Dear Journalist

Key Findings of the
Trafficking in Persons in Nepal
National Report, 2013-15

OSRT-NHRC has already published six national reports on Trafficking in Persons Especially Women and Children in 2005, 2006/07, 2008/09, 2009/10, 2011 and 2012/13. This Report (2013-15) is the continuation of previous reports. This report covers two Fiscal Years 2013/14 and 2014/15. This Report is prepared using both primary and secondary data. Further, information was also collected after the three months of the deadly earthquake of April 25, 2015.

Magnitude, Processes

- Based on the NGOs and Police Record, it is estimated that a total of 9,000 to 9,500 persons were attempted to traffic, and 8,000 to 8,500 persons were trafficked in each of the FYs 2013/14 and 2014/15.
- The number of the interception of the vulnerable persons has increased after the earthquake – an increase by at least 15% to 20% before and after three months of the earthquake.
- However, there has been considerably far lower number of TIP cases registered in Nepal Police in the FY 2013/14 and FY 2014/15 (185 and 181 cases, respectively). The key reason it is under-reporting and under-registration of human trafficking cases including an overlap in measures of Foreign Employment Act (FEA) and the HTTCA 2007.
- Records of the Nepal Police reveal that an overwhelmingly majority of the trafficked survivors (85%) are either no schooling or they are just literates. Majority of trafficked survivors comprised of unmarried persons.
- Majority of victims are recruited through giving false promises. It is reported that traffickers work in a group. In majority of the cases, the traffickers crossed the border with the victims during the day. Trafficking route is reported to be the main official border points between Nepal-India and Nepal-Tibet.

Forms of Trafficking

- There are no recent estimates of female workers in entertainment sectors in Nepal. Yet there are considerable numbers of females working in entertainment sectors especially in Kathmandu valley. These workers are economically cheated, and are vulnerable of sexual abuse, exploitation and trafficking. These entertainment sectors have become destination places for the village girls as well as source areas for the trafficking to abroad, mainly to Gulf States.
- Trafficking of girls to Korea and China for the purpose of marriage is a growing phenomenon in Nepal. It is estimated that here are at least 1,000 female migrants who went to South Korea through marriage in between 2005 and 2013 and about 300 are happily married while others are in slavery like condition. There are are at least 83 marriage bureaus operating in Nepal.
• Trafficking of human for the purpose of kidney extraction is another growing problem of Nepal. Studies show that 8 VDCs of Kavre district is mainly affected by it. A study carried out in 2014 by PPR Nepal among 36 kidney donors found that 16 out of 36 kidney donors interviewed were Dalit and 27 reported that they granted consent for the extraction of their kidneys. An overwhelmingly majority of kidney donors was contacted via middle person.

• Several forms of vulnerabilities of trafficking of girls exist in Nepal such as harmful traditional practices, child marriage, and violence against children. According to the Informal Sector Service Center (INSEC) report in the 2013, a total of 715 children are reported to have victims of different crimes: rape alone constituted of 57 percent, followed sexual abuse (25.5%) and child trafficking (9%).

• Studies indicated that there is linkage between trafficking and intercountry adoption. The number of intercountry adoption has reduced substantially in the FY 2013/14 and FY 2014/15 compared to the previous years. There were only 3 and 2 intercountry adoptions in the FYs of 2013/14 and 2014/15, respectively while it was more than 50 in the preceding years. This decline may be related to the terms and conditions for intercountry adoption adopted by the Government of Nepal.

• Missing children is often not taken as the trafficking of children in Nepal. Realizing the linkage between missing children and trafficking, the Supreme Court of India ordered to the Union of India and States in May 10, 2013 that if the missing children are not found within four months of the first information report (FIR), the matter shall be forwarded to the Anti-Trafficking Unit and take up more intensive investigation regarding the missing child as human trafficking.

• There were 837 in 2013/14 and 786 in FY 2014/15 missing children recorded in Bal Balika Khoja Talasha Kendra, Kathmandu. The the untraced rates are very high 56% for girls and 31% for boys.

• Number of missing persons recorded in Women and Children Service Directorate (WCSD), Nepal Police, was 5168 in the FY 2013/14- almost three-fourth being females and about 40% are children. In FY 2014/15, Nepal Police rescued a total of 425 children from different border points/regions of Nepal.

After the Earthquake

• There are evidences that the magnitude of TIP especially of women and children has increased after the earthquakes. Records of Nepal Police indicate that a total of 1,233 women and children were reported to be missing during three months of the earthquake and the Nepal Police rescued 161 children from different border points between Nepal and India in the same period. The risk of trafficking increased after the earthquake by at least 15 to 20%.

Foreign labor Migration and TIP
The flow of foreign labor migrants was more than 500 thousands in FY 2014/15. In terms of flow or stock of migrants, Malaysia (39%), Qatar (23.5%), Saudi Arabia (20%) and UAE (11%) are the major labor destination countries of Nepal.

Nearly three in four Nepali foreign labor migrants are unskilled workers.

There has been evidence of deception, fraud and irregularities involved in the process of foreign employment. The number of complaints recorded in the DoFE were 2551 in the FY 2013/14 and 2679 in the FY 2014/15. More than 90% of the complaints is of males and it was reported that 71% were cheated by recruiting agencies and the rest by the agents.

Evidences reveal that a large number of Nepali labor migrants ends in forced labor situation or they are trafficked for labor exploitation. A vast majority of Nepali migrant workers in Malaysia, Qatar, Saudi Arabia, UAE, Kuwait and Lebanon are excluded from protection under the labor laws as indicated by the higher values of the ITUC Global rating index.

According to the record of Counselor of Service Department, Ministry of Foreign Affairs, a total of 511 in FY 2013/14 and 494 persons in FY 2014/15 were rescued from different destination countries.

There are only three Safe Houses in Gulf countries: one Kuwait, one in Saudi Arabia and one in Qatar. A total of 920 persons were provided services by the Safe House in Kuwait, 293 persons in Saudi Arabia and 84 persons in Qatar.

During the six years (2008/09 – 2013/14), a total of 3,272 migrant workers were reported to have died in different destination countries.

The report findings indicate that the following types of human rights violation in the context of foreign labor migration are evident: access to justice to the victims, liberty of movement (passport confiscation), right to equality and non-discrimination (ban of female workers below 30 years), right to work and just and favourable condition for work (dangerous working conditions), right against exploitation (retention of identity documents, withholding of wages, excessive work, physical and sexual abuse) and protection against human rights abuses perpetrated by the non-state actors (exploitation by the recruiting agencies, brokers, marriage bureaus, medical centers and others).

Monitoring of Anti-Trafficking Programs

The MoWCSW has been allocating annual budget for combating TIP to the NGOs, Nepali Embassy to India, Consulate General Office of Nepal in Kolkata and Nepali Embassy to Thailand and District Committees. But the allocation of budget is very low compared to the magnitude of the problem.

Based on the information provided by 20 leading NGOs, about 9,000 persons especially women and children were intercepted in each of the fiscal year of 2013/14 and 2014/15. Similarly, 1551 victims in FY 2013/14 and 1971 in FY 2014/15 were rescued mainly from...
abroad. More than 3600 victims especially women and children were referred to different organizations for psychosocial counseling and medical treatment. It is reported that only four NGOs received 1858 missing person applications in FY 2013/14 and 1906 in FY 2014/15.

- A total of 454.7 million Rupees was mobilized by 27 NGOs affiliated with Social Welfare Council for 63 projects in 2014. Of it, 97% came from the external donors.

- A study with newspapers clippings revealed that there were more than 1000 news and views published in the five national daily (Kantipur, Nagarik, Gorkhapatra, Rajadhani and Samacharpatra) in between April 2014 and April 2015 related to migration and trafficking. Of them, 62% news was event based hard news and only in 19% of the news the identity of trafficked survivors was totally protected while in the rest it was not.

- NHRC Nepal entered into MoU with the NHRC Qatar on November 16, 2015. The MoU is fundamental step to protect the rights of Nepali migrant workers in Qatar and counter forced labor, trafficking and exploitation of Nepali migrant workers in Qatar.

**Law Enforcement and Judicial Responses**

- In FY 2013/14, a total of 1,007 trafficking cases were registered in the Supreme Court, Appellate Courts and District Courts of Nepal. This accounts for less than one percent of the total cases (158,699).

- Generally, the conviction rates are lower in Supreme Court 33% and appellate courts 44% against in the district courts 58%.

**Conclusions**

Different forms of trafficking emerge in Nepal. It is difficult to estimate the magnitude of trafficking in persons precisely in each form due to the lack of consolidated counter trafficking database system in Nepal. The massive earthquake of mid-2015 has greatly increased the vulnerability of trafficking especially of women and children. Evidences confirm that there has been the nexus of foreign labor migration and TIP. Law enforcement status is still not satisfactory; surveillance and monitoring in the formal and informal institutions have been ineffective. The GoN compliance on rescue, rehabilitation and reintegration of trafficked survivors is inadequate. Recent judicial responses are however encouraging.

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