.html> (Accessed on April 10, 2014).

**Number of GBV Cases Reported in National Women’s Commission** - One of the key mandates of the National Women’s Commission is to handle the cases related to Gender-based violence (GBV) and recommend the concerned bodies for the justice of the victims and bring the perpetrators into justice. Data on GBV were available for the FY 2010/11 and 2011/12. Accordingly, in the FY 2010/11, a total of 189 and in the FY 2011/12, 371 cases of GBV were reported in the National Women’s Commission. For the both years, the majority of cases reported were of domestic violence. There were no cases reported about trafficking in the FY 2010/11 but in the FY 2011/12, there were 3 cases (Table 2.14).

Table 2.14 Number of GBV cases reported in the National Women’s Commission, Nepal

Types of violence	2010/11	2011/12	% (2011/12)
Domestic violence	155	273	73.6
Rape	10	12	3.2
Trafficking	-	3	0.8
Polygamy	4	4	1.1
Murder	-	30	8.1
Sexual violence/abuse	4	9	2.4
Abandoned by the family	1	7	1.9
Economic violence	4	2	0.5

Mental torture/emotional abuse	9	21	5.7
Witchcraft accusation	2	1	0.3
Missing	-	9	2.4
Total	189	371	100.0

Source: National Women's Commission, Kathmandu, Nepal.

**Number of GBV Cases Reported in Gender and Empowerment Coordination Unit-** A total of 96 GBV cases were registered in the in the Gender and Empowerment Coordination Unit (GECU) under the office of the Prime Minister and Council of Ministers by February 2013. The types of violence include: domestic violence, rape, murder, sexual abuse, witchcraft accusation, polygamy, discrimination, forced disappearance (Table 2.15).

Table 2.15 Number of GBV cases registered in the Gender and Empowerment Coordination Unit, 2013

Types of violence	Number of cases
Domestic violence	42
Rape	7
Murder	5
Sexual violence	5
Witchcraft accusation	2
Polygamy	8
Discrimination	4
Forced disappearance	7
Others	16
Total	96

Source: cited in MoWCSW, 2013, from Gender Empowerment and Coordination Unit (GECU) data.

**Number of GBV Cases Handled by the Service Centers** - The GoN has established Service Centers in 15 districts and 84 Community Service Centers to provide services to the victims/survivors of gender based violence including trafficking, domestic violence, and sexual violence. These service centers provide services of interim rehabilitation, family reintegration, income generating skills training and financial support to initiate income generating activities, psychosocial and legal counseling. The government-run Service Centers are located in those districts where there are no rehabilitation centers.

Data revealed that a total of 1388 complaints in the FY 2011/12 and 990 in the first nine months of FY 2012/13 were handled by these service centers. With regard to complaint handling, more than 62% of cases were provided services by the service centers. Only 9.6% cases were carried forward for settlement in the last FY 2011/2012) (Table 2.16).

Table 2.16 Number of GBV cases handled by the Service Center during July 2011-January 2013, Nepal

	FY 2011/12	FY 2012/13 (till January)

Number of cases handled	1388	990
Number of settled cases	1254	618
Number of pending cases	134	372

Source: MoWCSW (2013), a Report on Anti-Human Trafficking Initiatives Led by the GoN.

**Number of GBV Cases Reported to the WOREC** – WOREC compilation of data on GBV shows that the number of GBV cases has been increasing in Nepal. For example, the number of GBV cases increased from 1569 in the FY 2010/11 to 1703 in FY 2012/13. The 3-yearly average (2010/11-2012/13) number of GBV cases were 1681 – of which 63 per cent accounts for domestic violence, 17 per cent for social violence, 10 per cent for rape/attempted rape and 1 per cent for trafficking cases (Table 2.17).

Table 2.17 Number of GBV cases reported in the WOREC, Nepal

Types of violence	2010/11	2011/12	2012/13	3-yearly average (2010/11-2012/13)	
				N	%
Domestic violence	1002	1019	1040	1020	63.1
Social violence	266	251	297	271	16.8
Rape/attempted rape	124	146	224	165	10.2
Sexual violence/abuse	64	63	52	60	3.7
Murder	47	28	29	35	2.1
Trafficking	23	25	14	21	1.3
Other	43	49	26	39	2.4
Total	1569	1581	1703	1618	100.0

Note: Social violence includes (witchcraft accusation, child marriage, dowry related violence, caste discrimination, emotional violence and others include and suicide, abandoned by the family and disappearance.

Source: WOREC, 2011, 2012 and 2013 (*Anbeshi*).

**Number of GBV Cases Complied by INSEC** - INSEC – a non-governmental human rights organization - has compiled data on GBV cases in the years of 2012 and 2013. The reported number of victims increased from 1360 in 2012 to 2993 – an increase by more than double. The 2-yearly (2012-13) average number of victims was 2127 – with majority of domestic violence (47%), followed by rape (25%), polygamy (10%), sexual abuse (6%) and trafficking (4%) (Table 2.18).

Table 2.18 Number of Girls and Women Victims of different violence, INSEC, 2012-2013

Types of violence	2012	2013	2-yearly average (2012-13)	
			N	%
Domestic Violence	447	1569	1008	47.4
Rape	440	621	531	24.9
Polygamy	147	283	215	10.1
Sexual Abuse	134	124	129	6.1
Trafficking	80	103	92	4.3
Attempted rape	39	89	64	3.0
Witchcraft accusation	52	69	61	2.8

Child Marriage	21	18	20	0.9
Attempt to Trafficking	-	13	7	0.3
Child labor	-	4	2	0.1
Total	1360	2993	2127	100.0

Source: INSEC, 2013 and 2014.

## 2.8 Processes and Causes of Trafficking in Persons

Studies (Hawkes et al. 2013; INSEC, 2013 and 2014) indicate that trafficking takes place from different processes: fake promises, deception, threats and coercion. There is a complex web of causes of trafficking ranging from poverty and lack of education to gender inequalities, and to perceived cultural norms that act to disempowered women and reduce their autonomy.

The case of a Dalit girl, 19, who was trafficked in July 2012 to a brothel in Agra, India by her relative, may be a representative case to understand the processes and causes of trafficking. She escaped from brothel with the help of a customer and returned to Nepal and filed a case against perpetrators with the help of a NGO. The Sindhupalchok District Court sentenced the main perpetrator to 170 years of imprisonment.

*The girl was illiterate and from very poor family. The perpetrator took this advantage and urged her to travel abroad to support her family financially. He deceived her with false promise of offering her a good job opportunity in India. He said that his own daughter had been working in India for 5 months and sent him money frequently. The perpetrator took responsibility for preparing passport and providing travel passage across the border, the victim only came to know she had been duped into sex trafficking upon reaching brothel in Agra, India. The perpetrator transported her across the border between Nepal and India in a van under the guise of visiting sister and bribing officers. The perpetrators bought five girls to Agra - one of whom was the daughter of one of the perpetrators.*

The girl who was trafficked responded the causes of trafficking as:

*"I think violence against women is more prevalent in Nepal. For example; our society perceives that women should not do this, women cannot do it, there is no way that a woman can do it, etc. Everyone thinks that women cannot do anything. Our society thinks that only men are capable of doing everything... I don't have idea about other countries but Nepal is a country where violence against women exists. Men are engaged into consuming alcohol and beating their wives..... There is lack of education among women due to which they don't have any knowledge. .... we, women of Nepal, cannot even step out of our houses. People will start criticizing when we step out of our houses."*

Source: Hawkes, et al. (2013)

**Who involves in trafficking?** - Reviewing the INSEC documentation of violence against women in Nepal (2012, 2013 Reports), it is clear that close relatives such as husband, brother, uncles including the carders of the political parties were found to involved in trafficking of women and girls in Nepal. The following is the extract from INSEC Report 2012:

***Involvement of Political Party Carders*** - Police arrested Naresh Sampati of Biratnagar Sub-Metropolis-13 who is also a cadre of CPN-UML on May 10 alleging that he attempted to traffic a 22 year old woman on April 22 with a promise of foreign employment. Police rescued the victim from Kakarvitta in Jhapa. The accused was remanded in custody as per the District Court order on May 24.

***Involvement of Brothers:*** The complaint was lodged by the victim's brother against Manoj Pariyar of Urleni VDC-9, Rabi Nepali of Shikhar VDC-3 of Nuwakot district and Basanta Pariyar of the same VDC at the district Police Office on March 25 on the charge of trafficking 27-year old woman and her two minor children in Kolkata, India. Two of the accused were arrested on the same day by the police and were remanded in custody by a court order of October 27.

***Involvement of Uncles:*** A 19-year-old woman of Belawa VDC- 4 said that she was trafficked to India by her uncle Bale Sunar, 21, on August 5, of Bankatuwa VDC-9 by alluring to go for planting paddy in a village. The victim lodged a complaint against the accused at District Police Office on April 11. However, the accused remained absconding at the end of the year.

## **2.9 Awareness Level against GBV including Trafficking**

Prevention of trafficking in persons is not possible without increasing the awareness level among the community people, especially among women about safe-migration processes, laws related to violence against women and the services available to the victims of domestic violence and trafficking at the district level.

This Report has attempted to assess the awareness level of rural women about the laws related to combating violence against them drawing on a study conducted by the Office of the Prime Minister and Council of Ministries (2012). The study was conducted among 900 women aged 15-59 in six districts, namely, Shankuwasava, Siraha, Sindhupalchok, Makwanpur, Nawalparasi and Dadeldhura.

As presented in Table 2.19, the proportion of women who reported heard of laws ranges from as low as 13 per cent for Domestic Violence and Crime and Punishment Act, to 24 per cent for law on sexual harassment of women, to 35 per cent for Human Trafficking and Transportation Control Act to 70 per cent for the Law that guarantees property rights to daughters. Data reveal that age, caste/ethnic groups, education and wealth quintile determine the knowledge on Laws. This especially holds for Human Trafficking and Transportation Control Act, 2007. Proportionally, more younger women over the older ones, women from

'upper caste' groups over disadvantaged groups, women with more than SLC level education over illiterates or with only primary education tend to have more knowledge on the Human Trafficking and Transportation Control Act, 2007. Knowledge on the Act is much lower among women residing in Terai (21%) over women residing in mountains (42%) and hills (60%).

Table 2.19 Percentage distribution of women who have knowledge about laws by selected background characteristics, 2012

Selected characteristics	Domestic Violence and Crime and Punishment Act	Human Trafficking and Transportation Control Act	Law on sexual harassment of women	Law that guarantees property rights to daughters	N
<b>Age</b>					
15-24	14.5	41.6	33.1	70.3	269
25-34	14.5	34.9	24.5	70.3	269
35-59	10.2	30.7	16.0	69.1	362
<b>Caste/ethnicity</b>					
'Upper caste' groups	20.7	53.3	26.8	82.5	246
Janjati	13.3	35.4	16.1	68.7	316
Disadvantage non-Dalit Terai caste	5.7	18.7	27.5	63.7	193
Dalit/Religious minority	7.6	26.2	29.7	58.6	145
<b>Education</b>					
Illiterates	3.9	22.4	16.4	58.9	304
Up to Primary/NFE	12.1	35.2	20.6	72.6	281
Primary to 10 years of schooling	18.1	42.8	23.3	72.1	215
SLC or more	30.0	58.0	55.0	90.0	100
<b>Wealth quintal</b>					
Lowest	6.7	22.5	18.5	52.2	178
Second	7.6	34.8	19.9	65.8	184
Middle	19.0	43.0	19.6	73.2	179
Fourth	11.7	31.3	26.1	72.6	179
Highest	18.9	44.4	36.1	85.0	180
<b>Ecological belts</b>					
Mountain	20.0	42.4	8.1	66.7	210
Hills	20.0	60.0	43.3	80.0	210
Terai	6.5	21.3	21.9	66.7	480
Total	12.8	35.2	23.7	69.8	900

Source: Office of the Prime Minister and Council of Ministries (2012):38-39.



While women were enquired about whether or not they are aware of the presence of different support system for violence survivors, a few women reported that they had knowledge on such system in the district (Table 2.20). This shows a disappointing situation as all the surveyed districts have these services available.

Table 2.20 Women's knowledge of presence of different support system (N=900), 2012

	Yes	No	Don't know	Total
Knowledge of presence of shelter houses	5.6	29.7	64.5	100.0
Awareness on presence of district rescue group led by Chief District Officer	0.8	99.2	-	100.0
Presence of Women and Children Service Center at the District Police Office	4.6	95.2	-	100.0
Presence of GBV case handling desk at the DDC	6.1	93.9	-	100.0

Source: Office of the Prime Minister and Council of Ministries (2012):44.

## 2.10 Key Issues and Challenges

- No unified institutional mechanism exists to collect reliable statistical information on the scope of trafficking in persons in Nepal or on the level of public awareness about the phenomenon.
- As the scope and nature of trafficking has expanded so do the trafficking rackets – thus demanding the effective monitoring in formal and informal institutions such as Marriage Bureaus, recruitment agencies, travel agencies, pharmacies and medical institutions, informal networks, education consultancies, hotels and lodges and 'Child Care Homes'.
- There has been increasingly exploitation of female workers in the entertainment sectors. This is mainly due to insufficient awareness at the local level, inadequate advocacy, and lack of effective monitoring of the entertainment sectors. Further, in-country trafficking act is required to be drafted.
- The causes of trafficking are complex; yet the broader causes of trafficking are poverty, ignorance, unemployment, violence against women and children, lack of awareness on safe migration and laws related to combating violence against women, dysfunctional families, impunity, discrimination and exclusion.
- Nepal has a large number of children in vulnerable conditions despite the government's and donor's priority in ending of child vulnerability over the years. Trafficking of children for sexual exploitation, circus and *Jadu*

performance in India, for labor exploitation such as in *Jari* industries and brick kilns, domestic work, hotels, street is a persistent problem in Nepal. Many of child's trafficking happens due to parents' silent consent – and thereby posing challenges to address the structural causes of trafficking such as poverty eradication, access to education and social security to the unreached people.

- Increasingly a large number of people, including women have been migrating for work at abroad. This has brought the challenge to protect the workers by ensuring the rights of mobility.

### **Situation of Foreign Labor Migration and Nexus of Trafficking in Nepal**

Foreign labor migration of Nepal has emerged as one of the major contributors of national economy. It contributed to nearly one-quarter of Gross Domestic Product (GDP) in FY 2011/12. Its share in the GDP comes after the share of agriculture sector (37%). The contribution of foreign labor employment has led transformation of the Nepalese economy from agriculture to remittance base economy. Studies reveal that remittance has contributed a lot in reduction of poverty in Nepal (Central Bureau of Statistics, CBS, 2006). Despite this, foreign labor migration has also brought the challenges to protect and promote the rights of MWs, especially of woman migrant workers (WMWs). With this brief prologue, drawing on the various secondary sources of information, this Chapter discusses the magnitude of foreign labor migration in Nepal, focusing of WMWs. It explores the processes of migration, working conditions at the destination countries. It further goes on discussing the linkage of domestic violence at home to trafficking or unsafe migration. Finally, the chapter reviews the responses of safe migration from the Governmental as well as non-Governmental organizations.

#### **3.1 Magnitude of Foreign Labor Migration**

Two sources of data on foreign labor migrants are available: the population census data and documented foreign labor migrants from the Department of Foreign Employment (DoFE).

**Population Census Data** – Population Censuses provides information about the number of people migrated abroad. Accordingly, in 2011, 1.92 million people were absentees – that is, they migrated abroad for various purposes (Table 3.1). This figure is nearly three-fold increase from 2001 (the absentee population in 2001 were 762,181). Taking as a whole, more than 7 per cent of the total Nepal's population of 26.66 million was absentees in 2011. Proportionally, the absentees were higher in rural, hills, western development regions and among men. Among the absentees population, 85 per cent were originated from the rural areas while the rest 15 per cent from the urban areas. More than half (52%) of the absentees

were from the hills, while Terai accounted for 42 per cent and 6 per cent for mountains. Among the Development Regions, the highest percentage of absentees were from the western development region (30%), followed by Central (24%), eastern (22%), far-western (12%) and mid-western development region (11.6%). Female migrants as percentage of total migrants accounted for 13 per cent in 2011 while this figure was just 11 per cent in 2001.

Table 3.1 Percentage of absentees' population of Nepal, Population Census 2011

	Total Population	Absentee population	% absentees out of the total population	% out of total absentees
Nepal	26,620,809	1,917,903	7.2	100.0
Urban	4,525,787	280,434	6.2	14.6
Rural	22,095,022	1,637,469	7.4	85.4
Ecological belts				
Mountains	1,795,354	107,936	6.0	5.6
Hills	11,475,001	998,087	8.7	52.0
Terai	13,350,454	811,880	6.1	42.3
Development Regions				
Eastern	5,834,182	427,835	7.3	22.3
Central	9,713,702	460,303	4.7	24.0
Western	4,945,190	578,849	11.7	30.2
Mid-western	3,584,386	223,076	6.2	11.6
Far-western	2,543,349	227,840	9.0	11.9
Sex				
Male	12,927,431	1,663,237	12.9	86.7
Female	13,693,378	254,666	1.9	13.3

Source: CBS, 2068 (2012) The Preliminary Findings of Population Census, 2011.

**Department of Foreign Employment Data** - With respect to documented foreign labor migrants, the magnitude of foreign labor migrants has been increasing in Nepal as reflected in Table 3.2 from 2007/08 to 2012/13. For example, there were about 249,021 foreign labor migrants in FY 2007/08 which increased to 415,818 in the FY 2012/13. The share of female migrants has also considerably increased over the years – an increase from 1.9 per cent in the FY 2007/08 to 6.3 per cent in the FY 2012/13. Note that the figures only show the documented migrants who left the country by using Nepal International Airport.

Table 3.2 Distribution of documented foreign labor migrants

Fiscal year	Number			Percent		
	Male	Female	Total	Male	Female	Total

2007/08	244,336	4,685	249,021	98.1	1.9	100.0
2008/09	211,371	8,594	219,965	96.1	3.9	100.0
2009/10	284,038	10,056	294,094	96.6	3.4	100.0
2010/11	344,300	10,416	354,716	97.1	2.9	100.0
2011/12	361,707	22,958	384,665	94.0	6.0	100.0
2012/13	391,269	24,549	415,818	93.7	6.3	100.0

Source: Department of Foreign Employment, Ministry of Labor and Employment.

Table 3.3 shows the distribution of foreign labor migrants who went abroad in the FY 2012/13 by country of destination. Data imply the following. First, four countries such as Malaysia (37.7%), Qatar (21.9%), Saudi Arabia (20.7%) and UAE (12.6%) emerge as the major destination countries of Nepali foreign labor migrants while there are few labor migrants in Israel, Afghanistan and Japan. Second, the ratio of females per 100 males is very high in Kuwait (71 females per 100 males), while it is 17 in UAE, 26 in UAE and 5 in Malaysia.

Table 3.3 Distribution of foreign labor migrants, by countries, FY 2069/70 (2012/13)

Country	Male	Female	Total	% of total	Females per 100 males
Malaysia	149,605	7,165	156,770	37.7	5
Qatar	90,042	893	90,935	21.9	1
Saudi Arabia	85,909	367	86,276	20.7	0
UAE	44,608	7,687	52,295	12.6	17
Kuwait	8,419	5,982	14,401	3.5	71
South Korea	4,109	190	4,299	1.0	5
Bahrain	3,154	236	3,390	0.8	7
Oman	2,467	647	3,114	0.7	26
Japan	832	116	948	0.2	14
Lebanon	31	160	191	0.0	516
Israel	2	0	2	0.0	0
Afghanistan	204	1	205	0.0	0
Others	1,887	1,105	2,992	0.7	59
Total	391,269	24,549	415,818	100.0	6

Source: Department of Foreign Employment, Ministry of Labor and Employment.

As shown in Table 3.4, a Nepali can go to abroad for work in two ways: through the institutional basis and on the individual basis. In the former case, the recruiting agencies manage all the formalities required to send a worker in a foreign country while in the latter case, it is the individuals who manage all the requirements. Those who go through the individual basis, they would be responsible themselves for the nature of work, working hours, salary and other social benefits. Those who go through the institutional basis are entitled to complain to the Foreign Employment Promotion Board (FEPB) if the said working condition is not met in the destination country. However, in both cases, if the workers die in the destination country or have to be rescued, the FEPB in collaboration with the Ministry of Foreign Affairs will manage for it.

Table 3.4 Distribution of foreign labor migrants going abroad by status of labor approval, FY 2008/09-2012/13, Nepal

FYs	Institutional basis			Individual basis			% share of individual basis		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
2008/09	169644	3065	172709	38808	5647	44455	18.6	64.8	20.5
2009/10	224087	4220	228307	59951	5836	65787	21.1	58.0	22.4
2010/11	240502	3018	243520	103798	7398	111196	30.1	71.0	31.3
2011/12	NA	NA	264786	NA	NA	119823	-	-	31.2
2012/13	381627	17297	398680	44203	10416	54619	10.4	37.6	12.0

Source: data posted in the website by the Department of Foreign Employment in the different Fiscal Years.

It appears that the share of those who destined through the individual basis has been declining – a positive indicator of reducing the risk of exploitation, trafficking and fraud involved in the process of foreign employment. For example, in the FY 2008/09, there were 20.5 per cent of the total labor approvals as individual's basis, which increased to 31 per cent in FY 2010/11 and again reduced to 12 per cent in FY 2012/13. The share of females going abroad for work has been very high over the years. It is still about 38 per cent of the total female workers going abroad in the FY 2012/13.

### 3.1.1 Magnitude of Woman Migrant Workers to Gulf Countries

Data from the GCC countries – the major destination countries of labor migrants from South Asia including Nepal - reveal that there has been a great share of women migrant domestic workers. For example, the share of women migrant domestic workers ranges from 55 per cent in Kuwait, to 60 per cent in Qatar, 62 per cent in Bahrain to maximum of 73 per cent in Oman (Table 3.5). Improved economic situations in the Gulf region has been reported to be the reasons for high demand of women domestic workers in the region.

Table 3.5 Volume and share of women migrant domestic workers in GCC countries

Country	Year	Total	Women	Women as % of total
Bahrain	2011*	83,198	51,811	62.3
Kuwait	2010	569,536	310,402	54.5
Oman	2009	94,592	69,256	73.2
Qatar	2009	80,342	48,147	59.9
Saudi Arabia	2009	777,254	506,950	65.2

Note: \* First quarter.

Source: Esim and Carole, 2011 cited in Timothy and Sasikumar (2012).

Nepal has witnessed an increase in the number of women migrating for employment, especially after the turn of the 21<sup>st</sup> century. Although there is no scientific data on knowing the magnitude of female labor migration from Nepal, as Department of Foreign Employment maintains data only the documented migrants while there are a large number of undocumented Women migrant workers (WMWs). NIDS and UNIFEM (Now UN Women) have figured out the number of undocumented WMWs. NIDS study of 2009 reveals 8.4 percentage whereas UN Women figure is of 10.2 percent. Likewise, the various diplomatic missions and Non-residence Nepali (NRN) association estimated it to be 212,700

(Table 3.6). The estimate figure is much higher than that of the WMWs who took labor permit from the Department of Foreign Employment.

Table 3.6 Number of Nepali WMWs who took labor permit and estimated numbers by major countries of destination

Country	Number of WMWs who obtained labor permit till 2011/12*	Estimated number of WMWs by diplomatic missions and NRN
UAE	9,374	15,000
Saudi Arab	746	67,000
Qatar	2,164	20,000
Kuwait	21,742	55,000
Bahrain	1,836	3,000
Malaysia	4,094	15,000
Oman	1,224	11,000
Israel	3,297	15,000
Lebanon	9,678	11,000
Hong Kong	0	700
Total	54,155	212,700
Ratio	1.0	3.9

Note: Data on WMWs have been kept since 2006/07 and hence the figure includes from 2006/07 to 2011/12.

Source: Bhattra, Purna Chandra, 2013 (Power point presentation in 'Increasing Risk of Human Trafficking in the Context of Dignified Foreign Employment in Nepal).

### 3.1.2 Magnitude of Female Domestic Workers

Some studies suggested that of the total migrants, female constituted 30 per cent of the MWs in Nepal. Among the female migrant workers, domestic workers accounted for 80 per cent according to Pourakhi Nepal – an NGO working with the returnee migrants in Nepal. While another earlier study conducted by NIDS (2002) suggested that out of the total women's migrating to the Gulf countries, 66.3 per cent are involved in domestic work, 11.6 per cent work in factories, 9.3 per cent in restaurants, 7 per cent in office, 2.3 per cent work as cleaners, 1.2 per cent as laborers, 1.2 per cent as nursing home staff and 1.2 per cent work in shopping centers (NIDS Survey, 2002).

Table 3.7 Estimated percentages of woman migrant workers as domestic workers, Gulf countries

Source	% of women migrant workers as domestic workers
POURAKHI Nepal ( <a href="http://www.pourakhi.org.np">www.pourakhi.org.np</a> )	80%
NIDS Survey, 2002	66%

### 3.2 Processes of Foreign Labor Migration

**Processes** –Several steps are required to prepare for the migration: getting recommendation letter for citizenship from the village development committee; reaching to the CDO Office (district headquarter) for issuing citizenship certificate; contacting the recruiting agencies through the local agents in Kathmandu; reaching to the CDO office or Ministry of Foreign Affairs for issuing the passport and starting the processing for employment through the recruiting agencies in Kathmandu. These whole processes require a considerable time, efforts and money which generally WMWs are unlikely to do them. The Asia Foundation

Nepal (2013) study's finding<sup>4</sup> provides the insight how the migrants procured the necessary travel documents (Table 3.8). Data reveal that 59 per cent of aspirant migrants and 72.5 per cent of the returnee migrants relied on the agents for management of the travel documents. This is followed by the recruiting agencies (18.8% for aspirant and 17.6% returnee migrants). This implies that migration process is heavily influenced by the brokers and recruiting agencies – suggesting that the migrants have very little control over the process once they initiate the contact with the agents.

Table 3.8 Persons helping to arrange the travel documents, some selected districts of Nepal, 2013

Persons helping to arrange travel documents	Aspirant foreign labor migrants		Returnee migrants	
	N	%	N	%
Broker/Agent	60	59.4	37	72.5
Manpower	19	18.8	9	17.6
Relatives	5	5.0	3	5.9
Relatives working in that country	-	-	2	3.9
Brother	4	4.0	-	-
Husband	3	3.0	-	-
Friends	2	2.0	1	2.0
Neighbor	1	1.0	-	-
Self (no one)	7	6.9	-	-
Total	100	100.0	51	100.0

Source: The Asia Foundation, Nepal (2013).

**Expenditure for Migration** - The expenditure for migration includes recruitment fees, travel costs and charges for passports, visas and other travel and employment documents. Studies indicate that as there is layer of migration channels, the cost for migration is very high. Evidence shows that the cost of migration is relatively very high when emigration is facilitated by the recruiting agencies. The Asian Foundation, Nepal (2013) study indicated that the total cost for migrants to the Gulf countries ranges from nearly Rs. 15,000 to more than Rs. 85,000 (Table 3.9). Among the 51 returnees interviewed, 22 percent paid less than or equal to Rs. 15,000; another 45 per cent paid less than Rs. 35,000 and 74 per cent paid less than Rs. 85,000. In the same study, 49 per cent of the returnee migrants reported that they paid Rs. 5000 (the official rate) for passport while 47.5 per cent reported that they paid more than Rs. 5000. In the sample of 51 returnee migrants, more than two-thirds (69%) reported that they paid more than Rs. 2000 for medical check-up (the official fee for medical check-up is Rs. 2000). In the same study, an overwhelmingly majority of returnee migrants did not know about the airfare while 7 per cent paid Rs. 25,000 to Rs. 35,000.

Table 3.9 Total cost of migration (returnee migrants)

Amount in (Rs.)	N	%	Cumulative %
-----------------	---	---	--------------

<sup>4</sup> The Asia Foundation Nepal (2013) study was carried out with the aspirant migrants and returnee migrants. The former are those who have completed the arrangement of necessary migration process and returnees are those who have returned from the foreign employment. The study was conducted in Pyuthan, Sindhupalchok, Morang, Sunsari, Rupandehi and Banke districts.



Less than 15,000	11	21.6	21.6
15,000-34,999	12	23.5	45.1
35,000-84,999	15	29.4	74.5
85,000 and above	13	25.5	100.0
Total	51	100.0	

Source: The Asia Foundation, Nepal (2013).

**Management for the Expenditure of Migration** - A study conducted by MoLE (2012) among 200 men and women<sup>5</sup>, data provides on how the migration cost was managed. Among the 100 woman returnee migrants interviewed, 94 reported that they borrowed for the management of migration process. Majority borrowed Rs. 10,000 to Rs. 50,000 (41 out of 94) while there were also 13 respondents reporting that they had borrowed more than Rs. 100,000. Majority of respondents borrowed from informal institutions like relatives (43%), moneylenders (21%) and neighbors (14.9%) – suggesting that the borrowers are at high risk of interest rates to be paid.

Table 3.10 Management of migration cost: loan and loan providers, 2012

Loan Amount (in Rs.)	Number	%
Less than 10,000	19	20.2
10,000-50,000	41	43.6
50,000-100,000	21	22.3
100,000-150,000	11	11.7
More than 150,000	2	2.1
<b>Loan providers</b>		
Relatives	40	42.6
Landlords	20	21.3
Neighbors	14	14.9
Bank	8	8.5
Family	6	6.4
Others	6	6.4
Total	94	100.0

Source: [www.dofe.gov.np](http://www.dofe.gov.np) (Accessed on May 29, 2013).

**Motivating Factors** – There are complex set of motivating factors for foreign labor migration. In the study of 200 returnee migrants (Table 3.11), it was known that unemployment situation was the prime motivating factor (60.5%) contributing to migration. This is followed by the increased household expenditure and indebtedness. Feeling of unemployment hold<sup>5</sup> much pronounced among males in Nepal while for females unemployment, increased household expenditure, indebtedness and unstable political situation are the main push factors for migration. There are also considerable proportion of respondents reporting that they went abroad for work due to family pressure (7%), family conflict (4.5%) and low agricultural production (12.5%).

Table 3.11 Distribution of returnee migrants reporting the motivating factors for migration

	Female	Male	Total	%
Unemployment	35	86	121	60.5

<sup>5</sup> The study was conducted among 200 returnee migrants (100 males and 100 females) in Sindhupalchok and Dhanusa districts through employing snowball sampling procedure.

Increase expenditure	33	38	71	35.5
Indebtedness	20	33	53	26.5
Landlessness	8	18	26	13
Unstable political situation	17	8	25	12.5
Low agricultural production	5	20	25	12.5
Family pressure	6	8	14	7
Family conflict	4	5	9	4.5
Total	100	100	200	100

Source: [www.dofe.gov.np](http://www.dofe.gov.np) (Accessed on May 29, 2013).

**Travel Route of Domestic Workers** – Travel route for domestic workers depends upon their age as well as the country for which they are intending to be transported (Maiti Nepal, 2013). If the domestic workers are 30 years and above, they are likely to use the domestic international airport. If the domestic workers are less than 30 years, they are transported from village to border points of India, and from border points to New Delhi or Mumbai. They may also be transported via India to Iraq (a country in which GoN has banned for working visa). Although the common border points between India and Nepal are Kakarvitta, Jogabani, Birgunj, Bhairawa, Nepalgunj and Gadachouki, there are more than 100 unofficial border points between Nepal and India due to the open border between these countries. There are surveillance groups in major border points between Nepal and India established by Maiti Nepal and Nepal Police. Despite this, many domestic workers are transported through a variety of pretention such as going for meeting the husband, family members, going to get the medical treatment etc. Sometimes, the agents also produce the recommendation letters from the VDC secretary that a particular woman is going for medical treatment in India or going to meet her husband or her family. Once woman domestic workers reached to Delhi, they are kept in residential houses. They remain stated over there 7 days to 3 months before going to a Gulf county. Woman domestic workers are likely to be sexually exploited in the whole process of migration from village to border points, from border points to New Delhi or Mumbai and their stay in these places.

Pourakhi Nepal data of returnee migrants who were provided different services in its shelter home in Kathmandu provides some insight how the MWs are sent to foreign countries for labor. Data reveal that among the 680 returnee migrants in the year of 2012 and 2013, 62 per cent were undocumented migrants. Further, a large majority destined via other than Nepal. For example, 45 per cent went through Nepal while rest via India including other Gulf countries. Majority of these returnee migrants worked in Kuwait (59%), followed by Saudi Arabia (26%) and rest worked in Lebanon, Dubai, Oman, Bahrain and Malaysia. Examining the background characteristics of these returnee migrants, it is revealed that majority constitutes Janajati and Dalit, illiterates or literate only and young women. More than two-thirds had already married before departure to a foreign country for work and had at least one child. Half of the returnee migrants stayed three years for work (Annex 3.1).

Table 3.12 Distribution of returnee migrants by legal status of migration and country of departure, Pourakhi Nepal, 2012 and 2013

	2012	2013	Total	% of total
<b>Legal Status</b>				
Documented	79	182	261	38.4
Undocumented	193	226	419	61.6
<b>Country of Destination</b>				
India	105	157	262	38.5
Nepal	106	203	309	45.4
Dubai	46	21	67	9.9
Bahrain	1	0	1	0.1
Qatar	6	0	6	0.9
Sarjaha	2	0	2	0.3
Not reported	6	27	33	4.9
Total	272	408	680	100.0

Note: Others include countries of Qatar, Kurdistan, Singapore, Iraq and Jordan.

Source: Pourakhi Nepal (data received by NHRC on April, 2014).

**Pre-departure Orientation Programs** – It has been recognized as one of the most effective means to address the problems encountered by MWs in the destination countries. The orientation programs aim to reduce the vulnerability of workers including WMWs. The pre-departure orientation programs cover the actual working and living conditions of MWs abroad; types and kinds of work to be done, a minimum knowledge of the language required at the workplace, skills to escape precarious situations at the workplace. The programs are being offered by different orientation institutions registered under the Department of Foreign Employment. The DoFE has made such training compulsory for those who opt to work abroad. It conducts a 15-day training program in domestic work and orientation programs for unskilled WMWs going to Gulf countries. The training consists of 12 modules for domestic workers going to Gulf countries and includes Arabic, use of household appliances, traditions and customs of the Gulf States, and counselling on medical issues. The Asia Foundation Nepal (2013) study revealed that none of the 51 returnee Nepali migrants interviewed received any pre-departure orientation trainings, but most of them realized that pre-departure orientation was essential.

### 3.3 Working Conditions in the Destination Countries

Inadequate information about job conditions in the destination country has been a major problem for some migrants. Among the 51 returnee migrants interviewed by the Asia Foundation Study (2013), 43 per cent reported that they were not informed about the job conditions in the destination country (Table 3.13). This condition is much marked among women as reflected by the fact that nearly two-thirds of the returnee women were not informed about the job conditions

available at the destination countries. This indicates that the women who usually end up working in the informal caregiver sector as housemaid and care givers in private houses are not given prior information about their job.

Table 3.13 Distribution of returnee migrants by information on the job conditions

Whether informed about job conditions?	Male		Female		Total	
	N	%	N	%	N	%
Yes	20	80.0	9	34.6	29	56.9
No	5	20.0	17	65.4	22	43.1
Total	25	100.0	26	100.0	51	100.0

The Asia Foundation, Nepal (2013).

**Living Arrangement** - Domestic workers in the Gulf countries can be divided into two groups on the basis of the nature of their work and living arrangements:

- i) The live-in domestic workers staying with the employer and
- ii) Those living outside of the house of employer.

In the former type of living arrangement, there has been limited interactions with the outside world and are also denied of holidays, rest time, no privacy and forced to work any time of the day and night, blurring the line between workplace and home. The latter category of domestic workers enjoys more freedom to move around as well as work as per stipulated time periods. It is estimated that more than 80 per cent of the domestic workers fall in the first category in the living arrangement in Gulf countries. In case of construction workers, accommodation arrangement in Qatar is rather harassing, unhygienic sleeping rooms are congested and overcrowded (10-15 persons in a room), no adequate sewerage facilities, safe drinking water and no air-conditioning in the residence (Amnesty International, 2013).

**Nature of Work and Working Hours of Domestic Workers** - The domestic workers in the Gulf are reportedly assign a range of work such as cooking, tailoring, serving of meals, sewing, cleaning of cars, cleaning of bathrooms and floors, clothes, carpets, taking care of children, the aged and disabled members of the household. The amount of work a housemaid performs in a day depends on the size of the household and the number of maids employed in the house or the number of children and elders to be looked after in the house. The Asia Foundation Study (2013) revealed that domestic workers have heavy work load ranging as minimum 12 hours to 18 hours per day.

**Nature of Work for the MWs in Gulf Countries** - According to the Monitoring Report of MoLE in 2012 in which Qatar and Saudi Arabia were visited by a Government team led by the Secretary of Employment and Labor (MoLE, 2012), Nepal workers are found to be working in the following areas:

- International airport such as Labor, driver, security guard, helper, cleaner
- Airport Hotel and other hotel and restaurants such as cook, server, cashier, waiter,
- Bank/money exchange office boy, office staff, security guard,
- Departmental Store, security guard, salesman, cleaner,
- Supply company cleaner (including women),
- Housemaid,
- Road construction worker, building construction worker, scarf holding, machine, steel fixer, helper, supervision, overseer, engineer,
- Factory worker, watch man, packing, loading
- Agriculture sector, farming labor, supervisor, sheep and goat raising etc.
- Working in the petrol pumps
- Electricians
- Plumbers
- Painters

**Abuses, Violation and Exploitation** - A study conducted by MoLE (2012) in 2012 in Sindhupalchok and Dhanusa districts among the 200 returnee migrants suggests that migrants have encountered multiple problems: falling at dangerous situation, suffering from the vulnerable diseases and developing habit of smoking and use of alcohol (Table 3.14). Other key problems reported include: language problems (63%), lack of training (41%), detached from the family contact (11.5%). There are also considerable proportion of returnee migrants reporting social scandal and violence. Evidence also suggests that workers have lost their physical organs and a few also reported they face sexual harassment.

Table 3.14 Problem faced by the returnees from foreign labor migration interviewed in 2012, Sindhupalchok and Dhanusa districts (in Number)

	Female	Male	Total	% of total
Language problems	56	70	126	63.0
Lack of training	36	46	82	41.0
Detached from the family contact	15	21	36	18.0
Social scandal	18	5	23	11.5
Lack of family encouragement	9	6	15	7.5
Violence	10	4	14	7.0
Mental illness	3	2	5	2.5
Loss of physical organs	1	2	3	1.5
Sexual harassment	1	1	2	1.0
Others	0	1	1	0.5
Total	100	100	200	100.0

Source: [www.dofe.gov.np](http://www.dofe.gov.np) (Accessed on May 29, 2013).

Another study conducted by the Amnesty International (2013) in 2012 among 1,182 foreign labor migrants in Qatar revealed the following:

- 90% of the employees' passport was withheld by the employers/contractors
- 56% of the employees did not have health card to get access to public hospitals
- 21% of the employees either received salary 'occasionally' or never received it
- 20% of the employees received much lower salary than that of promised
- 15% of the employees had to work different nature of work than that of promised
- More than 1000 workers are admitted in the main hospital in Qatar due to fall from the very high construction sites. Out of them at least 10 per cent become completely physically disabled.

Violence against women at the work place is both about the violation of their labor rights to decent work and violation of human rights of the dignity of the worker. Bhadra (2013) study reveals that WMWs are unsafe not only within the house they work but also outside in public places. There is danger of sexual violence against WMWs not only from foreign men but from their own Nepalese men. The same study provided the evidence of violation of labor as well as human rights of WMWs as presented in Box 3.1.

Box 3.1 Violence faced by WMWs in destination countries

Areas of violence	Description
Excessive workload	Sometimes more than 18 hours Lack of rest and sleep
Inadequate food	Denial of quality and adequate food Forced to eat the leftover food
Lack of health and medical care	Very few receive medical care Those who receive, they themselves paid Forced to work during sickness Not allowed treatment
Indecent shelter	No good beds, mattresses, covers/quilts Sharing of a room by five or six persons Provided only spaces not rooms for sleep
Denial of holidays	Supposed to get one day/week holiday but not provided No social contact can be made
Family contact	No permission to contact the family at home Some contacted once in six months Contacted by self expenses Missed their children

	Employers did not allow to return home
No payment as agreement	Not paid as initially agreed Cheated by agents
Humiliation	Humiliated as poor, backward citizens
Verbal and physical abuse	Verbal abuse very common by landladies Physical abuse – physically harm when things went wrong mainly not understanding the language
Sexual abuse	Sexual abuse (8 out of 85 respondents interviewed) Rape within the house and outside of the house (2 respondents) A few were also sexually abused by Nepali workers by deception of marriage, providing SIM cards
Forced Pregnancy	Forced pregnancy as a result of rape (2 out of 85 respondents interviewed) Both have babies One mother abandoned by the family and living alone

Source: Summarized from Bhadra (2013).

**Violation of Rights of MWs in Construction Sector in Qatar** - The severe violation of the rights of MWs in construction sector in Qatar was widely criticized when the Qatar Government is beginning to construct Stadiums for FIFA World Cup 2022. The Amnesty International carried out interviews with approximately 210 MWs in the construction sector, including 101 individual interviews, during two visits to Qatar in October 2012 and March 2013.

With its evidence-based findings, the Amnesty International issued Press release ‘Qatar: End corporate exploitation of migrant construction workers’ on 17 November, 2013, calling for the global community to protect the rights of the MWs in Qatar as well as the call for the Government of Qatar to compliance with the minimum human standards.

The press release reads as:

*... “It is simply inexcusable in one of the richest countries in the world, that so many migrant workers are being ruthlessly exploited, deprived of their pay and left struggling to survive,” said Salil Shetty, Secretary General of Amnesty International.*

*...The report... documents a range of abuses against migrant workers. These include non-payment of wages, harsh and dangerous working conditions, and shocking standards of accommodation. ...Researchers also met dozens of construction workers who were prevented from leaving the country for many months by their employers.*

*...Amnesty International’s findings have highlighted the inadequacy of the government’s existing arrangements to protect migrant workers. Amnesty International urges the government to enforce existing labor protections– which many employers flout routinely. It is also calling for an overhaul of the ‘sponsorship’ system, which leaves migrant workers unable to leave the country or change jobs without their employers’ permission.*

*...Nepalese workers employed by the supplier said they were “treated like cattle”. Employees were working up to 12 hour days and seven day weeks...*

*“Qatar is recruiting migrant workers at a remarkable rate to support its construction boom, with the population increasing at 20 people an hour”...*

*...“Please tell me - is there any way to get out of here? ... We are going totally mad,” one Nepalese construction worker, unpaid for seven months and prevented from leaving Qatar for three months, told Amnesty International.*

*...“Unless critical, far-reaching steps are taken immediately, hundreds of thousands of migrant workers who will be recruited in the coming years to deliver Qatar’s vision face a high risk of being abused,” said Salil Shetty.*

Source: <https://www.amnesty.org> (accessed on March 5, 2014).

**Nepali Migrant Workers Situation in South Korea** – According to the NHRC Observation and Monitoring Report, 2013,<sup>6</sup> two types of Nepali migrants were found: female marriage migrants to Korean men and migrants for work. As discussed in Chapter 2, female marriage migrants face several problems – abuse, exploitation and isolation. In case of Nepali migrants for work, they face discriminatory treatment by companies and government of Korea: no paternity or maternity leaves, no access to National Insurance and Pension facilities, long working hours (12 hours). Living conditions mainly hostels were complained as problematic particularly in the agriculture sector and in medium to small manufacturing companies. The company’s noisy rooms are provided for 7 to 8 people to live together.

In addition, some GEFONT representatives to Korea argue that due to faulty EPS (Employment Permission System agreed with the Korean Government) system that Nepali MWs are not free to choose the nature of work. In Korea, for Nepalese MWs, the employment market is divided into two categories: manufacturing, and agriculture/fishery. People who come to work in manufacturing and after some time, they wish to change to agriculture or fishery, they cannot move due to this system. Only benefit of this system was that Nepalese could migrate to Korea for work in only Rs. 65,000.

### **3.4 Rescue, Imprisonment, Mental Retardation, Missing and Deaths**

Limited available data reveal that WMWs especially working as domestic workers face different problems – consequently they ran away from the employer’s house, they are imprisoned; they are in need of rescue and safe homes; they suffer mental illness; they get forced pregnancy and abortion and in some extreme cases, they died without clinical reasons.

---

<sup>6</sup> The NHRC observed and monitored the Nepali migrant workers situation in South Korea and Malaysia from 30 August to 7 September, 2013. The Team explored the working conditions, living conditions, security situation of Nepali workers by discussion of the Nepalese Embassies to Korea and Malaysia, conducting FGD with the Nepalese migrants and interviewing with the Commissioners and executives of the National Human Rights Commissions of Korea and Malaysia



**Rescued and Repatriation** – Various Embassies and Consulate Offices records show that a total of 2,820 Nepali WMWs were rescued from exploitative work situation and trafficking during the period of 2009 to April 2011. Of them, the highest proportion were from Saudi Arabia (35.5%), followed by Lebanon (32%), Kuwait (25%) and a few from Bahrain, Oman, UAE and Qatar (Table 3.15).

Table 3.15 Number of Nepali WMWs rescued from the Gulf countries, 2009-April 2011

Countries	Number	%
Saudi Arabia	1000	35.5
Lebanon	900	31.9
Kuwait	700	24.8
Bahrain	74	2.6
Oman	70	2.5
UAE	58	2.1
Qatar	18	0.6
Total	2820	100.0

Source: cited in Bhattra, Purnachandra (power point presentation, 2013) from UN Women Study's on 'Foreign Employment and Situation of Women Migrant Workers', 2011.

**Migrant Workers in Imprisonment** - A total of 111 WMWs were reported to be in custody in four countries of Gulf region. Among them, 40.5 per cent in Kuwait, 36 per cent in Saudi Arabia, 14 per cent in Oman and 9 per cent in Lebanon (Table 3.16).

Table 3.16 Number of Nepalese WMW in custody in foreign countries

Countries	Number	Per cent
Kuwait	45	40.5
Saudi Arabia	40	36.0
Oman	16	14.4
Lebanon	10	9.0
Total	111	100.0

Source: The same as in Table 3.14.

According to the record of the Nepali Embassy to Saudi Arabia, there were 82 Nepali MWs (81 males and 1 female) in jail in Saudi Arabia in the FY 2012/13 in different charges. Of the total, nearly 60 per cent were imprisoned in Malaaz jail and rest 40 per cent in Al-haier jail. The common charges were becoming alcoholic (39%), followed by theft (17%), assaulting women (11%) and bribe (10%). In addition, charges like forgery, traffic accident, alcoholic and traffic death, murder, entering house and breach of trust are also important charges filed against the Nepali MWs (Table 3.17).

Table 3.17 Number of Nepali MWs in custody of Saudi Arabia in Different Charges, till the end of 2013

	Current status		Total	% of total
	In process	Deported to Nepal		
Alcoholic	26	6	32	39.0

Stolen/Theft	11	3	14	17.1
Assaulting women	9	0	9	11.0
Bribe	5	3	8	9.8
Forgery	5	2	7	8.5
Traffic Accident	6	0	6	7.3
Alcoholic and Traffic Death	2	0	2	2.4
Murder	2	0	2	2.4
Entering House	1	0	1	1.2
Breach of Trust	1	0	1	1.2
<b>Total</b>	<b>68</b>	<b>14</b>	<b>82</b>	<b>100.0</b>

Source: Nepalese Embassy of Saudi Arabia ([www.neksa.org](http://www.neksa.org), accessed on March 10, 2014).

**Mental Retardation** - Available data from the concerned Embassies and Consulate Offices indicate that a large number of women have suffered mental illness due to mainly abuse, violence and physical exploitation and confinement at the working place including family separation and other difficulties associated such as language problems and lack of skill in handling the modern household appliances. In the three Gulf countries, a total of 415 women domestic workers were reported to suffer mental illness. Of them, an overwhelmingly majority were in Saudi Arabia (96%) while the proportion of domestic workers suffering from mental illness were 3 per cent in Lebanon and less than 1 per cent in Kuwait, respectively (Table 3.18).

Table 3.18 Nepali migrant domestic workers having mental illness till the end of 2013 by destination countries

	N	%
Saudi Arabia	400	96.4
Lebanon	12	2.9
Kuwait	3	0.7
Total	415	100.0

Source: cited in Bhattra, Purnachandra (power point presentation, 2013) from UN Women Study's on 'Foreign Employment and Situation of Women Migrant Workers', 2011.

**Forced Pregnancy, illegitimate Baby, Disappearance and Suicide** - There are cases of women returned to Nepal with pregnancy and with a baby. This is the grave predicament not only for the individual victim, but also the baby she bought or has a birth in Nepal. Reintegration with the family is difficult in such cases and hence they are likely to be abandoned from the family. Further, establishing the national identity of illegitimate children born from the victims is difficult. There are also the cases of women committing suicide (80) and missing (31) in the destination countries. It is reported that WMWs often commit suicide due to not bearing the heavy work burden, sexual exploitation, rape and feeling of isolation (Table 3.19).

Table 3.19 Number of women reported to have faced the challenges

Situation of WMWs	Number
-------------------	--------

Number of women returned to Nepal having pregnancy	86
Number of women committed suicide in the destination countries	80
Number of women returned with a baby	32
Number of WMWs who disappeared in the destination countries (data from Pourakhi Nepal)	31

Source: cited in Bhattarai, Purnachandra (power point presentation, 2013) from UN Women Study's on 'Foreign Employment and Situation of Women Migrant Workers', 2011.

**Deaths of Nepali MWs**– As the majority of MWs tend to be young; the probability of dying due to biological disorder must be very low. However, data reveal an awful fact as many as 1702 MWs were recorded to die in different destination countries till July 2012 (Table 3.19). Note that this figure may even underestimate the actual number of deaths of Nepali MWs as Foreign Employment Promotion Board provides financial supports to those deceased families which apply for the compensation within the stipulated time.

Malaysia stands out to be the first country with the highest number of Nepali MWs deaths (34%). This is followed by Saudi Arabia (27%), Qatar (23%) and UAE (2%). Deaths were recorded even in relatively more prosperous and more favorable destination countries of Nepal like South Korea (15 deaths), Japan (2 deaths) and Israel (4 deaths).

Table 3.20 Country- wise Deaths of NMWS (Till July 2012)

Countries	Male	Female	Total	% of total
Malaysia	565	11	576	33.8
Saudi Arabia	460	3	463	27.2
Qatar	390	5	395	23.2
UAE	145	7	152	8.9
Kuwait	31	4	35	2.1
Oman	15	0	15	0.9
South Korea	14	0	14	0.8
Lebanon	2	13	15	0.9
Bahrain	27	0	27	1.6
Japan	2	0	2	0.1
Sri Lanka	1	0	1	0.1
Israel	3	1	4	0.2
Other	3	0	3	0.2
Total	1658	44	1702	100.0

Source: Foreign Employment Promotion Board (<http://www.fepb.gov.np/preport.php>, accessed on January 20, 2013).

Major causes of deaths reported include cardiac arrest, natural death, traffic accident and accident in workplace. There are also substantial number of deaths due to suicide, murder and heart attack (Table 3.21).

Table 3.21 Causes of Death

Causes of Deaths	N	%
Cardiac Arrest	366	21.5
Natural Death	362	21.3
Traffic Accident	236	13.9
Workplace Accident	152	8.9
Suicide	161	9.5
Murdered	44	2.6
Heart Attack	97	5.7
Others	284	16.7
Total	1702	100.0

Source: Foreign Employment Promotion Board (<http://www.fepb.gov.np/preport.php>, accessed on January 20, 2013).

**Migrant Women Return at Home and VAW** - It is assumed widely that female migration for work leads to economic empowerment of women. This, in turn, leads to a reduction in violence against women (VAW). In her study of 68 returnee woman migrants of Kathmandu, Kaski and Sunsari districts, Bhadra (2013) showed that VAW was existed before their departure to work at abroad and it also remained even after coming back to home although the proportion of women reporting VAW has declined in many types of VAW presented in Table 3.22. A noticeable increase in polygamy and desertion and divorce without women's consent is evident after migration. It is also an indicator of the symptom of the so-called "intimate partner violence" against migrant women and in all these cases by their husbands.

Table 3.22 Percentage of returnee woman migrants who faced domestic violence before and after migration (N=68)

Types of violence	Existed before migration	Existed after reintegration	% change
Verbal abuse	72.1	54.4	- 17.7
Humiliation	69.1	48.5	- 20.6
Polygamy by husband	20.6	45.6	+ 25
Beating /battering	58.8	39.7	- 19.1
Alcoholism of family member	61.8	33.8	- 28
Gambling habits of family	47.1	32.4	- 14.7
Desertion by husband	25.0	20.6	- 4.4
Divorce without consent	11.8	16.2	+ 4.4
Marital rape	33.8	14.7	- 19.1

Source: Bhadra, (2013)

### 3.5 Linking the Migration Process with Trafficking: The Case of Woman Domestic Workers

To what extent Nepali foreign labor migrants can be termed as the victim of trafficking for forced labor? In the absence of the scientific household survey carried out in Nepal, it is difficult to estimate the prevalence of trafficking in

persons for forced labor situation. Yet studies like Harroff-Tavel and Nasri (2013) conducted in the Middle East countries like Jordan, Kuwait, Lebanon and the UAE can be indicative to estimate the number of Nepali foreign labor migrants trafficked for forced labor situation. A total of 354 MWs (168 males and 186 females) were interviewed for the study<sup>7</sup>. Among them, 66 were interviewed in Jordan, 127 in Kuwait, 100 in Lebanon and 61 in UAE.

Their study drew on the definitions of trafficking in the Palermo Protocol and of forced labor in the ILO's Forced Labor Convention, 1930 (No. 29), and the ILO *Survey guidelines to estimate forced labor*. In order to determine which of the workers interviewed were in a situation of human trafficking for forced labor, the legal definitions were broken down into three operational dimensions:

1. *Unfree recruitment* – Under it, there are two elements: deceptive recruitment and forced recruitment. The former occurs when a person is recruited using false promises about the work while the latter occurs when constraints are applied to force the worker to work for a particular employer against his or her will.
2. *Life and work under duress* - 'Work under duress' may entail an excessive volume of work or tasks as per the framework of national labor law. 'Life under duress' refers to situations of coercion, degrading living conditions, limitations on freedom or excessive dependency imposed on a worker by the employer. In addition, some elements of penalty must be present.
3. *Impossibility of leaving* – It is a form of limitation on freedom by the use or threat of penalty.

Of the 354 MWs interviewed, 266 or 75 per cent were assessed to be in a situation of forced labor and trafficking. Deceptive recruitment stands out to be the main element of unfree recruitment, namely, 58 per cent of the migrants were recruited through deception while coercive recruitment was not reported. Under the dimension of work and life under pressure, six elements were enumerated which contributed to trafficking for forced labor. The key elements were retention of identity papers (75% of migrants), followed by forced overtime (55% of the migrants) and the like. Nearly 48 per cent of the MWs slipped into forced labor situation due to impossibility of leaving the employer (Table 3.23).

Table 3.23 An overview of forced labor indicators among MWs interviewed

Dimensions of forced labor	Elements of forced labor	Number of reported instances	% of total migrants
Unfree recruitment	Coercive recruitment	0	0.0
	Deceptive recruitment	206	58.2
Work and life under duress	Threat and/or violence	130	36.7
	Limited freedom	101	28.5

<sup>7</sup> Additional information was collected from key stakeholders in the region based in Bahrain, Iraq, Qatar, Saudi Arabia and Yemen, including Bangladesh, Belgium, Egypt, Ethiopia, Nepal, Sri Lanka, Switzerland and the Philippines.

	Withholding of wages	149	42.1
	Forced overtime	196	55.4
	Forced tasks	108	30.5
	Retention of identity papers	267	75.4
Impossibility of leaving employer		168	47.5
Total no. in situation of forced labor and trafficking		266	
Total MWs interviewed		354	
% trafficked for forced labor		75.1	

Source: Harroff-Tavel and Nasri (2013).

Following the Harroff-Tavel and Nasri (2013) findings, the estimated number of Nepali woman working as domestic workers trafficked for forced labor situation is shown in Table 3.24 and calculating as follow:

1. The estimated number of WMWs in Gulf countries including Malaysia, Hong Kong and Israel were 212,700 (documented and undocumented) (Table 3.6).
2. Among the WMWs, studies indicated that 66% are in domestic work (Table 3.7) while another study suggested 80% of the WMWs are domestic workers. Thus, the estimated number of women domestic workers ranged from 140,338 to 170,160.
3. Employing the proportion of domestic workers in forced labor situation by dimensions and elements from the study of Harroff-Tavel and Nasri (2013), we estimated that 105,000 to 128,000 Nepali women working as domestic workers in Gulf countries including in Malaysia, Israel and Hong Kong are in forced labor situation.
4. The major contributing elements of forced labor situation, in order of priority, are deceptive recruitment, retention of identify papers, impossibility to leave the employers, forced overtime, withholding of wages, threats and/or violence, forced tasks and limited freedom.

Table 3.24 Estimated number of woman domestic workers trafficked for forced labor situation in Gulf and other countries, Nepal

Dimensions/elements of forced labor	Proportion in forced labor	Estimated number (assuming 66% WMWs as domestic workers)	Estimated number (assuming 80% WMWs as domestic workers)
<b>Unfree recruitment</b>			
Coercive recruitment	0.0	0	0
Deceptive recruitment	0.582	81,702	99,033

<b>Work and life under duress</b>			
Threat and/or violence	0.367	51,520	62,449
Limited freedom	0.285	40,009	48,496
Withholding of wages	0.421	59,101	71,637
Forced overtime	0.554	77,772	94,269
Forced tasks	0.305	42,817	51,899
Retention of identity papers	0.754	105,848	128,301
<b>Impossibility to leave the employer</b>	0.475	66,681	80,826
<b>Total</b>	<b>0.750</b>	<b>105,287</b>	<b>127,620</b>

Source: Calculated by the Report Preparation Team.

This estimate is also corroborated by analyzing the 49 cases to which People's Forum<sup>8</sup> provided legal counselling among the returnee migrants, aspirant migrants and migrant's relatives at home (Annex 3.2). It has been established that MWs were trafficked for forced labor or attempted to traffic as all three elements of forced labor such as unfree recruitment (especially deception), work and life under duress and impossibility to leave the employers because of retention of passport or travel documents such as the following.

Key areas of deception in the process of recruitment:

- Produced fake documents
- Cheating of money by the agents and agents running away
- Taking money and passport and not sending on time
- Promising good salary and work

Key areas of work and life under duress and impossibility to leave

- Not paid as promised and no good accommodation and food
- Not able to work due to different nature of work
- Not provided job and salary as promised
- Compelling to work more than 18 hours
- No salary or paid low salary
- Run away and missing of the workers
- Kept in Jungle without accommodation and food
- Had to work in very high temperature
- Retention of travel documents by the employers

### **3.6 Responses of Foreign Labor Migration**

#### **3.6.1 Laws, Policies and Programs Initiatives**

**Foreign Employment Act 2007** – It aims to regulate the process of foreign employment and also to protect the rights of migrants through taking different

<sup>8</sup> People's Forum provided paralegal counseling to 49 persons during January 2012-June 2013. Among 49, 8 were females and 41 were males. Of the total, 18 were in the age range of 19-24, 22 in the range of 25-34 and 9 were in between 35 and 50 years.

measures including entering into bilateral agreements/ treaties with other countries. The Act makes provisions of special facilities to women, Dalit, indigenous nationalities, oppressed groups and prohibits any form of discrimination against women while sending workers for foreign employment. It allows the government to specify the minimum remuneration for workers, maximum service fee and promotional costs and makes compulsory for workers to undergo orientation program, medical insurance and medical examination from institutions recognized by the government. It requires the GoN to establish a labor desk at the international airport, use the national airport while sending MWs abroad and appoint labor attaché in a country where 5000 or more Nepali workers are working. The Act makes provisions for the establishment of a Foreign Employment Welfare Fund and Foreign Employment Tribunal for the purpose of trying and settling cases. The Act requires a contract to be done between the employer and the worker and allows individuals to go abroad on a personal basis by applying to the DoFE. It authorizes the GoN to penalize any licensee that opens a branch office without permission with a fine of Rs. 200,000 per branch and also close any such branch and offers the punishment/ liabilities in case of violation of the measures and provisions embodied in the Act (Annex 3.3).

**Foreign Employment Rules 2008 (Amendment, 2012)** – In addition to the selection of companies and their licensing, including requirements such as bank guarantee their renewal and cancellation, it requires the appointment of a woman labor attaché in countries where 1000 or more Nepali woman workers are employed. It also contains more instances than mentioned in the Act of how the Welfare Fund can be managed – allowing the Fund to be spent on the health and education of families of MWs, including returnees; reimbursement of the orientation fees paid by women selected for foreign employment; establishment and operation of child-care centers. In terms of compensation, the Rules specify a sum of Rs. 100,000 to the heir of the deceased worker from the Fund and a similar amount to the worker in case of mutilation. The GoN has amended the Rules on 2012. Accordingly, the Rules makes it provisions to cancel the labor permit if the concerned recruiting agency request so on written, details of transport itinerary of the migrant workers to be submitted to the DoFE if the workers have to be sent from aboard, provisions of rehabilitation services to the returnees for at least 3 months if they desired to do so.

**Foreign Employment Policy 2012** – The objective of the this Policy is to provide knowledge and skills as demanded by the international labor market and develop a skilled, capable and competitive labor force so as to make the entry of Nepali workers into the international market safe, organized and respectable ways. Its working policies are the following:

- To recognize and promote employment opportunities in the international labor market;
- To produce a competitive labor force in order to maximize the benefits of foreign employment;



- To make the entire process of foreign labor migration simple, reliable, organized and safe;
- To address issues faced by women labor migrants and to secure their rights in the entire cycle of migration;
- To ensure good governance with regard to the management of foreign labor migration;
- To utilize regional, national and international networks to promote regional cooperation in managing foreign employment; and
- To mobilize remittances for human development and in the manufacturing sector.

The Policy focuses on the entire process of migration: pre-employment, pre-departure, departure, on the job and reintegration. It also points out the need for more research, the social and familial relationships of those associated with labor migration, corporate social responsibilities of organizations; protection of Nepali MWs against trafficking. It identifies strategies to establish and expand networks with concerned organizations in destination countries to ensure the rights of Nepali MWs and recognizes the skills and earnings of returnee MWs for poverty alleviation and the development of the country.

**Directives of Nepali Domestic Workers 2010** - The GoN introduced a directive for sending domestic workers to Saudi Arabia, Qatar, Kuwait and the UAE. The directive has provisions for basic monthly salary, insurance, safe accommodation, safety assurance, regular contact with family and the concerned Nepali embassy. The directive demands prospective employers provide documentary evidence of insurance coverage, medical facility and any other necessary coverage to the embassy before the domestic worker reaches the destination country. In addition to insurance coverage, in Qatar, Saudi Arabia and the UAE, the employer is to deposit the amount as stipulated by the embassy. In order to ensure the safety of woman domestic workers the directive also specifies that an employer is to provide a separate sleeping room and bathroom for the domestic workers (Box 3.2).

Box 3.2 A comparative review of Directives of Kuwait, Qatar, Saudi Arabia and UAE

Provisions	Kuwait	Qatar	Saudi Arabia	UAE
Basic monthly salary	Housemaid: KWD 50 Cook KWD 60; Driver KWD 75 Security guard KDW 100; Gardener KWD 70	Housemaid/boy: QAR* 1000	Housemaid: SAR* 700 or more	Housemaid: AED* 100 or more
Insurance	health insurance and insurance of legal support	Insurance coverage <ul style="list-style-type: none"> <li>• Medical facility</li> <li>• Deposit as stipulated by the embassy</li> </ul>		
Employer's financial status	<ul style="list-style-type: none"> <li>• Financial status and social standing</li> <li>• Permission from the Kuwaiti Gov.</li> <li>• Details about the employer's profession</li> </ul>	Monthly salary has to be at least QAR 12,000 <ul style="list-style-type: none"> <li>• The employer must be a non-Nepali with a Qatari citizenship ID</li> </ul>	<ul style="list-style-type: none"> <li>• Financial and social status of the employer</li> <li>• Letter from the Saudi Arabian Gov.</li> <li>• Work and work organization details of the employer</li> </ul>	Monthly salary has to be AED 10,000, excluding house rent, and a security of AED 5000 has to be deposited with the embassy.
Safe accommodation	Employer is to provide accommodation as stipulated by the embassy <ul style="list-style-type: none"> <li>• Employer is to provide a separate room and bathroom if the domestic worker is a woman</li> </ul>			
Employer's social status	Provide details of their family, occupation and employing organization			
Approval letter from concerned authority	The law in all these countries requires the prospective employer to provide a letter of approval from an authorized authority to the concerned embassy			
Safety assurance	Kinds of security that will be provided to the worker and the embassy has to be satisfied with it	This provision is to be mentioned in the contract	Provide for the domestic worker to contact the embassy at least once a month	This provision is to be included in the contract

Regular contact	The employer has to submit a written commitment stating that s/he will provide grants to the domestic workers to keep in regular touch with the embassy and his/her family			
Other provisions considered appropriate by the embassy	<ul style="list-style-type: none"> <li>The embassy may acquire the domestic worker's passport from the employer</li> <li>The embassy should forward the endorsed contract to DoFE only if the domestic worker's security is assured.</li> </ul>	Nepali female workers have to be above 30 years of age	Domestic workers cannot be forced to work in industries and other organizations. If employed, they have to be provided three months' salary and a return ticket home	

Note: KWD—Kuwaiti Dinar; QAR—Qatari Riyal; SAR—Saudi Arabian Riyal; AED—United Arab Emirates Dirham.

Source: Sijapati and Limbu (2012).

**Age Restriction** - Each of the South Asian countries has made some restriction of women to work as domestic workers at abroad (Box 3.3). In Nepal and India, women must be at least 30 years to work abroad as domestic workers while in Pakistan it is 35 years and in Sri Lanka and Bangladesh, the age restrictions are 21 years and 25 years, respectively. Some has argued that restrictive migration policies have reduced the possibilities for regular and legal migration for females, forcing them to adopt risky processes to migrate (Thimothy and Sasikumar, 2012).

Box 3.3 Age restriction on international migration of female domestic workers

Countries	Age bar
Bangladesh	Women must be at least 25 years old
India	Women must be at least 30 years old or should have completed matriculation
Nepal	Women must be at least 30 years old
Pakistan	Women must be at least 35 years old
Sri Lanka	Women must be at least 21 years old

Source: Thimothy and Sasikumar (2012)

**Failure of Loan Provisions for Foreign Labor Migrants** - The GoN (then His Majesty Government of Nepal) initiated provisions of loan for the foreign employment from the FY 2000/01 and implemented till the FY 2005/06 (Box 3.4). This provision was ended due to the failure of repayment of the loan and proper management of the loan disbursement by the commercial banks. The loan provision was made with the MoU between Commercial Banks, Ministry of Labor

and Transport (now Ministry of Labor and Employment) and *Karja Surachha Nigam*. The loan was provided with the recommendations from Aadibashi-Janajati National Pratisthan, National Dalit Commission, National Women Commission and Ministry of Home Affairs.

Box 3.4 Loan disbursement and repayment status, FY 2000/01-2004/05

Investors	Number	Total disbursement (in Rs.)	% of loan repaid	Rs. received from the Karja Surachha nigam (in Rs.)	%	Number of persons who paid all loan
Bank of Kathmandu (single)	152	9490156	30.9	4406029	46.4	117
Nabil Bank (single)	150	9732589	41.9	4475741	46.0	44
MoLE		1394749	4.1	-	-	4
Bank of Kathmandu (Co-Finance)	442	25761182	26.1	12771652	49.6	93
Total		46378676	29.9	21653424	46.7	

Source: MoLE, Report of the Task Force on the Loan Program for Foreign Employment, 2069

During the FY 2004/05 and 2005/06, a total of Rs. 46378676 loan was disbursed from the Bank of Kathmandu, Nabil Bank and Ministry of Labor and Employment. Of the total disbursement, only 29.9 per cent was repaid by the FY 2011/12 and 66.7 per cent was received from the *Karja Surachhan Nigam*. And still 23.5 per cent of the total disbursement of loan has yet to be repaid. Those who received the loan were mainly from the disadvantaged groups such as Dalit, Janajati, conflict affected families while a few were women. Majority of borrowers went to Malaysia (90%) while there were few who went to Qatar, Saudi Arabia, Israel, Kuwait and UAE (Table 3.25).

Table 3.25 Number of borrowers by social groups and destination countries

Categories	Number	Per cent
<b>Social groups</b>		
Dalit	246	33.9
Janajati	332	45.7
Conflict affected families	116	16.0
Women	3	0.4
Others	29	4.0
<b>Destination countries</b>		
Malaysia	652	89.8
Qatar	29	4.0
Saudi Arabia	14	1.9
Israel	13	1.8
Kuwait	9	1.2
UAE	9	1.2
Total	726	100.0

Source: MoLE, Report of the Task Force on the Loan Program for Foreign Employment, 2069

**Guideline for the Selection of Trainee for Skilled Development Training, 2070 (2013)** - The Foreign Employment Promotion Board issued the Guideline to increase the skilled labor for the international labor market and thereby to reduce the risk of workers in destination countries. With the financial support of FEPB, training institutions provide training on free basis to the needy people especially in areas of scaffolding, electricians, painting, plumbers and others. While selecting the trainees, the training institutions have to select the trainees with the coordination of FEPB and issue a public notice for a period of 7 days (Annex 3.4 for Selection criteria of the training participants).

**Standard Criteria for the Appointment of Labor Attaché, 2068 (2012)** - The MoLE issued the standard criteria for the appointment of the labor attaché in 2012. Accordingly, the labor attaché will have at least Bachelor level education, with at least one year work experience in the MoLE or in its units, or 3 years experience in other Government agencies and have a licence of jeep, van or car. The Labor attaché has to be work under the concerned Ambassador, and she/he she will have to look after the country or countries as of the Ambassador on the labor issues and she/he has to prepare a progress report within 3 months and submit to the MoLE.

### 3.6.2 Labor Governance Policies in GCC Countries

Labor governance policies in GCC countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and UAE) can be characterized as having *kafala* system, viewing immigrant laborers as too high and restriction in unionization of workers, especially of domestic workers. All the GCC countries follow the sponsorship system called *kafala* to manage the flow of workers by restricting them to temporary resident

status. The system undermines the rights of MWs and forces them to remain in exploitative situations with little choice.

As noted by the scholars such as Baldwin-Edwards, (2011), all Gulf countries except Bahrain have found the migration level to be too high by 2009 and have initiated policies to lower it. They have adopted strategies to reduce the demand for immigrant laborers such as raising cost of hiring foreign workers; closing employment in specific sectors; restricting the entry of migrants in certain sectors; prescribing quotas on employment of non-natives; reserving the major chunk of public sector jobs for nationals; strict implementation of immigration rules; increasing the skill levels of native workers; and differential wage rates for the same work by national and non-nationals.

All Gulf countries restrict the rights of workers, particularly migrants. In all the GCC countries, domestic workers are not allowed to join in the trade unions (Box 3.5).

Box 3.5 Groups prohibited forming labor unions in GCC countries

GCC Countries	Prohibited groups to join the trade unions
Bahrain	Military workers and domestic workers
Kuwait	Maritime employees and domestic workers
Oman	Armed forces, public security institutions, government employees and domestic workers
Qatar	Civil servants and domestic workers
Saudi Arabia	No trade unions
UAE	No trade unions but professional bodies, excluding agricultural workers, government employees and domestic workers, are allowed

Source: cited in Timothy, Rakkee and S.K. Sasikumar (2012) from US State Department, 2010a.

### 3.6.3 Responses of Ministry of Labor and Employment, Government of Nepal

According to the Annual Report of Ministry of Labor and Employment 2013, the Ministry of Labor and Employment including Department of Foreign Employment and Foreign Employment Tribunal have carried out the following activities in the FY 2011/12 and first half of the FY 2012/13:

#### Ministry of Labor and Employment (MoLE)

- Formulated Foreign Employment Policy 2012
- Renewed MoU with South Korea
- Monitoring done in destination countries like Qatar, UAE and Malaysia
- Initiated online entry of labor permit and other records related to the Department

#### Department of Foreign Employment (DoFE)

- Established separate branch offices of institutional and individual for dealing with the cases related to fraud involved in foreign employment
- Initiated online entry records of those taking labor permit on individual basis
- Established labor help desk in Tribhuvan International Airport and initiated double sticker system
- In the FY 2011/12, a total of 2172 complaints were registered. Of them, 196 are running cases and 466 persons were provided compensation
- Prepared monitoring guideline of recruiting agencies registered and initiated monitoring accordingly in FY 2011/12, a total of 186 cases were registered; 184 cases were brought from the previous FY. Among them, 124 cases were decided and 246 are under investigation

#### **Activities related to Good Governance**

##### Reform in policy:

- Prepared first draft of improving guideline for foreign employment
- Initiated preparing the Standard Operating Procedure for those going abroad for work and recruiting agencies
- Prepared the Standards for registration of recruiting agencies as well as branch offices and in the discussion stage
- Established web base system for entering data of those who go through individual basis
- Managed to examine the records of labor permit through web site on the basis of passport number

##### Improvement in structure:

- Managed to see the labor permit provided by the Department from Nepali Embassy in India and Nepali Embassy in Kuwait through using password
- Maintained records in website of those who received the orientation training by the orientation institutions
- Initiated web base communication between Qatar and Kuwait
- 17 orientation institutions were monitored and instructed
- 32 times monitored in 53 orientation institutions
- On the basis of the complaints, five recruiting agencies, travel agencies and medical center were monitored
- Ask justification for 16 orientation institutions to those which has not followed by instructions
- 3 persons were arrested in relation to illegal operation of foreign employment and 172 passports were seized
- Ask the statement (*spastikaran*) for 20 institutions in Itahari, Sunsari
- Monitored 32 recruiting agencies, travel agencies and medical centers in Jhapa district on the basis of the complaint received

**Prescription of Minimum Salary and Allowance** – The Ministry of Labor and Employment exercising the right conferred by clause 23 of Foreign Employment

Act 2064 has fixed the minimum salary and the allowance of the workers going to work in Saudi Arab, Qatar and Kuwait in the FY 2012/13 (Box 3.6).

Box 3.6 Minimum salary for workers in Saudi Arabia, Qatar and Kuwait prescribed by the GoN

Types of work	Saudi Arabia	Qatar	Kuwait
Unskilled Workers	800 Riyal +200 food allowance + accommodation, transport and medical treatment to be by the company	900 Qatar Riyal+ free food or 300 Qatar Riyal+ accommodation, transport and medical treatment to be by the company	Minimum 60 Kuwaiti Dinar (Domestic workers)
Semi-skilled Workers	1000 Riyal +200 food allowance + accommodation, transport and medical treatment to be by the company	Minimum 1100-1500 Qatar Riyal+ free food or 300 Qatar Riyal+ accommodation, transport and medical treatment to be by the company	
Skilled workers	1200 Riyal to 3000 Riyal+300 food allowance + accommodation, transport and medical treatment to be by the company	Minimum 4200 Qatar Riyal + Free food or minimum 500 Qatari Riyal for food allowance per month.	

Source: Volume 62, Number 6, Nepal Gazette, Part 5, Date 2069/2/8BS (2012-5-2).

**Prescription of Minimum Expenditure and Minimum Salary** – The Ministry of Foreign Labor and Employment prescribed the minimum expenditure required to proceed for migration and minimum salary per month in countries like Malaysia, Gulf States, Libya, Mauricio, Algeria, Israel, Japan, Russia, Poland, Uganda and Canada (Box 3.7).



Box 3.7 Government of Nepal's prescribed maximum expenditure and minimum salaries for Nepali workers

SN	Country	Maximum expenditure	Minimum salaries (per month)
1	Malaysia	Rs. 80,000	US \$ 125
2	Gulf countries	Rs. 70,000	Us \$ 125
3	Libya	Rs. 90,000	US \$ 175 including food and accommodation facility US \$ 250 including food and accommodation facility
4	Mauricio	Rs. 19,900	
5	Algeria	Rs. 118,000 (skilled workers)	US \$ 300-400
		Rs. 123,000 (Staff and Indirect)	US \$ 700
6	Israel (agriculture sector)	US \$ 915 and Rs. 60,000 for air ticket	
7	Japan (JETCO)	Rs. 50,000	
8	Russia	Rs. 80,000	
9	Poland	Rs. 80,400	US \$ 400
10	Uganda	Free	
11	Canada	Rs. 136,000	US \$ 2720
12	Israel, South Korea, USA, UK, Hong Kong, Afghanistan etc.	Maximum up to six month salaries	
13	EPS South Korea	US \$ 970.20	

Source: MoLE, 2012.

**Legal Enforcement on Foreign Labor Migration Cases** – According to the Foreign Employment Act 2007 and Regulation 2007, Department of Foreign Employment is entitled to register, investigate, prosecute, and decide the complaints related to fraud involved in the foreign employment. Accordingly, as presented in Table 3.26, two types of complaints are handled by the Department: individual basis and institutional basis. The former are those cases in which the complaints were made against an individual (agents/brokers/intermediaries) and the latter cases are related complaints against the recruiting agencies. Over the years, the number of complaints registered against individual is much higher compared to the institutional basis. On the other hand, the number of complaints withdrawn is relatively higher for institutional basis compared to the individual basis. This reflects that fact that management of foreign labor migration is largely controlled by individuals.

Table 3.26 Number of complaints handled by DoFE during FY 2007/08 to 2012/13, Nepal

Categories	2007/08	2008/09	2009/10	2010/11	2012/13
------------	---------	---------	---------	---------	---------

<b>Individual basis</b>					
Number of complaints registered	505	506	323	721	1245
Number of complaints withdrawn	NA	100	17	180	
Number of complaints disposed by the Department	NA	NA	105	NA	202
Number of cases field in the courts	122	94	65	89	164
<b>Institutional basis</b>					
Number of complaints registered	436	359	332	483	1060
Number of complaints withdrawn	NA	NA	65	267	
Number of complaints disposed by the Department	NA	NA	125	NA	350
Number of cases field in the courts	0	0	12	302	14

Source: Annual Progress Reports of Department of Foreign Employment from FY 2007/08 to 2012/13 (data access through Net).

The sub section 2 of section 64 of Foreign Employment Act 2007 makes it provision to establish the Foreign Employment Tribunal for originally trying and settling cases other than those punishable by the Department. The Guideline for Investigation and Prosecution of Offences Related to Foreign Employment 2010 empowers the Foreign Employment Tribunal to handle the following types of cases:

- An act to receiving money by promising workers to send in a foreign country, but fails to send them;
- An act of running of foreign employment business without license;
- An act of sending workers by licensee without obtaining permission;
- An act of sending minors for foreign employment;
- An act of opening branch offices without Government permission and
- An act in which a person is accused of foreign employment.

On the basis of the nature of offence, the cases of foreign employment can be divided into i) an offence committed by individuals having no license to run the foreign employment business and ii) an offence committed by licensee of foreign employment business. However, the disaggregated data by nature of offence is not available from Foreign Tribunal as shown in Table 3.27. During the period of last five years (2009/10 to 2013/14), a total of 682 cases were registered in Foreign Employment Tribunal. Of the total registered cases nearly 63 per cent were decided. The numbers of pending cases are also substantial in each of the FY considered here.

Table 3.27 Overview of number of cases registered and decided by the Foreign Employment Tribunal, FY 2009/10-2013/14

FY	No of cases registered	No of cases decided	No of cases pending	% decided to the total registered cases
2009/10	158	16	142	10.1
2010/11	119	78	183	65.5
2011/12	164	124	223	75.6
2012/13	178	163	238	91.6
2013/14	63	46	255	73.0
Total	682	427	255	62.6

Source: Foreign Employment Tribunal, Kathmandu.

Drawing on the preliminary report of People’s Forum’s study<sup>9</sup>, the nature of the cases registered in the DoFE and FET can be characterized as follow:

- Of the total complaints, males accounted for 85 per cent and 15 per cent females.
- Of the complaints, Janajati comprised of 54 per cent, Dalit 8 per cent, Madheshi 2 per cent and Brahman and Chhetri 2 per cent.
- Of the complaints, 60 per cent were from hill, 31 per cent from Terai and 9 per cent from mountain.
- Of the complaints, 61 per cent related against individuals while 39 per cent were related to against institutions.
- The complaints were registered by victims of more than 65 districts.
- On the nature of offence claimed, 56 per cent of cases related to an act of not sending workers by receiving money; 24 per cent cases related to an act of employing workers in contravention with the agreement and 30 per cent others.

### 3.6.4 Service Delivery Agencies and Their Monitoring

**Service Delivery Agencies** - There are number of private sectors to deliver the services for the foreign labor migrants: recruiting agencies, agents, health institutions, insurance companies, and orientation institutions. In the by FY 2012/13, there were 764 recruiting agencies with valid registration, 319 recruiting agencies renewed for sending caregivers in Israel, 319 agents provided licenses, 9 life insurance companies and 86 orientation companies. In the FY 2012/13, a total of 354,219 aspirant migrants were provided pre-departure orientation (Table 3.28 and Annex 3.5, 3.5a, 3.5b for the number of persons provided training by the orientation institutions, name of insurance company and number of recruiting agencies having branch offices).

Table 3.28 Number of service delivery agencies of foreign employment by FY 2012/13

Service delivery agencies	Number
---------------------------	--------

<sup>9</sup> People’s Forum studied 250 cases related to foreign employment registered in DoFE and FET. The results are based on the preliminary findings (People’s Forum, 2013).

Number of recruiting agencies with valid registration	764
Number of recruiting agencies renewed for sending caregivers in Israel	319
Number of agents provided licenses	319
Number of life insurance company (as of 2066/11/25)	9
Number of orientation institutions	86
Number of persons provided orientation in the FY 2012/13	354,219

Source: Progress Report of Department of Foreign Employment, 2012/13 (data access through Net)

**Monitoring of the Agencies and Orientation Institutions** - The Department of Foreign Employment monitored 656 orientation training centers in the FY 2012/13. Among them, 34 training centers were enquired and other 11 were cancelled. During the same period, 65 recruiting agencies were monitored and of which 33 were asked for justification (Table 3.29).

Table 3.29 Number of orientation training centers monitored by DoFE, FY 2012/13

Description	Number
Number of orientation program institutions monitored	656
Number of orientation program institutions to which justification asked	34
Number of orientation program institutions cancelled ( <i>Nilamban</i> )	11
Number of Recruiting agencies monitored	65
Number of recruiting agencies to which justification asked	33

Source: Progress Report of Department of Foreign Employment, 2012/13 (data access through Net)

### 3.6.5 Responses of National Human Rights Commission

National Human Rights Commission (NHRC) has given the highest priority to protect and promote the rights of MWs. It has conducted policy advocacy, social awareness, investigation, complaint handling, monitoring, interaction and publication of reports and recommendations to the GoN regarding the protection and promotion of the rights of MWs.

In the FY, 2011/12 and 2012/13, it has conducted the following activities:

- Conducted international seminar on the rights of MWs in Kathmandu in November 2012.
- Recommended to the GoN for the ratification of Convention on the Rights of Migrant Workers and Their Families, 1990.
- Conducted the MoU with the HRIs of South Korea and is proposed to carry out the MoU of HRIs of Malaysia and Qatar.
- Visited South Korea and Malaysia (from August 30 to September 5, 2013, with the leadership of NHRC Chairperson) to understand the situation of Nepali MWs.

- Prepared a draft of recommendation and submitted to the Government of Nepal to protect and promote the rights of MWs in 2013. The NHRC has recommended the following recommendation to the GoN:

**Concepts and Recommendations of NHRC on Protection and Promotion of Rights of MWs, September 13, 2013** - The NHRC recommended the GoN on November 22, 2012 to ratify the UN Convention on the Rights of Migrant Workers and Their Families, 1990 and to revise, formulate the national laws, policies, programs and mechanisms to implement the measures and provisions embedded in the Convention. It made the following special recommendations:

- Make the trustworthy initiation for foreign labor migration by signing a mutual understanding in the labor receiving countries and the GoN
- Basic language and training – provide the appropriate training before giving the permission of the labor migration to the potential migrants about the language, culture, ritual practices and basic rules of the destination countries
- Ensure the employment in the foreign country before migration and ensure that the Nepalese labor receive skills and training
- Ensure that the Nepali workers would receive the minimum remuneration, have the health certificate, insurance of the risk and minimum cost for the travel before providing the labor grants of the workers. The GoN should take the effective action against the forgery information, cheating and exploitation in relation to foreign labor migration.
- Prevent and end the exploitation by the intermediaries by firmly monitoring the work of the recruiting agencies and intermediaries
- Prohibition and regulation of corruption, and abuse of authority
- Ensure foreign labor employment as free of all forms of exploitation and discrimination
- Ensure the safe foreign labor migration and marriage migration – prevent, eliminate the exploitation, discrimination of the victims of WMWs and women who have married with the foreigners and provide protection and security to safely return to Nepal.
- Strengthen the skilled human resources and institutional mechanism to the Nepali Embassy to abroad to deal with the rescue and rehabilitation of the victims of migration. This is especially required in the countries of Malaysia and Middle East – protection of the rights of MWs, facilitation of the issuing of passports, visa, travel documents
- Establish and strengthen the bilateral and multilateral relations with the destination countries of Nepali labor migrants to protect them from exploitation, discrimination and rescue, relief and repatriation of victims timely. Establish relations with the United Nations and International Organization of Migration (IOM).

#### **NHRC Korea's Commitments**

The NHRCK provided following commitments:

- The civil rights division of the NHRCK deals with policies, investigation, compensation etc. It has a 3 year promotional plan. One of its key strategies is to protect the human rights of minorities in Korea. This provision may also be applicable to Nepalese MWs.
- The NHRCK received a total of 74,000 complaints in 2011. Of which, 3 per cent were of discrimination. The NHRCK assured that if Nepalese MWs have raised these issues, they would be able to follow up, investigate and monitor their human rights.
- NHRCK also expressed their commitment to renew the MOU with NHRCN on enhancing mutual cooperation for protection and promotion of human rights of migrants from each other countries.
- Article 4 and 6 of the Korean Constitution guarantees the where rights of migrants.

**Issues and Challenges of Migrant Workers in Malaysia** - Upon receiving information from migrant workers from different sectors, business communities, media representatives and the Embassy's staff, the NHRC Nepal found following issues and challenges of MWs in Malaysia:

*Ensuring the rights to life and protection of MWs* – Due to the growing number of illegal workers and difficult working conditions, Nepalese MWs are reported to be involved in crimes, commit suicide and die. This is a serious issue taken into consideration by the NHRC Malaysia.

*Ensuring the basic labor rights of Nepalese MWs* - The Delegation found Nepalese MWs are ill-treated from Nepal, to at the Malaysian Airport, at the companies and at hostels where they live. The workers are forced to work in different companies and nature of work then that has been promised in Nepal. They also receive low salary, and had to work long hours. Their rights are further violated when they are looted and the police would not register their complaints simply because they are made bonded labors without any identity in Malaysia.

*Ensuring the rights to security, fair trial and due process* - The Commission identified major issues around the general security of Nepalese MWs in Malaysia to their personal security at hostels. Some workers interviewed reported that they are looted at hostels on the day of their salary distribution. The Nepalese Embassy staff informed that there are approximately 400 Nepalese MWs in Jails and they are harshly treated.

**NHRC Malaysia** expressed their concern and attention to the issues raised in the following points:

- Government of Malaysia is bringing 35 per cent of their workforce from migration. Therefore, there are certain mechanisms in place for protecting the rights of MWs in Malaysia.
- NHRC Malaysia guarantees their position to receive complaints from Nepalese MWs if they face any human rights abuses.
- NHRC Malaysia expressed its willingness to enter into MOU in general terms. However they said that due to the nature of work both the commissions do, and as a part of international coordination mechanism, they would entertain any specific requests that NHRCN would make for them, including requests for detention centers visit, investigation of any particular case etc.

### 3.6.6 Responses of Nepalese Foreign Missions

Table 3.30 shows the responses of Nepalese Embassy to Kingdom of Saudi Arabia in relation to handling of labor problems – rescuing, providing shelter, facilitating sending back to Nepal, compensation, and issuing the travel documents. Data reveal that during the 18 months (January 2012-June 2013), a total of 1,011 labor cases were handled, 553 housemaids were rescued, 442 dead bodies were sent back to Nepal, 377 persons' compensation were sent to MoFA and a total of 36,203 copies of travel documents were issued (See Annex 3.6 for monthly wise data).

Table 3.30 Foreign labor migration cases handled by the Nepalese Embassy to Kingdom of Saudi Arabia, (January 2012 – June 15, 2013)

Description	Number
Number of cases of labor problem handled	1011
Number of housemaids rescued and sent back to Nepal	553
Number of dead bodies sent to Nepal	442
Number of persons' compensation sent to MoFA, Nepal	377
Number of copies of travel documents issued (paper types)	36203

Source: Raw Data obtained from the Embassy of Nepal to the Kingdom of Saudi Arabia, 2013.

**Housemaid Provided Shelter and Other Supports** – Safe Houses have been established in Qatar, UAE, Kuwait and Saudi Arabia. Foreign Employment Promotion Board has been allocating some budget for running the Safe Homes since the FY 2008/09. The Monitoring Report of the GoN 2012 (in which the safe houses of Qatar and Saudi Arabia were monitored) revealed the following:

- As there is no legal provision of running the safe house in Qatar and Saudi Arabia, safe houses are established within the premises of Nepali Embassies.

- There is no separate room for safe house in Qatar. In UAE, there is small room within the building of the Embassy with two beds and one kitchen room.
- In the safe houses, workers are provided food and accommodation but health treatment and psychosocial counselling and other services are not available.
- In many of the cases, workers residing in the safe houses comprised of those who faced physical torture and had to work long hours, denied salary by a company or a sponsor.
- It was also found that the Embassies were helping to the workers who come to the safe houses in relation to making the travel documents, payment of the salaries from the company or sponsor, making complaints in the Labor Department and Police and sending workers to Nepal by providing air ticket.
- In UAE, from 2009 to 2012, 96 persons were provided Safe House services.
- In general, workers stay 7 to 15 days in safe houses and in some cases, workers also stayed up to 8 to 10 months.

As data obtained from the Nepali Embassy of Saudi Arabia, a total of 536 housemaids were provided shelters and other supports by the Embassy during the period of November 2011 to April 2013 (Table 3.31). Of the total, 79 per cent were facilitated to go back to Nepal, 20 per cent were supported to send to the Housemaid Department in Saudi Arabia and a few were residing in the Embassy Safe House because of sickness. The housemaids supported by the Embassy were from the different caste/ethnic groups, yet majority was from the three broad caste/ethnic groups: Hill Janjati (39%), Hill Dalit (26%) and Brahman/Chhetri (21%).



Table 3.31 Number of housemaid provided shelter and other supports, Nepal  
Embassy to Saudi Arabia, November 2011 – April 2013

Status of housemaids	2011 (Nov.- Dec.)	2012	2013 (January-April)	Total	% of total
Went back to Nepal	89	260	75	424	79.2
Went back to home	0	1	0	1	0.0
Housemaid Department	0	90	15	105	19.7
Embassy	0	1	2	3	0.0
Embassy sick general/ Mentally	0	0	3	3	0.1
<b>Caste/Ethnicity</b>					
Brahmin/Chhetri	27	65	20	112	20.8
Hill Janajati	30	142	39	211	39.4
Hill Dalit	19	92	26	137	25.6
Terai Janajati	5	18	1	24	4.5
Madheshi Dalit	3	5	2	10	1.8
Muslims	1	0	0	1	0.0
Other Madheshi Group	3	22	3	28	5.2
Not Identified	1	8	4	13	2.4
Total	89	352	95	536	100.0

Source: Raw data obtained from the Embassy of Nepal to Saudi Arabia, 2013.

These housemaids were originated from a total of 57 districts of Nepal – with being majority from the districts of Rupandehi, Sunsari, Morang, Nawalparasi and Jhapa districts (Annex 3.7).

### 3.6.7 Responses of Civil Society

A safe migration network for women has been formed with the objective to ensure the women's rights to migration. The network aims to i) expand the networks led by women; ii) make advocacy for the rights of women migration from local level to national level to the international level; iii) provide the safe migration rights to the women workers and rights workers and involve them in such activities. The target groups of the networks are of two: rights holders such as potential migrant workers, victims of trafficking, people affected by HIV/AIDS, women and girls working in the entertainment sector, returnee migrants and women human rights groups. The service providers include individuals and

institutions involved from the local to the national level, governmental officials and representatives of mission abroad. The members of the network include the following organizations:

- Asian Human Rights & Culture Development Forum (AHRCDF) Migrants' Center
- Civic Concern Nepal(CCN)
- Federation of Nepal Foreign Employment Orientation Agency (FEONA)
- Forum for Women, Law and Development (FWLD)
- Helping Society Nepal, Sarlahi
- Media Advocacy Group(MAG)
- Nepal Foreign Employment Association (NAFEA)

- Nepal Institute of Development Study (NIDS)
- People Forum for Human Rights (People Forum)
- POURAKHI Nepal
- Pravashi Nepali Coordinate Committee (PNCC)
- Sakriya Sewa Samaj
- Sancharika Samuha
- WOREC Nepal
- Youth Action Nepal

The detailed list of the network members is presented in Annex 3.8.

### **3.7 Key Issues and Challenges**

- Maintaining the database of the undocumented foreign labor migrants, especially focusing on the WMWs through conducting household surveys – issues of forced labor and trafficking to be covered. The MoLE through FEPB assists the foreign migrant workers regarding the use of fund generated by workers themselves. But this facility is only for documented migrant workers. But the vulnerability of the exploitation is high among undocumented migrant workers who are left abandoned by such provisions.
- Nepal government's policy in human trafficking sought more right based approach but in foreign employment case they seem more protective. Banning the country for women workers and directing age demarcation to women in foreign employment may not control the situation. Instead it will boost illegal routes to use and making individual more vulnerable.
- Prevention is known to be one key factor and believed as stronger tool to cater down trafficking by policy advocacy and educating and informing people of each level. But the national level NGOs do not have nationwide coverage.
- Decentralization of foreign labor management system by extending the services of complaint handling, application procedures, medical check-up and insurance.
- Regularizing the recruiting agencies and other service delivery agencies in line with the Foreign Employment Act 2007 for safe foreign labor migration and combating trafficking in persons and ensuring the effective implementation of special provisions for women, Dalit, Janjati and other oppressed groups provisions of loan.
- Coordinating cases related to Foreign Employment Act 2007 and HTTC Act 2007 to ensure justice to the victims in relation to foreign labor migration.
- Protecting the rights of woman domestic workers in all cycle of migration in line with the Directives of Nepali Domestic Workers 2010 – basic monthly salary, insurance, safe accommodation, safety assurance, regular contact with the family and with the concerned Embassy including the

prospective employers providing documentary evidence of insurance coverage, medical facilities and other necessary coverage.

- Strengthening the Nepalese Foreign Missions especially in countries with high magnitude of migration including in South Korea, Malaysia and Gulf countries by appointing timely Ambassadors, Labor Attaché, Legal experts/advisors and provisions of adequate budget and trained human resources and ensuring the effective and timely rescue, rehabilitation and repatriation of migration workers.
- Establishing Safe Houses in Gulf Countries in coordination with International Community, civil society and concerned Government of the destination countries.
- Ratifying the UN Convention on Migrant Workers and Their Families and ensuring MoU prior to sending any further workforce to migrants receiving countries.
- Making efforts to bring the common agenda about workers salary, facilities, security, and rescue and temporary shelter and repatriation among labor sending countries through Colombo Process and campaign with international community to revoke the 'kafala' system as the labor governance policy of GCC countries.
- Utilization of remittance at the grassroots to create employment opportunities and to speed up development activities and conducting financial literacy class and campaign (cost and benefits) of going to a foreign country at the community level.
- Addressing unemployment, poverty, inequality and social exclusion and VAW.
- Increasing the public awareness programs on the safe migration, especially focusing on women living in deprived situation and incorporating such programs with the poverty alleviation and women empowerment programs.
- Launching promotion and protection activities for migrant families, including their children by delivering and extending welfare interventions.
- Monitoring of the service delivery agencies regularly and monitoring whether the workers receive the Government's prescribed minimum salary and allowance in the destination countries.

## Monitoring of Anti-Trafficking Initiatives

This Chapter assesses the anti-trafficking and safe migration policies and programs accomplished by the Governmental as well as non-Governmental Organizations. It begins by discussion of Nepal's position vis-à-vis South Asian countries in combating trafficking, moves to discuss the key policy issues adopted by the Government. It also analyzes the information provided by the NGOs in three areas – prevention, protection and legal supports activities.

### 4.1 Nepal's Position in TIPs Report and Global Slavery Index Report

Nepal's position in terms of combating trafficking and modern slavery situation can be evaluated through the two Global level Reports: The United States' (US) Trafficking in Persons (TIP) Reports and the Global Slavery Index Report 2013. The first type of reports offer indication that to what extent Nepal has been compliance with the US Government minimum standards of *Trafficking Victims Protection Act* in relation to combating trafficking while the latter Report reveals the extent of people in enslavement state (modern day slavery, trafficking and child and early marriage)<sup>10</sup>.

The Global Slavery Index Report 2013 provides a ranking of 162 countries. Looking at the ranking of countries at the global level, three countries in South Asia, namely, Pakistan, India and Nepal ranked as 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> respectively. On the other hand, Bangladesh and Sri Lanka remain in 71<sup>th</sup> and 118<sup>th</sup> ranking at the Global level (Table 4.1).

---

<sup>10</sup> Walk Free Foundation (2013) estimated the number of people in modern slavery. Modern slavery includes slavery, slavery-like practices such as debt bondage, forced marriage, and sale or exploitation of children, human trafficking and forced labor. The Global Slavery Index is the combined measure of three factors: i) estimated prevalence of modern slavery in each country (0.95 weightage in the Index); ii) a measure of the level of human trafficking to and from each country (0.025 weightage in the Index) and iii) a measure of the level of child and early marriage in each country (0.025 weightage in the Index).

In Nepal, the estimated number of people in enslaved ranged from 250,000 to 270,000. It is reported that modern slavery is tied to ethnic and gender inequalities, domestic violence against women and children and unsafe foreign labor migration. Many disadvantaged groups, especially Dalit and indigenous nationalities, are vulnerable to forced labor in brick and gravel making, agriculture, domestic servitude, street begging, forced and child marriage, and sexual exploitation.

Table 4.1 Number of people in modern day slavery and country ranking (162 countries)

Countries	Global ranking	Estimated number of people enslaved	Key aspects of enslaved
Pakistan	3	2,000,000-2,200,000	Forced marriage of women and children, bonded labor in brick making industry, and trafficking
India	4	13,300,000-14,700,000	Bonded labor, and sexual exploitation
Nepal	5	250,000-270,000	Foreign labor migration, domestic servitude
Bangladesh	71	330,000-360,000	Bonded labor, sexual exploitation and trafficking
Sri Lanka	118	18,000-20,000	Foreign labor migration

Source: Walk Free Foundation (2013) The Global Slavery Index.

In case of India, poverty and caste system are significant contributing factors to its modern slavery problem. Bonded labor, forced marriage, fraudulent adoption and organ trafficking are the key forms of modern day slavery. Cultural practices play a significant role in modern slavery in Pakistan. Child marriage, forced marriage of girls and bonded labor in brick making industry are the major forms modern day slavery. Similarly, unsafe foreign labor migration, exploitative work in garment industries and bonded labor are the key forms modern day slavery in Bangladesh.

The US Government has been publishing *Trafficking in Persons Report* annually since 2001. It places countries around the global in monitoring of trafficking in four categories: i) Tire 1; ii) Tire 2; iii) Tire 2 Watch List (WL) and iv) Tire 3<sup>11</sup>. Data reveal that Nepal's compliance in combating trafficking in persons has been satisfactory as compared to other South Asian countries. Nepal has remained in Tire 2 since 2009 while Afghanistan and Sri Lank remained in Tire 2 WL over the years (Box 4.1).

<sup>11</sup> **Tire 1** countries are those whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards; **Tire 2** countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards; **Tire 2 WL** countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards and **Tire 3** countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

Box 4.1 Nepal's position in US TIPs Report compared to other South Asian countries, 2009-2013

Countries	2009	2010	2011	2012	2013
Nepal	Tire 2	Tire 2	Tire 2	Tire 2	Tire 2
Afghanistan	Tire 2	Tire 2 WL	Tire 2 WL	Tire 2 WL	Tire 2 WL
Bangladesh	Tire 2	Tire 2 WL	Tire 2 WL	Tire 2	Tire 2
India	Tire 2 WL	Tire 2 WL	Tire 2	Tire 2	Tire 2
Maldives	Tire 2 WL	Tire 2 WL	Tire 2 WL	Tire 2 WL	Tire 2
Pakistan	Tire 2 WL	Tire 2	Tire 2	Tire 2	Tire 2
Sri Lanka	Tire 2	Tire 2 WL	Tire 2 WL	Tire 2 WL	Tire 2 WL

Source: TIP Reports 2009, 2010, 2011, 2012 and 2013.

## 4.2 Key Policy Initiatives

The Government of Nepal has taken several strategies for prevention of offences of trafficking in persons. They include:

- Formulation of laws and ensuring law enforcement measures (This issue will be discussed in Chapter 5);
- Prioritizing the issues of addressing trafficking in Periodic Plans
- Allocating budget to assist the rescue, rehabilitation of victims of trafficking;
- Developing community based institutional mechanisms (i.e. Village Child Protection Committees-VCPC) and supporting community based structures (i.e. Para Legal Committees-PLC, Women's Groups and Children's Clubs);
- Expanding educational opportunities to girl children by providing scholarships;
- Vocational training and income generation opportunities to adolescent girls and their families;
- Awareness-raising among the targeted groups; and
- Introducing and expanding social protection plans targeting the most vulnerable groups and families.

**Periodic Plan** – The GoN has given special attention in addressing the issues of gender inequality, gender mainstreaming and women empowerment since the Eight Plan Period (1992-97). The issue of trafficking of women has especially surfaced from the current Plan (Three Year Plan Approach, 2010/11-2012/13). It has provided a separate chapter for addressing trafficking issues. Further, the working policy of the Plan aims to i) expand effective targeted programs in all districts in order to rescue, rehabilitate and protect the vulnerable or risk-prone children; and ii) adopt a policy to protect children at risk and establish child protection centers at regional level.

**National Plan of Actions** – There are three National Plans of Actions approved by the Government relevant to address the issue of trafficking in women and children in Nepal. They include: i) NPA against Trafficking in Children and Women for Sexual and Labor Exploitation; ii) NPA for children (2004/05-2014/15) and iii) National Master Plan on Child Labor (2004-14).

1. *NPA against Trafficking in Children and Women or Sexual and Labor Exploitation* - The NPA has been formulated to control crimes related to human trafficking through effective implementation of Nepal's obligation to the international human rights instruments including CEDAW, CRC and HTTC Act 2007 and Regulation 2008. The specific objectives of the NPA are to i) adopt measures to control human trafficking within and across the country by having wider definition; ii) strengthen the mechanisms and structures for effective prevention of human trafficking; iii) enable the capacity of concerned agencies; iv) implement activities for family care and support and social protection targeting the most marginalized and deprived communities; v) ensure coordination, support and collaboration among the concerned agencies and vi) ensure access to justice by eliminating impunity and through applying appropriate legal processes to control human trafficking. The NPA juxtaposed the five priority areas: prevention, protection, prosecution, capacity building, coordination and collaboration.

However, GoN has not provisioned budget for the implementation of the action plan.

2. *NPA for Children* – This document in its 'protection theme' aims to i) protect children from all forms of sexual abuse and exploitation, sale and abduction; ii) eliminate traditional harmful practices that pushes women and girls into sexual exploitation; iii) ensure security and social protection of children and iv) promote helpline to provide emergency support to the children in need of protection and security. The major activities of the NPA include:

- Effective implementation of policies to combat the sale of children and child trafficking considering it as a severe crime by 2015;
- Provision of care and treatment to the victimized children and assurance of their rehabilitation by providing them education and skills development opportunities as well as by establishing Revolving Fund;

- Raising of awareness in the community against the sale of children and trafficking;
- Establishment of national, regional and international networks for collaborative action against the sale of children and trafficking; and
- Activation of the process of tracing the missing children by expanding child helpline and 'Missing Child Alert' as a regional effort in South Asia by 2012.

Although the budget allocation system of GoN is not solely based on the NPAs, the estimated budget in the NPA provides a base for the Government to allocate budget for its periodic and annual plans. The budget estimate for implementation of the activities under the NPA for Children is presented in Table 4.2.

Table 4.2 Budget estimates in the revised NPA for children (in Rs. millions)

Objectives	2005-07	2008-12	2013-15	2005-15
Amendment of law	5	10	15	20
Organizational development	1,000	4,000	2,000	7,000
Health and HIV/AIDS	4,000	13,000	8,000	25,000
Education	9,000	25,000	18,000	52,000
Rehabilitation and social reintegration	1,000	3,500	1,500	6,000
Protection	1,000	3,000	2,000	6,000
Family and community development	2,000	6,000	3,000	11,000
Human resource and capacity development	2,000	6,000	3,000	11,000
Advocacy and awareness raising	500	1,000	500	2,000
Information management system	200	1,000	500	1,700
Study and research	200	600	300	1,100
Others	500	1,500	1,000	3,000
Total	21,405	64,610	29,805	12,582

Source: Committee on the Rights of Child (2012).

**3. NPA on Child Labor** - The MoLE in collaboration with ILO reviewed and updated the National Master Plan on Child Labor in 2010 and has set a new target to eliminate worst forms of child labor by 2016 and other forms by 2020. The Master Plan has been harmonized with other NPA, in particular with the NPA for Children, NPA against Trafficking in Children and Women for Sexual and Labor Exploitation, and NPA against HIV and AIDS.

**Guidelines, Operation Procedures and Standards** - The GoN has approved different guidelines, operation procedures and standards in different times. The following are much relevant in addressing the trafficking in persons:

- National Minimum Standards for Care and Protection of Victims/Survivors of Human Trafficking and Transportation 2011



- Guideline for Prosecution and Court Proceeding of the Offences of Human Trafficking and Transportation 2011
- Guideline for Operation of Rehabilitation Center 2011
- Guideline for Operation of Rehabilitation Fund 2011
- Guideline for Psychosocial Counselling 2012
- Guideline for Formation of Village Committee on Combating Trafficking (Formation and Mobilization) 2013
- Standards for Operation and Management of Residential Care Homes, 2012
- Child Helpline Operation Procedure 2007
- Standards for the Investigation and Prosecution of Offences related to Foreign Employment 2010
- Terms and Conditions and Process for Granting Approval for Adoption (First Amendment), 2009,
- Inter-Country Adoption Management Committee (Formation) Order, 2010
- Terms and Procedures for Adoption of Nepalese Children by Foreign Citizen (Second Amendment), 2010.

### **4.3 Institutional Mechanism**

The GoN has mandated the MoWCSW to formulate, implement, coordinate and monitor the policies, programs and activities related to prevention and combating in trafficking in persons, especially women and children. Recently, the Ministry has created a separate Unit for dealing with trafficking issues called Human Trafficking and Transportation Section under the Division of Women and Children.

Under the MoWCSW, the Department of Women and Children (DoWC) plays the key role in implementation of women empowerment programs. Under the DoWC, there are 75 district Women and Children Offices (WCO) which are responsible for formulation, implementation, coordination and monitoring of the women's empowerment programs including programs related to trafficking in women and children.

Realizing the addressing the issue of trafficking as multi-sectoral and cross-cutting issue, the GoN has formed four-layered Committees on Combating Trafficking. The Committees are mandated to coordinate the activities of government bodies and non-governmental organizations working to rehabilitate victims and control the offence under the HTTC Act 2007. On the top, the GoN formed National Committee on Combating Trafficking (NCCT) in 2007 and also established its Secretariat in MoWCSW. The National Committee is responsible for formulation of policy and programs and forwards them to the Ministry. It is also responsible to monitor the approved activities, rescue and repatriation of the victims of trafficking. Since 2007, formation of district committees was initiated and currently, all 75 districts have District Committees on Combating Trafficking (DCCT). The Committee is responsible for formulation of plans, policies and

programs to prevent and combat trafficking in persons in the district including monitoring and coordination of anti-trafficking activities. Similarly, the GoN has established Sub-District Committees on Combating Trafficking under the District Committees in Rupandehi, Banke, Kailali, and Parsa. A guideline to mobilize the sub-district committee has also been issued. Districts like Banke, Sindhupalchok and Morang has already established Village Committee with the greater participation of local people.

In addition to this institutional mechanism, there are other organizations such as Central Child Welfare Board and District Child Welfare Boards under the MoWCSW which are responsible for protection and promotion of child rights in the country.

Social Welfare Council, a statutory body of the Government, also plays a key role in coordination of donor communities and International NGOs engaged in social welfare of Nepali people in general.

Nepal Police is the key law enforcement agency under the Ministry of Home Affairs. Nepal Police has created Women and Children Service Directorate at the central level and Women and Children Service Center at the district/area level for handling the crime/violence cases against women and children.

#### **4.4 Government Programs**

The responsibility of different Ministries as envisioned in *Government of Nepal (Work Division) Rules 2012* suggests that there are number of Ministries that deal with directly or indirectly in prevention and combating of TIP, exploitation and promotion of human rights in the country.

##### **4.4.1 Programs Indirectly Responses to Trafficking**

**Office of the Prime Minister** -The Prime Minister Office is responsible for monitoring of the implementation status of bi-lateral and multi-lateral treaties and agreements; protection and promotion of human rights; formulation of policies to combat corruption, and implementation; monitoring of the implementation status of verdicts of courts and operation of Poverty Alleviation Fund. Under the Prime Minister Office, 'Gender Empowerment Coordination Unit' has been established to the GoN's efforts to address gender-related challenges. The Unit also handles the complaints of GBV and forwards to the concerned agencies including Nepal Police and courts.

**Ministry of Finance** – The Ministry is responsible for regulation of foreign currency, providing permission of private property and conducting youth self-employment related programs. The Ministry of Finance has initiated classifying the national budget by gender-responsiveness since FY 2007/08. Data reveal that the proportion of national budget allocated in the 'directly gender responsive' program has increased substantially over the years. It increased from 11 per cent

in FY 2007/08 to 19 per cent in FY 2011/12. Similarly, the proportion of national budget allocated 'indirectly gender-responsive' program has increased from 33 per cent in the FY 2007/08 to 46 per cent in the FY 2011/12. Conversely, the national budget allocated in gender natural program has substantially declined over the years (from 55.5% in the FY 2007/08 to 35% in the FY 2011/12). Despite this, there is a need to ensure that it is not only limited to planning and allocation process but actually implemented. Much study is needed to understand how effective this really has been contributing to women's empowerment, advancement of gender equality and curtailing violence against women.

Table 4.3 Gender responsive budget allocation in National Budget (in %)

Classification	2007/08	2008/09	2009/10	2010/11	2011/12
Directly responsive	11.3	13.9	17.3	17.9	19.1
Indirectly responsive	33.1	35.4	36.4	36.3	45.7
Neutral	55.5	50.6	46.2	45.7	35.1

Source: Ministry of Finance, <http://www.mof.gov.np/publication/red/2011/pdf/english7.pdf>.

**Ministry of Law, Justice and Constituent Assembly and Parliamentary Affairs –**

The Ministry provides free legal supports to the victims/survivors of trafficking, exploitation and deception.

**Ministry of Foreign Affairs –** The Ministry is responsible for maintaining the records of Nepali residing abroad and protection of their rights at abroad; coordination and collaboration with Non-Nepali residence; conducting economic diplomacy; development and promotion cooperation among people and NGOs at abroad and initiation/expansion of diplomatic dialogue and treaties (except of Ministry of Finance).

**Ministry of Land Reform and Management –** The Ministry is responsible for formulation and implementation of related to landless people and management of liberated *Kamaiya* and *Kamalari*. In the FY 2011/12, the Ministry resettled 23,681 families of freed bonded laborer and there are still 3,616 families to be resettled. It also verified 4,184 land tillers (*Haliya*) families and distributed identity cards for 2,331 families.

**Ministry of Youth and Sports –** The Ministry is responsible for formulation, implementation and monitoring of policies and programs related to youths. It organizes youth mobilization and national youth development programs. The Ministry adopted National Youth Policy (NYP) 2009 and following this policy, the Ministry has developed National Youth Mobilization program focusing on raising awareness against gender based violence, skill oriented training, entrepreneurship and employment. Local Youth Partnership Program under this program is being conducted through all 75 District Development Committees (DDCs). DDCs have been providing Rs. 68,000 for each program. A total of 11 Youth Information Centers have been developed and operated.

**Ministry of Peace and Reconstruction** – It formulates the social and economic policies and programs of conflict-affected area, and provides economic supports and rehabilitation to the victims of conflict.

**Ministry of Education** – The Ministry is responsible for formulation, implementation and monitoring of policies and programs related to education. Under this Ministry, scholarship program, food for education program and daily Tiffin allowance program are directly related to prevention of trafficking of children. The Ministry has been providing scholarships at different levels of school education aiming to expand equitable access of education, improve the rate of retention and broaden meaningful teaching opportunities. Program as per the scholarship criteria is selected by the school and amount is annually availed to targeted students through District Education Offices. Table 4.4 summarizes the number of students provided scholarship during the fiscal years of 2010/11 to 2012/13. Accordingly, 3.65 million students in FY 2010/11 and 3.82 million in FY 2011/12 and 2.30 million students in the first eight months of FY 2012/13 were provided different scholarships in Nepal.

Table 4.4 Number of school level students provided scholarship, Nepal, FY 2010/11-2012/13

Scholarships	2010/11	2011/12	2012/13 (first eight months)
Girl Students	2,293,744	2,276,479	1,426,986
Dalit (1-8)	1,100,349	1,200,816	646,293
Specially Targeted Groups (22 ethnic groups)	104,157	86,712	59,785
Dalit (9-10)	-	75,511	55,112

Handicapped Students (1-8)	62,163	69,944	40,736
Secondary Education	58,836	59,023	9,856
Scholarship for endangered ethnic groups including children of Free Bonded Laborer, Tiller, Cattle Grazers and <i>Badi</i> .	13,595	32,703	6,861
Conflict Victims	3,808	8,097	1,127
Capacity Development and Scholarship for <i>Kamalari</i>	7,673	7,886	3,573
Handicapped Students (9-10)	4,494	6,193	40,736
Student of Mountain Hostels	413	407	337
Students of Feeder Hostels	400	400	118
Students of Model Schools	148	222	133
Mountain Boarding School Hostel Students	220	140	80
Science Students of Higher Secondary School	80	76	-
Martyr's Children	37	62	52
Total	3,650,117	3,824,671	2,291,785

Source: Ministry of Education cited in Ministry of Finance, 2013.

The Food for Education Program is carried out in 17 districts aiming to increase the school participation rates of students (enrolment, retention and achievement) and bring improvements in health condition of students. Table 4.5 shows the details of this program. However, it is revealed that the targeted distribution of food for education programs has not been achieved as targeted in each FY. For example, the achievement was only 75 per cent in FY 2010/11, 67 per cent in 2011/12 and 65 per cent in the first 8 months of FY 2012/13.

Table 4.5 Targeted amount and achievement in food for education programs

Programs	2010/11		2011/12		2012/13 (first 8 months)	
	Target (in Rs.)	% achieved	Target (in Rs.)	% achieved	Target (in Rs.)	% achieved
Day Snacks Program	194,000	81.3	194,000	68.0	194,000	64.9
Girl Student Encouragement Program	65,352	87.1	62,000	64.8	62,000	71.0
Mother and Child Health Care Program	29,000	4.0	26,000	59.6	26,000	55.1
Total	288,352	74.9	282,000	66.6	282,000	65.4

Source: Ministry of Education cited in Ministry of Finance, 2013.

The Ministry has been providing daily Tiffin allowance of Rs. 15 to all students in Karnali zone (the geographically disadvantaged area of Nepal) and Rs. 12/student of some students from the marginalized communities in Sunsari, Saptari, Siraha, Sindhupalchok, Rasuwa, Bara, Dhading, Nawalparasi, Kapilvastu, Dang, Bardiya, Pyuthan and Rolpa district. In the FY 2011/12, a total of 105,000 children studying in 0 – 5 classes of Karnali zone received the allowance.

Curriculum – The Department of Education, Ministry of Education has incorporated the issues of human trafficking and transportation, challenges and opportunities of foreign labor migration in the school education such as in the following courses and grades:

- Social Studies in grade 10 since 2007 (Unit 4.1 about trafficking and Unit 8.6 about foreign labor migration)
- Social Studies in grade 6 since 2013 (Unit 3.5).
- Social Studies in grade 7 since 2014 (Unit 3.3).

**Ministry of Labor and Employment** – The Ministry is responsible for formulation, implementation and monitoring and evaluation of policies and programs related to labor and employment in the country. It conducts studies, research and maintains data related to labor and labor markets. It is also responsible for management of foreign labor migration, labor permits for the foreigners and coordination of programs related to creation of employment. In addition to other activities discussed in Chapter 3, it conducted following activities the FY 2013/14:

- Budget allocated for expansion of branch offices of Department of Foreign Employment
- Provision of 21 day training to the woman domestic workers –in the FY 2012/13, a total of 3400 Women domestic workers received training and went to foreign countries for work.
- Provision of opening of the Department of Foreign Employment from early 7 am to 7 pm.

**Ministry of Federal Affairs and Local Development** – It implements inclusiveness programs, administers vital registration system (birth, death and other demographic events), develops local development and social security to elderly and single women including indigenous people, Dalit, Badi and Muslims.

**Ministry of Health and Population** – The Ministry formulates, implements and monitors policies and programs related to health and population in the country. Most relevant programs in relation to prevention of trafficking are its 'National AIDS and Sexually Transmitted Disease (STD) Control' and 'National Population, Health Education, Information and Communication'. Under former program, in fiscal year 2011/12, 4,200 infected persons were provided ARV treatments; 99 training and orientation to different level health professionals were provided and in 113 ARV centers, medicine was distributed. The program was extended to jail inmates and homosexuals, sex workers, injection drug users, migrants on service contract of non-government organizations. The 'National Population, Health Education, Information and Communication' programme aims to encourage couples to have small, happy and prosperous life. In FY 2011/12, the program was implemented in all 75 districts in the country. The Long-term Population Perspective Plan (2010-32) has already been approved by the Government. One of the key intervention areas of the population program is to increase awareness on safe-migration.

In addition, the Ministry has established *Single Door Crisis Management Centers* in 15 District Hospitals such as in Panchathar, Sunsari, Saptari, Solukhumbu, Sarlahi, Kavre, Makwanpur, Tanahu, Nawalparasi, Baglung, Dang, Jumla, Bardiya, Doti and Kanchanpur including in Thapathali Prasuti Hospital in Kathmandu. The aim of the Center is to deliver holistic services (psychosocial counselling, medical treatment, support to rehabilitation, legal support and referral services) to the victims of the VAW including trafficking.

**Poverty Alleviation Fund (PAF) Initiatives** - Established in 2004 with the Prime Minister as the Chairperson, PAF aims to contribute in poverty reduction, especially among women, Dalit, Janjati and extremely poor through social mobilization, income generation, infrastructure development and capacity building of Community Organizations (COs). Since its establishments till mid-March 2012, the PAF programs have been implemented in 1,619 VDCs of 49 districts by 22,534 COs and a total of 640,522 targeted households have been benefited. Looking at the household beneficiaries by caste/ethnic groups and gender, it appears that the PFA programs are inclusive and reached to the disadvantaged and poor households. Of the total household beneficiaries, Dalit and Janjati accounted for 8.5 per cent and 24.4, respectively. Three-fourths of the CO members are women. Between FY 2004/05 and FY 2011/12, a total grant of Rs. 10.62 billion was provided to COs.

**National Dalit Commission of Nepal (NDC)** – The Commission was established in 2001 aiming to overall development of Dalit people in Nepal. It formulates Dalit

related policies, conducts research on traditional skills of Dalit, collects and analyzes records of landless Dalit, organizes social awareness and justice programs, coordinates Dalit related programs. It also handles the complaints about caste-discrimination and forwards complaints to the Police and courts. In the first eight months of the FY 2012/13, the NDC conducted 17 consultation and interaction programs against racial discrimination and untouchability, five programs on preserving and modernizing traditional occupation of Dalit and one program on protecting inter-caste married couple.

**National Women Commission (NWC)** - NWC was established in March 7, 2002 with the enactment of National Women Commission Act 2063 (2006) and Regulation 2065 (2008). NWC has the mandate to monitor the cases of violation of human rights of women across the country; conduct research/study related to women's issues, It also issued the press statement to protect and promote the rights of victims/survivors It also and recommends the concerned governmental bodies for the prosecution of the perpetrators. It conducts the public hearing related to women's issues and makes awareness about the rights of women.

In the FY 2011/12, the NWC monitored the several cases of violation of rights of women like the victim in relation to accusation of witchcraft (Nuwakot), murder of a woman journalist in Dhanusa, gang rape and death of a girl in Dhanusa and a single woman (widow) victim of rape in Mahottari district. The following studies were conducted in the FY 2011/12:

- Dowry system in Nepalese society and its social and economic impact
- Economic condition of Nepali's women and their contribution in the Nepalese economy
- Situation of foreign employment of Nepal and conditions of women migrant workers
- Women's representation status in the apparatus of Government
- A study on the causes of women's suicide
- A study to develop the indicators for the amendment of gender-discrimination in Nepalese laws
- A study on the nature of complaints filed in the NWC
- A study of Muslim's women economic, social and political status
- A study on the status of elderly women residing in the Old Age Homes
- A study on the concepts of laws related to gender equality
- Monitoring the implementation status of the indicators of the international treaties related to women

#### **4.4.2 Programs Directly Responsive to Trafficking**

**Budget Allocation for the TIP** - The GoN initiated allocation of budget after the enactment of HTTC Act 2007 through MoWCSW while the NGOs and donors have been working for more than two decades for prevention and combating of trafficking in persons, especially of women and children. Table 4.6 summarizes the



budget allocated for combating trafficking in persons, promotion of safe foreign labor migration and rescuing the migrant workers in the FY 2012/13 and 2013/14 through the Government Fund, Donor Agency and NGOs. Note that the fund from donor agencies is related to activities of combating trafficking, promotion of safe migration activities, combating VAW and HIV/AIDS. In the FY 2012/13, a total of Rs. 277.3 million was allocated with nearly 90 per cent of budget coming from donor communities. The contribution of donor is much higher in the FY 2013/14. This suggests that anti-trafficking initiatives are largely donor driven. Even after the five or six years of the enactment of HTTC Act 2007, the Government's share of budget is very low. Further, a few NGOs mobilize their internal resources. This situation is alarming in view of the sustainability of the anti-trafficking initiatives.

Table 4.6 Budget allocated for combating Trafficking in Persons/rescue of Migrant Workers, FY 2012/13 and 2013/14 (in Rs.)

	FY 2012/13	% in FY 2012/13	FY 2013/14
<b>GoN's Fund</b>			
Nepali Embassy to India, New Delhi	500,000	0.2	0
Nepali Mission to Kolkata, India	0	-	800,000
Different Foreign Missions (excluding India)	15,119,921	5.5	Na
To the Government Funded 8 Rehab Centers	3,000,000	1.1	2,712,000
District Committees against TIPs (money spent)	2,553,850	0.9	NA
District Committees against TIPs (balance fund)	6,091,955	2.2	NA
<b>Donor's Fund</b>			
Money spent through different donor agencies (external sources)	249,331,886	89.9	1,531,985,097
<b>NGOs' Fund</b>			
Money spent through different NGOs (internal sources)	692,000	0.2	668,000
<b>Total</b>	<b>277,289,612</b>	<b>100.0</b>	

Note: NA refers to not available.

Source: MoWCSW, 2014.

The GoN through MoWCSW initiated allocation of budget for Nepali Embassy to India since the FY 2008/09 for rescuing the Nepalese people, especially women and children in difficult situation in India. In the FY 2013/14, the Government allocated Rs. 800,000 to Nepali Mission to Kolkata, India (Table 4.7). Given the extent of problems and Nepali people working in India, the amount of budget allocation appears to be too low to tackle the hidden crime such as trafficking.

Table 4.7 Government of Nepal's budget allocation for the rescue of victims of trafficking to Nepali Embassy to India and Nepalese Mission to Kolkata, India

FY	Amount in Rs	Remarks
2008/09	150,000	Nepal Embassy to India, New Delhi
2009/10	350,000	Nepal Embassy to India, New Delhi

2010/11	Na	
2011/12	500,000	Nepal Embassy to India, New Delhi
2012/13	500,000	Nepal Embassy to India, New Delhi
2013/14	800,000	Nepali Mission to Kolkata, India

Source: MoWCSW, 2014.

The GoN has been allocating budget for welfare of the foreign labor migrants (excluding India) through FEPB, Ministry of Labor and Employment since the FY 2008/09. In the FY 2012/13, a total of Rs. 15.1 million was allocated for this purpose (Table 4.8). A large share of budget was spent in office setting, purchasing of vehicles and paying salary of local staff by the Embassy. Yet rest amount was spent in activities like rescuing the migrant workers (39%), bringing the dead body (24%), carrying out promotional activities (16%), conducting legal support (10%). By country wise, the highest promotion of amount was allocated in Saudi Arabia (38%), followed by South Korea (20.5%), Kuwait (20%) and Malaysia (8%). Some budget was also allocated in countries like Bangladesh, Pakistan, Egypt and UAE.

Table 4.8 Government of Nepal's budget allocation for foreign missions of Nepal for the protection of MWS (in Rs.), FY 2012/13

Country	To bring the dead body	For legal support	For purchase of vehicles	Rescue of MWS	Salary of local staff	For promotional activities	Total	%
UAE	233,540	-	-	-	-	-	233,540	1.5
Saudi Arabia	248,600	1,500,000	3,500,000	462,800	-	-	5,711,400	37.8
Qatar	-	-	-	-	569,760	-	569,760	3.8
Malaysia	-	-	-	125,000	-	1,118,804	1,243,804	8.2
South Korea	3,094,243	-	-	-	-	-	3,094,243	20.5
Kuwait	-	-	3,000,000	-	-	-	3,000,000	19.8
Egypt	-	-	-	-	-	159,160	159,160	1.1
Pakistan	-	-	-	-	-	708,012	708,012	4.7
Bangladesh	-	-	-	-	-	400,000	400,000	2.6
Total	3,576,383	1,500,000	6,500,000	5,878,000	569,760	2,385,978	15,119,919	100.0
Row %	23.7	9.9	43.0	38.9	3.8	15.8		

Source: MoWCSW, 2014.

The GoN has not yet managed rehabilitation Centers. However, it has been providing some financial help to the rehabilitation centers run by NGOs. It appears that the budget allocation to NGOs is very small and it is not dependent upon the extent of problems but rather depends on 'availability' of government fund. Table 4.9 summarizes that amount of budget allocated to eight NGOs in different parts of the country. Data reveal that the Government allocation of budget to support the rehabilitation of victim of trafficking was somewhat encouraging in the FY 2009/10 and FY 2011/12. However, in the FY 2010/11, only one million was allocated to two NGOs; in the FY 2012/13, only 3 million was allocated to three NGOs and in the FY 2013/14, only 2.7 million was allocated to three NGOs.

Table 4.9 Government of Nepal budget allocation for Rehab centers (in Rs.)

Name of organization	2009/10	2010/11	2011/12	2012/13	2013/14
ABC Nepal, Kathmandu	1,000,000	500,000	1,027,000	-	1,500,000
Srijanshil Samaj, Kailali	1,000,000	500,000	1,791,870	-	500,000
Saathi, Banke	1,000,000	-	1,698,000	-	-
Adarsha Nari Bikash Kendra, Chitawan	1,000,000	-	500,000	1,000,000	-
Maiti Nepal, Jhapa	1,000,000	-	1,000,000	1,000,000	-
Gramin Mahila Srijanshil Pariwar, Sindhupalchok	1,000,000	-	1,325,622	-	-
Shakti Samuha, Sindhupalchok	-	-	-	-	712,000
Maiti Nepal, Parsa	1,000,000	-	500,000	-	-
Maiti Nepal, Rupandehi	1,000,000	-	1200,000	1,000,000	-
Total	8,000,000	1,000,000	9,042,492	3,000,000	2,712,000

Source: MoWCSW, 2014.

The GoN has been allocating budget to the District Committees against TIP through Department of Women and Children, MoWCSW. Depending upon the trafficking risk district, the GoN allocated Rs. 42,000 to Rs. 57,000 annually per district. This allocated budget is spent in mainly three areas: i) expenditure for the District Committee meetings; ii) awareness programs against TIP and iii) rescue of the trafficking victim persons. Annex 4.1 shows the amount of budget spent in the FY 2012/13 and balance of fund till the end of FY 2012/13. Data reveal that almost all districts spent Rs. 33,000 during the Fiscal year while some districts spent up to Rs. 48,000. District Committees like Rupandehi, Kalikot and Rupandehi were reported to have no balance fund; while 10 District Committees (Darchula, Taplejung, Solukhumbu, Dhanusa, Lamjung, Mustang, Parbat, Dolpa, Dadeldhura and Baitadi had less than Rs. 10,000 in their balance fund. A total of 19 districts had more than Rs. 100,000 in their balance funds while other districts fall in between. Among the 75 District Committees, Terahthum District Committee had the largest amount in the Fund (Rs.600, 000) and this is followed by Makwanpur District Committee (about Rs. 500,000).

**Activities of Ministry of Women, Children and Social Welfare (MoWCSW)** – The Ministry has already carried out the following. First, it has developed Guidelines to Operate Rehabilitation Center 2011; National Minimum Standard of Rehabilitation Targeting to Trafficking in Persons 2011 and Guidelines for Psychological Counseling for service providers. However, it is reported that they are yet to be disseminated to concern stakeholders. The Ministry has established 'Rehabilitation Fund' for rescue, protection and rehabilitation of survivors of human trafficking and approved a Guideline for Operation and Management of the Rehabilitation Fund. The Fund is managed by the National Committee on Combating Trafficking. As of February 27, 2012, a total Rs 38, 660,000 has been collected in the central level Rehabilitation Fund.

The Ministry initiated providing financial support to NGOs from 2008/09. The GoN spent a total of Rs. 21.55 million for the support of the rehabilitation of trafficking survivors over year. The GoN funded NGOs provided rehabilitation services to 3580 women and children victims of trafficking during the period of 2010/11 to January 2014 (Table 4.10). The per capita expenditure for the victim was Rs. 6,021 for the three and half years. This amount is too low to support rehabilitate the victims of trafficking given the extent of trauma, isolation, physical and psychological problem face by the trafficking survivors.

Table 4.10 Number of trafficking survivors who received rehab services from the GoN supported Rehab Centers

Name of organization	Number of survivors					Amount spent in Rs. (2010/11-2013/14)	
	2010/11	2011/12	2012/13	2013/14*	Total	Total	Per capita spent
ABC Nepal, Kathmandu	25	69	8	8	110	4,027,000	36609
Srijanshil Samaj, Kailali	30	32	26	8	96	3,791,870	39499
Saathi, Banke	50	254	254	58	616	2,698,000	4380
Adarsha Nari Bikash Kendra, Chitawan	12	43	107	75	237	2,500,000	10549
Maiti Nepal, Jhapa	116	412	635	110	1273	3,000,000	2357
Gramin Mahila Srijanshil Pariwar, Sindhupalchok	-	66	19	7	92	2,325,622	25279
Maiti Nepal, Rupandehi	177	195	233	88	693	1,712,000	2470
Maiti Nepal, Parsa	28	240	176	19	463	1,500,000	3240
<b>Total</b>	<b>438</b>	<b>1311</b>	<b>1458</b>	<b>373</b>	<b>3580</b>	<b>21,554,492</b>	<b>6021</b>

Note: in the FY 2013/14, data refers to first-six months only.

Source: MoWCSW, 2014.

The MoWCSW established 15 districts and 84 *illak* level (area) service centers/sub-centers. These centers are expected to handle the cases of VAW, forward to police or concerned organizations and make compromised depending upon the cases. During the three year period (FY 2010/11 to 2012/13), a total of 4,043 cases of VAW were handled by these Service Centers/Sub-Centers. Banglung, Tanahu and Dang districts were the three major districts having large number of VAW cases handled while Panchathar, Bardiya and Sarlahi three districts having the least number of cases handled. The number of VAW cases handled in other districts falls in between the two pools (Table 4.11).

Table 4.11 Number of complaints registered in Service Centers and Sub-Centers related to VAW, Nepal

Districts	No. of community	2010/11	2011/12	2012/13*	Total	% of total
-----------	------------------	---------	---------	----------	-------	------------

	service centers					
Baglung	5	219	63	159	441	10.9
Tanahu	6	129	199	102	430	10.6
Dang	8	87	191	134	412	10.2
Makwanpur	6	82	123	157	362	9.0
Kavre	6	158	70	129	357	8.8
Doti	6	148	142	43	333	8.2
Nawalparasi	8	101	41	171	313	7.7
Kanchanpur	5	100	55	90	245	6.1
Sunsari	3	78	45	92	215	5.3
Saptari	8	12	49	153	214	5.3
Solukhumbu	4	98	0	113	211	5.2
Jumla	4	76	31	64	171	4.2
Panchathar	1	41	54	65	160	4.0
Bardiya	8	36	25	59	120	3.0
Sarlahi	6	23	0	36	59	1.5
Total	84	1388	1088	1567	4043	100.0

Note: for the FY 2012/13, data refers to first-six months only.

Source: MoWCSW, 2014.

Under the MoWCSW, the Department of Women and Children has been implementing *Women Development Program* to mainstream women in overall development process. By the end of FY 2011/12, this program reached to all 75 districts, 3,570 VDCs and 41 municipalities (Table 4.12). A total of 123,573 women groups have been formed having 736,046 group members. The program appears to be inclusive as reflected by the fact that a considerable proportion of Dalit (16% to 17%) and Janjati (34% to 38%) women have been the members of the groups. The women groups have savings amount Rs. 1686 million in the FY 2011/12 which increased from Rs. 1060 in the FY 2009/10. This suggests that the women groups are increasingly becoming popular among women in Nepal as well as a good source of loan for small enterprises development.

Table 4.12 Overview of the Women Development Program

	2009/10	2010/11	2011/12
Number of program operating districts	75	75	75
Number of program operating VDCs	2,963	3,360	3,570
Number of program operating municipalities	32	37	41
Number of women groups formed	97,240	107,958	1,23,573
Number of women participating in the groups	5,54,264	653,083	7,36,046
Dalit (% of total)	16.3	16.3	17.3
Janjati (% of total)	37.7	33.7	35.2
Others (% of total)	46.0	50.0	47.5
Number of women committees formed	8,936	5,548	13,116

Women's Group Savings (in million Rs.)	1,060	1,216	1,686
Total Amount in Investment (in million Rs.)	1,000	1,419	1,577

Source: Ministry of Women, Children and Social Welfare cited in Ministry of Finance, 2013.

**Nepal Police** - The Crime Investigation Department of Nepal Police agreed to work with CTIP program (USAID funded project) in areas of i) creation a comprehensive organized crime investigation training program, ii) trainings to a team of police officers to take on the role of trainers for rolling out the training curriculum, iii) strengthening the Crime and Criminal Information System to improve intelligence collection and analysis. The Women and Children Service Directorate/Center (WCSC) established in 1996 as a pilot project at the central level and four district levels was upgraded as Women and Children Service Directorate at the central level in 2008. Currently, the WCSC have been expanded to all five regional Police Offices, 14 Zonal Police offices and 75 districts including Metropolitan Police Commissioners Office, Kathmandu, 3 Metropolitan Circles and 7 Metropolitan Service Desk. In 2012, the GoN approved 1035 posting for WCSC.

The main aim of the WCSC is to investigate, document and maintain database on cases of violence and crime against women and children; build capacity of police to handle the cases; analyze the crime patterns; produce and disseminate IEC materials; strengthen and broaden the scope of WCSC and raise public awareness. Currently, there are 23 districts with separate building for WCSC and 20 places with child friendly rooms in WCSC (Box 4.3). In addition, WCSW has prepared strategic Plans of Bara, Dhanusa, Doti, Jumla and Rautahat separately in combating crime and violence against women and children with the financial and technical support of Asian Development Bank.

Box 4.3 WCSC with separate building and child friendly rooms

Districts with Separate Building for WCSC (23 districts)				
Jhapa, Morang, Sunsari, Kathmandu, Lalitapur, Kavre	Sindhupalchok, Makwanpur, Chitawan, Kaski, Nawalparasi	Nuwakot, Rupandehi, Doti,	Jumla, Bara, Rautahat, Dhanusa	
Districts with child friendly rooms (20 places)				
Makwanpur Kaski Rupandehi Morang	Kavre Nawalparasi Kalimati, KTM Baudhaya, KTM	Balaju, KTM Bhaktapur Lalitapur Chapa Gaun, Lalitapur	Chitawan Palpa Syanja Sunsari	Dang Illam Kailali Thimi, Bhaktapur

Source: <http://www.nepalpolice.gov.np/1.html> (Accessed on April 10, 2014).

**National Judicial Academy(NJA)** – In the FY 2013/14, with the support of the Asia Foundation (TAF), NJA conducted two-day trainings on the Standard Operating Procedure (SOP) for Adjudication and Prosecution of TIP Cases. The participants included 48 support staff of the various Appellate Courts and District Courts covering 19 districts<sup>12</sup>. The training was expected to improve the understanding of the court officials on the aspects of TIP and the basic principles of jurisprudence. Along with strengthening the implementation of the HTTC Act 2007, the training also placed an emphasis on victim-centric approaches to facilitate sensitive court proceedings. Further, NJA conducted an exposure visit to understand the practice of continuous hearing of cases of crime including TIP in Bara, Bhaktapur, Chitawan, Dang, Kathmandu, Kavre, Lalitapur, Makwanpur, Nawalparasi, Parsa Sindhupalchok, and Tanahu districts. Challenges to facilitate continuous hearing practice were discussed during the visit.

**Office of the Attorney General (OAG)** – OAG has been working to enhance capacity of public prosecutors for effective jurisprudence in collaboration with TAF’s CTIP project. The OAG is entitled to prosecute, supervise investigation, provide legal opinion for government agencies, and implement decisions of the Supreme Court. In all cases of human trafficking, the Government is the plaintiff which invests the power to prosecute human trafficking cases on the public prosecutors. The public prosecutors commence the proceedings by filing a charge sheet against the defendants.

In the FY 2012/13, the OGA has carried out the following activities relevant to trafficking:

- Developed a training curriculum to train public prosecutors focusing on application of effective jurisprudence through a human right and a victim-

<sup>12</sup> The districts included were Banke, Bara, Bardiya, Chitawan, Dadeldhura, Dang, Dhading, Dolakha, Kailali, Kanchanpur, Kathmandu, Kavre, Makwanpur, Nuwakot, Parsa, Rautahat, Rupandehi, Salyan, and Surkhet.

centric lens on TIP and GBV cases. The curriculum consists of 12 sessions including conceptual clarity on trafficking; social context of TIP and GBV; importance of victim protection mechanisms; effective prosecutorial procedures and applications of the Supreme Court directive.

- Carried out a study to figure out how the public prosecutors have interpreted the legal provisions to claim for multiple charges, maintenance of confidentiality, practice of continuous hearing, and compensation in the crime cases. The study collected 18 charge sheets – 18 comprising of human trafficking and 8 rape cases. The findings indicated that although the names of survivors were omitted from the charge sheets, other information disclosing the identity of the survivors was still present. None of the 18 charge sheets were found to have claiming the seizing of the property of the accused while the HTTC Act 2007 has a legal provision to seize any fixed assets of the accused so that it can be used for compensation and fine when convicted.
- Held Training for Trainers (ToT) with the collaboration of CeLLARd for 21 Appellate level public prosecutors. The ToT focused on application of effective jurisprudence through a human right and a victim-centric perspective on TIP and GBV cases.

**Child Rights’ Protection and Promotion Programs** - Ministry of Women, Children and Social Welfare (MoWCSW) and Ministry of Federal Affairs and Local Development (MoFALD) are the key Ministries that have been implementing several Child Rights promotion and protection programs in the country. Under the MoWCSW, there are two programs: i) Child Protection and Promotion Committees (CPPC) and Child Friendly Program. The Ministry has been implementing the former program since 2009 in the country. This program aims to save the life of children, provide protection and promotion of child rights and enhance children’s participation in their concerned issues. Accordingly, by the end of 2013, the CPPC have been established in all 75 districts covering 1481 VDCs, 23 Municipalities and 41 wards of the Municipalities (Table 4.13).

Table 4.13 An overview of child rights programs in Nepal, 2013

Categories	Number
<b>Child Protection and Promotion Committees under MoWCSW</b>	



Number of districts with at least one CPPC	75
Number of VDC with at least one CPPC	1481
Number of Municipalities with at least one CPPC	23
Number of wards in Municipalities with at least one CPPC	41
<b>Child Friendly Programs Under MoWCSW</b>	
Number of districts with Child Friendly Programs	22
Number of VDCs/Municipalities with Child Friendly Programs	22
<b>Child Friendly Programs Under MoFALD</b>	
Number of districts with Child Friendly Programs	42
Number of Municipalities with Child Friendly Programs	22
Number of VDCs with Child Friendly Programs	302

Source: CCWB, 2013.

The MoFALD has been implementing the child friendly local governance program (CFLG) through its local bodies, namely, District Development Committees (DDC), Village Development Committees (VDC) and Municipalities. By the end of 2013, a total of 42 DDCs, 22 Municipalities and 302 VDCs had the CFLGs. The CFLG incorporates the components of child survival, child development, child protection and meaningful participation of children. The CFLG National Strategic Framework and Guidelines have been adopted by the GoN and efforts are underway to declare 'Child Friendly Village Development Committees, Municipalities and Districts' by attaining the minimum indicators set. The CFLG initiative aims at handing over responsibilities for promotion of the rights of the child and protection of children to local bodies as these bodies are close to the children, their families and communities.

The GoN has adopted a policy of earmarking at least 10 per cent out of the 'block grant' (capital grant) for funding projects for children. It has authorized VDCs to allocate up to 25 per cent of their capital grants for programs that directly support the fulfilment of children's rights and empower children, women and socially excluded groups and of the criteria set by CFLG National Strategic Framework and Guidelines.

**Child Clubs** - Once Nepal has become the party of the United Nations Child Rights Convention (CRC) 1989 in 1991, various GOs and NGOs, Community Based Organization (CBOs) have been establishing child clubs across the country. Child clubs have become the catalyst to increase awareness on birth registration, school enrolment, reduction of child labor and child trafficking, child marriage, increase child immunization, rights to education in non-threats situation and campaign for environment improvement. By the end of 2013, as presented in Table 4.14, there were 17,864 child clubs in 73 districts out of 75 in the country<sup>13</sup>. Among them,

<sup>13</sup> Of the total 17,864 child clubs in the country, 49 per cent are based on the community; 35 per cent in schools while 16 percent of the clubs status is not known. Majority of child clubs (59%) have been facilitated by the NGOs while another 26 per cent have been facilitated by the Governmental organizations - DCWB and DDC.

10,925 have been affiliated with the District Child Welfare Board (DCWB) while 6,939 clubs have yet to be affiliated. There were more than four hundred thousand members in the child clubs. The average number of members per child club is calculated as 23. Among the development regions (DR), western DR has the highest proportion of Child Clubs (27%), followed by Central DR (23%), Eastern DR (22%), Mid-western DR (18%) and the least in the far-western DR (10%). Child clubs appear to be largely gender inclusive in terms of number of representation. There are 88 girls per 100 boys as members in the child clubs. This scenario can be considered as encouraging given that Nepalese society has been persistently experiencing gender discrimination in different dimensions of life such as education, health, nutrition and mobility.

Table 4.14 Number of child clubs and members by region, 2013

Development Regions (DR)	Child Clubs		Members in the clubs				Avg. no. of children/ child club	Girls per100 boys
	Number	%	Girls	Boys	Total	% of total		
Easter DR	3915	21.9	43425	51259	94684	23.5	24	85
Central DR	4143	23.2	38712	40231	78943	19.6	19	96
Western DR	4798	26.9	53131	65446	118577	29.4	25	81
Mid-western DR	3186	17.8	28593	30981	59574	14.8	19	92
Far-western DR	1822	10.2	24722	27053	51775	12.8	28	91
Total	17864	100.0	188583	214970	403553	100.0	23	88

Source: CCWB, 2013.

Besides child clubs, a number of networks of child clubs has been established at the district, *Ilaka* and VDC level. Accordingly, by the end of the 2013, there were: 61 district level networks with 5,890 child clubs as network members; 55 *Ilaka* (area) level networks with 269 child clubs as network members; and 1,124 VDC/Municipality level networks with 6,604 child clubs as network members.

**Child Help Lines 1098** – Child Help Lines provides free hotline telephone services, directly or through telephone, psychological counselling, ambulance/rescue vehicles; emergency rescue, relief and protection; first aid services; health treatment in hospitals; seeking of the missing children; rehabilitation, referral and reintegration services; legal aids and mediation. According to the CCWB (2013), six NGOs were conducting Child Help Lines 1098 services. CWIN is the leading one which has Child help Lines programs in six districts. During the 2013, it is reported that 1523 child victims/vulnerable to victims were provided emergency support. Awaj Nepal has Child Help Lines programs in Bardiya, Surkhet and Dailekha and it has provided services to the 55 children (Table 4.15).

Table 4.15 Number of children provided child helpline services, 2013, Nepal

Name of NGOs running Child	Districts with Child Help lines	Girls	Boys	Total

Help lines				
CWIN	Kathmandu, Morang, Makwanpur, Banke and Kaski	680	843	1523
Awaj Nepal	Bardiya, Surkhet and Dailekha			55
Diyalo Pariwar	Chitawan			
Rato Nepal	Dang			
Terai Bikash Manch	Rautahat			
Laxmin Narayan	Lamjung			
Total		680	843	1578

Source: CCWB, 2013.

#### 4.4 NGOs Responses

There are number of NGOs working in areas of safe migration, anti-trafficking activities and domestic violence. Broadly, NGOs mainly carry out the following activities:

- Prevention related activities such as awareness programs, counselling, support and life skills to children and women at risk of being trafficked
- Protection related activities such as rescue/repatriation of trafficking survivors, rehabilitate survivors by providing temporary shelters, education, counselling, and a safe home; reintegration of the survivors in the family, community and providing self-employed programs
- Legal Aids/Support such as legal counselling and orientation in the community about safe migration and trafficking, assistance to file the case in the Police, assisting the case in the courts
- Capacity Building, support and empowerment of trafficking survivors and girls and women
- Research, study and policy advocacy

##### 4.4.1 Profile of NGOs

**Alliance against Trafficking in Women and Children (AATWIN)** – Established in 1997, it is a network of organizations (28 member organizations) working to prevent and combat trafficking in women and children in Nepal. It has been working for the policy change in local, national to international level. Besides it has made great effort for the conceptual clarity among the member organizations and people in general. AATWIN's mission is to carry out campaign against human trafficking across the country, organize and empower the organizations working in women's rights, human rights and child rights, and to coordinate with international networks through advocacy and lobbying for combating human trafficking.

During the January-December 2013, AATWIN has conducted the following activities:

Prevention related activities:

- Radio program 'Searching for Life' against human trafficking
- Interaction program on Interface between human trafficking and migration: Challenges and Solution.
- Interaction program about the importance of ratification of UN Trafficking Protocol.
- Interaction program about problems and challenges of women and children working in the entertainment sector.
- Lunching of the research and data on human trafficking efforts 2012 and development of monitoring of anti-trafficking activities.
- A two-day interaction program about the implementation aspects of NPA against trafficking in persons.

Activities related to capacity development:

- A regional level TOT of 4 days about anti-trafficking, Dhanghadi, Kailali
- Workshop about the HTTC Act 2007 and its challenges to effectively implementation, Bardiya.

**ABC Nepal** – It is one of the leading NGOs working against trafficking in persons since 1990. It has also expanded its programs in areas of VAW since 1997 and promotion of safe migration since 2011. During the period of January 2012 to June 2013, it was working in Kathmandu, Rupandehi, Nawalparasi, Makwanpur and Morang districts. Its partner organizations include Care Nepal, Stoma Foundation, Women and Children Office, Do Good Now.

**Amnesty International Nepal** - Amnesty International Nepal located in Kathmandu has been working on safe migration and anti-trafficking areas since 2010. Its website is [www.amnestynepal.org](http://www.amnestynepal.org). In addition to safe migration and anti-trafficking activities, it also carries out programs related to Maternal Health and Sexual and Reproductive rights; Research and Campaign for Truth, Reparation and Justice; International Solidarity work and Human Rights Education.

For Safe Migration Project, Amnesty International Nepal implements program and activities through its local Groups in the designated districts. It is claimed that with the efforts of Amnesty International Nepal, the issue of Migrant Workers has been incorporated in the Election manifestos of the major political parties. It has published i) 'False Promise' – focusing on the exploitation, forced labor and trafficking in relation to foreign labor migration in Nepal and ii) 'Dark Side of Migration' focusing on foreign labor migration of Nepali migrants to Qatar.

Amnesty International carried out the following activities during the 2012-13:

- Awareness campaign – covering nearly 100,000 people across the country through i) Caravan in 30 districts involving cross section of society and government representatives as well as political leader, law makers, Ministers in a public hearing type of events; and ii) 'Safe Migration Ambassador' Initiative - mobile clinic running awareness raising events

mainly in rural areas during cultural or other gatherings such as festivals etc.

- Conducted lobbying and advocacy with Ministers, Government officials from DoFE, Immigration, former CA members, leading trade unions.
- Submitted to a report to CEDAW Committee and supported ITUC and GEFONT in writing the submission paper to ILO.

**CAP Nepal** – It was established in 2010 as an NGO in Kathmandu to protect and promote the rights of the workers in the entertainment sectors. During the January 2012-June 2013, its working areas include Kathmandu valley mainly four VDCs of Kathmandu districts: Alapot, Gagalphedi, Bajrayogini, and Indrayani. Its working partners include Geneva Global, Planet Enfant and Open Society Foundation.

**Child Helpline Nepal, CWIN** – It has been running Child Helpline in Kathmandu valley, Kaski, Makwanpur, Morang and Banke districts. Its working partners include FORUT, UNICEF, World education, ICDI Netherlands, GRT, Intervita Italy.

**Gramin Mahila Srijanshil Pariwar (GMSP), Sindhupalchok** – GMSP was established in 1994 and has been working on anti-trafficking areas since 1994, in safe migration since 2010 and violence against women since 1998. It has been working in 4 VDCs of Sindhupalchok district.

**Forum for Women, Law and Development (FWLD)** – Established in 1995, FWLD has been working for the protection, promotion and enjoyment of human rights, especially of women. It has been involved in filing noteworthy Public Interest Litigations (PILs) in cases of marital rape, in ensuring confidentiality to victims and witnesses in many cases of gender-based violence, and in approaching equality between sons and daughters on rights to ancestral property including human trafficking, rape, and other forms of GBV cases.

In the FY 2011/12 and 2012/13, it carried out the following activities in relevant to trafficking issues:

- Carried out a study on Implementation Status of HTTC Act 2007 in November, 2013.
- Conducted interaction with 21 females and 28 males about the findings of the court cases monitoring in different six districts – inspection of the court order, implementation status of the Act, behavior of advocates and the judges towards the victims
- Conducted interaction with the government attorney and judges about the Implementation Status of HTTC Act 2007 in December 2013. There were 2 females and 12 males participants.

**Maiti Nepal** - Established in 1993, Maiti Nepal has been working against trafficking of women and children since 1993 and on safe migration since 1998. It has been affiliated with Social Welfare Council, GoN; End Child Prostitution, Child

Pornography and Trafficking of Children for Sexual Purposes (ECPAT); Nepal Chapter (Action against Trafficking and Sexual Exploitation of Children, ATSEC). Maiti Nepal's head office is in Kathmandu and its regional offices are in Kakarvitta, Bharatpur and Bhairawa. It has 3 prevention homes, 9 transit homes, 2 rehabilitation homes, and 2 hospices around the country.

**People Forum for Human Rights (People Forum)** - Established in 2003, People Forum has been working on safe-migration areas, especially focusing on legal aid. Its working areas/districts included are 15 districts of 5 development regions. It provides orientation to the community people about the prevention of trafficking and rights of the trafficking survivors.

**Forum for Protection of People's Rights (PPR) Nepal** - PPR Nepal was established in 2008 as a non-profit making organization. Its areas of interventions are to prevent trafficking and provide legal aid to the trafficking victims/survivors. In the year of 2013, it conducted an evidence based study on "trafficking of Kidney in Kavre district" but the research report has yet to be published.

**Pravasi Nepali Coordination Committee (PNCC)** – Established in 2009 as a non-profit making organization, PNCC aimed at protection and promotion of migrant workers' rights, especially of the returnee migrants. In the years of 2012 and 2013, it carried out the following:

- Organizing campaign (Save Amar Life Campaign) to save the life of Amar Bahadur Bam. Mr. Bam was sentenced to the death in the United Arab Emirates. Bam is the permanent residence of Darchula, Nepal. He was arrested along with four other men in connection with the murder of an Indian businessman, Sarad Shetty, in Dubai in 2003. He was arrested and decided for death penalty just because he was driver of a car used by gunmen (Manoj Mudana and Karan Singh).
- In 2013, it handled 81 cases of migrant workers<sup>14</sup>, in which there were 1544 suffers. Among the 81 cases 49 cases were already solved and 29 cases were in process, and 3 were pending.
- In 2012, a total of 135 cases were handled in which 140 persons were suffers. Among the 135 cases, 22 cases were already solved, 83 were in process and 30 cases were pending.

**Raksha Nepal (RN)** – It was established in 2004. It is working for sexually exploited girls, women and children. It also empowers and provides care and support for

---

<sup>14</sup> The following nature of complaints/violence were reported by the migrant workers and/or their families in relation to foreign labor migration: death of the migrant, migrant in jail, mistreatment by the sponsor, medical failed, mental problem, passport withdrawal, forced labor, overcharge by the recruiting agencies, improper job/salary, out of contact, accidental case, health problem, cheating, visa verification and trafficking.

them. RN is run by women and girls who have been sexually exploited. Key achievements of the RN since its establishments are the following:

- Research on commercial sex workers and their perspectives on their occupation and forced sex work – in a form of documentary.
- Initiation of business like beauty parlors, tailoring, production outlets, café, by women and girls who were victims of sexual exploitation. Few have also started working as van drivers.
- Establishment of two women's school.
- 1600 women and girls rehabilitated and reintegrated in their families and communities till 2012.
- Establishment of saving and credit cooperative by 3500 women and girls who have faced some kinds of sexual violence in their families.
- Empowered women and girls who have started safe sex.
- Run established Women's Shelter program.
- Six displaced girls who were exploited are now pursuing higher studies under RN's financial support.
- Established regional branch in 12 districts.

**Saathi** - Saathi has been working as a leading organization in combating violence against women for the last 10 years and it has been working in areas of anti-trafficking activities for the last 5 years. Its office is located in Lalitapur, Nepal.

**Shakti Samuha** – Established in 1996, it is the first organization in the world established and run by survivors of trafficking. This has been proved by the TIP (Trafficking in Person) Report of 2007 published by the US Government. This has been working in three areas: i) internal trafficking, ii) cross-border trafficking and iii) elimination of violence against women. It's partner organizations include: Asha Nepal-UK, Free the Slaves, Planate Infants, KIDASA, Terre Des Hommes Foundation, UNODC, UN Gift, Free a Girl, New Castle University, Nepalese Hommes, Child Welfare Scheme Hong King (CWSHK), World Childhood Foundation and the GoN.

**Women Skilled Creation Center (WOSCC), Makwanpur** – It was established some 20 years ago as an anti-trafficking NGO. In addition to anti-trafficking activities, currently it has been working in areas of safe-migration and violence against women. It works in 6 VDCs (Hadikhola, Manahari, Basamadi, Churiyamai, Hatiya and Padampokhari) and Hetauda municipality in Makwanpur district.

**Women's Rehabilitation Centre (WOREC Nepal)** – Established in 1991, WOREC Nepal has been working for the protection and promotion of human rights with a special focus on women's right. WOREC Nepal in course of work has realized that trafficking cannot be controlled without ensuring safe migration of every citizen. Today, WOREC Nepal anti-trafficking activities are incorporated within safe migration and violence against women programs. In this course, WOREC Nepal has been conducting two major campaigns – Violence against Women (VAW) campaign and Economic, Social and Cultural Rights (ESCR) campaign. The former

campaign includes campaign against-human trafficking, women empowerment campaign and women human right defenders campaign, while the latter covers the rights to food and sustainable livelihoods, right to health and safe migration campaigns. WOREC Nepal works with the local people, I/NGOs, CBOs, GOs and networks of women human rights defenders. WOREC Nepal is the member of the several national and international networks. Safe migration campaign is one of the major campaigns of WOREC Nepal under the ESCR Campaign. WOREC Nepal is actively advocating for mobility rights and rights to be safe migration for work of all citizens, especially of the women.

#### 4.4.2 Prevention Related Activities: Coverage, Beneficiaries

**Geographical Coverage** - A number of NGOs have been carrying out the prevention related activities such as non-formal and formal education support, micro-credit/income generation activities, dissemination of existing laws and policies, community surveillance, lobbying and advocacy on safe migration, anti-trafficking issues and violence against women and children. Table 4.16 maps the districts in which these NGOs have concentrated their activities in the country.

Table 4.16 Geographical coverage of the prevention related programs of selected NGOs on safe migration, anti-trafficking and violence against women issues, January 2012-June 2013, Nepal

NGOs	Number of districts	Number of VDCs/ Municipalities	Name of Districts
AAWTIN	Na	Na	Across the country through policy lobbying and interaction
Amnesty International	17	Na	Jhapa, Morang, Sunsari, Dhankuta, Terahthum, Dhanusa, Mahottari, Makwanpur, Kavre, Nuwakot, Chitawan, Lamjung, Kaski, Pyuthan, Dang, Banke and Kanchanpur
ABC Nepal	5	Na	Kathmandu, Rupandehi, Nawalparasi, Makwanpur and Morang
CAP Nepal	1	4	Kathmandu valley
Child Helpline, CWIN	7	Na	Morang, Makwanpur, Kathmandu, Bhaktapur, Lalitapur, Kaski (Emergency support) and Banke,
Forum for Protection of People's Rights (PPR) Nepal	3	Na	Kathmandu, Kavre and Makwanpur
Gramin Mahila Srijanshil Pariwar (GMSP),	1	4	Sindhupalchok



Sindhupalchok			
Maiti Nepal	15	231	Illam, Jhapa, Morang, Sunsari, Parsa, Makwanpur, Sindhupalchok, Kavre, Nuwakot, Rasuwa, Nawalparasi, Rupandehi, Banke, Kailali and Kanchanpur
Pourakhi-Nepal	15	na	
People's Forum for Human Rights	16	123	Jhapa, Morang, Sunsari, Khotang, Sarlahi, Makwanpur, Sindhupalchok, Kathmandu, Dhading, Chitawan, Kaski, Nawalparasi, Rupandehi, Bardiya and Kanchanpur
Pravasi Nepali Coordination Committee (PNCC)	8	Na	Palpa, Makwanpur, Rukum, Kanchanpur, Jhapa, Sarlahi, Mahottari and Khotang.
Raksha Nepal (RN)	1	Na	Kathmandu valley
Saathi	6	Na	Banke, Bardiya, Kailali, Surkhet, Kanchanpur and Kapilbastu
Shakti Samuha	11	42	Jhapa, Rautahat, Bara, Makwanpur, Sindhupalchok, Kathmandu, Nuwakot, Kaski, Bardiya, Banke, Kailali and Kanchanpur
WOSCC-Makwanpur	1	6	Makwanpur
WOREC-Nepal	12	138	Jhapa, Morang, Sunsari, Udayapur, Siraha, Dhanusa, Kathmandu, Lalitapur, Rupandehi, Dang, Salyan, and Kailali

Note: Saathi works in Gularya Municipality of Bardiya, Dhangadi Municipality of Kailali, and Birendranagar Municipality of Surkhet district and Krishnanagar (Nepal-India border point) of Kapilbastu district while it works in all VDCs and Municipality in Kanchanpur district.

Source: Data obtained from the concerned NGOs to NHRC in 2013.

Data reveal that NGOs are mostly concentrated in districts with high incidence of foreign labor migration (Terai districts) and traditionally trafficking prone districts such as Makwanpur, Sindhupalchok, Kavre, Nuwakot and Rasuwa. Despite this, while the foreign labor migration has spread across the country, the geographical coverage of the NGOs appears to be limited in some 15 to 20 districts out of 75 districts in the country. However, some of the NGOs such as WOREC Nepal have formed Women Human Rights Defenders in all 75 districts of Nepal to address the problem related to violation of women's rights.

**Number of Beneficiaries** – Table 4.17 summarizes the number of beneficiaries, mostly women and children, from the different NGOs during the period of January 2012-June 2013. Data were obtained from Maiti Nepal, Shakti Samuha, Child Helpline, People's Forum, WOSCC-Makwanpur, CAP Nepal, WOREC-Nepal, GMSP, ABC Nepal, Saathi and Pourakhi Nepal. Data reveal that roughly 194,000 persons were benefited from these NGOs efforts. Among the beneficiaries, the highest proportion was benefited through awareness raising programs (58.5%). This is followed by beneficiaries participating in the dissemination of existing laws and polices (12%), non-formal education (9%), safe migration information through Booths (7%) and lobbying and advocacy (5%). On the other hand, there are few beneficiaries in formal education and micro-credit services (See Annex 4.2 to 4.2c number of beneficiaries by NGOs). In addition to these prevention activities, several NGOs have formed community surveillance groups representing from the

children and women. These groups have become the guards of the village which provide information to the NGOs as well as assist for rescuing the victims of trafficking.

Table 4.17 Number of beneficiaries of NGOs in the prevention related programs (safe migration, anti-trafficking and violence against women), January 2012-June 2013, Nepal

Type of prevention activities	Total	%
Awareness raising	113,513	58.5
Dissemination of existing laws and policies	24,009	12.4
Non-formal education	17,836	9.2
Lobbying and advocacy (policy level intervention)	10,170	5.2
Safe migration information through TIA Booth*	13,750	7.1
Formal education	6,596	3.4
Prevention Home	2,397	1.2
Micro-credit/Income generation	5,665	2.9
Total	193,936	100.0
Community surveillance (no. of groups)	1,615	

Note: Data were aggregated from 11 NGOs: Maiti Nepal, Shakti Samuha, Child Helpline, People's Forum, WOSCC-Makwanpur, CAP Nepal, WOREC-Nepal, GMSP, ABC Nepal, Saathi and Pourakhi-Nepal. \* TIA refers to Tribhuvan International Airport and the data on safe migration information from the TIA were obtained from Pourakhi Nepal only.

Source: Annex 4.2.

Further, many NGOs also conduct distribution of IEC materials (brochure, posters, hoarding boards, leaflets etc.) and mass advocacy campaign such as a special day celebration to make people aware on the issue of safe migration and violence against women. WOREC Nepal has Radio Program (Udayapur FM 102.4MHz) in Udayapur district which disseminates information on safe migration, trafficking and violence against women. Such programs also facilitate consolidation of oppressed women's voices and raise the issues of women empowerment and women's rights.

Although it is difficult to quantify the outcomes of these prevention programs, the qualitative information received from different NGOs suggests that these prevention programs have had a far reaching implication at the individual as well as the community level such as the following:

- Increase in awareness level of potential migrants about safe migration - making them less vulnerable to trafficking, ending in trafficking like condition or forced labor situation.
- Increase knowledge on existing laws and policies among potential migrants that could facilitate them to approach to a concerned agency to make complaints.
- Increase in number of reported cases related to migration and trafficking to NGOs, Nepal Police.
- Increase in interception, rescue and repatriation of trafficking victims. NGOs like WORE Nepal claim that with their continuous advocacy, the GoN rescued 35 WMWs from Lebanon in 2014.

- Increase in Government's commitments to implement existing laws in effective way as well as to amend the laws to fulfil the gaps from government level.
- Strengthen the capacity of women through several women's groups like cooperatives, federations, women human right defenders groups, surveillance groups to document the cases of VAW including trafficking.
- Increase in number of survivors getting vocational skills training to generate their own income and sustain their livelihoods.
- Increase in coordination and collaboration of women groups with the local bodies such as VDC, municipality and DDC.
- Increase in the mobilization of youth groups due to 16 days VAW campaign program and other programs.

#### **4.4.3 Protection Related Activities: Rescue, Repatriation, Rehab and Reintegration**

Nepal does not have any MoU with any destination countries including India for a rapid response in rescue process. Policy is silent in this part. Studies show that it takes a long time to rescue trafficking victims from India due to the difficulty in identification and home verification of the victims (Devkota et al, 2014). Further, appropriate measures have not been specially devised to rescue and repatriate the trafficked victims. The GoN has no specialized cell for rescuing the trafficking victim including for creation of a confidential database on traffickers. Further, victim centric rescue operation has yet to be managed not only for cross border trafficking but also for internal trafficking such as raid in the entertainment sector. There is often complain that the rescue team is not often consisting of both men and women police including representatives of NGOs; there is intimidation during the course of rescue operations; and victims are treated as criminals and there is no privacy of the victims during and after rescue.

Despite the lacking of comprehensive rescue policy, several NGOs in collaboration with Nepal Police and other concern stakeholders have largely contributed to prevention of trafficking and protection of trafficking survivors in Nepal. Table 4.18 reveals the number of persons provided different protection services by the NGOs in Nepal (Annex 4.3 to 4.3h for detail by NGOs). Although NHRC requested all the leading NGOs working in safe migration, anti-trafficking areas to provide data, only 12 NGOs provided data. NGOs that provided data include the following: Maiti Nepal, Shakti Samuha, Child Helpline (CWIN), People's Forum, WOSCC-Makwanpur, WOREC Nepal, GMSP, PNCC, CAP Nepal, ABC Nepal, Saathi and Pourakhi-Nepal. Thus, data on protection services do not necessarily represent the whole contribution of NGOs working in Nepal. Despite this, the NGOs that provided data are leading NGOs working in safe migration and anti-trafficking activities and figures may represent 70 per cent to 80 per cent in this area. Caution must be made while interpreting the data as there is the possibility of overlapping across the number of rescue, rehabilitation and reintegration. For example, a victim rescued is counted as a rescue person; latter she is provided

rehab service; and counted in rehab services; and the same person was reintegrated, and counted as in rehabilitation services.

**Interception** - A total of 14190 persons were intercepted across the country. The interception was carried out in the border areas between Nepal-India, Nepal-Tibet including in the bus-parks of Kathmandu and Thankot (the bus route). Among the NGOs, Saathi has the highest number of interception from Krishnanagar, Kapilbastu and Jamunaha check post of Kailali district.

**Rescue/Repatriation** - Among the 12 NGOs that provided data to NHRC, the rescued/repatriation activities were done by the following NGOs during January 2012-June 2013: Maiti Nepal, Shakti Samuha, People’s Forum, WOSCC, GMSP, ABC Nepal, WOREC Nepal, Saathi and Pourakhi Nepal. These NGOs rescued 874 persons within the country and from the abroad. Majority of persons rescued were females (61%) while male constituted of 39 per cent. Among the rescued persons, children were 23 per cent. Among the 874 survivors, 226 were rescued from brothels of China, India and Nepal while rest was from sexual and labor exploitation.

**Rehabilitation Services** - The rehabilitation services include temporary shelter, food, health treatment, skills training and education and psychosocial counselling to the victims/survivors. A total of 1928 persons were provided rehabilitation services during the period of January 2012-June 2013.

**Reintegrated Services** – Among the 12 NGOs, Maiti Nepal, Shakti Samuha, Child Helpline, CWIN, WOSCC Makwanpur, GMSP, CAP Nepal, ABC Nepal, WOREC Nepal, Saathi and Pourakhi Nepal reported that they have provided reintegrated services to the victims/survivors of trafficking and victims of foreign labor migration during the period of January 2012-June 2013. A total of 1325 persons were reintegrated. Majority were reintegrated with the family, while some were provided self-sustained employment. Among the survivors reintegrated with the family, 81 per cent were females and rest were males. In terms of their age group, 49 per cent of reintegrated persons were children and the rest adults.

Data are not available to understand how and to what extent the reintegration of victims is effective: whether the victims are really reintegrated with the family or they again ended other types of violation or re-trafficked. Much research is needed to understand the situation of victims reintegrated with the family or involved in self-reliant work. Although the HTTC Act 2007 provisions for Rs. 15,000 per victim for reintegration of the victim of sex trafficking, but this amount is not fixed by any standard. Further, this amount is too little to establish small scale entrepreneurial business.

Table 4.18 Distribution of persons provided protection related services by NGOs, January 2012-June 2013, Nepal

Categories	Female	Male	Children	Adult	Total
<b>Number</b>					
Persons intercepted*	7247	6943	5422	5013	14190
Persons rescued/ repatriated	530	344	198	676	874
Persons provided rehabilitation services	1562	78	637	1003	1928
Persons reintegrated	1075	300	647	678	1325

Missing persons application received*					4287
Missing persons found					1667
Persons referred to other organizations	144	11	86	69	223
Persons received from other organization	150	23	69	104	247
Persons provided legal aid	3512	673	2281	1904	4185
<b>Percent</b>					
Persons intercepted*	51.1	48.9			100.0
Persons rescued/ repatriated	60.6	39.4	22.7	77.3	100.0
Persons provided rehabilitation services	81.0	4.0	33.0	52.0	100.0
Persons reintegrated	81.1	22.6	48.8	51.2	100.0
Missing persons application received*					100.0
Missing persons found					100.0
Persons referred to other organizations	92.9	7.1	55.5	44.5	100.0
Persons received from other organization	86.7	13.3	39.9	60.1	100.0
Persons provided legal aid	84.2	15.8	55.6	44.4	100.0

Note: Data were aggregated from the following 12 NGOs: Maiti Nepal, Shakti Samuha, Child Helpline (CWIN), People's Forum, WOSCC-Makwanpur, WOREC Nepal, GMSP, PNCC, CAP Nepal, ABC Nepal, Saathi and Pourakhi Nepal. \* No breakdown data by sex and age were available from Maiti Nepal. The percentage between males and females and children and adults may not add up to 100.0 as breakdown data by sex and age were not available for organizations.

Source: Data obtained from the concerned NGOs to NHRC in 2013.

**Referral Services** - NGOs also referred the victims to other organizations for special services. Data reveal that among the 12 NGOs that provided data to NHRC, Shakti Samuha, Child Helpline, CWIN, WOSCC, Makwanpur, WOREC Nepal, GMSP, Saathi and CAP Nepal reported that they referred to the victims/survivors of trafficking and domestic violence to other organizations for special treatment – legal aids, psychosocial counselling and medical treatment. During the periods of January 2012-June 2013, 223 persons were provided referral services. Similarly, these NGOs also received victims/survivors of trafficking and domestic violence from different NGOs including from Nepal police for rehabilitation services. Data reveal that these 9 NGOs received a total of 247 persons from other organizations as referral cases. Among the referral cases, an overwhelmingly majority (87%) were females while rest were males. With regard to age group of the referral cases, nearly 51 per cent were adults and rest was children (Case 4.1).

*Case 4.1 CAP Nepal provided counselling and medical treatment for the victims of ganged rape*

*Basmati, 14, born in a poor family was one of the talented students from a remote village in Baitadai district. She was abducted, tortured and ganged rape on March 22, 2012. Traumatized by the incident, Basmati was unable to attend her class 10. She suffered from severe trauma, physical problems and also attempted to commit suicide. Having heard about the crime, and situation of Basmati, Raksha Nepal intervened and provided her shelter, counselling and treatments. Raksha Nepal also supported Basmati to file the case and today the criminals are in custody. After the five-month long treatment and counselling at Raksha Nepal's shelter, Basmati has recovered and is preparing for appearing School Leaving Certificate Exams and she is waiting for justice from the court.*

Source: CAP Nepal Annual Report, 2012

#### 4.4.4 Legal Support and Counseling

**Legal Aids** - According to the information provided by the NGOs to NHRC, all 12 NGOs provided legal aids services to the victims/survivors of trafficking, labor migration and victims of domestic violence. Legal aid/support includes provisions of assistance to file the case in the Police (FIR), assistance for investigation and prosecution and support to implement the court decisions. Data reveal that a considerable number of persons (4185 persons) were provided legal aids during the period of January 2012-June 2013. Of the persons provided legal aids, 84 per cent were females while only 16 per cent were males. In terms of age group of the persons who were provided legal aids, 56 per cent were children and rest 44 per cent were adults (Please also refer to Annex 4.4 for details by NGOs and case 4.2)

##### *Case 4.2 A trafficking survivors given justice*

*Mintara B.K (name changed) 18 of Kohalpur, Banke used to stay with her parents. Earlier in 2010, she met Pawan who was new to her village through her village uncle. Mintara and Pawan became close with each other in short time and then Pawan proposed her for marriage. Mintara has already started liking Pawan and therefore she readily accepted and ran away with him. Pawan very tactfully crossed the border and took her to Delhi.*

*"I was compelled to entertain 20 to 25 men per day", said Mintara after escaping and coming back to Nepal. Due to so much of sexual exploitation, she got ill and was taken to hospital for treatment from where she managed to flee and with the help of a Nepali citizen, came back to Nepal. After returning, she filed the case against Pawan Pun Magar with the help of CeLRRd and Pawan is now arrested. CeLRRd is currently representing the case giving her legal aid and it has brought hope in her that full justice to her with severe punishment to the culprit is imminent.*

*Source: CeLRRd Annual Report 2011*

#### 4.5 Responses of Donor Community

Inter-Agency Coordination Group against Trafficking in Persons (ICAT) was formally established by UN General Assembly Resolution A/RES/61/180 in September 2006. Its aim is to improve coordination and cooperation among UN agencies and other international organizations to facilitate a holistic approach to preventing and combating trafficking in persons. Key functions of the ICAT's include the following:

- Provide a platform for exchange of information, experience and good practices on anti-trafficking activities of partner agencies to share with Governmental, national and international NGOs and other relevant bodies.
- Encourage, support and review the activities of UN and other international organizations with the aim of ensuring the full and comprehensive implementation of all international instruments and standards of relevance for the prevention and combating trafficking in persons and protection and support of victims of trafficking.

- Drawing on the comprehensive advantage of respective agencies, promote effective and efficient use of resources, using to the extent possible mechanisms already placed at the regional and national level.

In Nepal, the members of the ICAT's Group include the following:

- End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International)
- The Department for International Development (ESP/DFID)
- Family Health International
- Free the Slave
- International Labor Organization
- International Organization for Migration (IOM)
- ISIS Foundation
- Next Generation Nepal
- Plan Nepal
- Planate Enfant
- Samanata
- Save the Children
- Terre des Homes (TDH)
- The Asia Foundation
- The Easter Benjamin Trust
- United Nations for Women
- United Nations Children's Fund (UNICEF)
- United Nations Office on Drugs and Crime (UNODC)
- United States Agency for International Development (USAID)
- World Education

**Financial Contribution of Donor Agencies** - According to the record of Social Welfare Council, in the FY 2012/13, a total of 11 donor agencies supported financially to different NGOs for prevention and combating trafficking in persons (Table 4.19 and Annex 4.5).

Table 4.19 List of Donor agencies contributing financial support to NGOs, 2012/13

SN	Donor agencies	Name of NGOs receiving funds	Amount support (In Rs.)	% of total amount
1	American Himalayan Foundation, USA	Rural Health and Education Service Trust, Kathmandu	85,553,446	34.3
2	Compassion International, India	Children at Risk Nepal	731,000	0.3
3	Educanepal, Spain	Child Welfare Nepal, Makwanpur	8,600,000	3.5
4	Eternal Threads, USA	Kingdom Investment, Nepal	21,680,000	8.7
5	Free the Slave	Shakti Samuha, Kathmandu	2,694,995	1.1
		Gramin Mahila Srijanshil Pariwar, Sindhupalchok	2,951,700	1.2
		Women Skill Creation Nepal (WOSCC), Makwanpur	3,013,580	1.2
		AATWIN	1,901,398	0.8
6	Friends of Maiti Nepal	Maiti Nepal	44,276,200	17.8
		Maiti Nepal	9,579,685	3.8
		Maiti Nepal	20,872,000	8.4

7	Global Fund for Women, USA	Samrakshayaka Samuha Nepal, Kathmandu	720,000	0.3
		Shakti Samuha, Kathmandu	1,774,980	0.7
8	Go Campaign, USA	General Welfare Pratisthan (GWP), Kathmandu	4,098,150	1.6
9	Peace Gospel International, USA	Sustainable Development foundation Nepal, Lalitapur	15,553,893	6.2
10	Stichting Nepal, Netherlands & Esther Benjamin Trust, Kathmandu	The Esther Benjamin Memorial Foundation, Lalitapur	5,066,450	2.0
11	The Asia Foundation, World Education, USAID	FWLD	1,785,500	0.7
		Nepal Tamang Women Ghedung, Kathmandu	4,429,075	1.8
		PPR Nepal, Kathmandu	2,306,050	0.9
		Transcultural Psychosocial Organization (TPO), Kathmandu	6,183,184	2.5
		LACC, Kathmandu	5,500,600	2.2
Total			249,271,886	100.0

Source: Annex 4.5.

Of the total Rs. 250 million, 247 million was received from the external donor agencies. American Himalayan Foundation, USA and Friends of Maiti Nepal are the two largest donor agencies in terms of financial contribution – accounting for about 65 per cent of the total external support.

The other major donor agencies in terms of financial contributions include: External Threads, USA (8.8%), the Asia Foundation (TAF) (8.2%), Peace Gospel International, USA (6.3%) and Free the Slave (3.5%). The contribution of Stichting Nepal and EBT, Go Campaign USA and Global Fund for Women and Compassion International, India is also substantial. Accordingly, the three largest recipient NGOs were Rural Health and Education Service Trust, Maiti Nepal and Kingdom Investment.

In the FY 2013/14, there were 11 donor agencies registered in the Social Welfare Council that were providing financial support to different NGOs for the prevention and combating of trafficking in persons (Please also refer to Annex 4.5a). These donor agencies altogether allocated Rs. 1.5 billion for the FY 2013/14 including some three or four year terms. One of the largest donor agency's names was not known (missing) but it funds to Mission Action Nepal. It works in area of women trafficking and drugs control. The project duration is of four years (2014-16). TAF allocated Rs. 10 million for the period of FY 2013/14. Table 4.20 summarizes the financial contribution of each of the donor agencies vis-à-vis name of NGOs receiving the external support.



Table 4.20 List of Donor agencies contributing financial support to NGOs, 2013/14

SN	Donor agencies	Name of NGOs	Amount support	% of total
1	Australian Embassy, Bansbari, Kathmandu	Maiti Nepal	1,672,500	0.1
2	Christiline Ostimission, Switzerland	Maiti Nepal	4,797,460	0.3
3	DKA/KFB, Austria	Raksha Nepal, Kathmandu	3,225,375	0.2
4	Enabling State Program (ESP), Sanepa, Lalitapur	AATWIN	567,840	0.0
5	Global Fund for Women, USA	WOREC Nepal	1,960,000	0.1
		AATWIN	2,418,695	0.2
6	Graphic Voices Stanford University, Vanderbilt University, USA	Antenna Foundation Nepal, Bakhundole 10, Lalitapur	659,401	0.0
7	Mission Action Nepal (donor not stated)	Mission Action Nepal	1,500,000,000	97.9
8	The Asia Foundation (TAF), Nepal	Forum for Protection of People's Rights, Nepal (PPR Nepal), Kathmandu	3,84,4035	0.3
		Transcultural Psychosocial Organization (TPO) Nepal, Kathmandu	6,627,780	0.4
9	The UNs Entity for Gender Equality and the Empowerment of Women	Forum for Women, Law and Development (FWLD), Kathmandu	3,841,100	0.3
10	UNs Voluntary Trust Fund on Contemporary Forms of Slavery, Switzerland	Samrakshayak Samuha Nepal, Kathmandu	900,000	0.1
11	Women At Risk International (WAR-	Higher Ground Community Development Nepal	1,470,911	0.1

	Int'l), USA			
		Total	1,531,985,097	100.0

Source: Annex 4.5a.

**Government of Nepal and Government of USA Collaborated Project** - Combating Trafficking in Person (CTIP) program funded by USAID is being implemented across six districts (Sindhupalchok, Kavre, Kathmandu, Makwanpur, Banke and Kanchanpur) by the Asia Foundation and World Education since 2010. The program uses the holistic approach for combating human trafficking by using 3P approach (prevention, protection and prosecution). The prevention component is being led by World Education with the aim to institutionalize prevention system through systematic coordination and integrated TIP response. While the prosecution and protection components are being led by the Asia Foundation. The implementing NGOs/organizations include: National Judiciary Academy, CeLLRd, FWLD, LACC, PPR Nepal, Paribartan Nepal, Gramin Mahila Swabalmban Sahakari Sastha (GMSS), NIDS and Nepal Tamang Mahila Ghedung, Pourakhi Nepal and SAATHI.

The program has been strengthening local government and civil society to prevent TIP at community and district level by providing legal identity, training to VDC secretary; creating and capacitating 250 Safe Migration Networks with around 3,000 members at grass root level as frontline service providers. The prevention component has reached 124,293 people (governmental and nongovernmental stakeholders at the district and community level, vulnerable community members) till December 2013. Under the component of protection, the project is contributing to enhance the capacity of rehabilitation centers and safe homes and providing the services to the victims of trafficking. Under the prosecution component, the project is contributing to strengthen the capacity of government prosecutors, lawyers and judges through training and facilitating the continuous hearing, maintaining the privacy of the victims and witness thereby increasing the conviction rate of trafficking cases.

#### 4.6 Political Commitments

Major Political Parties of Nepal have overtly made the commitment for secured, decent and respectful foreign employment, and ensuring the rights of marginalized groups, women, children and migrant workers in their Election Manifestoes of the second Constituent Assembly (CA) election held in November 4, 2013.

According to the 2013 Election Manifesto of the Nepali Congress Party, Nepali Congress is in favour of discouraging the foreign employment in the long run by increasing the employment opportunities within the country but in the short-term, it views several measures to be taken to make foreign employment safe and secured. It calls for providing training and sending the skilled human resources; ensuring the rights of workers in destination countries; using the remittance in

the productive sectors; reducing the service charge of foreign employment; granting the loan at a minimum interest rates of the needy migrants; providing licences only to those agencies that maintain the good behaviour; expanding the foreign employment services to the regional level; ending bar of woman migration; conducting the agreements of labor, human rights and labor rights simultaneously; establishing Help Desk in Nepali Embassy to help the victims; ratifying the Trafficking Protocol and UN CMW and revising the Nepalese law to include labor exploitation in the definition of trafficking.

Nepal Communist Party (UML) in its Election Manifesto also states that 'Foreign employment will be gradually replaced by domestic employment' and for the short-run, the Manifesto reads as:

*All forms of labor exploitation will be ended by ensuring minimum wage to every worker, by providing at least 100 days of employment by the state, and by establishing a comprehensive labor inspection system.*

*Foreign employment will be made secured, decent and skilful. For the protection of Nepali migrant workers, special labor agreements will be made with the government of country of destination.*

*...Skill development provisions will be made available for those who opt for foreign employment so as to prepare them at least as semi-skilled workers. Returned migrant workers will be provided with trainings in microcredit, technology and entrepreneurship to absorb them in the domestic labor market. Information centers will be established to maintain database of migrant workers and to mobilize remittance for productive purposes.*

Twenty political parties of Azerbaijan, Bhutan, Cambodia, China, India, Republic of Korea, Malaysia, Nepal, Pakistan, the Philippines and Turkey participated in the International Conference for Asian Political Parties (ICAPP) workshop on Human Trafficking held in Katmandu from January 16-18, 2014. Five major political parties of Nepal, namely, Nepali Congress Party, Communist Party of Nepal (UML), Unified Communist Party of Nepal (UCPN-Maoist), Madeshi People's Rights Forum-Nepal and Communist Party of Nepal (CPN-Maoist) co-hosted the workshop. The gathering came with 'Kathmandu Statement of Human Trafficking' – an agreement to create synergies among all stakeholders in fighting against human trafficking:

- *Improvement of baseline information by collecting and sharing data on patterns and flows of human trafficking;*
- *Development of efficient and cost-effective tools to prevent human trafficking;*
- *Provision of equal access to, and elimination of gender discrimination in, the labor market;*
- *Exchange of best practices, and lessons learned at international, regional, national and local levels;*

- *Promoting of effective rights-based responses and partnerships for joint action among state and non-state stakeholders;*
- *Promotion of legal migration to contribute to the development of origin and destination countries; and*
- *Coordination of efforts to enact anti-human trafficking provisions in our respective national criminal codes and impose stringent punitive measures.*

#### **4.7 Key Issues and Challenges**

- Effectively implementation of NPA against Trafficking, especially women and children and proper allocation of budget for the effective implementation.
- Effectively dissemination and implementation of Guidelines among the service providers as well as the rights holders.
- Effectively mobilization of National Committees, District Committees on combating trafficking in persons and formation and expansion of Village Committees in districts with high magnitude of foreign labor migration.
- Targeting the most vulnerable communities and groups for social protection schemes, awareness programs and income generating activities including scholarship schemes
- Increasing Government's budget allocation to anti-trafficking initiatives and thereby reducing the dependency of donors.
- Strengthening the capacity of WCSC by provisioning the separate budget line for dealing with cases of crimes/violence against women and children.
- Monitoring the child rights programs including the child clubs and strengthening their capacity to prevent and combat trafficking in persons.
- Bridging the child rights programs and child clubs with the adolescents and youths programs so that once the child attains adulthood, he/she will be organized in such youth groups.
- Encouraging NGOs targeting the most vulnerable communities and groups including remote areas where the services of the Government have not been adequately reached.
- Adopting a comprehensive 5R policy (rescue, repatriation, reparation, rehabilitation and reintegration).
- Encouraging the donor community to expand their programs to the most trafficking prone areas, communities and groups.
- Making the major political parties to compliance with the commitments stated in their Election Manifestoes of Constituent Assembly Election held in November 2013.

### Law Enforcement and Judicial Responses of Trafficking

This Chapter reviews the legal framework for combating trafficking in persons adopted by Nepal. It examines the levels and trends of trafficking cases registered, disposed, conviction rates and pending rates over the years. Further, this Chapter reviews some of the landmark judgments in cases related to trafficking in persons in the FY 2011/12 and 2012/13.

*There is no question that major discriminatory laws have already changed Nepal but the main hurdle in establishing gender equality is the lack of execution of existing laws and rules. Similarly, the judgments, orders, and instructions issued by Supreme Court on the issues of gender equality and gender justice are still not executed properly and timely to make changes in the society.*

...  
*The Supreme Court has been striving to remodel women's society and their condition in Nepal through its judgments in accordance with the concepts of CEDAW. The Supreme Court has continued to render many decisions implicating modern theories in its judgments concerning to gender equality and gender justice. If the executive body of the state makes an effort to change society in accordance with those significant judgments, society might be rapidly changed in an exceptional manner (Honorable Justice of Supreme Court of Nepal, Susheela Karki, 2012).*

#### 5.1 Nepal's International Commitments

Nepal has ratified several international human rights instruments including combating on trafficking in persons and forced labor situation. As a member of the United Nations, Nepal is obliged to adhere to various international treaties. Section 9 of the Nepal's Treaty Act, 1991 states that international laws prevail over national laws if there is conflict between two. Furthermore, national provision must be made to enact international treaties and laws. Box 5.1 summarizes the key relevant international laws, treaties that have been ratified by the Nepal Government, and the date of ratification.

Box 5.1 Key international laws and treaties relevant to combating trafficking in persons and forced labor

Laws/treaties	Year of International adoption	Year of accession / ratification in Nepal
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	1956	1963
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949	1949	1995
The UNs Convention on Child Rights (CRC), 1989	1989	1990
Optional Protocol to the Convention on the CRC on the Sale of Children, Child Prostitution and Child Pornography, 2000	2000	2006
SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution	2002	2005
Convention on the Elimination of All Forms of Violence against Women	1979	2006
The Optional Protocol to the CEDAW on December 2006	2006	2006
ILO Convention 1999 (No. 182), Elimination of Worst Forms of Child Labor	1999	2002
ILO Convention 1930 (No. 29), Forced Labor	1930	2002
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, 1999	1999	2007

Nepal has yet to ratify the following conventions relevant to combating trafficking in persons and protect and promote the rights of migrant workers:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons supplementing the UN Convention on Transnational Organized Crime 2000;
- ILO Convention 1957 (No. 105), Abolition of Forced Labor and
- UN Convention on Rights of the Migrant Workers and Their Families, 1990.

The Trafficking Protocol has two primary objectives. It seeks to prevent and combat trafficking in persons, paying particular attention to the protection of women and children, and to promote and facilitate cooperation to this end among States Parties. A core requirement of the Trafficking Protocol is that States Parties must criminalize, investigate and punish trafficking. In addition to the international laws presented in Table 5.1, other non-binding international standards that can provide guidance to States in their fight against trafficking include the General Assembly Resolution entitled *Trafficking in Women and Girls* and the *Recommended Principles and Guidelines on Human Rights and Trafficking* of the United Nations High Commissioner for Human Rights (the UN Principles).

## 5.2 Assessment of the Existing Legal Framework

*Interim Constitution of Nepal 2063 (2007)* is the overarching framework for protection and promotion of human rights, including rights of children and women. Article 20 and 22 of the Constitution confirm specific provisions of woman's rights and children's rights, respectively. Article 22 (5) protects children from working in hazardous settings such as factories, mines including from involvement in armed conflict or recruitment in police or the army. Article 29 (3) assures fundamental rights to be free from exploitation, including traffic in human beings, slavery, serfdom and forced labor. Other relevant rights confirmed in the Constitution include rights to equality before law (Article 13 [1]), rights against Untouchability and caste discrimination (Article 14 [1]); rights to non-discrimination on the basis of religion, race, sex, caste, origin, language or ideology (Article 13[3]); and rights within the criminal justice system such as freedom from torture and cruel or degrading treatment (Article 26). A number of directive principles and policies set out in the Constitution are also relevant including Article 18 that makes special provision of employment and social security for women.

The Human Trafficking and Transportation (Control) Act 2064 (2007) and Regulation 2008 are the two sets of legal frameworks that sanction prosecution to the traffickers as well as protection of the human rights of the trafficking survivors. The Act is applicable to any person inside or outside of the country accused of being involved in trafficking in persons. The Act defines human trafficking and transportation is largely in line with the requirements of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons 2000. The Act differentiates in trafficking in persons between adults and children by offering different levels of punishment for adult and child trafficking. It criminalizes commit or cause to commit human trafficking and transportation and punishes up to 20 years imprisonment and a fine of Rs. 200,000 for selling or buying a human being. If anyone commits human trafficking and transportation repeatedly, for every offence, he or she shall be liable for it additional  $\frac{1}{4}$  punishment in an addition to the regular punishment. The Act provides compensation to the victim of not less than half of the fine levied. The Act has provisions of rescue, rehabilitation and reconciliation. Furthermore, Section 16 of the Act exempts a person from punishment of killing or injuring the perpetrator if a person knows or there is reasonable ground to believe that he/she is being bought, sold or engaged in prostitution or taken for the same and he/she does not get help to get rid of from those acts or somebody creates obstacles or stops or takes into control or uses force, in such case, if the person believes that it is impossible to get rid of from such control and on such faith. Box 5.2 summarizes the key provisions of HTTC Act 2007.

Box 5.2 Overview of HTTC Act 2007

Section	Provisions relating to trafficking
4	Act of considered as human trafficking and transportation (definition)

5	Protection of identity of wrestle blowers
6	Once the trafficked person has authenticated her statement in court, it may be admitted by the court as evidence even if she does not appear in the court again
7	Empowering the police to arrest the accused and entering the house if police suspects trafficking taking place
8	Keeping the accused in custody while prosecuting
9	Shifting of burden of proof from prosecution to the accused
10	Right of legal representation to the trafficked person
11	Right to appoint an interpreter/translator if the trafficked persons requires
12	Duty of Government to rescue the trafficked of cross-border trafficking
13	Duty of Government to rehabilitation of the victims of trafficking
14	A rehabilitation fund to be established by the Government
16	Right to self defence of the trafficked person
17	Compensation of the trafficked persons to be paid compulsory by the offender
20	Protecting informants identity
25	Protecting identity of trafficked person
26	Police protection
27	In-Camera hear trail

Despite these strengths, several studies and Order of the Supreme Court in different times regarding the provisions of the Human Trafficking and Transportation (Control) Act, 2007 indicate a need of revision in the changing context of trafficking in persons (Hawkes, Sarah et al., (2013) and Order of the Supreme Court, Writ 068-WS-0045).

**Definition of Trafficking** – Section 4 of the Act defines trafficking of human being and transportation (as discussed in Chapter 1). It, however, fails to include other forms of sexual exploitation such as pornography, forced labor or services, slavery, slavery like practices and servitude in the definition of trafficking. Similarly, an act of receiving someone with purpose of buying and selling is not included in the definition.

**Provision of Translator or Interpreter** – Section 11 makes provisions for the translator or interpreter as ‘if the working language used by the concerned court and office in dealing with an offence under this Act is not understandable by the victim, he/she may manage for the translator or interpreter as per the order of the court’. But the victims may not afford the translator or interpreter – thus, requiring the state arranging the translator or interpreter upon the request of the courts.

**Compensation** – Section 17 makes the provision for compensation to the victim, or (victim’s children or victim’s parents, if the victim dies) of not less than half of the fine levied as punishment to the offender. However, if the offence cannot be proved the victim will not get any compensation. The Act mentions about the compensation only but fails to mention about the providing repatriation to the victim.



**Obligation of Government to Establish Rehab Centers** – Section 13 (1) states that ‘Nepal government shall establish necessary rehabilitation centers for physical and mental treatment, social rehabilitation and family reconciliation of the victim’. However, this does not mean that establishing of rehabilitation centers is the obligation of the Government.

**Maintaining Confidentiality** – Section 27 makes the court proceeding and hearing of an offence under this Act shall be conducted In-Camera. This provision, however, fails to maintain confidentiality of the victim from the beginning of the case. Maintaining the confidentiality from the beginning of the case is required to protect the rights of the victims and encourage victims of trafficking who have not filed the charge sheet in fear of exposure the privacy and confidentiality.

**Exemptions from Punishment** – Section 16 makes the provision that if the perpetrator happens to be killed or injured in the course of releasing from the perpetrators on the ground that ‘he/she is being bought, sold or engaged in prostitution’, the victim is not liable for any punishment. This provision fails to include the acts of saving chastity during the attempt to rape/after the rape before trafficking of the victim.

**Summary Procedures** - The Act does not provide summary procedures for trafficking cases. In the absence of this, some trafficking cases may take 4/5 years for final decision and it may damage more to victim's security and life.

**Order of the Supreme Court** – The Supreme Court has issued ‘Continuous Hearing of Crime Cases including Trafficking and Transportation in July 31, 2013. It also ordered to make the mandatory of the District Court Regulation 23 (ga) about continuous hearing – before it was optional. The Court ordered to make provision of budget for making the regulation as mandatory. The Supreme Court has also ordered its subordinate units to monitor the cases whether or not the continuous hearing has been implemented. The concept behind continuous hearing is to ensure continuous hearing of trafficking in persons cases so that trial once commenced shall continue efficiently. The court shall, after consultation with the prosecutor and defense counsel, set the case for continuous trial on a weekly or other short-term trial calendar at the earliest possible time to ensure speedy trial.

With the writ petition of Forum for Women, Law and Development (FWLD) (Writ 068-WS-0045: Decision date April 6, 2013), the Supreme Court issued a verdict to the GoN and Ministries of Council including other respondents for the revision of some provisions of HTTC Act 2007:

- Make arrangement to provide the copy of charge-sheet filed by the Police or Government attorney office to the concerned victims.
- Allocate the budget for the compensation of the victims compulsorily in the FY 2013/14 and order the concerned Police offices for providing it (compensation amount) on time to the victims as per the order by a court.

- Allocate the budget required for the witness of human trafficking cases including other criminal cases in which the Government is a *pratibadi* (defendant) compulsorily in the FY 2013/14.
- Arrange the budget for the staff of the Government who is a witness of the trafficking cases before he/she appears in the courts.
- Make arrangement of security as per the demand by the victims or witness through the Police Office.
- In addition, the Supreme Court has ordered the Ministry of Home Affairs, Office of the Attorney General and the Office of the Register of the Supreme Court to decide the trafficking cases as soon as possible.

Besides these the Supreme Court of Nepal has issued various guidelines that are important in regards to combating gender based violence and exploitation in the entertainment sector.

- **Supreme Court Directives to Control Sexual Harassment towards Working Women in Work Places such as Dance Restaurants, Dance Bars 2007** – The Directive aims to fulfill the need for a law that protects working women and guarantees safe and dignified environment in their work places until a law on this is legislated by the Parliament. It has provisions relating to i) registration and operation of business; ii) forbidden activities and duties of owners and customers; iii) establishment of committee and complaint handling.
- **Confidentiality Guideline of Supreme Court** - Writ petition filed by Sapana Pradhan Malla on behalf of FWLD (6 Writ No 3561 of 2063 BS, Decision Date December 25, 2007), Supreme Court issued directive order to GoN to make a law including the rights and duties of the concerned parties and maintain the level of privacy as prescribed in some special type of lawsuits in which victim women or children or HIV/AIDS infected persons are involved as a party to the case right from the time of registration of the case in the police office or its direct registration in a law court or in other bodies till disposal of the case.
- **Privacy Guideline of Supreme Court** - Supreme Court also issued guideline on the Procedural Guidelines for Protecting the Privacy of the Parties in the Proceedings of Special Types of Cases, 2007 for the interim period till to enactment of law. According to the Guideline the special cases include trafficking cases including others<sup>15</sup>.

---

<sup>15</sup> They include: i) rape, abortion, sexual abuse, transactions in human beings, incest and violence against women; ii) the criminal cases having children as a party and tried by a juvenile court or Juvenile Bench and iii) the cases related to HIV/AIDS affected or infected persons.

**Other Laws Relating to Trafficking** – In addition to HTTC Act 2007 and Supreme Court Guidelines/Orders as discussed above, there are other laws particularly related to children, vital registration, migration, and combating VAW and establishing gender equality that are also relevant to dealing with the offences of trafficking. A brief overview of these laws is presented in Box 5.3.

Box 5.3 Other key laws relevant to address trafficking, Nepal

Laws	Section	Key provisions
Children’s Act 1992	16	Prohibits and punishes involving a child in an immoral profession
	18	Prohibits employing a child in work which may have an adverse impact on the life/health of the child
Bill on Children Act 2012		Defines the age of children as below 18 years Incorporated provisions for the protection of children against violence and sexual abuse <sup>16</sup>
Child Labor (Prohibition and Regulation) Act 2000	3 (1)	Prohibits and penalizes employment of children below 14 years
	3 (2)	Prohibits and penalizes employment of children in hazardous work
	4	Prohibits child labor which has an impact on child life and health
Birth, Death and Other Vital Events (Regulation) Act 1976	2 (b)	Requires migration for six months or more be registered by the family members. No punishments are prescribed by non-compliance
<i>Muluki Ain</i> (Civil Code)	Chapter 11 (1)	Taking any persons out of the country for sale is prohibited
	11 (2)	Prohibits separation of minor/person with mental disorder without guardian’s consent
	11 (3)	Making someone a servant, slave, bonded labor is prohibited and punishable.
Domestic Violence (Offence and Punishment) Act, 2009		Measures to control violence occurring within the family and for matters connected therewith Make punishable, and provide the protection to the victims of violence

### 5.3 Judicial Responses of Trafficking

**The Supreme Court** - Table 5.1 shows the levels and trends of trafficking crime cases registered and disposed by the Supreme Court of Nepal from FY 2008/09 to FY 2012/13. A 5-year average number of the trafficking cases registered in the

<sup>16</sup> The Bill will replace the Children’s Act 1992 once adopted by the Parliament of Nepal. Child sexual abuse covers—engaging a child in real or stimulated pornographic materials and pictures; stimulating a child for sexual activities by means of words, actions and behaviours; engaging a child in sexual activities; and sexual exploitation of a child including involving him or her in prostitution and pornography. The draft bill has made such offences punishable.

Supreme Court come out to be 73 and the 5-year average number of trafficking cases decided by the Court is 22. The conviction rate ranges from as low as 20% in the FY 2010/11 to 57% in the FY 2011/12 and the five-year average conviction rate comes out to be 36% only. On the other hand, the pending rates are very high in each Fiscal year, especially in the FY 2011/12 and FY 2012/13.

Table 5.1 Number of trafficking crimes registered, convicted, acquitted and pending in the Supreme Court, 2007/08 -2011/12, Nepal

Years	Total Case	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
2008/09 (2065/66)	84	15	20	35	42.9	49	58.3
2009/10 (2066/67)	63	9	15	24	37.5	39	61.9
2010/11 (2067/68)	66	6	2	30	20.0	36	54.5
2011/12 (2068/69)	59	4	3	7	57.1	52	88.1
2012/13 (2069/70)	78	4	8	12	33.3	66	84.6
5-year average	70	8	10	22	36.4	48	68.6

Note: The conviction rate is defined as the ratio of number of convicted cases in a particular year to the total cases decided by a court in that year. The pending rate is defined as the ratio of number of pending cases in a particular year to the total cases registered in that year in a court. Of the 30 cases decided in FY 2010/11, 22 were kept as *Multabi*.

Source: Annual Reports of OAG, 2008/09, 2009/10, 2010/11 and 2011/12 and 2012/13.

The following is the extract from the then Honourable Justice of Supreme Court of Nepal Min Bahadur Rayamajhi who delivered speech on the topic of 'Making Road to Justice Accessible: Victim Protection, Appearance and Examination In Camera Hearing' in a judge-workshop organized by National Judiciary Academy in 2006. It gives insights why there is high acquittal cases in the courts of Nepal and why the victims become hostile.

*When we see the court system we see lot of acquittal cases and we need to question why that happens. Is it because we are not victim centric.... Victim Centric Approach includes right to information to victim, right to confidentiality, not asking insensitive questions etc. Judges need to ...apply victim centric approach. If the accused side has a strong lawyer... we need to be careful as what kind of affect it will have on the victim and on the case. Many times we ask for specific details of proof but a statement can be a strong proof. Also, we debate a lot about consent but how relevant is the consent when one buys or sells your body? ... Also, the police investigation, how are victims questioned, are they sensitive to victim's needs. ...*

**Question:** A victim says that she is raped later she becomes hostile and says that she is not raped. Such cases create lot of difficulty in coming to a decision and understanding what could be the reality.

**Response:** We need to understand why the victim was hostile. It is easy to think that the victim is hostile therefore the case is clear, however, we need to know the socio-cultural context, the background of the survivor etc before deciding only on the basis of her being hostile (Rayamajhi, 2006:33-34).

**Appellate Courts** - The 5-year average number of cases registered in the Appellate courts comes out to be 165 and the 5-year average conviction rate is 46 per cent and the rate is the lowest in FY 2009/10. On the other hand, the 5-year average pending rate is 48 per cent (Table 5.2).

Table 5.2 Number of trafficking cases registered, convicted, acquitted and pending in the appellate courts, 2007/08 -2011/12, Nepal

Years	Total Cases	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
2008/09	132	33	27	60	55.0	72	54.5
2009/10	155	38	50	89	42.7	67*	43.2
2010/11	141	43	47	90	47.7	51	36.1
2011/12	188	44	53	98*	44.9	90	47.9
2012/13	208	48	58	108*	44.4	100	48.1
5-year average	165	41	47	89	46.1	76	46.1

Note: \* cases of *multabi* also include in this category and hence number of conviction and acquittal cases may not tally with the total decided cases.

Source: the same as in Table 5.1.

**District Courts** - The 5-year average number of trafficking cases registered and disposed comes out to be 301 and 124 respectively (Table 5.3). The 5-year average conviction rate is 59 per cent and the 5-year average pending rate is also 59 per cent with fluctuating rates in each year.

Table 5.3 Number of trafficking cases registered, convicted, acquitted and pending in the district courts, 2006/07 -2010/11, Nepal

Years	Total Cases	No. of cases convicted	No. of cases acquitted	Total cases decided	Conviction rate (%)	No. of pending trials	Pending rate (%)
2008/09	290	82	56	138	59.4	152	52.4
2009/10	299	71	47	119	59.7	214*	71.6
2010/11	317	79	39	118	66.9	199	62.7
2011/12	288	87	57	146**	59.6	142	49.3
2012/13	312	48	56	115	41.7	197	63.1
5-years average	301	73	51	124	59.0	177	58.8

Note: \* cases of *multabi* also include in this category and hence number of conviction and acquittal cases may not tally with the total decided cases.

Source: The same as in Table 5.1.

**Description of Trafficking Cases by Types of Charges** - Table 5.4 summarizes the number of trafficking cases by types of charges registered in the district government attorney offices of Nepal in the FY 2012/13. Accordingly, there were 242 cases registered in charge of 'selling or purchasing of a person for any purpose', 42 cases in charge of 'human transportation' and one case in charge of 'engaging a someone into prostitution with or without any benefit' and there are no cases in charge of 'having a sexual intercourse with a prostitute' and 'extracting human organ otherwise determined by law'. Thus, data reveal that even if there has been wide media reports about the trafficking of human organs and using someone into prostitution (especially in entertainment sector and in some cases foreign labor migration), such cases have not been registered in the courts of Nepal in the FY 2012/13. However, with the legal support of PPR Nepal, it is reported that four cases of trafficking of organ removal were registered in Kavre and Kathmandu district courts in the FY 2012/13.

Table 5.4 Description of the trafficking cases registered in the district attorney offices, Nepal, 2012/13

Commits the acts of:	Registered cases		Conviction		Acquitted		Pending	
	No. of cases	No. of defendants	No. of cases	No. of defendants	No. of cases	No. of defendants	No. of cases	No. of defendants
Selling or purchasing a person	242	604	44	93	39	89	158	411
Human transportation	69	162	13	26	17	41	39	83
Extracting human organ	0	0	0	0	0	0	0	0
Having sexual intercourse with a prostitution	0	0	0	0	0	0	0	0
Engaging a someone into prostitution	1	1	1	1	0	0	0	0
<b>Total</b>	<b>312</b>	<b>767</b>	<b>58</b>	<b>120</b>	<b>56</b>	<b>130</b>	<b>197</b>	<b>494</b>

Source: Annual Report 2012/13 of the Office of the Attorney General,

Note: one case in charge of 'selling or purchasing a person' was in *multabi* with 11 defendants). This is not shown in this Table.

#### 5.4 Some Landmark Judgments Related to Trafficking Cases in FY 2011/12 and 2012/13

Examining the four landmark judgments of the courts of Nepal (discussed below), it is revealed that Nepal's judiciary system has become well sensitized and informed on the international human rights treaties including CEDAW as a guideline for judgment of the cases. It is also revealed that there is considerable judicial activism towards gender equality and combating trafficking in persons, which is evident though Directives and Guidelines issued by the Supreme Court to revise and amendment the HTTC Act 2007 as discussed above. Further, the judgments are victim centric.

##### 1. Government of Nepal vs. Sita Ram Thing

On May 2012, the District Court of Makwanpur made a verdict in favor of trafficking survivors that compensation to be paid from Government Rehabilitation Fund to the trafficking survivors. The case is the following:

*A woman (Bindiya) of Manahari VDC of Makwanpur who was sold to the Mumbai brothel returned to Nepal after 5 years. She was sold by her husband along with other two men when she had five-month pregnancy. She succeeded to run away from the brothel with the help of a local women's group and returned home. With the support of the two NGOs (PPR Nepal and Legal Aid Consultancy Center (LACC), she filed a FIR with the police office on 25 April 2012 –leading to trial in the district court Makwanpur. The prosecution charged the accused under section 3 and 4(1),*

*4(2)ka and demanding penalties as per Section 15(1)ka of the HTTCA also demanding compensation to the victim under section 17 of the same act as the perpetrators had committed the crime as per section 3 and 4(1), 4(2)ka of the Act. The court found all three perpetrators guilty and sentenced 20 years of imprisonment and each of them was penalized with fine of Rs. 200,000. The court also ordered to compensate the victim from the half of the fine amount (Rs. 100,000) from each perpetrator. The court further ordered that the amount be provided to the victim from the government's Victim's Rehabilitation Fund that was created for the rehabilitation activities of victims.*

## **2. Majari Shah (code name) vs. Ram Kumar Sonam**

This is a landmark judgment where separate penalty for perpetrator of trafficking and forced prostitution crime was offered by the Makwanpur district court. In the past, the Nepali prosecution system used to practice a single charge only i.e. trafficking and used to ignore other crimes committed against the survivors. The case was as follow:

*In Makwanpur district, a woman was trafficked by a perpetrator who sold her to a brothel in India. After she was rescued, she filed the First Information Report (FIR) at the district police office. Based on the FIR, prosecution filed case against perpetrator demanding two separate charges i.e. trafficking and forced prostitution. The District Court of Makwanpur also sentenced the perpetrators to 20 years imprisonment for trafficking and 14 years for forced prostitution.*

## **3. Government of Nepal vs. Bajir Singh Tamang, Case Trafficking, Sindhupalchok District Court**

This is a landmark decision in the history of Nepal where the perpetrator was sentenced to imprisonment based on the aggregate crime. The case is the following:

*Bajir Singh Tamang was found guilty of trafficking six women/girls from Sindhupalchok and was nabbed in Kathmandu district by the police in 2012. During the interrogation in Sindhupalchok, he confessed that he sold six women/girls in different times to Indian brothels. Accordingly, a case was filed against him at the Sindhupalchok District Court, where later he made a statement confessing all his crimes. Consequently, the Sindhupalchok District Court also convicted a trafficker and sentenced him to a 170-year jail term. He was also fined Rs 1.3 million by District Court and was ordered to pay Rs 150,000 to each of the victims.*

## **4. Government of Nepal vs. Ms. Kamala Rumba, Makwanpur District Court**

This is the landmark judgment gave by the Makwanpur district court that a woman sent to Bahrain for a domestic worker but later ended in forced labor situation and sexually exploited by the agent in Bahrain. The deception of the



recruitment was taken as one of the key element of trafficking. The case is the following:

*SMR, a woman a mother of two- a son and a daughter, from Churiyamai VDC of Makwanpur district was lured by Kamala Rumba to go to Bahrain for work. Kamala said that her sister Sunita would receive her there. So SMR flew to Bahrain on 28 November 2009. Upon reaching there, Sunita and Jaafar, a Bahraini agent - received her at the airport. There, she had to work from 4 a.m. till 12 midnight even that the Masters were not happy. As she could not tolerate the hardships, she asked the two if they could help her. The three- Kamal, Sunita and Jaafar taking Rs. 2000 each get her to another job. After a while when SMR did not get her salary, she inquired about it with Jaafar. Jaafar said that her money had already been taken by Kamala and Sunita so he had nothing to give her instead he ill-treated and repeatedly raped her. Somehow she managed to flee from the hands of Jaafar and started working in another house. The lady where she worked helped her to return to Nepal. On 22 December 2010 she landed in Kathmandu. On 27 March 2011 she filed a complaint against Kamala and Sunita in district police office, Makwanpur. On 29 April 2011 Makwanpur District Court later gave a verdict that Ms. Kamala and Ms. Sunita are guilty under Section 3(1), 4(1) (Ka) (Kha) and 4(2) of HTTC Act 2007 and ordered Ms. Kamala to be imprisoned. Ms. Kamala appealed in the Appellate Court, Hetauda regarding hearing for bail and the Court gave a decision in favor of Kamala. On 5 March 2012 the district court gave a final verdict as Ms. Kamala guilty and sentenced to 20 years in prison and NRs. 200,000 fine.*

### **5.5 Implementation Status of Access to Justice to the Victims of GBV**

The findings of a policy dialogue and research conducted by FWLD in collaboration with CTIP program can be taken as indication to what extent the provisions of HTTC Act 2007 has been implemented<sup>17</sup> (The Asia Foundation, 2013). It is reported that provisions for rehabilitation, compensation, victim/witness protection, continuous hearings, and closed hearings have not been effectively implemented. It is also revealed that under-reporting of cases of trafficking, inadequate investigation mechanisms, hostile survivors/witnesses, threats from the accused and political pressure all play a role in disrupting effective prosecution of trafficking cases. Although, the HTTC Act 2007 has introduced a very important victim-centric perspective, its implementation is still lacking due to not having a mechanism to ensure its implementation.

National Judicial Academy, NJA (2013) study also facilitates to understand the access to the legal enforcement agencies and courts to the victims of Gender

---

<sup>17</sup> The FWLD in 2013 held discussion with representatives of the MoWCSW, National Women's Commission, National Human Rights Commission, Foreign Employment Board, and various civil society actors. FWLD is reported to be conducting research on judgment and monitoring the trafficking cases.

Based Violence (GBV) including trafficking from the service provider perspectives. The study was conducted with the District Judges, Government District Attorneys, Paid lawyers, legal professionals who provide the fee legal support, NGOs working against GBV, social workers and journalists in Bardiya, Siraha and Dhading districts. A total of 82 (38 in Siraha, 21 in Bardiya and 23 in Dhading) informants were interviewed. Of the total informants, 5 were district judges, 7 were court personnel, 4 Government district attorneys, 17 legal professional, 7 Police and 42 journalists, and people from the civil society.

**Access to the Courts to the Woman Victim of GBV** – All the informants (82 in the sample) reported that it is difficult to get access to the courts by the woman victims of GBV. Key reasons for this were: complexity of working procedures, no feeling of assurance of the justice to the victims of GBV, costly judicial system, geographical difficulty, lack of knowledge on laws of Nepal, unnecessary delay in court proceedings, lack of sensitiveness towards the victims, misuse of power of authority, lack of security of witness, lack of information on legal provisions, political protection of the perpetrators and police not wanting to file the GBV cases. Multiple responses were evolved as the measures to increase access to justice to the victim. Majority of informants (71%) regard as making victim protection effective would increase the access to justice to the woman of GBV. This is followed by amending the laws for the making of court proceeding easy (68%) and amending the laws for making effective investigation of the crime cases (55%). Further, the informants were asked how to change the behavior of Police, Government attorney and court personnel to handle the case of GBV effectively and gender friendly. Majority of informants regard that it is essential to make acts of the crime investigation and prosecution as professional and gender friendly (73%). This is followed by providing skills (67%) and making provision for the reward and punishment for the staff (46%) to encourage the case handling and discourage those who are not sensitive towards the GBV cases (Table 5.5).

Table 5.5 An overview of the access to legal enforcement agencies and justice to the woman victim of GBV (N=82)

Categories	%
<b>How is it easy to get access to the courts by the victim of GVB?</b>	
It is easy	0.0
It is difficult	100.0
<b>Measures to increase access to justice to the victim</b>	
Amend the laws for making effective investigation of crime cases	54.9
Amend the laws for the making court proceeding easy	68.3
Provide victim protection effective	71.2
<b>How to change the behavior of Police, govt. attorney and court?</b>	
Provide skills through training and orientations	67.1
Make acts of crime investigation and prosecution as professional	73.1
Make provision for the reward and punishment for the staff	46.3

Source: National judicial Academy, 2013.

**Implementation Status of Provisions Related to Maintaining the Privacy** – Of the total 82 respondents, majority reported that the provisions to maintain the privacy of the GBV victims have been implemented in the courts while one-fifth of the informants regards that they are not implemented at all (Table 5.6). The major reasons for not effectively implementing the provisions of privacy of the victims include i) not all GBV cases are heard in-Camera due to the lack of physical facilities in the courts; ii) lack of trained human resources and willing-power to the authorities to implement the provisions; iii) lack of a special unit having woman officers to deal with the cases in Police, District Attorneys and Courts; iii) Weak or lack of monitoring the GBV cases from the investigation, prosecution to the court proceedings and making free legal support to the victims of GBV; iv) lack of understanding the meaning of privacy – it is not only revealing the name of the victim but also his/her address and other attributes; iv) taking the statement of victims in front of the perpetrators due to lack of physical facilities in the Police and Courts; v) lack of information about the in-camera hearing to the common people, especially among women; vi) enquiring the victims in such as way which harm their psychological dignity and increase the mental torture and vii) lack of physical facilities in the courts to make In-Camera hearing separately with adequate security and provisions for punishment who discloses the privacy of the victims of the special criminal cases.

Table 5.6 Implementation status of provisions related to maintaining privacy, protection of witness and victims and free legal support to victims of GBV (N=82)

Implementation status	%
<b>Laws related to maintaining the privacy of the victim</b>	
Completely implemented as per the existing laws	19.5
Satisfactorily implemented	57.3
Have not been implemented at all	20.7
<b>Provisions related to protection of the witness and victims</b>	
It is very effectively implemented	8.5
No problem, it is effectively implemented	7.3
No security to the victim, make effective law for security	84.2
<b>Provisions related to free legal support to the victim</b>	
Very effectively	7.4
It is OK	42.0
It is not effective at all	50.6

Source: National Judicial Academy, 2013.

**Implementation Status of Provisions Related to Maintaining Security of the Victims and Witness** – In the survey of NJA (2013), an overwhelmingly majority of respondents (84%) regard that provisions related to protection of the victims and witness have not been implemented at all. This is the leading reason that cases of GBV become hostile.

**Implementation Status of Provision of Free Legal Support to the Victims** – Nepal has enacted the Legal Aid Act 1997 aimed to provide the legal support to the persons having below Rs. 40,000 annual income to get access to justice and the program of fee legal aid has been implemented in several districts in the country. In the survey of NJA (2013), half of the informants stated that the provision of fee legal support to the victims has not been implemented at all while merely 7 per cent regard it is completely implemented and other 42 per cent regard that it is OK. The key reasons for not implementation of this provision are lack of budget allocation from the central to the local bodies in this title, complex process of getting free legal treatment, lack of or weak coordination among organizations providing free legal support, and lack of awareness among women about access to and availability of free legal support in GBV cases.

## **5.6 Key Issues and Challenges**

- Revising and amending the HTTC Act 2007 in line with the changing context of foreign labor migration and internal trafficking in entertainment sector as suggested by the studies and Supreme Court's Verdict as disused in this Chapter.
- Ensuring the effective implementation of the Act and Regulation by strengthening the capacity of law enforcement agencies with skilled human resources, physical, and financial support and curtailing corruption involved.
- Ensuring the privacy and confidentiality of the victims and witness during the court proceedings, security of victims and witness and reducing the duration and complexity of court proceedings.
- Implementing effectively the provisions of witness and victims and free legal aid provisions in the GBV cases including the trafficking in persons.
- Allocating the budget for free legal support to the victim of trafficking, travel and daily allowance to a witness from the Government staff as per the Order of the Supreme Court.
- Revising the Legal Aid Act 1997 that encompasses the annual income as the indicator for providing the legal support by adding other attributes such as gender, caste/ethnic groups, religious minority, disability, and marginalized groups including the victims of GBV.
- Soliciting the trafficking related cases under prioritized cases of judicial system and making continuous hearing as mandatory.
- Developing coordinated efforts among Ministry of Home Affairs, District Police Offices and Chief District Officers, NGOs and civil societies in order to make strong surveillance in border areas between Nepal-India and Nepal-Tibet by ensuring the rights of the mobility of women, children and men.

## **Conclusions and Recommendations**

The main aim of this National Report was to explore and describe the situation of trafficking in persons in Nepal and to monitor the laws, policies and programs combating trafficking in persons implemented by different GOs and NGOs in the year of 2011/12 and 2012/13. The Report utilized both primary and secondary sources of data. The primary data were obtained from NGOs working to prevent and combat trafficking in persons in the period of January 2012 to June 2013. Secondary sources include annual reports, progress reports and research and studies of GOs, NGOs and individuals conducted mainly in the report writing period. While reviewing the data/information, efforts were made to use the authentic sources. Besides, feedback from the workshop organized by NHRC among the key stakeholders to share the preliminary findings of the Report was also incorporated.

Drawing on the findings of this Report and the key challenges stated in each of the Chapter of the Report, the following conclusions are drawn.

### **6.1 Conclusions**

Prevention of Trafficking is the major component of any policy discourse of combating trafficking in persons. Findings indicate that prevention programs are largely donor driven and skewed towards superficial awareness raising activities while a large majority of women, children and men lack livelihoods and remain in illiteracy and unskilled situation. The awareness level of the people, especially of women is desperately low in the existing laws that suppress the VAW, sexual harassment in working place, safe migration and human trafficking. Although the access to the service delivery mechanisms in combating crimes and violence against women and children has been expanded across the all 75 districts, the knowledge of such services among women, adolescent girls is very low. This resulted to low reporting of the crimes/violence cases in the Police and concerned agencies. Scholarship and daily school allowance programs have been introduced by the GoN to the deprived, vulnerable and needy families' children; the targets of such programs have not been fully achieved. Further, much research is needed

to understand to what extent such programs have benefited the person who is entitled to receive it (scholarship and daily allowances).

Although the GoN has adopted several NPAs including Trafficking in Persons especially for women and children, the NPA has not come with any budgetary standard which may impede to achieve the targeted goals on time. The Government's allocation of budget is very small vis-à-vis the contribution of donor communities and the budget allocation for the anti-trafficking programs appears to be largely based on randomly rather than on the need basis.

National Committee on Combating Trafficking (NCCT) has been in place since 2007, but its function has limited in paper work. The NCCT needs to accelerate its activities to find out the gaps in current intervention strategies, duplication of programs and wastage of scarce resources. Mobilization and activation of District Committees is the prerequisite to identify the problem at the local level and designed the intervention strategies accordingly. With the limited budget and less orientation on human trafficking issues, the District Committees have not been active as expected and they have not, in fact, evolved as the integral part of anti-trafficking initiatives in Nepal. The role of District Committees to establish and expand the Village Committees is largely absent across the country except in few districts.

The Government of Nepal has yet to adopt the standards of 5 Rs (Rescue, Rehabilitation, Repartition, Reparation, Rehabilitation and Reintegration) policy. With the absence of such policy, the protection of trafficking survivors is largely based on individual NGOs judgment and availability of resources and time. The current rescue processes are not clear and so much of procedural delays. Despite the provisions of establishing the rehabilitation centers by the GoN in the HTTC Act 2007, the GoN has not run a single rehabilitation center on its own. Though the GoN provisioned the financial assistance to some rehabilitation centers, the per capita expenditure is very low – making it difficult to maintain the minimum standards to run the rehabilitation centers. Reintegration of trafficking victims and rescued woman migrant workers has not been well organized and the opportunity to participate in income-generation activities is not for long-term and sustainable.

Findings show that there has been very small number of trafficking cases registered in Nepal police and courts of Nepal although the magnitude of problem has spread across the country and several studies suggest that a large number of persons are being trafficked for sexual exploitation and labor exploitation to India and Overseas. This is mainly due to i) lack of knowledge on the criminal justice system among the populace; ii) lack of trust towards the Police; iii) lack of security to the victims and witness; iv) lack of knowledge of the service delivery mechanisms and v) on top of these, it is the internalization of 'subordinate position' by the victims due to fear, threats, stigma attached and lack of resources. These all require a trustworthy and victim centric legal framework,

enforcement, prosecution and adjudication delivery mechanisms. Our analysis indicated that there is a need to revise and amend the HTTC Act 2007 as per the changing scope and nature of trafficking and also include the labor migrant cases as the operational aspect of trafficking. The Foreign Employment Act 2007 and FEPB have isolated the undocumented workers to be benefited from the services.

One of the major challenges of anti-trafficking initiatives in Nepal is the lack of unified and reliable data. This would hamper designing the evidence-based policy plan.

## **6.2 Recommendations**

### *General*

- Formulate National Policy on prevention and combating trafficking and revise and amend the existing NPA, Acts and Rules and Standards accordingly.
- Enhance the role of National Committee on Combating Trafficking (NCCT) to coordinate the activities carried out by different GOs, I/NGOs and ensure that the anti-trafficking initiatives are placed on the priority agenda of national period plan. There is also need to speed up NCCT activities in monitoring and evaluation in current interventions with standardized measures.
- Revise and amend the existing laws as per the orders of the Supreme Courts.
- Ratify the UN Protocol on Trafficking and UN CMC to address all required pillars for combating trafficking and to ensure the MWs rights in origin, departure and destination places/countries.
- Mobilize bilateral, UN and I/NGO support to prevent and combat trafficking in persons and utilize effectively the Colombo process and Nepali Non-Residence Association for protection and promotion of rights of MWs.
- Equip Embassies and Diplomatic Missions abroad to deal with the problem of MWs and to verify the demand of foreign labor.
- Set up and expand the temporary shelter for trafficking survivors at the destination countries where the number of WMWs is high and establish a mechanism for their repatriation.
- Utilize the remittances for the productive sectors – benefiting the community/areas as well as the individual contributors.
- Encourage donor community to continue their financial and technical support to the GoN and expand their focus on the most trafficking areas, groups and communities.

### *Prevention*

- Focus and expand programs related to education of children, livelihoods and skilled development for the poor and potential migrant workers.
- Increase awareness on legal aspects of the VAW and trafficking especially targeting to the rural women and girls.
- Firmly monitor and evaluate the scholarship and other programs to enhance the school enrolment rates of children and adolescent empowerment programs.
- Make provisions of budget for the implementation of NPA and increase the Government budget for the anti-trafficking programs.
- Effectively mobilize District Committees with the adequate provisions of budget to collect and identify the problems in the districts and expand the Village Committees especially in the most trafficking prone areas. Activities of such Committees should be incorporated with the existing child clubs, women groups and other civil society organizations in the districts and villages/municipalities.

#### *Protection*

- Formulate the 5 Rs (Rescue, Rehabilitation, Repartition, Reparation, Rehabilitation and Reintegration) policy so as to provide the standards and timely protection measures and ensure the human rights of the victims of trafficking.
- Initiate the bi-lateral agreements with major destination countries to build the rapid response mechanism and avoid the delay in rescue and repatriation of the victims of trafficking.
- Increase the budget support for rehabilitation centers run by NGOs and GoN should establish the rehabilitation centers with adequate standards where needed.
- Conduct reintegration of trafficking victims and rescued WMWs by providing adequate income-generation activities and livelihood options, psychosocial counseling and other standards measures.

#### *Prosecution*

- Adopt victim centric legal framework, enforcement and prosecution and adjudication delivery mechanism.
- Increase the capacity of law enforcement and prosecution agencies by providing adequate victim centric training and provisions of resources in order to effectively implement the existing laws on combating trafficking crimes.
- Increase knowledge on the criminal justice system among the commoners; trust towards the Police; and service delivery mechanisms.
- Incorporate the issues of undocumented migrants in Foreign Employment Act 2007 and FEPB activities so that the undocumented migrants be easily rescued and provided compensation.

#### *Data and Research*



There is a need to develop unified data collection system under the MoWCSW. For developing regular reporting system, District Committees should be mobilized to collect information from the different NGOs working in the districts. Research priority should be in the following areas: i) a cross-sectional household survey to comprehend the magnitude of problem; ii) a longitudinal survey of survivors to understand the reintegration process and effectiveness of the intervention strategies; iii) a study on WMWs especially focusing on woman domestic workers to understand the whole process of their migration cycle. For this, the currently available database of returnee WMWs can be an important source for the study.

## *References Cited*

- Amnesty International (2013) *Treat Us like Human-being: Foreign Labor Migrants in Qatar*, November, 2013. [www.amnesty.org](http://www.amnesty.org).
- Amnesty International, Kav La'Oved and Pourakhi (2011) *Nepal: Briefing to the Committee on the Elimination of Discrimination against Women*, Jointly submitted by Amnesty International, Kav La'Oved and Pourakhi.
- Baldwin-Edwards, Martin (2011) *Labor immigration and labor markets in the GCC countries: national patterns and trends*, a research paper, Kuwait Program on Development, Governance and Globalization in the Gulf States.
- Bhadra, Chandra (2013) *The Impact of Foreign Labor Migration to Enhance Economic Security and Address VAW among Nepali Women Migrant Workers and Responsiveness of Local Governance to Ensure Safe Migration*, A Research Report submitted to Ministry of Women, Children and Social Welfare, Ministry of Labor and Employment, Ministry of Federal Affairs and Local Development, Government of Nepal.
- CBS (2006) *Resilience amidst Conflict: An Assessment of Poverty in Nepal, 1995/96 and 2003/04* (Kathmandu: Central Bureau of Statistics).
- CBS (2012) *The Preliminary Findings of Population Census, 2011* (Kathmandu: Central Bureau of Statistics).
- CCWB (2011) *The State of Children of Nepal 2011* (Kathmandu: Central Child Welfare Board).
- CCWB (2012) *Standards for Operation and Management of Residential Child Care Homes, 2012* (Kathmandu: Central Child Welfare Board).
- CCWB (2012) *The State of Children of Nepal 2012* (Kathmandu: Central Child Welfare Board).
- CCWB (2013) *the State of Children in Nepal, 2013* (Kathmandu: Central Child Welfare Board).
- Center for Legal Research and Resource Development (CeLRRd) (2013) *Human Organ Harvesting (Kidney Transplantation & Trafficking In and From Nepal)* (Kathmandu: CeLRRd).
- Cho, Hyuksoo, Man Zhang and Patriya Tansuhaj (2009) 'An empirical study on international human organ trafficking: effects of globalization', *Innovative Marketing*, Vol. 5, Issue 3, 2009.
- Committee on the Rights of Child (2012) *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, List of issues concerning additional and*

*updated information related to the consideration of the initial report of Nepal,*  
Written replies of Nepal.

Communist Party of Nepal (UML) (2013) *The Election Manifesto of the Constituent Assembly 2013* (Kathmandu: Communist Party of Nepal – UML).

Devkota, Sara; Padam Simkhada; Paul Bissell; Edwin ven Teijlingen and Ram Chandra Silwal (2014) *Sex Trafficking and Women Labour Migration in Nepal: A Qualitative Study* (SchARR University of Sheffield UK and Green Tara Nepal).

GoN (2012) *Government of Nepal (Work Division) Rules 2069 (2012)* (Kathmandu: GoN).

Harroff-Tavel, H el ene and Alix Nasri (2013) *Tricked and Trapped Human Trafficking in the Middle East* (ILO Regional Office for the Arab States: Beirut).

Hawkes, Sarah et al., (2013) *Tracking Cases of Gender-Based Violence in Nepal: Individual, institutional, legal and policy analyses* (Kathmandu: CREHPA and UCL).

INSEC (2013) *Violence Against Women/Girls Assessing the Situation of Nepal in 2012* (Kathmandu: INSEC).

INSEC (2014) *Violence Against Women/Girls Assessing the Situation of Nepal in 2013* (Kathmandu: INSEC).

International Development Law Organization (2011) *Preventing and Combating the Trafficking of Girls in India Using Legal Empowerment Strategies: A Rights Awareness and Legal Assistance Program in Four District of West Bengal* (Rome, Italy: International Development Law Organization).

Karki, Parbati (2013) *Exploitation of the Women in Cabin-Restaurant (A case study of Kathmandu Metropolitan City)*, a Research Report submitted to Social Inclusion Research Fund, SNV Nepal.

Karki, Susheela (2012) 'A Judicial Response to Gender Justice: A Bird's Eye View', *NJA Law Journal, Special Focus to Justice for the Poor and Marginalized Groups in Nepal* (Kathmandu: National Judicial Academy), pp. 64-84.

Maiti Nepal (2008) *Annual Report 2008* (Kathmandu: Maiti Nepal).

Maiti Nepal (2009) *Annual Report 2009* (Kathmandu: Maiti Nepal).

Maiti Nepal (2010) *Annual Report 2010* (Kathmandu: Maiti Nepal).

Maiti Nepal (2011) *Annual Report 2011* (Kathmandu: Maiti Nepal).

Maiti Nepal (2012) *Annual Report 2012* (Kathmandu: Maiti Nepal).

Maiti Nepal (2013) *Living the Golden Dreams: the Gulf and Nepalese Women* (Kathmandu: Maiti Nepal).

MoF (2013) *Economic Survey, Fiscal Year 2012/13* (Kathmandu: Ministry of Finance).

MoLE (2012) *The Nepalese Journal of Labor and Employment, Annual Progress Bulletin 2069* (Kathmandu: Ministry of Labor and Employment).

MoWCSW (2011) *National Plan of Action against Trafficking in Person, 2011-16* (Kathmandu: Ministry of Women, Children and Social Welfare).

MoWCSW (2011) *National Plan of Action against Trafficking in Person, 2011-16* (Kathmandu: Ministry of Women, Children and Social Welfare).

MoWCSW (2012) *National Plan of Action for Children, Nepal 2004/05-2014/15* (Kathmandu: Ministry of Women, Children and Social Welfare)

MoWCSW (2012) *Standards for Operation and Management of Residential Child Care Homes, 2012* (Kathmandu: Ministry of Women, Children and Social Welfare).

MoWCSW (2014) *National Report on Human Trafficking and Transportation 2070* (Kathmandu: Ministry of Women, Children and Social Welfare).

Nepali Congress (2013) *Nepali Congress Ko Ghosana Patra: Sambidhan Sabha Nirwahan 2070* (in Nepali), *Manifesto of Nepali Congress: Constituent Assembly Election 2013* (Lalitapur, Nepal: Nepali Congress Central Committee).

NHRC (2011) *Strategic Plan 2011-14* (Kathmandu: National Human Rights Commission of Nepal).

NHRC (2012) *Implementation Status of National Human Rights Commission and Universal Periodic Review Recommendations on Child Rights* (Kathmandu: National Human Rights Commission of Nepal).

NHRC (2012) *International Conference on the Rights of Migrant Workers* (Kathmandu: National Human Rights Commission of Nepal).

NHRC (2069BS) (2012) *Baal Adhikar: Bisayagat Pustika* (Rights of Children) (in Nepali) (Kathmandu: National Human Rights Commission).

NHRC (2069BS) (2012a) *Mahila Manab Adhikar: Bisayagat Pustika : Bisayagat Pustika* (Women Human Rights) (Kathmandu: National Human Rights Commission).

NHRC (2069BS) (2012b) *Aprabasi Kamadarko Adhikar: Bisayagat Pustika* (Rights of Migrant Workers: Subject Specific Book (in Nepali) (Kathmandu: National Human Rights Commission of Nepal).

NJA (2013) *Access to the Justice to the Women Victims of GBV: A Brief Study* (Kathmandu: National Judiciary Academy).

NWC (2012) *Annual Report 2067/68* (Kathmandu: National Women Commission of Nepal).

NWC (2012) *Annual Report of National Dalit Commission 2068/69* (Kathmandu: National Dalit Commission).

OAG (2009) *Annual Report of the Attorney General of Nepal 2008/09* (Kathmandu: Office of the Attorney General).

OAG (2010) *Annual Report of the Attorney General of Nepal 2009/10* (Kathmandu: Office of the Attorney General).

OAG (2011) *Annual Report of the Attorney General of Nepal 2010/11* (Kathmandu: Office of the Attorney General).

- OAG (2012) *Annual Report of the Attorney General of Nepal 2011/12* (Kathmandu: Office of the Attorney General).
- OAG (2013) *Annual Report of the Attorney General of Nepal 2012/13* (Kathmandu: Office of the Attorney General).
- Office of the Prime Minister and Council of Ministries (2012) *A Study on Gender-based Violence Conducted in Selected Rural Districts of Nepal* (Kathmandu: Office of the Prime Minister and Council of Ministries).
- People's Forum (2013) *Baideshik Rojagar Sambandhi Kasurma Kanuni Upachar Digdarsan 2070* (in Nepali) (A Guideline for the Treatment of Offence Related to Foreign Employment) (Kathmandu: People's Forum).
- Pourakhi Nepal (2013) *Recommendation from the National Conference on Migration* (Kathmandu: Pourakhi Nepal).
- Rayamajhee, Min Bahadur (2006) 'Making Road to Justice Accessible: Victim Protection, Appearance and Examination in-camera Hearing;', *Judges' Workshop on Combating Trafficking in Women and Children* (Kathmandu: National Judiciary Academy), pp. 33-34.
- SAAG et al. (2013) *Civil Society Alliance for Child Rights in South Asia* (New Delhi: SAAGN).
- Sijapati, Bandita and Amrita Limbu (2012) *Governing Labor Migration in Nepal: An Analysis of Existing Policies and Institutional Mechanisms* (Kathmandu: Himal Books).
- The Asia Foundation (2013) *Combating Trafficking in Persons (CTIP) Program, Annual Report, Oct 1, 2012-Sept 30, 2013* (Kathmandu: The Asia Foundation).
- The Asia Foundation, Nepal (2013) *Labor Migration trends and Patterns: Bangladesh, India, and Nepal 2013* (Kathmandu: The Asia Foundation).
- Timothy, Rakkee and S.K. Sasikumar (2012) *Migration of Women Workers from South Asia to Gulf* (New Delhi and Noida: V.V. Giri National Institute and UN Women South Asia Sub-Regional Office).
- United Nations (2009) *Anti-human Trafficking Manual for Criminal Justice Practitioners, Module 1: Definitions of Trafficking in Persons and Smuggling of Migrants* (New York: United Nations).
- United Nations (2011) *Concluding Observation of the Committee on the Elimination of Discrimination against Women* (Forty-ninth session).
- United Nations (2011) *Concluding observations of the Committee on the Elimination of Discrimination against Women, CEDAW* (New York: United Nations).
- United Nations (2012) *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid* (New York: United Nations).

US Department of State (2009) Trafficking in Persons Report 2009 (Washington DC: US Department of State).

US Department of State (2010) Trafficking in Persons Report 2009 (Washington DC: US Department of State).

US Department of State (2011) Trafficking in Persons Report 2009 (Washington DC: US Department of State).

US Department of State (2012) Trafficking in Persons Report 2009 (Washington DC: US Department of State).

US Department of State (2013) Trafficking in Persons Report 2009 (Washington DC: US Department of State).

Walk Free Foundation (2013) *The Global Slavery Index 2013*.

WOREC (2012) *Anbeshi: An Analytical Report about Violence against Women* (in Nepali) (Kathmandu: WOREC).

#### **Websites**

[www.pourakhi.org.np](http://www.pourakhi.org.np)

[www.dofe.gov.np](http://www.dofe.gov.np)

<https://www.amnesty.org>

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

<http://www.fepb.gov.np/preport.php>

[www.fepb.gov.np/](http://www.fepb.gov.np/)

[www.mowcsw.gov.np](http://www.mowcsw.gov.np).

#### **Raw Data**

- Embassy of Nepal to the Kingdom of Saudi Arabia, 2013
- Department of Foreign Employment
- Foreign Employment Promotion Board
- Nepal Police
- Annual Progress Reports of Department of Foreign Employment from FY 2007/08 to 2012/13
- Nepal Gazette, Volume 62, Number 6, Part 5, Date 2069/2/8BS (2012-5-2).
- Bhattra, Purna Chandra, 2013 (Power point presentation in 'Increasing Risk of Human Trafficking in the Context of Dignified Foreign Employment in Nepal).
- MoE, Report of the Task Force on the Loan Program for Foreign Employment, 2069
- NIDS Survey 2002
- Foreign Employment Act, 2064 (2007)
- Human Trafficking and Transportation (Control) Act 2064 (2007)

#### **Annex**

Annex 2.1 Overview of interception, safe migration information and handling of human trafficking cases of Maiti Nepal, 2009-2012 (in Number)

Description	2009	2010	2011	2012	2013
Persons intercepted in border areas	1,521	2,478	2,478	2,988	3755
Migrants informed at borders	25,615	66,052	47,973	100,495	

Victims rescued	86	64	88	239	225
Human trafficking cases initiated	22	47	46	60	
Women trained at prevention homes	-	100	80	105	
Missing application received	109	-	-	3013	
Missing persons found	579	-	-	1,169	

Source: Annual Reports of Maiti Nepal, 2009 to 2012.

Annex 2.1a Overview of interception and safe migration activities of Maiti Nepal by transit homes, 2012 (in number)

Description	Kakarbhitta	Dhanghadi	Birgung	Bhairahawa	Nepal-gung	Birat-nagar	Pasupati-Nagar	Mahendrnagar	Maheshapur, Nawalparasi
Interception	352	69	147	264	263	164	392	56	48
Safe migration information	22740	2293	17205	10532	-	3243	1073	1750	1149
Settled cases of gender based violence	22	17	13	29	32	35	73	52	-
Reunited (found)	29	38	21	13	40	7	9	21	8
Missing	85	51	79	125	416	61	22	160	-
Rescued/repatriation	36	2	13	56	23	-	3	10	-
Registered cases of human trafficking in the district court	-	2	3	-	-	-	-	2	-

Source: Annual Report of Maiti Nepal, 2012.

Annex 2.2 Number of crime against women and children recorded in Women and Children Service Directorate, Nepal Police, Nepal

Fiscal Year	Rape	Attempt to rape	Trafficking	Abortion	Polygamy	Child Marriage	Domestic Violence
053/054	112	34	117	74	101	5	337
054/055	181	34	130	101	135	3	228
055/056	141	18	110	81	96	1	432
056/057	186	33	120	89	96	5	711
057/058	122	35	92	55	75	1	449
058/059	129	21	40	14	51	-	410
059/060	157	18	55	15	69	2	569
060/061	154	19	56	8	44	3	922
061/062	188	25	72	11	66	1	730
062/063	195	38	97	14	65	1	939
063/064	317	70	112	3	94	7	1100
064/065	309	73	123	13	122	4	881
065/066	391	75	139	12	170	2	968
066/067	376	101	161	8	146	7	983
067/068	481	151	183	12	197	3	1355
068/069*	555	156	118	13	249	12	2250
2069/70	677	245	144	28	350	19	1800

Source: <http://www.nepalpolice.gov.np/1.html> (Accessed on April 10, 2014).

Annex 2.3 Red Corner Notice and Green Notice Issued by Interpol in relation to fraud in foreign Employment/trafficking and sexual exploitation by February 24, 2013

Sex of the accused person	Requesting Agency	Criminal details
<b>Red Corner Notice</b>		
Male	Labour and Employment Promotion Dept. Nepal, 26 July 2007	On 14 August 2006, the accused person cheated at least six Nepalese citizens of approximately USD 70,000 under the pretext of sending them for lucrative employment abroad. He absconded after collecting the money.
Male	Labour and Employment Promotion Dept., Nepal, 27 August 2007	Swindled a large number of Nepalese citizens of USD 309,806 by promising them lucrative employment abroad
Male	Labour and Employment Promotion Dept., Nepal, 27 August 2007	Swindled a large number of Nepalese citizens of USD 309,806 by promising them lucrative employment abroad.
Male	Labour and Employment Promotion Dept., Nepal 27 August 2007	Swindled a large number of Nepalese citizens of USD 309,806 by promising them lucrative employment abroad.



Male	DPO Darchula, Nepal 8 June 2009	The incident occurred on 20 November 2005. Victim named Puspa 6 yrs old was staying at home with her brother, the accused person came and asked victim's brother to buy sweet by giving two rupees. Then accused took her out 200 meters east from the house and conducted rape crime.
Male	Foreign Employment And Promotion Department on 12 March 2012	The subject committed forgery, cheating to the innocent people and misappropriated the amount Rs. 6.6 million (equivalent to USD 82500.00) by convincing to provide lucrative jobs abroad including countries in Europe and Africa
Male	Foreign Employment And Promotion Department	The subject committed forgery, cheated the innocent people and misappropriated the amount Rs. 693,000 (equivalent to USD 7800) by convincing to provide lucrative jobs abroad.
Female	Foreign Employment And Promotion Department 13 June 2012	The subject misappropriated the huge amount from the large number of innocent people per person Rs. 350,000 (equivalent to USD 3900) with false agreement by convincing them to provide lucrative jobs in Afghanistan.
Male	Foreign Employment and Promotion Department Kathmandu 13 June 2012	The subject misappropriated the huge amount from the large number of innocent people per person Rs. 3, 50,000 (equivalent to USD 3900) with false agreement by convincing them to provide lucrative jobs in Afghanistan.
Male	Foreign Employment And Promotion Department Kathmandu 13 June 2012	The subject misappropriated the huge amount from the large number of innocent people per person Rs. 3, 50,000 (equivalent to USD 3900) with false agreement by convincing them to provide lucrative jobs in Afghanistan.
Male	Foreign Employment and Promotion Department Kathmandu 21 June 2012	The subject misappropriated Rs. 1.3 million (equivalent to USD 14,500) from a Nepalese national with false agreement by convincing him to provide lucrative job in USA on June 11, 2008
Male	DPO Ramechhap	A girl of 14 years old from Saipu V.D.C, Ramechhap district, was raped and later killed by accused on 19 January 2012 while the victim was returning back her home alone from local market.
<b>Green Blue Notice</b>		
Male	USA	Computer Pornography and Child Sexual Exploitation

Source: <http://www.nepalpolice.gov.np/1.html> (Accessed on April 14, 2013).

**Annex 2.4 Number of crime cases complied by the NHRC, 2012/13 and 2013/14**

Types of crimes and abuses	2011/12 (14 April, 2011	2012/13 (April 13, 2012-	2013/14 (14 Apr 2013 to 13	Total

	-12 April, 2012)	April 13, 2013)	April, 2014)	
IDPs Locally	9786	6403	7533	23722
Total arrested known	7080	6258	7175	20513
Houses burnt	1227	5547	494	7268
Accidental deaths	1871	2053	1809	5733
Clash Injured	1457	1615	995	4067
Arrested ran away	3426	0	43	3469
Violence and abuses	1305	1762	0	3067
Protests and strikes	633	938	495	2066
<b>Trafficked</b>	<b>0</b>	<b>518</b>	<b>1437</b>	<b>1955</b>
Murder/Death/Dead body	566	955	417	1938
<b>Women rescued</b>	<b>319</b>	<b>472</b>	<b>733</b>	<b>1524</b>
<b>Missing Cases</b>	<b>200</b>	<b>286</b>	<b>1033</b>	<b>1519</b>
Loot and dacoits	363	459	406	1228
Disappeared list	0	12	854	866
Domestic violence	234	275	352	861
Clashes	182	314	238	734
Vandalism cases	140	296	274	710
House fire Incidents	252	259	194	705
Strike & blockades	216	267	151	634
<b>Rape &amp; Sexual Harassment</b>	<b>138</b>	<b>242</b>	<b>244</b>	<b>624</b>
Bomb Incidents	160	87	272	519
Abductions	151	176	99	426
Threat to life	150	166	82	398
Torture case	123	164	98	385
Jailed	7	0	364	371
<b>Human Traffic Incident case</b>	<b>69</b>	<b>97</b>	<b>202</b>	<b>368</b>
Abducted freed	95	154	65	314
Clash killings	141	89	28	258
Injured by bomb	66	53	135	254
Shot/stabbed injured	94	90	70	254
Freed from custody	0	0	242	242
House fire death	56	55	45	156
Seizure of lands cases	0	61	31	92
<b>Sold</b>	<b>32</b>	<b>20</b>	<b>14</b>	<b>66</b>
Bomb Killings by bomb	11	5	5	21
Disappeared returned	0	0	2	2
Total	30550	30148	26631	87329

Source: Compiled by the clipping of papers by NHRC.

Annex 2.5 Number of women and children victims of trafficking and accused of trafficking by district, FY 2011/12, Nepal

S.N.	Districts	Women		Children	
		Victims	Accused	Victims	Accused
1	Panchathar	5	7	5	0

2	Jhapa	6	20	18	3
3	Sankhuwasabha	2	2	0	0
4	Morang	12	4	4	0
5	Sunsari	1	0	0	0
6	Makwanpur	0	9	0	2
7	Parsa	2	0	0	0
8	Bara	5	5	0	0
9	Kathmandu	18	5	0	0
10	Lalitapur	3	1	0	0
11	Nuwakot	3	3	1	0
12	Rasuwa	2	2	0	0
13	Dhading	0	0	1	0
14	Gorkha	0	1	1	0
15	Kaski	1	1	0	0
16	Tanahun	0	0	2	2
17	Syanja	2	0	0	0
18	Arghakhanchi	1	0	0	0
19	Nawalparasi	6	4	1	0
20	Rupandehi	14	2	0	0
21	Kapilbastu	5	3	0	0
22	Rolpa	1	2	0	0
23	Dailekha	1	1	1	1
24	Surkhet	1	3	2	0
25	Bardiya	0	0	2	0
26	Bajhang	0	1	0	0
27	Doti	1	0	0	0
28	Kailali	3	2	3	0
29	Baitadi	1	0	0	0
30	Dadeldhura	1	0	0	0
31	Kanchanpur	1	0	3	0
	Total	125	98	46	8

Source: The Annual Report 2011/12 of the Office of the Attorney General, the GoN.

Annex 2.5a Number of trafficking cases with both victims and accused of women and children, 2012/13

Districts	Women		Children	
	Victim	Accused	Victim	Accused
Taplejung	2	1	1	0
Panchathar	0	1	0	0
Illam	0	0	1	1
Jhapa	21	10	3	0
Sankhuwasabha	2	2	1	0
Bhojpur	1	0	0	0
Dhankuta	0	0	0	0
Tehrathum	0	0	0	0
Morang	21	9	4	1
Sunsari	4	2	2	0
Solukhumbu	0	0	0	0
Okhaldhunga	0	0	0	0
Khotang	0	0	0	0
Udayapur	0	0	0	0
Saptari	0	0	0	0
Siraha	2	0	0	0
Ramechhap	0	0	0	0
Sindhuli	0	0	0	0
Dhanusa	4	0	0	0
Mahottari	0	0	0	0
Sarlahi	0	0	0	0
Chitawan	2	0	0	0
Makwanpur	3	0	1	0
Parsa	2	5	1	1
Bara	0	0	0	0
Rautahat	0	0	0	0
Dolakha	0	0	0	1
Sindhupalchok	1	0	0	0
Kavre	2	1	0	0
Bhaktapur	1	0	0	0
Kathmandu	40	13	0	0
Lalitapur	9	5	2	0
Nuwakot	13	2	2	0
Rasuwa	2	2	0	0
Dhading	2	0	0	0
Gorkha	0	1	1	0
Manang	0	0	0	0
Lamjung	1	1	1	0
Kaski	3	3	0	0
Tanahu	0	0	0	0
Syangja	0	0	0	0
Mustang	0	0	0	0
Myagdi	0	0	0	0
Parbat	0	0	0	0
Baglung	0	0	0	0

Gulmi	0	2	2	0
Arghakhanchi	1	0	0	0
Palpa	0	0	0	0
Nawalparasi	0	0	0	0
Rupandehi	9	8	0	0
Kapilbastu	3	7	0	0
Rukum	1	0	0	0
Rolpa	1	2	0	0
Pyuthan	0	0	0	0
Salyan	0	0	4	0
Dang	1	1	0	0
Jajarkot	1	0	0	0
Dailekh	0	0	0	0
Surkhet	1	1	0	0
Banke	36	28	4	1
Bardiya	1	0	2	0
Dolpa	0	0	0	0
Mugu	0	0	0	0
Humla	0	0	0	0
Jumla	0	0	0	0
Kalikot	0	0	0	0
Bajhang	0	0	0	0
Bajura	0	0	0	0
Achham	0	0	0	0
Doti	0	0	0	0
Dadeldhura	0	0	0	0
Baitadi	1	0	0	0
Darchula	0	0	0	0
Kanchanpur	1	0	0	0
<b>Total</b>	<b>203</b>	<b>109</b>	<b>34</b>	<b>5</b>

Source: The Annual Report 2012/13 of the Office of the Attorney General, the GoN.

Annex 3.1 Characteristics of returnee migrants who were provided services by Pourakhi Nepal, January 2012- June 2013

	2012	2013	Total
<b>Caste/ethnic groups</b>			
Janjati/indigenous group	140	230	370
Dalit	73	104	177
Brahmin	28	30	61
Chhetri	24	40	64
Muslim	4	0	4
Other	3	4	7
<b>Education</b>			
Illiterate	131	160	291
Literate	2	96	98
Under SLC	127	139	266
SLC Pass and above	8	13	21
Not reported	4	0	4
<b>Marital Status</b>			
Married	204	324	528
Unmarried	67	84	151
Not reported	1	0	1
<b>Age group (in years)</b>			
Less than 30	130	156	286
30-40	102	158	260
40 and above	38	94	132
Not reported	2	0	2
<b>Children</b>			
Have at least one child	176	304	480
No child birth	96	104	200
<b>Duration of foreign employment (in years)</b>			
less than 1 year	69	96	165
1 - 2	87	107	194
2 - 3	83	117	200
3 - 4	22	55	77
4 and above	7	33	40
Not reported	4	0	4
Total	272	408	680

Source: Pourakhi Nepal, 2013 (data sent to NHRC).

Annex 3.2 An overview of reasons for seeking legal counseling by the returnee/aspirant migrants and their families, from People's Forum, January 2012 – June 2013

SN	Sex	Age	Reasons for seeking legal counseling by the victims
<b>The victims/persons were referred from SaMi Information Center, Sarlahi</b>			
1	Female	20	The applicant travel documents were ceased by DoFE from Ecuador Travel Gangabu. She wanted to return these documents from the DoFE
2	Male	44	The applicant's father was not paid salary and he was also deprived from accommodation and food in the work place and the applicant wanted to rescue his father from Qatar.
3	Female	37	Her husband Dinesh Shah had gone to Malaysia through Famous Human Resource Man Power Pvt. Ltd. He ran away from his employer company and he is missing from 15 months.
4	Male	22	B.J. Overseas Pvt. Ltd. received Rs. 92,000 from the victim for a job of waiter in Malaysia. The victim returned to Nepal after 3 months due to not getting job and salary as promised. He wanted to get compensation from the recruiting agency.
5	Male	27	R & R job Placement Pvt. Ltd sent the victim to Malaysia for a general worker, but he was not provided job and salary as promised.
6	Male	23	R & R job Placement Pvt. Ltd sent the victim to Malaysia for a general worker, but he was not provided job and salary as promised.
7	Male	28	An agent received Rs. 700,000 from the victim and the agent ran away
8	Male	29	Sidhhi Dhata Overseas, Kathmandu received Rs. 1,000 for documentation and Rs. 7400 for two times medical check-up from the victim to send him in a job in Saudi Arab but the agency has not send him in Saudi Arab and even not returned his passport and money.
9	Female	26	R and R received his passport but not return it.
10	Female	20	Tulsi Overseas Company sent applicant's husband to Malaysia for foreign employment, but her husband was not provided job and salary as promised. Request for rescue.
11	Male	24	An agent of Bara received Rs. 700,000 from the victim for foreign employment in UAE for a security guard, but he was not sent and money not returned.
12	Male	38	An agent working in SAB International sent applicant's brother to UAE for the post of sales-man but employer company complied him to work 18 hour/day and the victim became sick so he wanted to return to Nepal
13	Male	38	Khumbu Overseas Services Pvt. Ltd. received Rs. 115,000 from the victim and sent him Malaysia for packing work, but he was provided job in a Iron Industry – a heavy workload. So the victim wanted to be rescued.
14	Male	29	An agent received Rs. 300,000 for foreign employment in Korea, but the victim was not sent and even money not returned.
15	Male	27	Kabeli Human Resource Gausala received Rs. 100,000 from the victim for a job in Malaysia but the victim was not sent to Malaysia and even the money not returned.

16	Male	33	Kabeli Human Resource Gausala received Rs. 130,000 from the victim for a job in Malaysia but the victim was not sent to Malaysia and even the money not returned
17	Male	24	An agent received Rs. 595,000 from the victim for a job of fish-packing in Canada, but the victim want not sent and even the money not returned. .
18	Male	24	An agent received Rs. 600,000 from the victim for a job of fish-packing in Canada, but the victim want not sent and even the money not returned.
19	Male	21	An agent received Rs. 200,000 from the victim for a job of waiter in Iraq, but the victim was not sent and even the money not returned.
<b>The victims/persons were referred from Jana Sewa Samaj, Khotang</b>			
20	Male	22	Five-Star Manpower sent the victim for a job of sales-man in Saudi Arabia but the victim had to work in different company at low salary. So he returned back to Nepal and seeking for the compensation.
21	Male	22	Five-Star Manpower sent the victim for a job of sales-man in Saudi Arabia but the victim had to work in different company at low salary. So he returned back to Nepal and seeking for the compensation.
22	Female	28	An agent received Rs. 300,000 from the victim for foreign employment in Hong Kong for the post of hotel waiter/Airline, but the victim not sent and not returned money.
23	Female	26	Her brother was sent to Malaysia through Paradise Manpower agency but the victim was no work and they kept in Jungle of Malaysia without accommodation and food. Now She wants to return Nepal through Paradise Manpower.
24	Female	28	An agent received Rs. 1.05 million from her husband for foreign employment Germany, not sent and not returned money
25	Female	35	The applicant's sister-in-law filed a FIR against the perpetrator that case is in under the hearing of Foreign Employment Tribunal about whereabouts of the applicant's sister-in-law.
26	Male	23	Hum Overseas Pvt. Ltd received passport from the victim for a foreign job for the past 5 months and the victim was neither sent to the job nor was his passport returned.
27	Male	27	Millennium Manpower Consultancy Pvt. Ltd. received Rs. 92,000 from the victim and sent him to Saudi Arabia for a Office-Boy in a hospital but the victim was provided Panting work in a different company. He had to do heavy work. So he returned to Nepal and claimed for the compensation from the Consultancy Pvt. Ltd.
28	Male	27	The applicant's brother went to Malaysia through Paradise Manpower; but there was no work and he kept in Jungle without accommodation and food. Now he wanted to get back in Nepal the recruiting agency
29	Male	35	An agent received Rs. 85,000 from the victim for foreign employment in Malaysia but the victim not sent to Malaysia and not returned passport and money
30	Male	36	Galivant Manpower Pvt. Ltd. received Rs. 100,000 from the victim for foreign employment in Malaysia for the post of cook, but he



			was not sent and even his money not returned.
31	Male	30	International Manpower Recruitment Pvt. Ltd., Lalitapur received Rs. 95,000 from the victim and sent him in Malaysia for packing work in a plastic industry. But the employer did not provide him job according to contract and the victim had to work in very high temperature. The victim requested to the employer to get back Nepal but the employer did not allow him. After registering application for rescue he came to Nepal. He claimed for compensation.
32	Male	21	Grand Overseas Pvt. Ltd received passport from the victim for foreign employment in Qatar but the agency did not send him in Qatar and not returned his passport as well.
33	Male	31	SAB International Human Resource received Rs. 100,000 from the victim and sent UAE for the sales-man at the rate of 1800 AED monthly. But the victim did not get job and salary according to contract.
34	Male	34	Innovative Human Resource Pvt. Ltd. sent the victim to Saudi Arab in indoor service, but the victim was not provided job and salary as promised.
35	Male	21	An agent received 135,000 from the victim to go to foreign employment in UAE for job of Trali Boy. But the agent made fake documents and ran away.
36	Male	21	An agent received Rs. 100,000 from the agent to go to foreign employment in UAE for job of Trali Boy. But the agent made fake documents and gave to the victim and the agent ran away.
37	Mae	50	The applicant needed ambulance for carrying his brother's death body to Khotang and requested to People Forum for application writing to FEPB
38	Male	30	Krish Manpower, Purano Baneshwor sent victim's passport for sending him in Bahrain for the job of electrical work and Krish Manpower provided passport to Satyam international Service, Basundhara. He wanted to return his passport.
39	Male	42	An agent took money for Ship-job but the victim was not sent there
40	Male	30	The applicant wanted to know foreign employment process for South Korea and the counseling provided
41	Male	29	The applicant wanted to know foreign employment process for South Korea and the counseling provided
42	Male	26	The applicant wanted to know foreign employment process for South Korea and the counseling provided
43	Male	24	An agent received money the victim for foreign employment in UAE but the victim was not sent to UAE and even the money not returned.
44	Male	34	The applicant wanted to know about legal processes for foreign employment
45	Male	24	An agent received some money and passport for foreign employment in Moscow from the victim but the victim was not sent to Moscow and even the money not returned.
46	Male	19	Capital International Manpower Received Rs. 75,000 for foreign employment in MAREEZ General Cleaning company Qatar but

			other construction`s person received him in Doha airport and provide heavy materials lifting work so Mr. Mitra return back to Nepal within a month.
47	Male	19	Capital International Manpower received Rs. 75,000 for foreign employment in a General Cleaning company Qatar but the person was sent to Doha for heavy material lifting work and the victim wanted to be rescued
48	Male	30	The applicant wanted to know the legal process for going to foreign employment in South Korea
49	Male	29	An agent received Rs. 147,000 from the victim for the job of Security Guard in Malaysia, but the victim was not sent and even his passport was not returned.

Source: People Forum, 2013 (data sent to NHRC).

#### Annex 3.3 Nature of Liabilities/Punishment in the Foreign Employment Act 2007

Nature of offence	Punishment/liabilities
Non-compliance with the Act	Warning for the first instance Fine of Rs. 50,000 for the second instance Fine of Rs. 100,000 and revocation of license for the third time of the same offence
Failure to obtain license and giving false assurance	The amount taken along with the 50% of that amount Two way travel expenses Fine of Rs. 300,000 to Rs. 500,000 or imprisonment of 3 to 7 years Half of the above mentioned punishment if the person has not been sent abroad
Falsification of documents	Fine of Rs. 100,000 to 300,000 and imprisonment of 6 months to 1 year Punishment to be doubled and license to be revoked if the offence is repeated
Sending workers without permission	The amount taken along with 50% extra of that amount Two-way travel expenses Fine of Rs. 300,000 to Rs. 500,000 or imprisonment of 3 to 5 years Revocation of license
Sending minor	Fine of Rs. 300,000 to Rs. 500,000 or imprisonment of 3 to 5 years or imprisonment of 3 to 5 years in sending of minors
Sending of workers to countries not opened by the GoN	Fine of Rs. 300,000 to Rs. 500,000 or imprisonment of 3 to 5 years or imprisonment of 3 to 5 years in sending of minors Half of the above mentioned punishment if the person is not sent to abroad
Opening branch offices without permission	Fine of Rs. 200,000 and closure of that branch
Failure to publish advertisement	Fine of Rs. 50,000 and cancelation of such advertisement
Failure to publish the selection list or publish it without informing DoFE	Fine of Rs. 50,000 and order to re (publish) the selection list
Refusal to return amount or provide compensation	Provide the amount or compensation from the deposit made by the license

	Fine of Rs. 100,000; License revoked
Sending workers on individual basis	Fine of Rs. 100,000 to 300,000 or revocation of license or both
Collecting visa fees where free visa has been received or charging excessive service charges and other costs	Return fees that are not to be charged or return fees/charges collected Fine of Rs. 100,000
Doing/causing contrary to act	Fine Rs. 100,000 License to pay the shortfall amount of such remuneration and facilities

Annex 3.4 Criteria for selection of the training participants for the skill development program

Categories	Weight
<b>Social groups</b>	
Women, Dalit and Minority	5
Others	3
<b>Age groups</b>	
18-25	4
26-45	5
<b>Education</b>	
SLC to 10+2	5
5-10 grade	4
0-4 grade	2
<b>Family monthly income</b>	
Less than or equal to Rs. 10,000	5
More than Rs. 10,000	0
<b>Choice of employment</b>	
Desired to go abroad	5
Self employed	4
No decided	3

Source: Foreign Employment Promotion Board Secretariat, Guideline for the Selection of Trainees for the Development Skilled Training, 2070.

Annex 3.5 Name of organizations providing orientation training, FY 2012/13

SN	Name of orientation training centers	Number of persons orientation provided
1	Access Carrier Solution Pvt. Ltd.	1341
2	Advance Orientation Training Center Pvt. Ltd.	5996
3	Akbar Training Center Pvt. Ltd	427
4	Alliance Orientation Pvt. Ltd.	5699
5	Alliance Technical Consult Pvt. Ltd.	8013
6	Amarabati Orientation Training Center Pvt. Ltd	4510
7	Around The Word Training Center Pvt. Ltd.	4501
8	Asian Orientation Training Pvt. Ltd.	8237
9	Avenues Training Research & Educational Consultancy Pvt. Ltd.	8294
10	Axis Consultancy Pvt. Ltd.	1906

11	Baga Bhairab Training Institute Pvt. Ltd.	3509
12	Bigkiran Associates Pvt. Ltd.	6659
13	Bindabasini International Institute Pvt. Ltd.	6527
14	Blue Sky Training Researches & Educational	7568
15	Chetana Orientation Pvt. Ltd.	5256
16	Cosmography Training & Research Center Pvt. Ltd.	32
17	Dhanad Talim Kendra Pvt. Ltd.	2105
18	Dobhan Technical Training Center	4905
19	Elite Employment Training Center Pvt. Ltd.	6610
20	Employment Training Center	635
21	Everest Training & Consultancy Pvt. Ltd.	4472
22	Far West Multi Skills Pvt. Ltd.	2195
23	Global Careers Pvt. Ltd.	8926
24	Golden Management Services Pvt. Ltd.	3881
25	H.R. Matters Education Pvt. Ltd.	2810
26	Hamro Shiksha Talim Tatha Parmarsha Pvt. Ltd.	2678
27	Institute For Universal Education Training Center Pvt. Ltd.	7818
28	International Training Center Pvt. Ltd.	1412
29	Job Oriented Training Institute Pvt. Ltd.	8139
30	Juchhe Multipurpose Training Center Pvt. Ltd.	3833
31	Lee Trade School Pvt. Ltd.	4858
32	Lumbini Multiple Prashikshan Kendra Pvt. Ltd.	2674
33	Malika Institute Of Training & Development Pvt. Ltd.	3212
34	Merapeak Multiple Pvt. Ltd.	9651
35	National Foreign Training & Primers Department Pvt. Ltd.	10914
36	Nepal Foreign Employment Management Institute Pvt. Ltd.	2994
37	Ocean Technical Institute Pvt. Ltd.	6075
38	Orient Technical Institute & Consultancy Pvt. Ltd	878
39	Paurakhi Srijanshil Pvt. Ltd.	1553
40	R.K. Orientation & Training Center Pvt. Ltd.	2247
41	R.M. International Training Center Pvt. Ltd.	9379
42	Raj Foreign Employment Pvt. Ltd.	4062
43	Rajnish Training Consultancy Pvt. Ltd.	8574
44	S&S Training Institute Pvt. Ltd.	3611
45	S.V. Consultancy Pvt. Ltd.	1229
46	Samik Orientation & Training Center Pvt. Ltd.	5434
47	Samikshya Orientation Center Pvt. Ltd	5210
48	Samyog Training Institute Pvt. Ltd.	12170
49	Sangam Management Service Pvt. Ltd.	5741
50	Shining Moon Training Center Pvt. Ltd.	3724
51	Signor International Training Institute Pvt. Ltd.	10843
52	Sky Blue Way Technical Institute Pvt. Ltd.	3986
53	Solid Orientation Pvt. Ltd.	2960
54	Sukarma International Training Institute Pvt. Ltd.	2995
55	Sungabha Orientation Training Center Pvt. Ltd.	13780
56	T.S. Training Center Pvt. Ltd.	4746

57	Task Training Associates Pvt. Ltd.	9754
58	Tower Info Ten Job Orientation Pvt. Ltd.	9961
59	Tipple S Orientation & Language Training Centre Pvt. Ltd.	4721
60	Unique Technical Training Center	10987
61	United Institute Of Training & Research Pvt. Ltd.	4512
62	Universal Technical Training & Orientation Center Pvt. Ltd.	2831
63	Vision Orientation Services Pvt. Ltd.	8542
64	Welcome Orientation Center Pvt. Ltd.	4628
65	Work Force Orientation Group Pvt. Ltd.	723
66	World Wide Training Pvt. Ltd.	1633
67	Karmashil Orientation Pvt. Ltd	948
68	Sharan Orientation Pvt. Ltd.	764
69	Gorkha Education Pvt. Ltd.	1136
70	Agni Orientation Pvt. Ltd.	1417
71	NICD Orientation Pvt. Ltd.	1068
72	Aslesha Institute Orientation Pvt. Ltd.	999
73	Mahakali Orientation Pvt. Ltd.	1324
74	R Orientation Pvt. Ltd.	902
75	Ellmira Orientation Pvt. Ltd.	506
76	L.G. Multiple Orientation PVT.LTD.	3339
77	Peoples Orientation PVT.LTD.	59
78	Mountain Group Technical Orientation Training Pvt. Ltd.	824
79	Nisan Multiple Training Pvt. Ltd.	296
80	Care Associate Pvt. Ltd.	235
81	Cosmic Orientation Pvt. Ltd	605
82	Kentech Institute Pvt. Ltd	881
83	Anushree Orientation Pvt. Ltd.	281
84	J.B.R Orientation Pvt. Ltd.	165
85	M.S. Orientation Pvt. Ltd.	482
86	Moon Drops Orientation Pvt. Ltd.	0
	Total	354,219

Source: Progress Report of Department of Foreign Employment, 2012/13 (data access through Net)

Annex 3.5a Number of Life Insurance Company (as of 2066/11/25)

1. Rastriya Bima Sasthan, Ramshapath, Kathmandu
2. National Life Insurance Company, Narayan Chowar, Kathmandu
3. Nepal Life Insurance Company Ltd., Kamaladi, Kathmandu
4. Life Insurance Corporation (Nepal) Ltd., Kamaladi, Kathmandu
5. American Life Insurance Company, Pulchowk, Lalitapur
6. Asian Life Insurance Company, Dilli Bazar, Kathmandu
7. Surya Life Insurance Company Ltd., Lala Durbar, Kathmandu
8. Guransh Life Insurance Company Ltd., Hattisar, Kathmandu
9. Prime Life Insurance Company Ltd., Hattisar, Kathmandu
10. Institutional Registration and Renewal

Annex 3.5b Number of recruiting agencies, branch offices

	Total number from the beginning to the end of FY 2011/12	Number during the FY 2012/13	Total number of cancelation from the beginning to Chaitra FY 2012/13	Total number from the beginning to the end of Chaitra 2012/13
Number of recruiting agencies provided approvals	1032	0	264	768
Number of recruiting agencies valid registration	723	251	0	764
Number of recruiting agencies renewed for sending caregivers in Israel	182	208	31	151
Number of agents provided licenses	21	319	0	319
Number of branch offices of recruiting agencies	45	2	0	47
JITCO renewal	-	102	0	102
Orientation institutions registered	68	26	8	86

Source: Progress Report of Department of Foreign Employment, 2012/13 (data access through Net)

Annex 4.5 List of NGOs supported by different donor agencies and approved by the Social Welfare Council, Nepal, FY 2012/13

SN	Name of NGOs	Name of project	Project site	Donor agencies	Amount support (external)	Project duration	Project sector
1	AATWIN	Advocacy program on anti-trafficking	Kathmandu Kailali	Free the Slaves, USA	1,901,398	Jan 2013-Dec 2013	Women and children
2	Child Welfare Nepal, Makwanpur	Prevention of child labor and human trafficking	Makwanpur Udayapur Banke	Educanepal, Spain	8,600,000	Feb 2013-Jan 2014	Child
3	Children at Risk Nepal	Community mobilization on combating sexual abuse and child trafficking	Kanchanpur	Compassion International, India	731,000	Jan 2013-July 2013	Child
4	PPR Nepal, Kathmandu	CTIP program	Kathmandu Kavre Makwanpur	The Asia Foundation Nepal (TAF)	2,306,050	Oct 2012-Sept 2013	Human rights
5	FWLD	CTIP program	Kathmandu	TAF	1,785,500	Jan 2013-Dec 2013	Women justice
6	General Welfare Pratisthan (GWP), Kathmandu	Prevention of girls trafficking and HIV/AIDS	Makwanpur Parsa	Go Campaign, USA	4,098,150	Feb 2013-Jan 2014	Health education awareness
7	Gramin Mahila Srijanshil Pariwar, Sindhupalchok	Advocacy and awareness on anti-trafficking	Sindhupalchok	Free the Slave, USA	2,951,700	June 2013-July 2013	Women and Children
8	Kingdom Investment, Nepal	Campaign against women trafficking	Lalitapur, Chitawan, Nawalparasi, Rupandehi, Kapilbastu, Bake, Kailali, Parsa, Kanchanpur &	Eternal Threads, USA	21,680,000 plus (682,000 internal)	Jan 2013-Dec 2013	Women

			Morang				
9	LACC, Kathmandu	Combating TIP	Sindhupalchok Kavre Kanchanpur	The Asia Foundation, Nepal	5,500,600	Oct 2012- Sept 2013	Women and children
10	Maiti Nepal	NAANI-Name of Activist for anti-trafficking national initiatives	Sindhupalchok, Kavre, Makwanpur Nawalparasi Nuwakot	Friends of Maiti Nepal	44,276,200	June 2012- May 2013	Women and children
	Maiti Nepal	Prevention, empowerment, and rehabilitation approach to fight cross border trafficking from Nepal- China border	Sindhupalchok	Friends of Maiti Nepal	9,579,685	May 2012- Sept 2013	Women and children
	Maiti Nepal	Interjection program to promote safe migration and prevention of trafficking	Nawalparasi Jhapa	Friends of Maiti Nepal	20,872,000	Sept 2012- Aug 2014	Women and children
11	Nepal Tamang Women Ghedung, Kathmandu	Combating Trafficking in Person (CTIP).	Kavre & Sindhupalchok	The Asia Foundation , World Education, USAID	4,429,075	April 2012 - Sept. 2012	Women and children
12	Rural Health and Education Service Trust, Kathmandu	Stop girl's trafficking (SGT).	Syangja, Kaski, Kailali, Lalitapur, Chitawan, Sindhupalchok, Kathmandu, Kavre, Banke,	American Himalayan Foundation, USA.	85,553,446	2070/1/1 to 2070/12/30	Education



			Bhaktapur, Makwanpur, Tanahun, Siraha, Udayapur, Ramechhap, Surkhet, Bardiya & Kanchanpur				
13	Samrakshak Samuha Nepal, Kathmandu	Women trafficking, Skill development, women empowerment etc.	Kathmandu, Lalitapur, Bhaktapur & Nuwakot	Global Fund for Women	720,000	Oct. 2012- March 2013	Women Trafficking
14	Shakti Samuha, Kathmandu	Capacity building advocacy and support for trafficking survivors	Kaski, Nuwakot, Sindhupalchok, Makwanpur, Bara, Rautahat, Jhapa, Bardiya, Kailali & Kathmandu	Global Fund for Women	1,774,980	Jan. 2012 - Dec. 2012	Women
	Shakti Samuha, Kathmandu	Anti-slavery program for the empowerment of the trafficking survivors	Kathmandu, Jhapa & Bardiya	Free the Slave	2,694,995	Jan. 2012 - Dec. 2012	Women
15	Sustainable Development foundation Nepal (SDF, Nepal), Lalitapur	Rehabilitating and improving lives of orphans and victims of girls/women trafficking	Sindhupalchok, Kavre, Nawalparasi, Rupandehi, Nuwakot, Dhading, Sankhuwasabha,	Peace Gospel International, USA	15,553,893.30	Jan. 2013 - Dec. 2013	Child/ Women/ Health/ Education

			Rukum & Rolpa				
16	The Esther Benjamin Memorial Foundation, Lalitapur	Prevent Human Trafficking Through Community School Support and Public Awareness on Trafficking	Makwanpur	Stichting Nepal, Netherlands & Esther Benjamin Trust, Kathmandu	5,066,450	2070/01/01 - 2070/12/31	Children, Education & Health
17	Transcultural Psychosocial Organization (TPO), Kathmandu	Combating Trafficking In Persons (CTIP) Project.	Kathmandu, Makwanpur, Sindhupalchok, Kavre, Banke & Kanchanpur	The Asia Foundation, Kathmandu	6,183,184	Oct. 2012 - Sept. 2013	Human trafficking/ Health
18	Women Skill Creation Nepal (WOSCC), Makwanpur	Empowerment against human trafficking and slavery (EAHST)	Makwanpur	Free the Slave, USA	3,013,580 (10,000 including internal)	Jan. 2013 - Dec. 2013	Women
	Total				250,023,886.30 (692,000 including internal)		

Source: MoWCSW, 2014.

Annex 4.5a List of NGOs supported by different donor agencies and approved by the Social Welfare Council, Nepal, FY 2013/14

SN	Name of NGOs	Name of project	Project site	Donor agencies	Amount support (external)	Project duration	Project sector
1	AATWIN	Action Research on emerging nexus between trafficking and migration in Nepal: Situation and strategies	Kaski, Dolakha, Morang, Achham & Bardiya	Global Fund for Women, USA	2,418,695	Jan 2014 - Dec 2014	Women and children
	AATWIN	National level capacity building workshop on "Effective Implementation NPA against Trafficking" by stakeholders	Kathmandu	Enabling State Program (ESP), Sanepa, Lalitapur	567,840	Nov 2013 - Dec 2013	Human trafficking/ Right
2	Antenna Foundation Nepal, Bakhundole 10, Lalitapur	Research program on girls trafficking.	Lalitapur	Graphic Voices Stanford University, Vanderbilt University, USA	659,401	June 2013 - Dec 2014	Media (Research)
3	Forum for Protection of People's Rights, Nepal (PPR Nepal), Kathmandu	Combating Trafficking In Persons (CTIP) program	Kavre	The Asia Foundation (TAF), Nepal	827,000	Aug 2013 - Sept 2013	Women/ Men
	Forum for Protection of People's Rights, Nepal (PPR Nepal), Kathmandu	Combating trafficking in persons (CTIP) program.	Kathmandu, Kavre & Makwanpur	The Asia Foundation (TAF), Kathmandu	3,017,035	Oct 2013 - Sept 2014	Women/ Child/ Men
4	Forum for Women, Law and Development (FWLD), Kathmandu	Combat Trafficking in Person (CTIP).	Kathmandu	The UNs Entity for Gender Equality and the Empowerment of Women	3,841,100	Jan 2014 - Sept 2014	Legal
5	Higher Ground Community Development Nepal	Empowerment to Combat Human Trafficking (ECHT)	Lalitapur, Kathmandu, Chitawan, Bardiya, Lamjung	Women At Risk International (WAR-Int'l), USA	1,470,911	2010-4-1 - 2011-3-30	Combating Trafficking
6	Maiti Nepal, Kathmandu	Awareness and advocacy campaigns to gain community and gatekeeper support against trafficking of children and women	Sunsari, Surkhet, Morang & Dang	Australian Embassy, Bansbari, Kathmandu	1,672,500	Nov 2013 - 31 May 2014	Child

	Maiti Nepal, Kathmandu	Interventional measures to combating unsafe migration and human trafficking	Banke & Nuwakot	Christiline Ostimission, Switzerland	4,797,460.50	Jan 2014 - Dec 2014	Women/ Child
7	Mission Action Nepal	Women Trafficking and Drugs Control			1,500,000,000	Jan 2014 - Dec 2016	Women/drugs
8	Raksha Nepal, Kathmandu.	Prevention Against Sexual-exploitation and Trafficking project (PAST)	Kathmandu, Lalitapur & Bhaktapur	DKA/KFB, Austria	3,893,375 (668,000 including internal sources)	June 2013 - 30 May 2014	Women
9	Samrakshk Samuha Nepal, Kathmandu	Legal training for trafficking women	Kathmandu, Lalitapur, Bhaktapur	UNs Voluntary Trust Fund on Contemporary Forms of Slavery, Switzerland	900,000	Jan 2014 - Dec 2015	Women
10	Transcultural Psychosocial Organization (TPO) Nepal, Kathmandu	Combating trafficking in persons (CTIP) Project	Kathmandu, Makwanpur, Sindhupalchok, Kavre, Banke & Kanchanpur	The Asia Foundation/ Nepal	6,627,780	Oct 2013 - Sep 2014	Health (Mental)/ Gender base violence
11	Women's Rehabilitation Centre (WOREC) Nepal Kathmandu	Improving access to justice and support mechanism of trafficking (Grant No.13-4739R)	Dhanusa, Siraha, Udayapur, Morang, Sunsari, Dang, Kailali	Global Fund for Women	1,960,000	Jan 2014 - Dec 2016	Women
	Total				1,532,653,097.50 ( including 668,000 internal sources)		

Source: MoWCSW, 2014.