Final Report
Review of the Office of the National Rapporteur at the National Human Rights Commission
Kathmandu, Nepal

August 12, 2005

Gunilla Ekberg
Mohan Das Manandhar
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This is the final report of the Review of the Office of the National Rapporteur on Trafficking in Women and Children (ONRT) at the National Human Rights Commission (NHRC) carried out in July-August of 2005 and submitted by the Review Team. In this report you will find a description of the present structure of the ONRT, a short overview of the Review process, and a proposal for a new organizational structure and a new mandate of the ONRT. The report also includes conclusive observations and an implementation schedule for the proposed new structure of the ONRT.

We would like to extend our sincere appreciation to all those who have been willing, often with very short notice, to meet with us and who have generously contributed to this Review; individuals, representatives of non-governmental organizations, inter-governmental organizations, government officials, representatives from the police, researchers, members of the donor community and representatives of the Nepal agencies of the United Nations. Especially we would like to thank the members of the National Human Rights Commission, the present National Rapporteur on Trafficking in Women and Children and the staff at the Office of the National Rapporteur on Trafficking in Women and at the National Human Rights Commission for their support and their great efforts in facilitating our work.

Finally, we acknowledge with appreciation the support of the United Nations Development Program (UNDP) in Nepal and the Capacity Development of the National Human Rights Commission (CDNHRC) that funded this Review.

Kathmandu, Nepal, August 2005

Gunilla Ekberg           Mohan Das Manandhar
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<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>CDNHRc</td>
<td>Capacity Development of the National Human Rights Commission</td>
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<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
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<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>DFID</td>
<td>United Kingdom Department for International Development</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>JIT</td>
<td>Beyond Trafficking: A Joint Initiative in the Millennium against Trafficking in Women and Girls [MWCSW and UN Taskforce Project].</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>MWCSW</td>
<td>Ministry for Women, Children and Social Welfare</td>
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<td>NGO</td>
<td>Non-governmental organization</td>
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<td>NHRC</td>
<td>National Human Rights Commission</td>
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<td>NR</td>
<td>National Rapporteur</td>
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<td>OHCHR</td>
<td>Office of the High Commissioner of Human Rights</td>
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<td>ONRT</td>
<td>Office of the National Rapporteur on Trafficking in Women and Children</td>
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<td>SAARC</td>
<td>South Asian Association for Regional Cooperation</td>
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<td>ToR</td>
<td>Terms of Reference</td>
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<td>UNDP</td>
<td>United Nations Development Program</td>
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<td>UNFPA</td>
<td>United Nations Population Fund</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<td>UNICEF</td>
<td>United Nations Children's Education Fund</td>
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<td>UNIFEM</td>
<td>United Nations Development Fund for Women</td>
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<td>USAID</td>
<td>United States Agency for International Development</td>
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1. BACKGROUND

1.1 Situation of trafficking in human beings, especially of women and children within, to and from Nepal

The trafficking of women and children for sexual and other forms of exploitation within, to and from Nepal has for a long time been a serious problem. The ongoing internal armed conflict has caused a deterioration of the situation. Many women and children are internally displaced as a direct result of the conflict, leaving conflict-afflicted areas of the country in search of economic stability and as well as protection and security.

Many Nepali non-governmental organizations (NGO’s) quote the lack of shelters and legal and public policies to combat male violence against women and girls as one important underlying reason for the trafficking in human beings, especially of women and girls. Women and children flee their family homes as a result of having been subjected to different forms of violence such as physical, sexual and emotional abuse by male relatives, to an uncertain future, often in urban areas, where they risk being recruited and trafficked for prostitution purposes or for forced labour within Nepal or to other countries in the region.

Women and girls are trafficked to countries such as India for the purpose of prostitution in brothels in the local prostitution markets. Different sources estimate that the number range from 5,000 to 10,000 victims per year to India alone. Many are also subject to internal trafficking from rural areas across Nepal to be sexually exploited in so-called cabin restaurants, massage parlours or in street prostitution.

Women and children are also trafficked for the purpose of domestic work and other forms of forced labour, often to neighbouring countries and to countries in the Gulf region.

The Government of Nepal has demonstrated its commitment to the elimination of trafficking in women and children through the ratification of a number of human rights treaties focusing on the rights of women and children in general as well as on trafficking in human beings. It has also put into place a National Plan of Action against Trafficking in Children and Women for Sexual and Labour Exploitation and prepared an anti-trafficking Bill, which, due to the suspension of the Parliament, is yet to be enacted. However, in part due to the current political situation, the implementation of these national and international obligations generally has been slow to manifest.

Meanwhile the situation of trafficking in women and children continues to deteriorate and human rights violations committed against women and children risk an increase, despite broad efforts by the many active national and international non-governmental organizations working to combat trafficking in women and children and of the United Nations agencies in Nepal.

In order to ameliorate the situation, the civil society in cooperation with the United Nations agencies and UNDP proposed the establishment of a strong independent national body monitoring the situation and coordinating measures for the elimination of the serious problem of trafficking in women and children in Nepal.
2. THE OFFICE OF THE NATIONAL RAPPOPORTEUR ON TRAFFICKING IN WOMEN AND CHILDREN (ONRT)

In August 2002, the Office of the National Rapporteur on Trafficking in Women and Children (ONRT) was established as a three-year project at the National Human Rights Commission (NHRC) in Nepal through a Memorandum of Understanding (MoU) between the NHRC and the Ministry of Women, Children and Social Welfare (MWCSW).\(^1\) This initiative is the first of its kind in the South Asian region. The ONRT started its operations in January 2003. During the project period, which officially ended in August 2005, the position as National Rapporteur (NR) has been held by two individuals.\(^2\) The project will be temporarily extended to the end of October 2005 to allow the ONRT to finalize the first annual national report on trafficking in women and children, and complete certain initiatives.

According to the MoU, *Beyond Trafficking: A Joint Initiative in the Millennium against in Women and Children (JIT)*\(^3\) was to contribute US$ 91,000 for the establishment of the ONRT and for its activities during the three-year project period. However, due to resource constraints, the JIT reduced its financial support, leaving the ONRT without project funding at the end of 2004. Since then, the ONRT has received intermediate funding from a local donor in order to continue its work on the annual report without interruptions until the end of the project term.

The ONRT has also received technical support from JIT, the United Nations Development Program (UNDP), the United Nations Taskforce on Trafficking, the Technical and Policy Steering Committees of the ONRT, as well as from invited international experts.

2.1 Mandate of the National Rapporteur on Trafficking in Women and Children

The mandate for the National Rapporteur is set out in the term of reference of the MoU.\(^4\) The work of the ONRT has four broadly defined objectives.

The ONRT is to:

- bring about the conceptual clarity on trafficking and related vulnerabilities;
- monitor the incidences on trafficking thereby galvanizing public opinion;
- coordinate national, regional and international efforts to combat the crime of trafficking; and
- to generate a high level of commitment aimed at improving the human rights situation of women and children.

The ONRT is also charged with different tasks and responsibilities in relation to advocacy, and training, and awareness raising, as well as collaboration with different agencies and national, regional, and international organizations. Other important parts of the mandate of the

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\(^1\) See Annex 1.

\(^2\) Dr. Renu Rajbhandari, from January 2003 to September 2003, and by Padma Mathema, the present National Rapporteur, from February 2004 until present.

\(^3\) JIT is a joint program by the Ministry of Women, Children and Social Welfare in collaboration with the United Nation System Task Force against Trafficking to reduce the incidence of trafficking in girls and women. The program was launched in November 2000 – online: http://www.jitnepal.org

\(^4\) See Annex 2.
ONRT concern the task to monitor and report on the situation of trafficking in women and children in Nepal and the reception of complaints from victims of human rights violations in the context of trafficking in human beings. The ONRT is also the focal point for issues related to women and children within the NHRC, and is to lead the capacity building of the NHRC on issues that concern trafficking in human beings and related human rights issues.

All activities of the ONRT have to be carried out in close coordination and collaboration with the NHRC, as well as with the anti-trafficking community of Nepal.

2.2. Key accomplishments of the ONRT 2003-2005

Since its inception in 2002, the ONRT has undertaken numerous activities that focus on its establishment as a key actor in the efforts to prevent and eliminate trafficking in women and children in Nepal. The ONRT has mainly concentrated on setting up the ONRT within the NHRC, and on awareness raising of and networking with different actors on the issue of trafficking in women and children, nationally as well as internationally.

The ONRT has been leading the efforts of the national stakeholders to develop a working national definition of trafficking in human beings. This definition has subsequently been presented to the Government of Nepal with a proposal for its implementation into national legislation and policy. The ONRT has commissioned a couple of research reports on such topics as required minimum human rights standards for the rescue and repatriation of victims/survivors of trafficking in women and children, and started the process of establishing a documentation centre on trafficking in women and girls at the NHRC.

The ONRT has held several consultations, and organized thematic workshops and seminars with the different actors across Nepal that work to prevent and eliminate trafficking in women and children, which has resulted in enhanced cooperation and increased knowledge about different aspects of trafficking in women and children.

Importantly, the ONRT has initiated negotiations with the NHRC of India on an agreement to formalize the cooperation between the two countries on joint measures to prevent and eliminate trafficking in human beings, including data sharing, complaints redress, and joint reviews of national and regional legislation and instruments... Unfortunately, the NHRC of India has delayed its signing of the agreement.

The monitoring and evaluation aspects of the mandate have yet to be fully developed, but the ONRT has conducted a number of field visits, and has started to set up a reporting network across Nepal. Likewise, the structure and division of responsibility for the complaints procedure regarding cases of human rights violations of women and children in the contest of trafficking in human beings must be developed.

Moreover, the ONRT has contributed to the capacity of the NHRC on issues that concern violations of the human rights of women and children especially in the context of trafficking in human beings.

However, some obstacles have impacted on the ability of the ONRT to effectively perform its responsibilities during the project period. During the first year of operation, the initial holder of the NR position resigned after less than nine months in office. It took close to six months
to appoint her successor. As a result, most of the tasks of the ONRT were on hold during this time.

Secondly, since the financial support from the JIT was cancelled at the end of 2004, much of the resources of the ONRT have been dedicated to secure enough funding to allow the ONRT to finish its present activities within the project period. However, with the financial support of a local donor and the CDNHRC, the ONRT is now in the process of finalizing its annual national report on trafficking in women and children.

Despite the challenges faced by the ONRT during its first years of operation, the work of the ONRT is off to a good start and the institution is the process of implementing measures in order to fulfill its present mandate.

2.3 The role of the National Human Rights Commission

According to the MoU, the ONRT is to be located within the institutional structure of the NHRC. It was believed that this location would allow the ONRT to “effectively influence government policies and programmes in favour of the rights of women and children for sustainable development.”

The NHRC, which is the national human rights institution in Nepal, was established in 1997 by an Act of Parliament and started its work in May 2000. The NHRC has as its mandate to investigate, monitor and report on the human rights situation in Nepal, through a complaints handling, investigation and reports procedure. It is also charged with the promotion of human rights in Nepal through education and outreach activities, and functions as a policy advisor on human rights to the government of Nepal. Due to the steadily deteriorating internal political situation and its accompanying challenges, the NHRC formulated, with the support of the donor community, a capacity development project (CDNHR) in 2000. The project has as its overarching goal to provide support to the Commission. The CDNHRC has been in operation since 2002, the same year as the ONRT was established.

During this time, the NHRC has gone through significant changes as an organization. The number of staff has increased considerably and the NHRC has established several regional offices. These changes, the financial difficulties of the ONRT, and the planned financial and organizational integration of the ONRT into the NHRC, led the UN Country Team and the CDNHRC, in its annual report, to propose a detailed review of the role and functions of the ONRT.

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5 As proposed by the MoU of the ONRT – See Annex 1.
3. REVIEW OF THE OFFICE OF THE NATIONAL RAPPORTEUR ON TRAFFICKING IN WOMEN AND CHILDREN

3.1 Terms of Reference for the Review

The Review, which consisted of two external consultants, took place during four weeks in July-August 2005. One of the members of the Review Team, who was to address the specific institutional challenges of integrating the ONRT into the NHRC, is a national expert in the design of sustainable organizational structures, and has a good understanding of management and financial aspects of a public sector organization.\(^6\) The other Review Team member is an international expert in trafficking in human beings and human rights issues, and has a good understanding of work carried out by organizations that address the problem of trafficking in human beings. She was also expected to specifically address the role and functions of a National Rapporteur.

The Review Team was charged with assessing the accomplishments, gaps, opportunities and challenges faced by the NHRC/ONRT since the establishment of the ONRT in 2002. This was accomplished through consultations with a number of relevant actors, as well as through the examination of national, regional and international documents pertaining to trafficking in human beings, in particular in relation to the situation in Nepal, and to the internal organizational structure of the NHRC. The conclusions and recommendations of the Review Team, including the proposal for a new organizational structure, a proposal for a new mandate of the ONRT and an implementation schedule are presented in this report.\(^7\)

3.2 Consultations

The Review Team conducted close to fifty interviews during the Review period. The interviews were conducted with representatives of the NHRC, such as the members of the Commission, the Acting Secretary of the NHRC, the staff at the different divisions of the NHRC, and with the NR and staff of the ONRT. The Review Team also met with representatives of the relevant ministries of the Government of Nepal, representatives of public authorities, members of national and international NGO’s working to prevent and eliminate trafficking in human beings, especially women and children, as well as with representatives of the appropriate United Nations organizations stationed in Nepal, with researchers and members of the international donor community in Nepal.\(^8\) Interviews were conducted on the basis of confidentiality and that views would not be attributed to particular individuals.

The responses from the informants during the individual interviews and groups consultations were many and varied, but did also have many things in common. The following concerns were highlighted by the informants:

- The establishment of the ONRT within the NHRC is seen as unique and has contributed positively to the coordination of activities for the elimination of the crime of trafficking in women and children of Nepal;

\(^6\) See Annex 3.
\(^7\) See Annex 4 for the full Terms of Reference of the Review.
\(^8\) See Annex 5 for a list of the participants in the consultations.
• It is important that the ONRT continue as an institution within the confines of the NHRC, rather than as a time-limited project;

• The NHRC is seen as the preferred location of the ONRT, as the core objective of the ONRT is to monitor the incidences of trafficking in human beings and violations of the security, dignity and human rights of women and children;

• The position of the NR should be respected and its position within the NHRC hierarchy should be elevated;

• The NR should be visible in the public forum as she/he represents the voice of all concerned stakeholders who are working to prevent and eliminate trafficking of women and children;

• The focus of the work of the ONRT should be maintained on the trafficking in women and children, especially for sexual exploitation, but other forms of exploitation could also be included;

• Despite the delayed start of the establishment of the ONRT, the project activities are underway, some systems of monitoring are established and the first annual national report is being prepared;

• The objectives of the ONRT are too broad, resulting in that the Office have not been able to focus enough on monitoring, collecting information and producing annual reports;

• The ONRT has been operating more like an NGO than a human rights institution, mostly being engaged in operational activities that NGO could perform and are performing; thus not having effected the change expected or produced the annual reports as required;

• The ONRT should act like an umbrella institution for all the actors working against trafficking in human beings in Nepal;

• The division of responsibilities between the NHRC and the ONRT needs to be further clarified, especially regarding who should receive complaints regarding trafficking in human beings and who should carry out the investigations;

• The ONRT will not be fully effective if it only operates as the bureaucratic wing of the NHRC; and

• The NR should be fully independent and autonomous, and should be assertive by providing critical observations and suggestions to the government of Nepal, to public authorities and to others concerned on issues of trafficking in human beings and human rights violations of women and children of Nepal.

According to all informants, the position of the ONRT is essential to the efforts by the stakeholders to prevent and eliminate trafficking in human beings in Nepal. There is general consensus that the ONRT should be institutionalized into the NHRC, but that the
status and standing of the National Rapporteur must be enhanced and raised; both within the NHRC and in the public arena.

It was also obvious from the responses that the present mandate of the ONRT is vague and too broad, resulting in duplication of measures otherwise within the mandate of other stakeholders. The focus of the ONRT should be on monitoring and evaluating the extent and development of trafficking in human beings, especially of women and children within, to and from Nepal. All informants pointed to the importance of the ONRT producing comprehensive annual national reports describing the situation of trafficking in human beings, especially women and children including on emerging matters, within, to and from Nepal, and that the reports should include independent conclusions and recommendations to all stakeholders.
4. PRESENT ORGANIZATIONAL STRUCTURE OF THE ONRT

4.1 Overview of present organizational structure of the ONRT  

At present, the ownership of the ONRT lies with the NHRC, with the ONRT being housed within the NHRC premises. To ensure the effective functioning of the ONRT, the NHRC has delegated its authority to the ONRT. As stated in the ToR for the ONRT, the National Rapporteur (NR) “shall be assigned the authority of inquiry, full access to documentary materials and access to Government and private sector. The National Rapporteur shall acquire the right to investigate the incidents of human rights abuse of women and children particularly relating to trafficking.”

The NR, currently supported by a program officer, an office secretary and a driver, heads the ONRT. The additional posts of program officers originally planned for in the NHRC Structure Plan for the ONRT have remained vacant. The MoU states that the NHRC must find ways to internalize the staff members of ONRT within the NHRC structure by the time the agreement terminates in August 2005. The salaries and benefits of the NR and the staff of the ONRT will then be adjusted in accordance with NHRC's own personnel policy, rather than decided on an individual basis, as they have been during the project period.

4.2 Underlying problems of present structure of the ONRT

In the present structure of the ONRT, the NR has not been able to fully exercise her authority. This has been especially notable in those areas assigned to the NR by the NHRC through the MoU, such as the authority of inquiry, full access to documentary materials, and access to the Government and the private sector, as well as the right of the NR to investigate the incidents of human rights abuse of women and children particularly relating to trafficking.

There are a couple of reasons for this. The position of the NR has been limited to a bureaucratic position similar to that of a Division Head of the NHRC. The management and support arrangements envisaged for the ONRT within the NHRC do not clearly define the roles and responsibilities of the ONRT staff in relation to the NHRC. Also, there is no specific job description for the position of the NR, which outlines its personnel and financial authority, and its connected responsibilities.

The current organisational structure of the NHRC states that the NR should report directly to the Chairperson of the NHRC, while coordinating administrative activities with the Secretary of the NHRC. However, in the present context, the NR has been reporting to the Secretary for day-to-day activities and has required permission for the use of funds allocated to the ONRT from the Secretary.

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9 See Annex 6 for NHRC Organogram including the ONRT.
10 The delegation powers of the NHRC are set out in section 19 of the Human Rights (Commission) Act, 2053 (1997).
12 See para 3.2 of the MoU.
13 Supra footnote 9.
4.3 Possible consequences of the current political situation on the effectiveness of the ONRT

In May 2005, the mandate of the NHRC was renewed and the King appointed four new Commission members and reappointed the chairperson of the Commission. International observers and national human rights defenders initially expressed serious concerns about the independence and credibility of the NHRC after the renewal of the mandate, arguing that the appointment process was inconsistent with the 1993 Paris Principles, as well as with the appointment procedure set out in the Human Rights Commission Act, 2053 (1993) and the Constitution of the Kingdom of Nepal.14

This perceived lack of independence of the NHRC could, in the long run, have deleterious effects on the ability of the ONRT to effectively monitor the situation of trafficking in human beings, especially women and children within, to and from Nepal, and take action, especially in the context of the ongoing internal conflict, but also of other human right violations committed against women and children in Nepal.

However, recently the NHRC has made moves to reinforce its independence and its role in the effective protection of human rights in Nepal.15 It has conducted regular meetings with the media with the purpose to disseminate important decisions of the Commission to the general public. The NHRC has appointed one of its Commissioners as a contact person for all parties in the internal conflict in order to facilitate discussions. It has also made some specific recommendations to the government to take action against perpetrators of serious human right violations (including by the security forces) and to provide necessary compensation to the victims.16

In a meeting on July 25, 2005, with a representative of the Ministry of Women, Children and Social Welfare, it was suggested to the Review Team that the ONRT is not located in the appropriate organization. The informant stated that the ONRT should either be incorporated in the now defunct National Women’s Commission (NWC) or it should be placed in one of the government offices. According to the informant, the government intends to reappoint the NWC within the next few weeks. The informant noted that if the ONRT continues to be placed at the NHRC, the NR should be a member of the Commission and its Terms of Reference should ensure that the ONRT does not duplicate the work of other institutions. Based on the risk of undue influence by the government on the ONRT, the Review Team does not consider the placement of the ONRT within the NWC or any government office, as a viable or appropriate institutional alternative.

The Review Team has considered other possible institutional structures for the ONRT, such as making the Office an independent and freestanding body. However, for such an institution to have legitimacy/credibility and be able to operate efficiently, it would be necessary to appoint the ONRT through an Act of Parliament. Due to the current political situation in Nepal, and especially in the light of the suspension of the Parliament, a new independent human rights body could not, at this point in time, be appointed through a democratic process, and hence would not be able operate independently.

15 At the NHRC meeting on August 2, 2005.
Despite the volatility of the current political situation, the Review Team proposes that the ONRT should be institutionalized into the NHRC as a permanent structure. In order to ensure the most effective operation of the ONRT and to guarantee its independence, it is necessary that the NHRC fully and actively support the ONRT and its activities and interventions. In the light of the government interest in taking over the ONRT, it is also essential that the NHRC and the ONRT show their willingness to negotiate with the government while actively defending the independence and autonomy of the ONRT.

Likewise, the Nepal-based international community, especially the United Nations Taskforce on Trafficking in Human Beings and the Nepal Office of the High Commissioner for Human Rights (OHCHR) has a crucial role to monitor the situation, and intervene to preserve the independence of the ONRT, should this be deemed necessary.
5. PROPOSED NEW ORGANIZATIONAL STRUCTURE OF THE ONRT

5.1 Location of the ONRT within the NHRC

The Review Team recommends that the ONRT be permanently institutionalized into the NHRC, rather than being administered as a time-limited project of the NHRC. However, in order to ensure the independence and autonomy of the ONRT within the NHRC based on the new mandate, it is necessary to develop and implement a sustainable organizational structure.

For this purpose, two aspects of the organisational structure need to be specified; the delegation of authority to the ONRT and the management of the ONRT. Within each of these structures, the division of responsibilities must be clarified.

5.1.1 Delegation of authority

In order to ensure the greatest degree of independence and autonomy for the ONRT, the Review Team proposes that the ONRT/NR be given full financial, monitoring, investigative and reporting independence within the statutory mandate of the NHRC.

In particular:

- The NHRC shall house the ONRT as an independent wing;
- The NHRC shall delegate full authority and powers to the ONRT, as required and bestowed by the *Human Rights (Commission) Act*, in particular section 19 of the Act.\(^\text{17}\)
- The ONRT/NR shall be assigned the right to investigate and report on incidents of human rights violations of women and children, particularly in the context of trafficking in human beings;
- The ONRT/NR shall be assigned full access to documentary materials and access to all Government bodies and to the private sectors;\(^\text{18}\)
- The ONRT/NR shall be assigned the authority to monitor human rights violation of women and children in the context of trafficking in human beings, as well the authority of promotion of the ONRT;
- The NR shall work closely with the members of the NHRC in order to strengthen the capacity of the NHRC to respond to issues relating to the human rights of women and children with a special focus on trafficking in human beings, especially of women and children within, to and from Nepal;

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\(^\text{17}\) “The Commission may delegate any of the powers conferred on it under this Act to the Chairperson or any Member or employee of the Commission or to an officer of His Majesty's Government or to the committee or sub-committee that may be constituted under this Act or to any person”. See also old ToR of the ONRT (29 August 2002).

\(^\text{18}\) As per the old ToR.
• The position and authority of the NR shall be raised to a level equal to a member of the NHRC. The NR will not represent the NHRC as a member, unless delegated to do so by the Commission for a specific purpose and for a time-limited period; and

• In the event of actions by the NR that contravenes the authority of the NR or the mandate of the ONRT, the Chairperson of the NHRC shall initiate an investigation to resolve the issue.

5.1.2 Management of the ONRT

• The NR shall be directly accountable and report directly to the Chairperson of the NHRC on all tasks and responsibilities within the mandate of the ONRT, with the responsibility to inform the Secretary of the NHRC;

• The NR shall manage the work of the ONRT with a designated staff of programme officers and support staff (see below for details).

• The NR shall present annual work plans based on the mandate of the ONRT to the Commission in the beginning of each operational year, subject to a quarterly review;

• The NR shall be responsible for the management of the budget and finances of the ONRT, including of procurement, as per the annual work plan approved by NHRC, and shall have signing authority and its own bank account;

• All management activities carried out by the NR should be undertaken according to the rules, regulations, and policies (personnel and financial policies) of the NHRC;

• The salaries and benefits of the staff of the ONRT, including that of the NR, shall be as per the NHRC personnel policy, and will be borne by the NHRC budget; and

• All performance evaluations of the NR and the staff at the ONRT shall be undertaken in accordance with the NHRC personnel policies.

• The activities of the ONRT shall be financed by the NHRC, as well as by other funding sources, including, as appropriate, funds from donor agencies.

5.2 Funding of the ONRT at the NHRC

The MoU of August 2002, between the NHRC and the MWCSW, commits a total of US$ 91,000 for the three-year project term of the ONRT, administered through the JIT project. However, due to resource constraint, the total sum committed was not fully realised and the JIT stopped funding the ONRT from January 2005.

5.2.1 Past expenditures of the ONRT

The total expenditure by the ONRT from various sources is as follows:
<table>
<thead>
<tr>
<th>Year</th>
<th>Rs.</th>
<th>US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>250,652.0</td>
<td>3,433.59</td>
</tr>
<tr>
<td>2003</td>
<td>508,470.0</td>
<td>18,514.07</td>
</tr>
<tr>
<td>2004</td>
<td>1,247,860.5</td>
<td>17,324.63</td>
</tr>
<tr>
<td>2005 till July 31</td>
<td>160,446.0</td>
<td>2,200.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>76,524.63</strong></td>
<td></td>
</tr>
</tbody>
</table>

The total expenditure of the ONRT from January 1, 2003 to July 31, 2005 is US$ 76,524.63.

### 5.2.2 Estimated budget for the ONRT under new mandate

The estimated budget for the ONRT under the proposed new mandate is US$ 80,000 per year.\(^{19}\)

The Review Team proposes that the operational budget (including expenses for the National Rapporteur, for the staff at the ONRT, as well as for office expenses and regular activities) will be borne by the regular budget of the NHRC.

The programme budget for the ONRT (including expenses for programmes, for development of the data base, costs for capacity building of the NR and staff members of the ONRT, costs for additional technical support, as well as travel costs for visits to countries in the region, and for investigation visits to transit and destination countries of trafficking in human beings) shall be supported by the donor communities, including by the United Nations agencies. All technical assistance to support the ONRT programmes shall be coordinated by the CDNHCR programme in collaboration with the ONRT.

However, as the ONRT three-year project was concluded in August 2005, funding for the period from September 1, 2005 – July 31, 2006 has not been provided for in the NHRC budget for the fiscal year of 2005/2006. Therefore, there is an urgent need for supporting provisional funding for this period by other agencies. The Review Team urges the NHRC, in collaboration with the ONRT, to immediately initiate discussions with potential funders for the needed intermediate funding.

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\(^{19}\) See *Annex 7* for details.
6. APPOINTMENT OF NATIONAL RAPPOREUR, ONRT STAFF
   AND ADVISORY COMMITTEE

6.1. Qualifications of National Rapporteur

In order to effectively perform the tasks and responsibilities set out in the new mandate of the ONRT, the Review Team suggests that it is crucial to ensure that the person appointed to the function has the necessary competence and qualifications. The individual must have legal experience, show extensive knowledge about trafficking in human beings, including of national, regional and international legal and policy frameworks, as well as have documented experience of prior work against trafficking in human beings, especially of women and children.

The position of NR requires active promotion of the ONRT, its mandate, as well as its monitoring conclusions and recommendations. It also entails collaboration with the members and staff of the NHRC, as well as with the government and all other stakeholders, both nationally and regionally. For this reason, it is necessary that the person appointed has extensive experience in public promotion of human rights, particularly of women and children, and of different anti-trafficking measures, including of legal intervention, is dynamic, diplomatic and has the ability to face resistance and criticism.

6.2 Time limited appointment of National Rapporteur

Since the inception of the ONRT, the NR has been employed on an annual renewable contract. In order to ensure greater stability, the Review Team proposes that the National Rapporteur shall be appointed for a fixed term contract of three years with a possibility of renewal, after a review, of another three years. The Commission will appoint the NR. The review shall be conducted by the NHRC, and if necessary, with the assistance of external evaluators.

6.3 Salary of National Rapporteur

When the NHRC first recruited for the position of the NR, it was deemed important to ensure reasonable remuneration in order to attract and recruit competent individuals. Presently, the salary of the NR is set at Rs. 55,000 per month.

Under the new proposed structure of the ONRT, the position of the NR will be equivalent to that of a member of the Commission. The Review Team, therefore, proposes that the salary and benefits of the NR shall be at par with that of the salary of a member of the NHRC. The salary range for all other staff members of the ONRT shall be set according to NHRC rules.

6.4 Technical support staff of the ONRT

6.4.1 Staff of the ONRT

The current staff of the ONRT includes a programme office, a secretary and a driver. The NHRC Structure Plan proposes the appointment of three additional programme officers; these positions have remained vacant. The Review Team believes that that the existing staff
structure will be sufficient for the effective implementation of the new mandate, subject to two additional programme officers are recruited within the immediate future. The programme officers shall have the following main functions:

- one programme officer responsible for monitoring and reporting;
- one programme officer for responsible for legal support and complaints handling; and
- one programme officer responsible for the development of the data base and data collection.

In addition, all programme officers will assist with the promotion of the ONRT as well as with other functions within the mandate of the ONRT.

6.4.2 Staff at Protection Division and regional NHRC offices

Under its present structure, the NHRC has three, out of five planned, regional offices set up for complaints receiving and handling. These offices shall, in the opinion of the Review Team, also undertake the responsibility of receiving complaints and situational cases of trafficking of human beings on the behalf of the ONRT. Hence, the regional staff in these offices shall be oriented and trained to handle such cases.

The Review Team proposes that, such offices shall be expanded to all five regions according to the mandate of the NHRC, and also to selected districts near the borders where NHRC regional offices can monitor the situation pertaining to migration and human rights violations in the context of trafficking in human beings, especially of women and children.

6.4.3 Advisory Committee of the ONRT

Presently the ONRT is supported by two committees: the Policy Steering Committee and the Technical Committee. The Review Team proposes that these two committees are disbanded at the end of the current project term of the ONRT, and that an Advisory Committee is appointed. This Committee should consist of three individuals from the following fields:

- one representative from a non-governmental organization with long experience working to prevent and eliminate trafficking in human beings, especially women and children within, to and from Nepal;
- one representative of the legal community in Nepal, with documented experience working to uphold the human rights of women and children, particularly in the context of trafficking in human beings; and
- one representative from one of the UN agencies working in Nepal to protect the human rights of women and children, particularly in the context of trafficking in human beings.

20 See also Chapter 8 for more details.
21 The Policy Steering Committee has as its objective to generate high-level commitment for improving the human rights situation of women and children.
22 The Technical Committee has as its objective to develop technical support to the ONRT.
The members of the Advisory Committee shall be appointed by the Chairperson of the NHRC on the recommendation by the NR, for a term of two years, with the possibility of extension for another year. The general objective of the Advisory Committee of the ONRT is to give technical support and take active role in implementing the new mandate of the ONRT, as well as promoting the ONRT in the public arena. A specified mandate shall be worked out and agreed to by the NR and the Committee members in collaboration.

6.5 Capacity building of the ONRT and the NHRC

The Review Team recommends that the NHRC initiate, fund and support the capacity building of the NR and the technical staff at the ONRT in order for the ONRT to effectively function as an office and achieve its mandate. Hence, the ONRT shall undergo regular annual trainings on all aspects of the mandate of the ONRT, as required, including, if appropriate, trainings organized by international organizations or in collaboration with other ONRT’s. The capacity building of the ONRT shall be coordinated by the CDNHRC in cooperation with the ONRT.

In addition, the Review Team proposes that the ONRT continues to be responsible for developing expertise within the NHRC on trafficking in human beings, especially of women and children, particularly by training those members of the Protection Division and in the selected district offices of the NHRC in the five development regions, that will work directly with the complaints and reporting procedures regarding trafficking in human beings.

In order to facilitate the implementation of the proposed new organizational structure, as well as of the proposed new mandate of the ONRT, the Review Team proposes that two external experts are engaged for a limited time period.

For the first phase of the implementation, an organizational expert shall be employed for a period of six weeks in order to assist the NHRC to develop and establish management processes for the ONRT, including operational policies and guidelines for the NR and the ONRT.

For the second phase of the implementation, an expert in trafficking in human beings shall be employed for a period six weeks to assist the NHRC in the recruitment and training of the new NR and the new ONRT staff.

6.6 Renewal of Memorandum of Understanding (MoU) between NHRC and MWCSW

As stated earlier, the ONRT was established at the NHRC in August 2002 through a MoU between the NHRC and the MWCSW through the Joint Initiative against Trafficking in Women and Girls (JIT) in collaboration with the United Nations Taskforce on Trafficking. This MoU was suspended in January 2005 when the funding for the ONRT was terminated.

The intention of the MoU has been achieved as far as the establishment of the ONRT, and the ONRT is in the process of being institutionalized into the NHRC. Therefore, a new MoU with the MWCSW is no longer needed. However, some of the activities indicated in the ToR of this MoU have not been implemented as expected, such as the intended independence of the
ONRT within the structure, as well as certain activities outlined in the ToR; partly because of the premature ending of the financial support by the JIT.

The Review Team strongly recommends that the NHRC uphold the original terms and spirit of the MoU, clarifies the role of the NR vis-à-vis the members of the Commission and the management of the NHRC, while implementing the tasks and responsibilities of the proposed new mandate.
7. OVERVIEW OF OFFICES OF NATIONAL RAPPOUREURS ON TRAFFICKING IN HUMAN BEINGS IN SELECTED COUNTRIES

So far, only a few countries in the world have taken the initiative to appoint National Rapporteurs (NR) on Trafficking in Human Beings. [See below] Central to the institution of NR’s is their monitoring and reporting duties. The NR’s report regularly to their respective government, or independently, on the state and scale of trafficking in human beings in the country, as well as on the effectiveness of implemented measures to eliminate trafficking, or, as the case is, the lack of measures. Other tasks and responsibilities of NR’s are assigned based on the situation in the particular country.

However, as the international community continues its efforts to prevent and eliminate trafficking in human beings, proposals or requirements to establish ONTR’s is becoming part of regional and international discussions and agreements on measures to combat trafficking in human beings. In the recently concluded Council of Europe Convention on Action against Trafficking in Human Beings, article 29(4) requires the 46 member states to “consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements.” Similarly, the Outcome document of the United Nations Beijing + 5 Conference also recommends United Nations member states to establish National Rapporteurs on Trafficking in Human Beings.

Some countries such as Croatia, Serbia-Montenegro, Moldova, Kazakhstan and Paraguay have appointed or are in the process of appointing National Coordinators or National Focal Points on Trafficking in Human Beings. These positions, often funded by the government and/or part of a government institution, have the role, not to monitor and evaluate, but to implement government measures and/or national actions plans on trafficking in human beings.

In addition, countries, like Nepal, that have signed and ratified the United Nations Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others are required to establish a national coordination office. This office should be charged with gathering and compiling information about investigations on trafficking in persons and the exploitation of the prostitution of others in order to facilitate the prevention and punishment of offences under the Convention.

On 26 April, 1997, at a European Union ministerial conference on trafficking in women, the attending Ministers of Justice and Ministers of Gender Equality of the fifteen member states in cooperation with the ten candidate countries and representatives of Canada, United States and the Council of Europe agreed to adopt a declaration that recommends implementation of measures to prevent and combat trafficking in women for the purpose of sexual exploitation

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23 See also ongoing discussions to appoint NR’s in the Nordic Baltic countries by the eight member countries of the Nordic Baltic Taskforce on Trafficking in Human Beings, initiated by Sweden in 2003.


25 Articles 14 and 15 of the Convention.

26 One example is the French Office Central pour la Répression de la Traite des Étres Humains (OCRTEH), which was established in 1960, after France ratified the 1949 Convention.
(the “Hague Declaration”). The Hague Declaration contains guidelines for crossborder cooperation between member states to eliminate trafficking in women for sexual exploitation, measures for the protection and reintegration of victims and suggestions for how member states can improve the level of competence and knowledge about trafficking in women. Most importantly, the Hague Declaration recommends all member states to appoint “National Rapporteurs who are to report to governments on the scale, the prevention, and combating of trafficking in women” (Article III.1.4). Until now, only three of the twenty-five European Union member countries have appointed a NR; Sweden, the Netherlands and Belgium.

7.1 The Office of the National Rapporteur on Trafficking in Human Beings, Sweden

In December 1997, in order to implement the Hague Declaration, the Swedish Government appointed the National Police Board of Sweden to be the National Rapporteur on Trafficking in Women. The National Police Board delegated the task to the National Criminal Investigation Department. In 2004, as a result of Sweden ratifying the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its implementation into national laws, the mandate of the NR was expanded to also include trafficking in human beings for other purposes than sexual exploitation. At the same time, the title of the NR was changed to “the National Rapporteur on Trafficking in Human Beings.”

The mandate of the ONRT includes the collection and analysis of data and information about the extent of trafficking in human beings in and to Sweden, as well as recommendations for how the problem can be prevented and combated. In addition, the ONRT handles intelligence information concerning suspected criminal activities and cooperates with police forces in countries of origin and transit in joint cases, answers questions from the media and the public, and arranges and participates in seminars and trainings nationally and internationally. Over the years the ONRT has developed a large national and international network with representatives from governments, public authorities, agencies and organisations working to eliminate trafficking in human beings. The Swedish NR is the chairperson for the expert working group on trafficking in women within the Taskforce on Organized Crime in the Baltic Sea Region. In 2003, the Minister of Justice allocated SEK 30 million (approximately US$ 4.1 million) over three years to the National Board of Police, specifically earmarked for operative assistance to police districts to combat trafficking in human beings, and for training of law enforcement personnel. The ONRT chairs the inter-agency working group that determines how these funds should be distributed, based on applications from the different police districts.

The placement of the ONRT at the National Police Board allows it to monitor the status of trafficking in human beings in and to Sweden through regular information updates from the national and regional police and prosecution authorities, as well as from other actors working against trafficking in human beings.

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27 The Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation (Hague, 24-26 April 1997).
28 Nationell rapportör för människohandel.
29 The Baltic Sea Taskforce on Organized Crime – online: http://www.balticseataskforce.dk
The ONRT publishes annual reports on the state of trafficking in human beings in and to Sweden. So far the ONRT has released seven yearly reports. The ONRT mandate and work is reviewed with some regularity; the latest review was undertaken in 2005.

7.2 The Bureau of the National Rapporteur on Trafficking in Human Beings, the Netherlands

In April 2000, the first Dutch National Rapporteur on Trafficking in Human Beings was appointed on the basis of the Hague Declaration. The NR is supported by a special independent office, the Bureau of the Dutch Rapporteur on Trafficking in Human Beings. The mandate of the NR is focused on independent and objective research and data collection. The independence of the ONRT is guaranteed by the terms of its mandate. The ONRT is placed within the Ministry of Justice, and financed by the Ministry of Justice, the Ministry of Home and Kingdom Affairs, the Ministry of Foreign Affairs, the Ministry of Public Health, Welfare and Sport and the Ministry of Social Affairs and Employment.

The Bureau consists of one senior researcher, a researcher, one legal staff member and an administrative secretary. Much of the work of the Dutch NR is focused on research into the area of trafficking in human beings. The ONRT has been given the right to examine criminal and police files for the purpose of carrying out its research.

The tasks of the NR is to report annually to the government on the character, extent and development of trafficking in human beings in and to the Netherlands, and the effects of policies and legislation adopted and implemented to combat trafficking in human beings. The reports include recommendations to the national and local governments, public authorities, and to national and international organisations and non-governmental organizations. The reports contains information about the prevention, investigation and prosecution of trafficking in human beings, the effects of legislation and policies, how measures to protect and assist victims are implemented, as well as data on the development in other countries. The ONRT has released three reports, the latest in 2005.

The mandate of the NR allows her to take active initiatives in an urgent or critical situation. The NR can contact the responsible agency, public authority, or regional or international body with requests for clarification or changes to the situation. The ONRT has no investigation powers or complaints function. It does, however, refer individuals to appropriate agencies and/or may also pass on information to these bodies.

The ONRT regularly organizes consultations with actors working to prevent and combat trafficking in human beings, as well as seminars and conferences.

7.3 The Centre for Equal Opportunities and Opposition to Racism, Belgium

In 1995, based on the Trade in Human Beings and Child Pornography (Prevention) Act and through a Royal Decree of April 16, 1995, the Belgian government appointed the Centre for Equal Opportunities and Opposition to Racism (the “Centre”) as responsible for the coordination of efforts to promote, coordinate and follow-up of policies to combat trafficking

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30 Bureau Nationaal Rapporteur Mensenhandel.
in human beings. The Centre, which is fully independent, also functions as an intermediary between individuals and the government, by proposing changes to laws and public policy.\textsuperscript{32}

The Centre presents independent annual evaluation reports, focusing on the developments and results of the efforts to combat trafficking in human beings to and in Belgium. So far the Centre has released six research reports, the latest in December of 2004 focusing on victims of trafficking in human beings.\textsuperscript{33} In the reports, the Centre examines the implementation of policies and legislation pertaining to trafficking in human beings such as the protection and assistance to victims, the activities of governmental institutions, and often focuses on specific themes such as sex tourism, and the trafficking of children for sexual exploitation.

Unlike the two other ONRT’s in the European Union, the Belgian Centre has been empowered to institute civil legal proceedings as plaintiff or on behalf of victims in cases of trafficking in human beings. The cases must according to the Act, focus on such purposes as exploitation in the prostitution industry, in the hotel, manufacturing and catering industry, and in the agricultural sector, and on exploitation of domestic workers in the diplomatic community.

The Centre also acts as Secretariat for the Inter-Departmental Coordination Unit under the Ministry of Justice, charged with fighting trafficking in human beings. In addition, the Centre coordinates cooperation between three receptions centres for victims of trafficking in human beings situated in the three largest cities.


\section*{7.4 Office of the National Rapporteur on Trafficking in Women and Children, Nepal}

Since its inception in 2002, the ONRT in Nepal has mostly performed tasks that are closer to the functions of a National Coordinator on Trafficking in Human Beings; tasks that are already performed or should be carried out by other actors in Nepal, such as by the Government of Nepal, by non-governmental organizations and public authorities. The present Terms of Reference (ToR) of the ONRT are mainly directed towards awareness raising of different actors on the issue of trafficking in human beings, coordination of different preventative measures against trafficking in women and children, research, as well as collaboration with stakeholders in Nepal and in the region.

The Review Team proposes that, in order to strengthen the mandate of the ONRT and also to avoid duplication of efforts to eliminate trafficking in human beings, the main function of the ONRT shall be to monitor and evaluate the state and extent of trafficking in human beings, especially in women and children within, to and from Nepal, as well as take action to ameliorate the situation.\textsuperscript{34}

\textsuperscript{32} Centre pour l’égalité des chances et la lutte contre la traite de êtres humains. – online: http://www.diversite.be.

\textsuperscript{33} Centre pour l’égalité des chances et la lutte contre la traite de êtres humains, \textit{Analyse du point de vue des victimes: Rapport sur la lutter contre la traite des êtres humains} (Bruxelles, Belgium: December 2004).

\textsuperscript{34} See Chapter 8: Proposed new mandate.
8. PROPOSED NEW MANDATE OF THE ONRT

8.1 Scope of mandate

The Review Team proposes that the scope of the mandate of the ONRT be broadened to include trafficking in human beings for other forms of exploitation, such as for forced labour. However, as the majority of the victims of trafficking in human beings within, to and from, to and within Nepal and in the region are trafficked for the purpose of sexual exploitation, the focus shall remain on trafficking in human beings for sexual exploitation, especially of women and children. The ONRT shall also monitor other violations of the human rights of women and children.

The Review Team suggests that the new title of the institution be: the Office of the National Rapporteur on Trafficking in Human Beings, especially Women and Children.

8.2 Legal Framework

8.2.1 Definition of trafficking in human beings

Trafficking in human beings is a national problem, but also a crime that transcends national borders. It often involves countries of origin, transit and of final destination. In order find effective solutions to this problem, cross-border and regional cooperation is required. To facilitate this cooperation, which often involves working together in a context of different legal and judicial systems, an internationally accepted definition of trafficking in human beings is central and necessary.

Also, when developing, initiating, implementing, evaluating and monitoring different national measures to prevent trafficking in human beings, protecting and assisting victims and effectively prosecuting traffickers, it is necessary to use a comprehensive definition of trafficking in human beings as a point of departure.

Presently, the Human Trafficking (Control) Act of 1986 criminalizes some forms of trafficking in human beings. However, due to the current political situation and in the absence of a Parliament, the proposed amendments to this Act have yet to be enacted. Also, Nepal has not signed and ratified several significant regional and international instruments such as the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

In this less than ideal situation, the ONRT, in collaboration with civil society, has made valiant attempts to develop a working definition of trafficking in human beings. However, this definition is not consistent with the internationally accepted and used definition of trafficking in human beings.

The Review Team, therefore, strongly recommends the ONRT to immediately and actively pursue and coordinate, in collaboration with all stakeholders, a national agreement on a common definition specifically based on these internationally accepted instruments, as well as on national legislation where relevant, and Nepal’s international obligations under other human rights instruments.
The Review Team then proposes, that when the ONRT has developed a commonly accepted definition of trafficking in human beings, based on internationally accepted instruments, it shall, in performing its tasks and responsibilities, use this definition as basis for its continuing work.

8.2.2 Implementation of international obligations

The Review team strongly recommends that all actions taken by the ONRT shall take in to consideration and be consistent with Nepal’s firm international obligations to implement measures to eliminate trafficking in women and children under such instruments as the United Nations Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, especially Article 6, as well as the Convention on the Rights of the Child, especially Articles 34 and 35.

8.2.3 Principles of non-discrimination

The Review Team proposes that all actions and initiatives taken by the ONRT in fulfilling its mandate shall have a firm gender equality perspective and be based on internationally recognized principles of non-discrimination (including non-discrimination based on gender, race, ethnicity, disability and sexual orientation). All measures initiated by the ONRT shall also take into account the respect for the human rights and fundamental freedoms of the victims, and be in the spirit of the Constitution of Nepal.35

In addition, all measures, actions and initiatives of the ONRT shall ensure that the victims rights under international law are safeguarded, and that measures and initiatives do not inhibit immigration or freedom of travel and mobility consistent with laws or undercut the protection provided to refugees in international law in particular under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, including their right to protection against refoulement.36

8.3 Policy framework

The Review Team proposes that, in fulfilling its tasks and responsibilities, the ONRT shall examine all legal and policy aspects of trafficking in human beings with a particular focus on the following matters:

8.3.1 Prevention of trafficking in human beings

The Review Team proposes that the ONRT, when fulfilling its tasks and responsibilities, shall pay particular attention to the root causes of trafficking in human beings.37 Hence, the ONRT

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37 As proposed in the United Nations Beijing Platform for Action (BPfA) as well as many other international agreements that focus on the elimination of trafficking in women and children for sexual and other forms of exploitation. See e.g. Article 130 (b) of the BPfA: “Take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for

shall closely monitor the legal, political, social and economic inequalities of women and children, especially girls, in Nepal that makes them particularly vulnerable to trafficking in human beings, such as male violence against women, lack of access to sexual and reproductive rights and measures, lack of citizenship, lack of education and economic self-determination, and the effects of the ongoing internal conflict on women and children.

In addition, the focus of the interventions of the ONRT shall be on measures that discourage the demand, especially for women and children for sexual and other forms of exploitation in Nepal, as well as in the transit and destination countries.38

8.3.2 Protection of victims

The Review Team proposes that the ONRT shall, when fulfilling its tasks and responsibilities, consider the adequacy of legal, public policy and other measures for the protection, assistance, rescue, rehabilitation, reintegration, redress and compensation of victims of trafficking in human beings, especially women and children.

8.3.3 Prosecution of perpetrators

Similarly, the Review Team suggests that the ONRT, when fulfilling its tasks and responsibilities, closely monitor and consider the adequacy of investigations, apprehensions, prosecutions and sentencing of traffickers and their associates within Nepal, and in collaboration with national authorities in transit and destination countries.

8.4 Regular review of the organizational structure and mandate of the ONRT

The scope, methods, means and purpose of traffickers and the forms of trafficking in human beings often change rapidly and over time. In addition, the political situation of Nepal, caused by the ongoing internal conflict, may see dramatic changes during the coming years. These changes may have direct implications on the work of the ONRT as well as on the NHRC as an institution.

The Review Team proposes that all aspects of the new structure and mandate of the ONRT be reviewed, in the first instance after two years, and then every three years. The review shall, in the opinion of the Review Team, be undertaken by independent external evaluators in direct collaboration with the ONRT and NHRC. The external evaluators shall prepare a report of the review that includes specific comments on the accomplishments of the ONRT, possible needs for changes in the organizational structure or in the ONRT mandate, with specific recommendations to the ONRT, to the NHRC and, where appropriate, to stakeholders. The costs for the external review will fall under the regular NHRC-ONRT budget.

prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures.”

38 As required in Article 9.5 of the United Nations Protocol Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children which states that member States “shall adopt or strengthen legislative or other measures ...to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.” as well as in the governmental National Plan of Action against Trafficking in Children and Women for Sexual and Labour Exploitation, p. 4.
9. TASKS AND RESPONSIBILITIES OF THE ONRT

General objective

The ONRT shall:

- Monitor, evaluate and take appropriate action to ameliorate the state, scope and development of the situation of trafficking in human beings, especially of women and children within, to and from Nepal, as well as take appropriate action against human rights violations committed against women and children.

The Review Team proposes that the ONRT is assigned five areas of responsibility:

9.1 Monitoring and evaluation of situation of trafficking in human beings, particularly of women and children within, to and from Nepal

9.1.1 Policy and legal framework

In particular, the ONRT shall:

- Monitor and evaluate the implementation of the governmental *National Plan of Action against Trafficking in Children and Women for Sexual and Labour Exploitation* and the sections focusing on areas falling within the mandate of the ONRT of the governmental *National Human Rights Action Plan*; 39

- Take action, monitor and evaluate, as a matter of priority, the development and implementation of national legislation on trafficking in human beings in Nepal as well as the implementation of Nepal’s international obligations to eliminate trafficking in human beings, in particular under the *Convention on the Elimination of All Forms of Discrimination Against Women*, the *Convention of the Rights of the Child*, and the *Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*; and


9.1.2 Internal political situation

The ONRT shall:

- Monitor and evaluate the effects of the internal armed conflict on the extent and forms of trafficking in human beings, especially of women and children, in collaboration with the

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39 It should be noted that States have a responsibility under international law to act with due diligence to prevent trafficking in human beings, to assist and protect trafficked persons, and to investigate and prosecute traffickers.
NHRC and international organizations such as the OHCHR, and when appropriate, take action; and

- Monitor and evaluate other human rights violations committed by all sides of the conflict against women and children, and when appropriate, take action.

In 2000, the Security Council of the United Nations adopted Resolution 1325 on Women, Peace and Security. The Resolution focuses on the impact of armed conflict on women and girls, as well as on the role of women in peace-building and reconstruction. In the Resolution, the United Nations member states expressed their concern that “particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements.”\(^40\) In 2002, the Secretary General issued a follow-up report to the Resolution where he concluded that there is increasing evidence that trafficking in women and children, especially in girls, for prostitution and other forms of exploitation, “is associated with armed conflict.”\(^41\)

Similarly, in a UNIFEM report from 2003, the two independent experts describe how women and girls suffer serious physical and sexual violence by combatants and others in war and armed conflict. They noted specifically that “trafficking and sexual slavery are inextricably linked to conflict” but also that “the extreme violence that women suffer during conflict does not arise solely out of the conditions of war; it is directly related to the violence that exists in women's lives during peacetime.”\(^42\) Also, many studies show ample evidence that other forms of violence against women and children, such as male violence against women and children in the home, rape and sexual abuse, escalate during armed conflict.

Recent reports by international human rights organizations monitoring the effects of the internal armed conflict in Nepal, as well as information obtained by the Review Team in consultations, have concluded that the conflict has exacerbated the risk of trafficking in women and girls for prostitution purposes to neighbouring countries, as well as internally into the local prostitution markets in the urban areas.\(^43\) Women and children from other, already vulnerable, populations residing in Nepal, such as refugees from Bhutan, and women and children of the Dhalit and indigenous communities, could also risk becoming victims of trafficking in human beings within or from Nepal.

Another serious problem made worse by the armed conflict is the increase in migration for domestic work, especially of women, e.g. to the Gulf countries, where they risk being exploited economically as well as become victims of sexual exploitation and used for


\(^{41}\) United Nations, Women, Peace and Security: Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000) at para. 64.


prostitution purposes, and where their physical safety and human rights are seriously compromised due to lack of adequate protection by national authorities.

The Review Team, therefore, strongly underlines the importance of the ONRT monitoring, investigating, taking immediate action and reporting on human rights violations of women and children in the context of trafficking in human beings, during the ongoing armed conflict in Nepal.

9.1.3 Situation of victims of trafficking in human beings

- Monitor and evaluate the situation of women and children, victims or potential victims of trafficking in human beings within and to Nepal, and when appropriate, take action; and

- Monitor and evaluate the situation of Nepalese women and children, victims or potential victims of trafficking in human beings or of sexual or other forms of exploitation in the context of migration, in countries of transit and destination, including through visits to the countries in question, and when feasible, in cooperation with national authorities.

The ONRT shall, in the opinion of the Review Team, pay particular attention to the rights and access to assistance of HIV/AIDS positive survivors of trafficking, the recent rapid growth of internal trafficking in women and girls for the purpose of sexual exploitation into the local prostitution industry in Nepal, represented by e.g. cabin restaurants and massage parlours, especially of internally displaced women and girls, as well as of the special situation of children, taking into consideration the different needs of girls and boys.

9.1.4 Counselling services and hotline

In 2004, the ONRT established a hotline and a counselling centre for victims and survivors of trafficking in women and children, as well as for other members of other vulnerable groups at the ONRT. The hotline has been underused since it was opened, and very few victims have been in contact with the ONRT requesting counselling services.

Counselling services for victims of trafficking in human beings, especially of women and children and of other human rights violations are offered by several non-governmental organizations in the Kathmandu Valley, as well as by organizations operating in the rural areas.

The Review Team proposes that these services at the ONRT immediately be discontinued. The new mandate of the ONRT does not allow for direct service to victims, as its focus is to be on monitoring and evaluation of trafficking in human beings, especially women and children, as well as on the reception and investigation of complaints. If the ONRT, in performing these tasks, should get requests or see the need for urgent counselling, the ONRT shall, instead, refer these individuals to respected non-governmental agencies or, if appropriate, to government agencies and health services.

9.1.5 Emerging issues

The ONRT shall also:
• Actively monitor, evaluate, as well as publicize information and data about emerging issues, such as new forms and methods of trafficking in human beings or new forms of human rights violation of women and children.

9.2 Reception and investigation of individual and situational complaints

The ONRT shall:

• Solicit, receive and, in collaboration with the Protection Division of the NHRC, investigate individual and situational complaints of human rights violations against women and children, including in the context of trafficking in human beings within, to and from Nepal; and

• In the context of individual or situational complaints, make in situ visits, in collaboration with the NHRC, to investigate the situation.

9.2.1 Division of responsibility

The Review Team proposes that the division of responsibility between the ONRT and the Protection Division of the NHRC shall be such that the ONRT functions as the official receiver of individual and situational complaints on trafficking in human beings and other human rights violations of women and children. The ONRT then refers the complaints to the Protection Division, where one, or possibly, two individual(s), appointed for the purpose, is given the responsibility for the investigation.

Similarly, one individual in each district office of the NHRC in the five development regions, appointed for the purpose, is given the responsibility for investigating individual and situational complaints in the district. All investigators are to regularly report back to the ONRT on the status of the complaints. At the conclusion of the complaints procedure, if appropriate and with the permission of the complainant(s), the ONRT and NHRC shall make public their findings.

The fact that the ONRT will function as the official receiver of complaints on trafficking in human beings, especially of women and children, must be widely publicized in Nepal. The Review Team suggests that the ONRT, in collaboration with the NHRC, produce promotional written and audio (for radio and TV) material describing in easily understood language how the complaints procedure works, its confidentiality, and how to contact the ONRT and the complaints investigators.

9.2.2 Complaints hotline

A small feasibility study shall be undertaken by the ONRT, in collaboration with the NHRC, as to whether a special nationwide hotline for receiving complaints of trafficking in human beings or of other human rights violations of women and children, should be opened at the ONRT, or if the NHRC hotline can be adapted to effectively receive these complaints.

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44 When a particular situation, legislation, policy or human rights violation affect more than one person, or when the individual affected cannot, for various reasons, make the complaint herself or himself.
9.2.3 Public interest litigation

The ONRT shall:

- Initiate and carry out legal action through public interest litigation in the Supreme Court of Nepal, following article 88 of the Constitution of the Kingdom of Nepal. These actions shall be initiated in close collaboration with the Legal Division of the NHRC and be taken in appropriate cases where national laws and policies may have a negative or discriminatory impact on the rights of persons affected by trafficking in human beings within, to and from Nepal; and

- When appropriate, and in close collaboration with the Legal Division of the NHRC intervene on the side of the victim in court cases concerning trafficking in human beings, especially of women and children.

In May 2002, the two houses of the Parliament were dissolved. According to observers of the political situation in Nepal there are no indications that the national legislature will be reinstated in the near future. This means that new or amended laws and policies affecting e.g. victims or potential victims of trafficking in human beings cannot be passed and implemented through a regular democratic process.

Despite that fact that there have been some misgivings as to the independence of the Supreme Court, the Review Team argues that the ONRT could perfect change, not currently available due to the suspension of the Parliament, by asking the Supreme Court to review whether laws and policies or the lack of laws and policies are unconstitutional or discriminatory to a group of complainants. To make full use of this legal tool, it is important that the ONRT and the Legal Division of the NHRC, immediately upon release of a Supreme Court judgment, analyze the decision and publicize the result through a national press release and a press conference.

9.3 National, regional and international cooperation

The ONRT shall:

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45 For the purpose of public interest litigation and other remedies sought from the Supreme Court of Nepal, the petitioner(s) have to satisfy one or all of the following conditions:
   a. he/she must be a Nepali citizen seeking a remedy on his\her own behalf or on behalf of a group, community, society or of any institution;
   b. he/she must demand to have any law or any part thereof declared void on the ground of inconsistency with the constitution, because it imposes an unreasonable restrictions of the enjoyment of fundamental rights conferred by the constitution;
   c. he/she must demand the enforcement of fundamental rights or any other legal rights for which no other remedy has been provided; and/or
   d. he/she must demand the settlement of any constitutional or legal question involved in any dispute of public interest or concern.

46 The Supreme Court of Nepal has widened the term “public interest litigation” to include the promotion and protection of all basic rights of the people and the community (NHRC Legal Division).
9.3.1 Nationally

- In the execution of its responsibilities, the ONRT shall cooperate with all national stakeholders, including with relevant government agencies, non-governmental organizations, international organizations, and other parts of civil society, as appropriate;

- Liaison, when appropriate, with the relevant government ministries, especially with the Ministry of Women, Children and Social Welfare as being the implementation focal point of the governmental *National Plan of Action on Trafficking in Children and Women for Sexual and Labour Exploitation*; and

- Liaison with the local offices of the United Nations Development Program (UNDP), UNIFEM, the United Nations High Commissioner on Human Rights (OHCHR) and the United Nations High Commissioner for Refugees (UNHCR) to exchange information about the trafficking in human beings, especially of women and children within, to and from Nepal, as well as about human right violations of women and children, especially in the context of the current internal armed conflict.

9.3.2 Regionally

- Partake in/initiate, in collaboration, a regional network of national and/or regional bodies responsible for the monitoring of trafficking in human beings, especially women and children;

- Monitor, evaluate and share information about the state, extent and development of the situation of trafficking in human beings, especially of women and children, as and, when appropriate, initiate/partake in joint investigations of individual complaints of victims of trafficking in human beings, including women and children, in collaboration with national and regional bodies in the region of South Asia; and

- Initiate, when appropriate, joint actions to highlight a particular situation involving trafficking in human beings, especially of women and children, in collaboration with national and regional bodies in the region of South Asia.

In 2004, the ONRT-NHRC initiated a MoU for cooperation on issues of trafficking in human beings in the region with the National Human Rights Commission of India. This MoU has yet to be signed by the NHRC of India. It is the opinion of the Review Team, that the signing and implementation of this agreement shall be a priority for the ONRT. The ONRT shall also, as soon as is feasible, initiate similar cooperation schemes with national human rights monitoring institutions in the other member states of SAARC.

9.3.3 Internationally

- Liaison with the United Nations Special Rapporteur on Trafficking in Persons, especially in Women and Children, the Special Rapporteur on Violence against Women, and other appropriate United Nations bodies, as well as with other National Rapporteurs on Trafficking in Human Beings in order to exchange information and, in appropriate cases, collaborate on joint activities; and
• When appropriate, and in a situation where individual or group human rights have been violated in the context of trafficking of human beings, especially of women and children, and when no national remedy is available or all national remedies have been exhausted, initiate a complaint to the United Nations Special Rapporteur on Trafficking in Persons, especially in Women and Children.

9.4 Data collection and reports

The ONRT shall:

9.4.1 Data collection

• Develop and maintain a comprehensive and up-to-date national database on trafficking in human beings, especially of women and children and on related human rights violations of women and children; and

• Collect, compile and make available, data and research on the state, scope and development of the situation of trafficking in human beings, especially of women and children within, to and from Nepal.

The Review Team proposes that the ONRT shall not primarily function as a research centre, but rather collect, compile and, where appropriate, publicize, available data on the different aspects of its mandate.

The data collection shall, in the opinion of the Review Team, include, *inter alia*, information about national and regional legal and public policy framework, and of actions by government bodies, data about organizations and public authorities working to combat trafficking in human beings, information about emerging issues, as well as of cases of trafficking in human beings, especially women and children, while protecting the privacy and identity of victims of trafficking in human beings, in collaboration with all national, and where available, regional, stakeholders, as appropriate.

• Develop and continually update common national indicators and a confidential, non-identifiable case reporting system on trafficking in human beings, especially of women and children and on related human rights violations of women and children, in collaboration with the NHRC; and

• Continue the work to set up a national reporting system on trafficking in human beings, especially of women and children, in collaboration with all national stakeholders, as appropriate.

9.4.2 Annual report

The ONRT shall:

• Prepare and publicize annual thematic reports on the state, scope and development of the situation of trafficking in human beings, especially of women and children within, to and from Nepal, and issue recommendations to all stakeholders, including to the Government of Nepal, to public authorities, to the NHRC, to national non-
governmental organizations, international organizations and to other actors, as appropriate.

Despite that the current MoU does not specifically mention that the ONRT report its activities or findings, nor how often, the ONRT has, since 2002, published two annual progress reports: one for 2003, and one in 2004.\(^{47}\) An annual thematic report is forthcoming in 2005.

The Review Team proposes that the ONRT shall publish annual thematic reports (as set out above), and that these reports include recommendations to all stakeholders. The recommendations shall focus on the prevention of trafficking in human beings, the protection of victims and the prosecution of perpetrators. The recommendations, which can be general, or if necessary, specific, must serve to strengthen the legal, social, economic and political position of women and children in Nepal, as well as in transit and destination countries, and must intend to serve as a basis for the development of legal and other public policies.

The Review Team also proposes that, in order to ensure a wide distribution of the findings of the ONRT, the annual report shall be presented by the ONRT in collaboration the NHRC, to the media and to all stakeholders at an annual public event. The annual report shall also be distributed to all national stakeholders, including to the Government of Nepal, as well as to regional partners, to the appropriate United Nations Special Rapporteurs, and to the ONRT’s of other countries.

### 9.4.3 Other forms of reporting

A central responsibility of the ONRT is to take appropriate action where there has been an individual or structural failure to protect the human rights of women and children, especially in the context of trafficking in human beings within, to and from Nepal. The ONRT is also responsible for taking action/issue recommendations to ameliorate the state, scope and development of the situation of trafficking in human beings, especially of women and children within, to and from Nepal.

To be effective in this role, it is important that the ONRT regularly publicizes information about individual or structural violations of human rights in the context of trafficking in human beings, especially of women and children. This is particularly important in the current political situation and especially in the face of the internal armed conflict.

The Review Team proposes that the ONRT discharges this responsibility through the following means:

- Issuing of urgent appeals/action alerts to relevant authorities and actors, including to the Government of Nepal, with a request for information about measures undertaken to ameliorate the situation;

- Public hearings about continuous violations of human rights in the context of trafficking in human beings;

• Short intermediate reports of *in situ* visits to areas where human rights violations of women and children in the context of trafficking in human beings, or of the internal conflict are taking/have taken place;

• Press releases and press conferences; and

• Conferences and seminars focusing on thematic issues in the context of trafficking in human beings, especially of women and children within, to and from Nepal.

9.5 **Promotion of the ONRT**

The ONRT shall:

• Actively promote, in close collaboration with the NHRC, the different aspects of the mandate of the ONRT, with a particular focus on the complaints procedure and the data collection function.

The Review Team emphasizes that, in order to strengthen the position of the ONRT as the national knowledge centre, as well as the national complaints mechanism on trafficking in human beings, especially of women and children, it is most important that the ONRT itself, as well as the NHRC, actively promote the ONRT nationally and in the region to all stakeholders, to the public in the urban centres as well as in the rural areas, to the media, to public authorities and to the Government of Nepal, as well as to relevant regional and international organizations and institutions. The active promotion of the ONRT as an institution within the NHRC may also directly benefit the NHRC by contribute to the enhancement of its public image.
10. CONCLUSION

The current mandate of the ONRT expires by the end of October 2005. It is essential that the implementation process, including preparations for recruitment for the NR and staff at the ONRT, and plans for introduction and training of the new ONRT staff, is entered into immediately by the NHRC.

This process will require a firm commitment by the NHRC to actively embrace, support and promote the ONRT. The Review Team proposes, therefore, that the NHRC appoint one member of the Commission to oversee the implementation of the new structure, and that external specialized technical assistance is engaged.

It is the firm belief of the Review Team that a new ONRT, based on the requirements set out in the proposed new mandate, must be established by January 1, 2006. Otherwise the achievements and position of the ONRT may be permanently lost.

In the opinion of the Review Team, the proposed comprehensive mandate and organizational structure for the ONRT is the only feasible institutional alternative, especially at this time given the serious situation of trafficking in human beings within, to and from Nepal, exacerbated by the ongoing human rights violations committed by all sides of the armed conflict against women and children.

Nevertheless, should the NHRC, after due deliberations, determine that the implementation of the proposed mandate and organizational structure is beyond the current funding and capacities of the organization, the Review Team strongly advises the NHRC to narrow down the mandate of the ONRT to focus solely on the monitoring and reporting of the situation of trafficking in human beings, especially of women and children and in the context of the internal conflict, within, to and from Nepal.

If this bare-bones option is chosen by the NHRC, it is, in the opinion of the Review Team, absolutely necessary to start operations immediately upon the expiry of the current mandate and to review the terms of the mandate no later than one year after this option has been put into operation.

Finally, the Review Team strongly emphasizes, that in order to assist the ONRT carrying out its proposed new mandate, it is vital that the Nepal-based international community, especially the United Nations Taskforce on Trafficking in Human Beings and the Nepal Office of the High Commissioner for Human Rights (OHCHR) continue to closely monitor the situation and, in the instance that it should be required and/or requested, act as external support to the ONRT in performing its mandate.
11. IMPLEMENTATION SCHEDULE

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<td>• NHRC finalised the Draft Report and decided to implement the New ToR for ONRT.</td>
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<td>• Annual Report published by ONRT.</td>
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<td>• NHRC develops the proposal for the technical assistance to be submitted to donors.</td>
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<td>• Finalisation of Vacancy Announcement for NR and ONRT staff by NHRC.</td>
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<td>• Vacancy Announcement for NR and ONRT staff.</td>
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<td>• Detail management process and operational guidelines developed and finalised.</td>
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<td>• NR and ONRT staff recruited.</td>
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<td>• NR and ONRT staff trained.</td>
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<td>• ONRT work-plan approved and accordingly reviewed quarterly.</td>
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Memorandum of Understanding

BETWEEN

THE NATIONAL HUMAN RIGHTS COMMISSION

AND

THE MINISTRY OF WOMEN, CHILDREN AND SOCIAL WELFARE
(Beyond Trafficking: A Joint Initiative in the Millennium against Trafficking in Women and Girls
(Nep/01/017)
A Project of MWCSW and the UNS Task Force against Trafficking)

FOR

THE ESTABLISHMENT OF THE OHFTCE OF

THE NATIONAL RAPPOTEUR ON TRAFFICKING IN WOMEN AND CHILDREN

AT

THE NATIONAL HUMAN RIGHTS COMMISSION
Memorandum of Understanding

BETWEEN

THE NATIONAL HUMAN RIGHTS COMMISSION

AND

THE MINISTRY OF WOMEN, CHILDREN AND SOCIAL WELFARE

(Beyond Trafficking: A Joint Initiative in the Millennium against Trafficking in Women and Girls
(Nep/01/017)
A Project of MWCSW and the UNS Task Force against Trafficking)

FOR

THE ESTABLISHMENT OF THE OFFICE OF
THE NATIONAL RAPPORTEUR ON TRAFFICKING IN WOMEN AND CHILDREN

AT

THE NATIONAL HUMAN RIGHTS COMMISSION

This Memorandum of Understanding (MOU) is entered into on this 29th day of August, 2002 between His Majesty's Government of Nepal represented by The Ministry of Women, Children and Social Welfare hereinafter referred to as "MWCSW" and National Human Rights Commission hereinafter referred to as "NHRC",

WHEREAS the MWCSW wishes to contribute to NHRC for the establishment of the office of National Rapporteur on Trafficking in Women and Children hereinafter referred to as National Rapporteur

AND

WHEREAS the NHRC is prepared for the establishment of the office of the National Rapporteur and to receive and administer the contribution available for the purpose,

NOW THEREFORE, MWCSW and NHRC hereby agree as follows:

1. TERMS OF REFERENCE

1.1 The MWCSW and NHRC agree to be bound by the provisions of the Terms of Reference (TOR) contained in the Annex I and the budgetary allocation provided in the Annex II attached to this document hereinafter referred to as the Memorandum of Understanding (MOU).
2. TERMS OF PAYMENT

2.1 The MWCSW shall, in accordance with the schedule of payments set out below, contribute to NHRC the total amount of US$ 91,000 (US Dollar Ninety-One Thousand only) as full compensation for the establishment of the office of the National Rapporteur.

2.2 The above-agreed amount will be paid over the period of three years on a quarterly basis. The amount will be released as advance upon the submission of the quarterly workplan based on the annual workplan. The expenditure reporting has to be done on a quarterly basis in a format provided in the NEX Guidelines (*annex 32) within 15 days after the completion of the quarter.

2.3 The total contribution has been spread over a period of three years in the form of annual budget which is provided in the annex II. The budget can be revised at anytime after, mutual consultation between MWCSW and NHRC in order to facilitate the achievement of the objectives spelled out in the TOR.

2.4 The NHRC shall not undertake any activities that may result in any expenditure in excess of the above-mentioned contribution without the prior written agreement of the MWCSW.

3. PERSONNEL

3.1 All the staff provision under this MOU shall be recruited according to the established norms and procedures of the NHRC in a transparent and competitive manner and that which meet the specific requirements of the posts. The MWCSW and UNDP will be members of the recruitment committee for selecting the National Rapporteur and required consultants.

3.2 The NHRC will seek ways to internalize these posts at the end of the terms of this agreement. Salary and benefits shall therefore, be in accordance with the NHRC’s own personnel policy.

3.3 None of the staff recruited under this agreement shall be deemed to be the staff member of MWCSW or United Nations (UN).

3.4 The law of the land applies for any matters related to tax levied on the salary and benefits of the staff recruited by NHRC under this agreement. Therefore, the NHRC is required to comply with the income tax rule of the Government.
4. PROCUREMENT

4.1 Procurement of equipment and supplies will be done in accordance with the procurement procedures of the NHRC.

4.2 All Non Expendable Equipment (NEE) shall be given proper inventory code and Inventory record shall be maintained.

4.3 Annual physical verification of the NEE shall be carried out every year and Annual inventory report of NEE shall be furnished to MWCSW within 30 days after the end of every year.

5. OFFICIALS NOT TO BENEFIT

5.1 The NHRC warrants that no UNDP or MWCSW official and official of the project has been or will be admitted by it to any direct/indirect benefit arising from this agreement.

6. RECORDS, ACCOUNTS and INFORMATION

6.1 A separate bank account shall be opened which shall be operated through joint signature as decided by NHRC. The NHRC shall maintain accurate and systematic records and accounts in respect of the activities carried out under this agreement.

6.2 The NHRC shall furnish, compile or make available at all times to MWCSW any records or information, oral or written, which MWCSW may reasonably request for in respect of the activities carried out under this agreement.

6.3 The NHRC shall promptly and fully notify MWCSW in writing of any conditions, which interfere or threaten to interfere, with the successful carrying out of the activities under this agreement. On receipt of such notice, MWCSW shall take such action as in its sole discretion it considers to be appropriate or necessary under the circumstances.

7. EQUIPMENT & PROPERTY

7.1 The ownership of all the equipment and property procured or furnished to the NHRC under this agreement shall vest in UNDP. Matters relating to the transfer of ownership by UNDP shall be determined in accordance with the relevant policies and procedures of UNDP.

8. REPORTING PROCEDURE

8.1 The NHRC shall submit to MWCSW a quarterly progress report that shall set forth in detail, all the work done under the agreement in a particular quarter. These reports
shall be submitted along with the request for the quarterly advance. Similarly, at the end of each year annual progress report shall also be prepared and submitted to the MWCSW.

9. AUDIT

9.1 The contribution shall be subject to the internal and annual NEX auditing procedures of MWCSW and UNDP. Therefore the NHRC shall allow MWCSW and UNDP or its authorized agents to inspect and audit such records or information upon reasonable notice.

10. NOTICE

10.1 Any notice, request or approval required or permitted to be given or made under this agreement shall be in writing. Such notice, request or approval shall be deemed to be duly given or made when it shall have been delivered by hand, mail, telex- or cable to either party to the addresses specified below:

For the MWCSW:

Joint Secretary/MWCSW
National Programme Director/JIT
Name: Mr. Pratap Kumar Pathak
MWCSW, Singha Durbar

For the NHRC

Acting Secretary/NHRC
Name: Mr. Kedar Prasad Poudyal
NHRC, Harihar Bhawan

11. FORCE MAJEURE

11.1 Without prejudice to their rights the MWCSW and the NHRC shall not be held responsible nor suffer any financial loss should the performance of the contract be delayed or prevented by an event of Force Majeure, which shall include, but not limited to strikes, riots, civil commotion, fire accident or any other incident beyond the control of either party hereto which neither party was aware of or could have foreseen at the time of the signing of this MOU. In event of an occurrence of the Force Majeure, either party shall notify the other of the event and during such event the rights and obligations of either party shall automatically be suspended.

12. TERMINATION

12.1 After consultations have taken place between MWCSW and NHRC and provided that the payments received is sufficient to meet all the commitments and liabilities incurred in the implementation of the activities this agreement may be terminated by MWCSW or by NHRC. The Agreement shall cease to be in force 30 (thirty) days after either of
the Parties has given notice in writing to the other Party of its decision to terminate the Agreement.

12.2 Notwithstanding termination of this agreement, NHRC shall continue to hold unutilized payments and until all commitments and liabilities incurred in the implementation of the activities up to the date of termination have been satisfied and activities are brought to an orderly conclusion.

12.3 Any payments that remain unexpended after such commitments and liabilities have been satisfied shall be retuned to MWCSW or its designated institution.

13. AMENDMENTS

13.1 The terms and conditions of this MOU may be amended only in writing signed by both parties to this contract or their duly authorized representatives. Alternately, the agreement can be amended through the exchange of letters which shall become integral part of the agreement.

This MOU shall enter into force upon signature:

In witness whereof, the undersigned, being duly authorized thereto, have signed the present MOU in the English language in three copies.

For MWCSW  For NHRC

---------------------------------------  ---------------------------------------
Name: Mr. Pratap Kumar Pathak Name: Mr. Kedar Prasad Poudyal
Title: Joint Secretary-NPD/JIT Title: Acting Secretary
Date: August 29, 2002 Date: August 29, 2002

In witness whereof:
For UNDP  For NHRC

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Name: Dr. Henning Karcher Name: Mr. Nayan Bahadur Khatri
Title: Resident Representative Title: Hon’ble Chairperson
Date: August 29, 2002 Date: August 29, 2002
Annex 2

TERMS OF REFERENCE (ToR) FOR THE OFFICE OF THE NATIONAL RAPPORTEUR ON TRAFFICKING IN WOMEN AND CHILDREN (2002)

Background

Trafficking in women and children is a heinous crime and the worst form of violation of human rights that is gaining momentum with impunity instead of being eliminated. His Majesty’s Government of Nepal has committed itself at the national, regional and the international levels to improving the situation of human rights for women and children through its ratification of relevant regional and international treaties.

In this context, the objective of the establishment of a National Rapporteur on Trafficking in Women and Children is to bring about conceptual clarity on trafficking and related vulnerabilities (illegal migrant status, exposure to HIV/AIDS, etc.), to monitor the incidences on trafficking thereby galvanizing public opinion, to coordinate national, regional and international efforts to combat the crime of trafficking and to generate high level commitment to efforts aimed at improving the human rights situation of women and children. The location of the National Rapporteur within the National Human Rights Commission is envisaged to effectively influence government policies and programmes in favour of the rights of women and children for sustainable human development.

The National Rapporteur will work closely with members of the NHRC to integrate a gender perspective into the functions and procedures of the Commission - thereby strengthening the capacity of the commission to respond to issues relating to the human rights of women and children with special focus on the issue of trafficking.

Objective of the position

To spread head the strengthening of observance and compliance of human rights of women and children in Nepal in accordance with the rights and freedoms guaranteed by the Constitutional and International Human Rights Conventions and protocols thereby reducing the incidence of trafficking and other violations of the human rights security and dignity of women and children.

Mandate

National Human Rights Commission will assure full authority and powers as required and bestowed by the Human Rights Commission Act to the office of the National Rapporteur as quoted in the Preamble.

Authority

- Authority shall be delegated by NHRC to work according to the TOR
- The National Rapporteur shall be assigned authority of inquiry, full access to documentary materials and access to all Government and private sectors.
- The National Rapporteur shall acquire the right to investigate the incidents of human rights abuse of women and children particular related to trafficking.
**Tasks and responsibilities:**

The National Rapporteur will be principally concerned with ensuring that His Majesty's Government of Nepal discharges its national and international obligations with respect to the promotion and protection of human rights of women and children in particular to eliminating the crime of trafficking in women and children of Nepal.

Under the overall supervision of the National Human Rights (Commission, the incumbent will be responsible for:

1. Working with the NHRC on the human rights, gender and human security dimensions of trafficking and related exploitation.
2. Developing experts within the commission in order to enable it to undertake research and public information activities on trafficking and related human rights issues.
3. Developing procedures for *suo moto* action as well as for soliciting, receiving and acting upon complaints of human rights violations against women and children including violations relating to the recruitment and transportation of women and children who are trafficked and their rescue, repatriation and reintegration.
4. Reviewing linkages between trafficking and HIV AIDS and advocating for the rights of the HIV positive survivors of trafficking.
5. Reviewing linkages between trafficking and illegal migrant status and advocating for the rights of the trafficked women and children who have been victimized as illegal migrants.
6. Promoting and sustaining effective linkage relation between the National Human Rights Commission of Nepal and its counterparts in South Asia and other countries, especially the Indian Human Rights Commission, in order to ensure maximum complimentary efforts in dealing with the non-border aspects of the trafficking phenomenon and implementation of the SAARC convention.
7. Keeping abreast of developments in the regional and international arena to address the human rights of women and children, and trafficking in particular and compiling and disseminating to all relevant bodies the relevant regional and international instruments relating to trafficking.
8. Liaising with JIT project as well as other initiatives of the government and Civil society in order to monitor the existing legal framework as its relates to and impacts upon the human rights of women and children including an evaluation of the extent to which the existing legal framework meets Nepal's international legal obligations.
9. Developing and implementing a plan for strengthening the legal and operational framework and its implementation and redressing the deficiencies.
10. Communicating with relevant government agencies, relevant NGOs and civil society on this issue and providing advice and support as appropriate with regard to the development of relevant implementation and enforcement mechanisms and implementation of recommendations.
11. In the execution of responsibilities including consultations with the GOs and Civil Society.


13. Liaising with international investigator and supervisory mechanism such as the United Nations Special Rapporteur on violence against women the United Nations Committee on the Elimination of Discrimination against Women and the United Nations Committee on the Rights of the Child in order to enhance the relevance accuracy and effectiveness of international scrutiny.
Annex 3

MEMBERS OF THE REVIEW TEAM

Team Leader

Gunilla Ekberg, B.S.W., LL.B

Ms. Ekberg is an international expert on trafficking in human beings. She is presently working as a Special Advisor on issues of prostitution and trafficking in human beings at the Division for Gender Equality of the Swedish Government. She has coordinated several multi-country projects on trafficking in human beings, including the recent eight-country Nordic Baltic campaign against trafficking in women and is now organizing the Swedish government’s National Action Plan Against Prostitution and Trafficking in Human Beings for Sexual Purposes, Especially Women and Children. Ms. Ekberg has published several articles and reports on trafficking in human beings, and on other human rights issues of women and girls. She is Swedish Canadian, a lawyer, a social worker, and has worked for many years against male violence against women and children, for sexual and reproductive freedom of women and girls, and on other interventions that strengthen the political, social and economic position of women and girls in society.

Team Member

Mohan Das Manandhar, BE, MBA

Mr. Manandhar, The Chief Executive Officer of ODC Inc., is also one of the organization’s Senior Practitioners (Senior Consultant). As the senior most executive leader and a founding member of ODC Inc. Mr. Manandhar’s effectiveness as a visionary leader and peoples’ manager has been instrumental in the growth of ODC Inc. An expert in Development Management, Organizational Behaviour (OB) and Organization Development (OD), he has acquired 20 years of hands-on experience in the Development sector, Academia, and the Industrial sector in Nepal and several countries in the Northern and Southern Hemispheres. His core expertise is in supporting policy-making initiatives and designing programmes and projects for various development partners. Mr. Manandhar has conducted numerous evaluations, reviews, and assessments of programmes and partner organizations in development; and led change management processes and OD interventions. He has also provided services in management development and training to senior executives and managers in various organizations in the South including Bangladesh (UNFPA), Laos (SNV), and Nepal (HMG/N, donors, NGOs/INGOs). Mr. Manandhar was associated with Kathmandu University where he served in various capacities from Associate Professor of OB, OD, and Financial Management to Acting Dean. He has also been a visiting faculty member at Lancaster University (UK). Mr. Manandhar has published books, papers, articles, and case studies in the area of OB, Entrepreneurship, HRM, OD, and Management.
Annex 4

National Human Rights Commission
Capacity Development of National Human Rights Commission, NEP/00/010

Review of Office of the National Rapporteur on Trafficking in Women and Children

Background:
In August 2002, the Office of National Rapporteur on Trafficking in Women and Children (ONRT) was established at the National Human Rights Commission. The establishment was financially supported through Beyond Trafficking: A Joint Initiative in the Millennium against Trafficking in Women and Children (JIT), under a Memorandum of Understanding (MoU) between the National Human Rights Commission and the Ministry of Women, Children and Social Welfare (MWCSW). The objectives of the ONRT are to bring about the conceptual clarity on trafficking and related vulnerabilities; to monitor the incidents on trafficking thereby shaping public opinions; to coordinate national, regional and international effort to combat trafficking in children and women, and to generate a high level of commitment aimed at improving the human rights situation of women and children.

As per the provision of the MoU, at the end of the project i.e. August 2005, it was expected that the ONRT would be integrated in the NHRC’s set-up. A contribution of US$91,000.00, including office establishment costs, was to be provided for three years under JIT. However, due to the resource constraints, the resource commitment and duration of the support was reduced by JIT. Consequently, the UN Country Support Team is planning to mobilize support for the ONRT and as a part of the exercise; it wants to assess the level and type of the inputs required for the effective operation of ONRT and its integration into the NHRC’s organizational set-up.

In the past two years the NHRC as an organization has significantly evolved. The staff size has increased to 103 with two regional offices in place and the 3rd regional office is being established soon. This is a significant change in the organization since the establishment of the ONRT. In addition, the annual report of the Capacity Development of National Human Rights Commission (CDNHRC) recommended a detailed review of the role and functions of the ONRT as well as the NHRC’s need to focus on other rights of women and children for streamlining of the structure and the functions of the ONRT. Furthermore, there is a need to review technical assistance needs of ONRT in order to make specific resource reallocation for the purpose under the CDNHRC.

Objectives:
1. To assess the accomplishments, gaps, opportunities and challenges faced by NHRC/ONRT both in its work and towards its smooth functioning and integration into the NHRC.
2. To prepare a project framework highlighting recommendations and key elements for further financial, technical assistance as well as other support leading to proper and effective integration and functioning of the ONRT into NHRC structure by retaining the unique nature of its work, especially its role in prevention, repatriation, rescue, rehabilitation and reintegration.
Scope of Work:

The review team in coordination with the National Program Manager of CDNHRC will:

1. Review the accomplishments made by NHRC/ONRT in its work and in the integration of the ONRT as envisaged at the time of signing of MoU to identify the accomplishments, opportunities and challenges.
3. Meet and interact with the Commissioners, Secretary, ONRT and staff of NHRC and selected key government agencies, especially the Ministry of Women Children and Social Welfare Ministry of Home, and non-government organizations involved in the prevention of human trafficking to obtain their views on the role of National Rapporteur in the present context characterized by increase in migration, urbanization, foreign employment and internally displaced person resulting from internal armed conflict.
4. Identify and propose at least two organizational structures as options for NHRC to effectively execute trafficking related duties. The proposed structures should include personnel - including the post/functions of Rapporteur and remuneration package - operational and financial arrangements for ONRT taking its special functions and responsibilities into consideration; and practical measures necessary for effective functioning and a statement of strengths and weaknesses of each option. This will involve a series of detailed discussions with the Secretary and the Commissioners on a realistic plan of action for integration and effective functioning of the ONRT. The proposed organizational structures should also take into account the experience elsewhere in the Asia and Pacific Region.
5. Identify the technical and financial needs of NHRC/ONRT to achieve the goals of ONRT.
6. Frequently meet with the Commission and Secretary to discuss the issues and progress of the work.
7. Prepare a review report and a brief but succinct project framework stating the proposed designs and the necessary financial, technical, and other support for ONRT/NHRC with a clear and achievable time line for full integration of the ONRT into NHRC. This may warrant thorough review of TOR of the ONRT and the support staff of the ONRT.
8. Present and discuss the report, organizational designs and the project framework for support with the Commission and make the necessary changes agreed with the Commission.
9. Present the final draft design to the UN Task Force for discussion and share the feedbacks with the Commission and finalize the report.

Composition of Team:

A two-member team with at least advanced university degree from a recognized university and the competencies as stated below:
1. One of the two members will be an expert in organizational functions and in design of organizational structure to meet the short term institutional challenges ensuring the long-term institutional sustainability. S/he would have good understanding of management and financial aspects of a public sector organization. Required qualification is advanced university degree in organization and management related field from a recognized university with at least 10 years of work experience.

2. The other member will be an expert in trafficking and human rights issues with a good understanding of work being carried out by various organizations to address human trafficking, especially in the role and functions of a Rapporteur. Required qualification is at least advanced university degree in a relevant field from a recognized university with extensive work experience in addressing the issue of preventing human trafficking and the work of Rapporteur.


The Team Leader will be decided on the basis of work experience and the profile of the team members.

**Required Competencies of the Team:**

1. Good understanding of rights based approach, human trafficking issues, especially of trafficking of women and children.
2. Excellent knowledge and skills of organizational functions and systems of government, semi-government, and non-government organizations.
3. Proven experience and ability to influence policy level decisions.
4. Experience of conducting forward-looking reviews and assessment of projects and programs including preparation of project proposals.

**Duration:** 4 weeks
Annex 5

LIST OF PARTICIPANTS IN CONSULTATIONS FOR REVIEW OF THE OFFICE OF THE NATIONAL RAPPORTEUR ON TRAFFICKING IN WOMEN AND CHILDREN

NHRC

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Mr. Nayan Bahadur Khatri</td>
<td>NHRC</td>
<td>Chairperson</td>
</tr>
<tr>
<td>Mr. Sushila Singh 'Shilu'</td>
<td>NHRC</td>
<td>Member</td>
</tr>
<tr>
<td>Mr. Gokul Pokharel</td>
<td>NHRC</td>
<td>Member</td>
</tr>
<tr>
<td>Ms. Padma Mathema</td>
<td>ONRT/NHRC</td>
<td>National Rapporteur on Trafficking on Trafficking in Women and Children</td>
</tr>
<tr>
<td>Mr. Imesh Pokhrel, of</td>
<td>NHRC</td>
<td>Head of Planning Internal Monitoring and Evaluation Unit/</td>
</tr>
<tr>
<td>Mr. Imesh Pokhrel, of</td>
<td>NHRC</td>
<td>Head of Planning Internal Monitoring and Evaluation Unit/</td>
</tr>
<tr>
<td>Mr. Bhimarjun Acharya, Mr. Kosh Raj Neupane, Mr. Deepak Karki, Mr. Om Pd. Aryal</td>
<td>NHRC</td>
<td>Legislative Division</td>
</tr>
<tr>
<td>Mr. Yagya Prasad Adhikari and other members (Mr. Achyut Acharya, Ms. Durga Khadka, Mr. Shyam Babu Kafle)</td>
<td>NHRC</td>
<td>Protection Division</td>
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Government of Nepal

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<tr>
<td>Mr. Dibakar Pant</td>
<td>Office of the Prime Minister and Council of Ministers, Human Rights Promotion Centre</td>
<td>National Director</td>
</tr>
<tr>
<td>Mr. Keshab Prasad Bastola,</td>
<td>Office of the Prime Minister and Council of Ministers</td>
<td>Under Secretary</td>
</tr>
<tr>
<td>Mr. Laxmi Naryan Upreti</td>
<td>Ministry of Labour and Transport Management</td>
<td>Under Secretary</td>
</tr>
<tr>
<td>Mr. Shyam Sunder Sharma</td>
<td>Ministry of Women, Child &amp; Social Welfare</td>
<td>Joint Secretary</td>
</tr>
<tr>
<td>Ms. Puja Singh</td>
<td>Women Police Cell</td>
<td>DSP</td>
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United Nations Agencies

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<tr>
<td>Mr. Mathew Kahane</td>
<td>UNDP</td>
<td>Resident Coordinator</td>
</tr>
<tr>
<td>Mr. David Johnson</td>
<td>OHCHR</td>
<td>Officer-in-Charge, Head of Office</td>
</tr>
<tr>
<td>Ms. Anjani Bhattrai</td>
<td>UNDP</td>
<td>Social Development Officer</td>
</tr>
<tr>
<td>Ms. Hanne Sorensen</td>
<td>UNDP</td>
<td>Special Assistant to UN Resident Coordinator</td>
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### UNDP Staff

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<tr>
<td>Mr. Ashok Sayenju</td>
<td>UNDP Programme Office</td>
<td>UN Coordination Office</td>
</tr>
<tr>
<td>Mr. Mahesh Gautam</td>
<td>UNDP Human Resource Assistant</td>
<td>UNDP</td>
</tr>
<tr>
<td>Ms. Maryline Py</td>
<td>UNCU/UNOCHA UN Co-ordinate</td>
<td>Associate</td>
</tr>
<tr>
<td>Ms Pradipna Raj Panta</td>
<td>UNDP/JIT National Programme</td>
<td>Manager (JIT)</td>
</tr>
<tr>
<td>Ms. Shalini Manandhar Sharma</td>
<td>UNDP/JIT Communication and MIS Officer</td>
<td></td>
</tr>
<tr>
<td>Mr. Vickram Chhetri</td>
<td>UNDP/CDNHRC National Program</td>
<td>Manager</td>
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### External Agencies

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<tr>
<td>Ms. Sangita Thapa</td>
<td>UNIFEM</td>
<td>Senior National Programme Officer, Officer in-charge</td>
</tr>
<tr>
<td>Ms. Sudha Pant</td>
<td>UNFPA</td>
<td>Program Officer</td>
</tr>
<tr>
<td>Ms. Noriko Ijumi</td>
<td>UNICEF</td>
<td>Child Protection Officer</td>
</tr>
<tr>
<td>Ms. Leyla Tegmo-Reddy</td>
<td>ILO</td>
<td>Director</td>
</tr>
<tr>
<td>Mr. Pracha vasuprasat</td>
<td>ILO</td>
<td>Deputy Programme Manager</td>
</tr>
<tr>
<td>Ms. Minisha Khatri-Dhungana</td>
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### NGOs

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<tr>
<td>Prof. Dr Shanta Thapaliya</td>
<td>Legal AID and Consultancy Centre (LACC)</td>
<td>Chairperson</td>
</tr>
<tr>
<td>Ms. Pranita Bhusan Dhungana</td>
<td>WOREC</td>
<td>Programme Coordinator</td>
</tr>
<tr>
<td>Ms. Anu Tamang</td>
<td>Shakti Samuha</td>
<td>Field staff</td>
</tr>
<tr>
<td>Ms. Sita Tamang</td>
<td>Shakti Samuha</td>
<td>Field staff</td>
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<tr>
<td>Ms. Sunita Danuwar</td>
<td>Shakti Samuha</td>
<td>Programme Coordinator</td>
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<tr>
<td>Ms. Durga Ghimire</td>
<td>ABC Nepal</td>
<td>President</td>
</tr>
<tr>
<td>Ms. Indu Aryal</td>
<td>ABC Nepal</td>
<td>Executive Director/Board Member</td>
</tr>
<tr>
<td>Ms. Pramada Shah</td>
<td>SAATHI</td>
<td>Programme Officer</td>
</tr>
<tr>
<td>Ms. Kamini Chand</td>
<td>SAATHI</td>
<td>Programme Coordinator</td>
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Annex 7
Estimated Budget for the ONRT

National Human Rights Commission
Harihar Bhawan, Pulchok, Lalitpur
Office of the National Rapporteur on Trafficking in Women and Children
Budget of NHRC for the fiscal Year 2005

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<td>6.1</td>
<td>Postal Chrge</td>
<td>6,000.00</td>
<td>7,000.00</td>
<td>13,000.00</td>
<td>13,910.00</td>
<td></td>
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<tr>
<td>6.2</td>
<td>Telecomms</td>
<td>30,000.00</td>
<td>35,000.00</td>
<td>65,000.00</td>
<td>69,550.00</td>
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<tr>
<td>6.3</td>
<td>Electricity</td>
<td>12,000.00</td>
<td>14,000.00</td>
<td>26,000.00</td>
<td>27,820.00</td>
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<tr>
<td>6.4</td>
<td>Repair and Maintenance</td>
<td>30,000.00</td>
<td>35,000.00</td>
<td>65,000.00</td>
<td>69,550.00</td>
<td></td>
</tr>
<tr>
<td>6.5</td>
<td>Rent</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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</tr>
<tr>
<td>6.6</td>
<td>Vehicle Fuel</td>
<td>90,000.00</td>
<td>105,000.00</td>
<td>195,000.00</td>
<td>208,650.00</td>
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<td>6.7</td>
<td>Total Operational Cost</td>
<td>240,000.00</td>
<td>280,000.00</td>
<td>520,000.00</td>
<td>556,400.00</td>
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<tr>
<td>7</td>
<td>Sundries</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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<tr>
<td></td>
<td><strong>Total EXPENDITURE</strong></td>
<td>1,802,970.00</td>
<td>3,308,465.00</td>
<td>5,611,435.00</td>
<td>6,004,235.45</td>
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</tr>
<tr>
<td></td>
<td><strong>US Dollar Equivalent</strong></td>
<td>25,574.04</td>
<td>46,928.58</td>
<td>79,594.82</td>
<td>85,166.46</td>
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</tbody>
</table>

**Notes**

1 US $ = 70.5 NRs

Code number: New Account head number

A/C Head: Existing Account Head Number

assigned by ONTRWC
Annex 8
SELECTED BIBLIOGRAPHY

Articles and Reports – Nepal

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