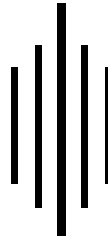
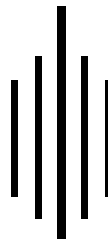


# **GAPS ANALYSIS ON INTERVENTION STRATEGIES AGAINST TRAFFICKING IN WOMEN IN NEPAL**



**A background research study to inform Oxfam GB  
Nepal Programme's Campaign on Ending Violence  
Against Women**



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May 2004**

# **Opportunities and Lessons Learnt in Measuring the Human Rights Impact of Anti-Trafficking Measures in Nepal**

*A background research study to inform Oxfam GB Nepal Programme's Campaign on Ending Violence Against Women*

**By Elaine Pearson**

**This study was completed with participation from Nabin Rawal and Pooja Mijar**

**May 2004**

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## List of Abbreviations

AATWIN:	Alliance Against Trafficking in Women and Children in Nepal
ABC-Nepal:	Agriculture Basic Health and Cooperatives -Nepal
ADB:	Asian Development Bank
AF:	Asia Foundation
CBO:	Community Based Organisation
CDO:	Chief District Officer
CCAWT:	Co-ordination Committee Against Women Trafficking and Child Sexual Abuse
CDO:	Chief District Officer
CEVAW:	Campaign Ending Violence Against Women
CWISH:	Children-Women in Social Service and Human Rights
DDC:	District Development Committee
DTF:	District Task Force
GAATW:	Global Alliance Against Traffic in Women
GMSP:	Gramin Mahila Srijansil Pariwar
HRS:	Human Rights Standards for the Treatment of Trafficked Persons
IGO:	Inter-Governmental Organisation
IIDS:	Integrated Institute for Development Studies
ILO:	International Labour Organization
JIT:	Joint Initiative Against Trafficking
MANK:	Mahila Atma Nirvarta Kendra
MOL:	Ministry of Labour
MWCSW:	Ministry of Women Children and Social Welfare
NFEAWA:	Nepal Foreign Employment Affliction Welfare Association
NHRC:	National Human Rights Commission
NNAGT:	National Network Against Girl Trafficking
NPA:	National Plan of Action
NWSP:	Network for Sex Work Projects
OHCHR:	Office of the United Nations High Commissioner for Human Rights
PRC:	Peace Rehabilitation Centre
RBA:	Rights-Based Approach
SS:	Shakti Samuha
TF:	Task Force
Ti:	Transparency International
UNDP:	United Nations Development Program
UNIFEM:	United Nations Development Fund for Women
VDC:	Village Development Committee
VDCTF:	Village Development Committee Task Force
WHO:	World Health Organisation
WOREC:	Women Rehabilitation Centre
WOSCC:	Women Skill Creation Centre

## Thoughts behind this study

Trafficking of women in South Asia occurs within the context of large-scale regional and international migration, which has grown dramatically over the last two decades. Recently national and international communities consider this problem as contemporary form of slavery, a form of violence against women and a gross human rights violation of women. Apart from other pull and push factors of trafficking, tightly controlled and protectionist immigration policies, defined and based on moralistic beliefs, concept and ideology of patriarchy of social institutions – individuals, families, communities and the state are key facilitating factors for trafficking.

This research aims to identify the gaps in anti-trafficking strategies and contribute to ongoing initiatives by analysis from a survivor's rights perspective. Oxfam GB Nepal Programme has decided to undertake this research to inform its Campaign Ending Violence Against Women (CEVAW). This campaign is being undertaken within the South Asian region and aims to create a fundamental shift in women's and men's attitudes, beliefs and behaviors concerning gender relations that perpetuate violence against women. In Nepal, Oxfam decided to focus on trafficking in women, and this research is expected to show how different stakeholders are dealing with the issue of trafficking and where are the obstacles and failures in terms of violation of women's rights. In identifying the failures and obstacles, it will inform Oxfam GB on the areas where popular campaigning is required to ensure human rights of survivors and women generally are protected and promoted.

While analysing the existing strategies developed by anti-trafficking campaigners at national level, generally, three categories of strategies are emerged:

First strategy is preventive strategy, which involves prevention of trafficking at source by addressing the root causes and focusing on social and gender inequality against women. This strategy is common in local NGOs and INGOs who believe on human rights approach in addressing trafficking issue. Role and contribution of survivors of violence against women in general and trafficking in particular are inclusive in this process.

The second strategy is related to providing support to trafficked women through livelihood options, care and support that will enhance the process of rehabilitation. This strategy is common in NGOs, INGOs and bilateral donors in the welfare framework. This strategy indicates a light process of mobilising survivors of various forms of violence against women as active recipients of services but not as decision makers of interventions.

Third strategy is related to the efforts towards involving criminal justice to prosecute and penalise traffickers and its networks. This strategy also addresses the legal reform, which is mostly focussed by INGOs and donors including UN bodies. Legal frameworks of this strategy vary from welfare to rights approach. But legal framework is yet to articulate clear and common definition of trafficking and thus, precise legal meaning has yet to be established.

Over the last 50 years, numbers of international instruments have been created to tackle trafficking problem, starting with Universal Declaration of Human Rights, CEDAW, CRC and Beijing Platform for Action to Optional Protocol, 2000. All instruments state **"every one has right to life, liberty and security of person, right to choice, fair wages and....."**

Governments have signed international human rights instruments and thus committed to formulate country level legal mechanism. Similarly I/NGOs and donors too are using various frameworks to address the issue. But problem arises on degree of honesty in formulating appropriate laws and commitments for proper implementation thereon.

There are practical reasons that second and third strategies are being less effective and inadequate to protect rights of women in trafficking. Firstly, there is a gap on making clear distinct between trafficking and prostitution. Secondly, lack of inclusion of trafficked women to formulate strategies and thirdly, agencies fail to analyse trafficking from the perspective of trafficked women. Most of the agencies both government and some of the NGOs view that trafficking is a problem of migration and prostitution rather than as violence against of women. Viewing trafficking as problem of migration allows agencies to argue that undocumented migrants and trafficked women should be treated the same way which has came out in some cases in this research.

Last but most important, there is lack of conceptual clarity on the issue because most of the sections/departments of governments including some NGOs are addressing trafficking in women only for forced prostitution.

Overall issue here is that right of women is taken as a joke and something that social institutions (family to the state) need not to be accountable for. It is because the operating principles of existing all social institutions in the society are based on patriarchal belief that women can only be safe and protective if they stay within their home or familiar area.

This research clearly articulated key gaps on actual situation and suggested areas to be address CEVAW. These gaps will be prioritised and used to develop CEVAW strategies for Oxfam GB in Nepal.

Meena Poudel,  
Country Representative  
Oxfam GB in Nepal

May 04

## SECTION ONE: INTRODUCTION

Over the past decade, much development money has been spent on preventing trafficking, prosecuting traffickers and protecting the rights of trafficking survivors and more generally, women and children who might be vulnerable to such trafficking. Yet has trafficking reduced? Are survivors suffering less discrimination and stigmatisation? What programmes have been most effective in empowering women and enabling them to access their rights? This research looks at the impact of anti-trafficking interventions in Nepal from a human rights perspective. There are two specific objectives of this research:

- a) To determine the knowledge, attitude and practices of civil society and government officials in the context of their work and of communities in rural trafficking areas
- b) Review the position of various media (print, radio and television) on trafficking.

This report aims to identify the gaps in anti-trafficking interventions and contribute to ongoing initiatives by analysis from a survivor's rights perspective. Oxfam GB Nepal Programme is undertaking this research to inform its new Campaign to End Violence Against Women (CEVAW). This campaign is being undertaken within the South Asian region and aims to create a fundamental shift in women's and men's attitudes, beliefs and behaviour concerning gender relations that perpetuate violence against women. In Nepal, the CEVAW will focus on trafficking in women, and this research will show how different stakeholders are dealing with the issue of trafficking and where are the obstacles and failures in terms of violation of women's rights. In identifying the failures and obstacles, it will inform Oxfam GB on the areas where popular campaigning is required to ensure human rights of survivors and women generally are protected and promoted. The report gives specific recommendations for action by donors, non-governmental organisations (NGOs) and the government.

### Methodology

This research uses the definition of trafficking as provided for under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, attached to the United Nations Convention Against Transnational Organised Crime (2000) (hereafter UN Trafficking Protocol). A research consultant who is a member of the Global Alliance Against Traffic in Women (GAATW); a local research assistant (an academician); and a member of Shakti Samuha (an organisation of trafficking survivors) carried out this research. This was in order to ensure the perspective of survivors was given due consideration in the methodology of research, in the interviews and in the report's findings. Initially the consultant conducted a literature review to understand the issues related to trafficking in Nepal and know what work and research have previously been done by different stakeholders. A set of guide questions was developed to interview stakeholders in five districts: Kathmandu, Lalitpur, Makwanpur, Rupendehi and Sindhupalchowk. A total of 45 interviews were carried out with the following breakdown:

- 18 civil society representatives (NGOs)
- 8 donors and UN agencies
- 12 government officials of whom 4 were police officers
- 1 ex-government official
- 4 media representatives
- 1 family of a survivor
- 1 carpet factory worker

26 interviews were conducted in Kathmandu/Lalitpur and 19 in the other districts. In addition, four focus group discussions (FGDs) were held on selected questions (from the guide questions) with survivors, media, women's groups and an adolescent community group (and older women in the community). Three of the FGDs were in Kathmandu and one in Sindhupalchowk. All of the interviews were open-

ended structured interviews, so we left it open to respondents to discuss the issues concerned. This was crucial to be able to ascertain the knowledge, attitudes and practices of the different stakeholders. The research team also conducted direct observation at a border crossing check post in Rupendehi to understand the work at the checkpoint. Whilst this report may refer to a few secondary sources, it relies predominantly on the interviews because the research is about attitudes and perceptions of people, which in reports are only reflected through the analysis of a researcher. Thus this report uses a lot of direct quotations and tries to illustrate a range of the responses to the issues raised, in order to show the voices of respondents in their own words.

The selection of respondents was guided by Oxfam GB Nepal staff and all respondents were people who had worked on trafficking or had some knowledge of trafficking either through the activities of NGOs or through direct experience or both. As such, one may consider that the knowledge of the respondents of the issues is higher than that of the general community. This is intentional and the research particularly strove to interview experts who had been working on the issue for a long time, to gain more clarity and understanding from their experiences.

The structure of the report, reflects the three areas of anti-trafficking interventions i.e. prevention of trafficking, prosecution of traffickers, protection of trafficking survivors' rights (in this case through the process of return and reintegration). The gaps and areas in need of address are synthesised from the shared successes and failures under each intervention. This research is an internal report for use of Oxfam GB only. Several respondents spoke to us, on the understanding that their comments would not be published in a document for public dissemination. If any aspects of this research are to be published, the names of the individual organisations may need to be removed when attached to certain comments.



## SECTION TWO: EXECUTIVE SUMMARY AND RECOMMENDATIONS

The Kingdom of Nepal has struggled with a significant human trafficking problem over the past decade with anti-trafficking interventions having had both positive and negative impacts in terms of reducing trafficking in women and protecting women's rights. NGOs have been instrumental in raising the profile of trafficking issues and providing necessary support and assistance to trafficked women. Yet there are still some concerns about the role of some NGOs in violating human rights of women. Women do not only suffer violations of their rights because of the crimes committed by traffickers, but also suffer at the hands of those who are supposed to be protecting their rights 'in the name of anti-trafficking'. Women's rights to mobility are denied at NGO checkpoints, where they suffer harassment and stigmatisation as a result of interception. There are serious allegations concerning lack of freedom of movement, violence and lack of the right to self-determination in some rehabilitation centres for trafficked women. The media in some cases does not respect survivors' rights to privacy.

Despite the fact that all the main anti-trafficking organisations claim to be working from a rights-based approach, the fact that these violations still occur shows there is a problem in moving from theory into practice. All too often only lip service is paid to the principles of empowerment, participation and self-representation, which should be central to any rights-based approach. Donors and UN agencies are not clear on how to implement and monitor rights-based trafficking programmes. Without guidance from donors, many NGOs fail to implement programmes that unequivocally protect the rights of women. The existing hierarchies between donors and NGOs, NGOs and survivors and NGOs and communities must be challenged and dissolved to effectively implement rights-based strategies.

Whilst every organisation interviewed understood that trafficking in women was not synonymous with prostitution nor with India, the practical interventions seem to assist mainly those who are trafficked into the sex industry. There is a distinct lack of support and assistance to those returnees who have been trafficked for other purposes and to other countries. Prevention campaigns have tended to oversimplify the issues into an anti-migration message, whereby migration, especially undocumented migration, is equated with trafficking. This results in increased stigmatisation of any women returning from India. There is a need to move beyond the identification and interception of potential trafficking victims at the border (of India). Whilst 'safe migration' is the new buzzword in trafficking prevention, no organisation is specifically addressing safe undocumented migration and migration for sex work. There is an oversimplification of the issues where mobility is only respected only for those who know where they are going and what they are going to do (provided it is labour other than sex work).

Some successes should be mentioned. Community mobilisation has been an effective means of sharing information amongst communities, which have become more vigilant on the issue. Organising communities has been an important and practical strategy for victim and witness protection in villages where criminal actions are taken against traffickers. There are some moves towards community reintegration and counselling, yet this still needs to be further developed. Whilst the focus of many NGOs has been especially on those groups seen as vulnerable to trafficking, strategies that involve other members of the community, especially men, have shown more sustainable results in terms of social behaviour change.

Unfortunately even where anti-trafficking measures have been successful, the sad reality is that trafficking persists in Nepal. Traffickers have changed their methods to avoid detection or simply moved to other areas where NGOs and police lack access due to the Maoist insurgency. The insurgency and the increased displacement of women and girls is now a major cause of trafficking. Police cannot access Maoist areas to apprehend traffickers nor can NGOs visit these areas for awareness raising and reintegration follow-up activities. Politicians are not active on social issues in general, and the lack of a working Parliament has meant lobbying at the policy level has limited effect. Whilst the media has

played an important role in raising the public perception on trafficking, there is a lack of quality investigative journalism that would provide critical analysis of the issue – media outlets largely report statements of Government officials and NGOs.

All stakeholders including NGOs, donors and UN agencies, government officials, police and the media have a role to play in ensuring protection of rights of women in relation to trafficking and migration. Trafficking persists in Nepal largely due to discrimination against women and patriarchal values. Anti-trafficking initiatives should enable communities to fight discrimination at all levels. Changing community perceptions and attitudes concerning the role of women, violence and migration will reduce the abuses associated with trafficking and counter the negative impacts of some anti-trafficking measures.

## Recommendations

### a) Role of Donors

Donors' wants can be pitted against the community's needs. This is a barrier to effective change and sustainable action. There needs to be a mechanism to ensure and measure how the voices of communities are listened to and incorporated into donor anti-trafficking programmes.

There is a lack of indicators used to measure a Rights Based Approach (RBA) in relation to trafficking. Such indicators might include:<sup>1</sup>

- **What is the level of community ownership?** (What is the level of active participation of community members in discussing trafficking? How sustainable is the project? This should be measured in terms of the community's level of interest in the issue rather assuming the community will necessarily take up the issue of their own accord (this might not be feasible due to other constraints).
- **Is the community now taking initiative on the issue?** (i.e. ripple effects beyond the parameters of the anti-trafficking intervention/project. For example, is the community organising its own programmes?)
- **How has basic knowledge of the community on trafficking changed and perceptions changed during the time of working with the community?** (Measure via FGD interactions). For example, do members of the community know how to protect themselves from trafficking?
- **How much are stakeholders compelled to address the human rights issues involved? What changes have occurred in the role of the stakeholders?**
- **To what extent are people empowered, especially the target group, to take action/negotiate for their own rights?**
- **How has the project adjusted itself to the needs and views of the community?**
- **How have systems and structures changed to secure and protect rights of women, and rights in general?**

If donors expect organisations to follow a rights-based approach, donors should take more responsibility in showing how to implement and monitor rights-based programmes in terms of ensuring participation, empowerment and organising of communities and survivors.

Those groups clearly implementing a rights-based approach in relation to trafficking are often the same community groups who cannot access funds because they do not fit into the NGO hierarchy. Donors should look at more innovative ways of appraising programmes than report-writing in English, such as by more frequent visits to the field or exchanges to view and assess interventions in a unobtrusive way.

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<sup>1</sup> Children-Women In Social Service and Human Rights (CWISH), HimRights, Mahila Atma Nirbharta Kendra (Mank) and Plan shared their knowledge and ways of working and so assisted in developing these indicators.

Donors should ensure they give credit and visibility to NGOs by naming NGOs when promoting their work. By not doing so, the NGO's right to self-representation is being violated as the donor is sharing the work as 'their' work.

### **b) Role of NGOs**

Social change is created by enabling communities to take forward the issue themselves and to advocate for their own rights. NGOs should first and foremost be facilitating that process.

To increase and improve the participation of affected groups, NGOs should look at building the capacity of survivors and creating a space for such women to take action on gender issues. Such participation should not simply focus on sharing of their experiences of being trafficked. Such capacity can be built by encouraging survivors to form or join organisations and to actively participate in meetings at local, national and international levels.

NGOs need to make the government more accountable for trafficking, and they can only do so by working in a united way. There should be more cross-over and sharing of experiences and collaboration between the anti-trafficking NGO networks, not just within the networks.

### **NGO Border checkpoints**

- An analysis of the different methods of working at the Nepal-India border and the lessons learnt is required, including also the migration booths operated by Women Rehabilitation Centre (WOREC) and United Nations Development Programme (UNDP) partners.
- All migrant women should be provided information in an unobtrusive way when leaving Nepal for India. NGOs working at border checkpoints should no longer intercept women and prevent them from migrating but provide them with information about migration and how to protect oneself in situations of abuse. The checkpoint should operate more as information booths about migration. NGO checkpoint staff should build capacity of police and border officials to look for signs to assist women who might be being trafficked. It is only police that should intervene in preventing suspected cases of trafficking.
- All NGO border checkpoints should take responsibility and provide compensation for costs incurred as a result of restraining and detaining a person from travelling.
- NGOs should include men in raising awareness and mobilising the community on trafficking issues, in order to truly gain empowerment of women, and move beyond the idea of trafficking as a 'women's problem'.
- NGOs should continue their efforts of community mobilisation, empowerment and organising communities to take action against trafficking.
- NGOs should use more complex and sophisticated messages to target people on their journey and at intermediary sites such as urban centres rather than purely focusing on the traditional trafficking-prone areas.
- Where survivors agree, NGOs should promote interactions of survivors with prominent people in the community to foster better relationships between survivors and the communities in which they live and as a means of protection from traffickers.
- An NGO should conduct research to examine the complex relationship between migration and trafficking and the escalation of armed conflict, as this is a new phenomenon in Nepal.
- NGOs should ensure victims filing a criminal complaint against a trafficker have a lawyer to represent them during the case.
- NGOs should provide individual tailor-made reintegration programmes for survivors. Reintegration should include autonomous living spaces for those women who do not wish to return to their village or do not wish to get married or live in a rehabilitation centre.
- NGOs and communities should regularly assess their anti-trafficking efforts and be prepared to change their efforts in line with the community's needs.
- NGOs should improve lines of communication with the media, possibly by allocating a staff member trained to deal with requests from the press as part of their job (like a Press Officer).

**c) For the Oxfam Campaign on Ending Violence Against Women (CEVAW)**

The existing social power structure in Nepal says that nothing can be challenged, including norms about gender, women's role in society, discrimination and violence. There is a need for this to change, for there to be equality in the power relations, so that young people can challenge older people, women can challenge men. Advocacy should *empower* target groups and *enable* stakeholders.<sup>2</sup> The CEVAW should empower women as well as men for real change to happen. Others in positions of influence in the community should also be targeted. For example, in Makwanpur we learned that some doctors are unwilling to examine rape victims because they don't want to get into a 'mess' of having to testify at a trial against a rapist. Such attitudes show how much work is needed in changing the attitudes of communities to take action against gender violence.

Since most organisations still focus predominantly on trafficking into the sex industry in India, the CEVAW should draw attention to human rights violations against trafficked survivors who have been trafficked to other countries and other sites.

Strategies to combat trafficking in women and trafficking in children are frequently the same, which tend to infantilise young women and affords them less opportunities for equal participation in decisions being made *about them* in rehabilitation and reintegration.

There is a need for positive images of migrating women as strong, empowered individuals and not necessarily just potential trafficking HIV+ 'victims'. This is needed to offset the harm done by some anti-trafficking organisations that have terrified young women from travelling to India due to fear of HIV and trafficking. There is an oversimplification in some awareness campaigns collapsing migration and trafficking.

Closer networking and alliance building with NGOs working on migration and migrant workers' rights is needed. Oxfam should build the capacity of organisations advocating safe migration to potential migrant workers such as Nepal Foreign Employment Affliction Welfare Association (NFEAWA) and Pourakhi to understand and incorporate trafficking as part of their work in reducing migrant worker exploitation.

The fact that most people are trafficked by someone they know and trust automatically reduces the effectiveness of awareness raising campaigns as people think 'it will not happen to me'. This is why there is a need for a more rights-activation approach in which people are better equipped to escape from a trafficking situation, rather than warned not to migrate.

The term 'safe migration' needs to be expanded so that it includes safe undocumented migration and migration for sex work. Current NGOs and donors use the term only in terms of increasing legal labour migration for women. Safe migration materials should target the issues of working safely in prostitution in India and elsewhere. Oxfam could approach the Network for Sex Work Project (NSWP) Asia as they may have developed such materials. If Oxfam does advocate for safe undocumented migration and safe migration for sex work, the contrary campaigns of organisations that do not advocate these issues will cause more confusion and division in communities, and hamper effective community mobilisation as a precursor to social change. Alliance-building may require more attention on less-contentious issues such as addressing root causes and women's empowerment, but would mean leaving migration and prostitution out of the equation.

Innovative, appropriate and informal strategies of victim protection, such as by organising communities, have proven to be effective in ensuring traffickers are brought to justice. Such strategies should be supported, documented and replicated.

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<sup>2</sup> As stated by CWISS.

Some NGOs have too much invested in their anti-trafficking programmes, which means they are unwilling to look for long-term sustainable solutions in which their role may be reduced or might not be necessary. They are also often unwilling to learn from each other. Better co-ordination between NGOs (outside of the networks) will be required to attain the Government commitment on the issue.

There is a need to draw attention to human rights violations against trafficking survivors and women in general, for example, at border checkpoints and in some rehabilitation centres. Oxfam should investigate establishing a mechanism at national level for reporting human rights violations, especially violence against women. Some communities already have this at local level through community programmes active in self-help for crisis situations and in sharing information and building trust in the community. There is a lack of that information being transferred to a higher level. Similarly, corruption is inhibiting the legal process in trafficking cases and there is a need to activate mechanisms in the Government whereby corruption can be reported and acted upon. The campaign could focus on highlighting cases of human rights violations against women and trafficking survivors by State actors and NGOs as well as the high-level corruption in trafficking cases.

Media will be a key stakeholder in Oxfam's campaign. In working with media, Oxfam should consider creation of an Award for accurate and sensitive human rights reporting in the context of trafficking. The reward could be a fellowship for international training. In cases of negative reporting, Oxfam should be vigilant in monitoring the media and dealing with such cases to ensure they are not repeated. Oxfam should provide training to the media using the World Health Organisation (WHO) Ethical and Safety Guidelines for Interviewing Trafficked Women.

## SECTION THREE: FINDINGS:

### 1. GAPS, CHALLENGES and AREAS IN NEED OF ADDRESS (synthesised)

#### a) Concepts and trends

##### Definition of trafficking

- Not all organisations use the same definition of trafficking. Though the same core elements are there, the need to use a different definition is indicative of the lack of unity and competition between stakeholders working on the issue.
- Whilst most stakeholders recognise a broad definition of trafficking into various sites, when respondents considered the practical application to Nepal and specific anti-trafficking activities, these focused either on trafficking of girls/women to India into the sex industry or trafficking in children for worst forms of child labour (especially circus, and some cases of domestic work). The predominant focus of anti-programmes is trafficking by land to India for prostitution. Cross border effectively means Nepal – India. Nearly all research, information collected and the thrust of all campaigns relate to prostitution in India. There are few campaigns on trafficking into the circus.
- There is no mechanism or assistance targeting trafficking for purposes other than the sex industry or trafficking to places other than India, and little outreach at sites for people returning from abroad. For example, there is no assistance at the airport. Returnees from India seem to be the only group identified as 'trafficked people'. Whilst various organisations also recognised that trafficking in men occurs, no anti-trafficking organisations seem to be addressing this issue or providing assistance to men.

##### Migration and trafficking

- Many respondents still link trafficking with undocumented (illegal) migration, especially in terms of their strategizing on ways to prevent and combat the problem i.e. by increasing regular labour migration for women.
- Safe migration to NGOs working on the issue means increasing legal avenues for labour migration for women, but not undocumented migration or migration for sex work (see more below under prevention).

##### Root causes (see also below, prevention, for strategies to address these root causes)

- Root causes of trafficking are not being adequately addressed, especially gender discrimination, patriarchal values and armed conflict.
- Insurgency and displacement is now a major cause of trafficking, and needs to be addressed by the prevention campaigns.
- Unemployment is even higher due to the insurgency, there is a lack of sustainable income generating activities for women in their home communities, and in urban areas the work available is 'dirty, dangerous and difficult', meaning women and girls are quite vulnerable to being trafficked.

##### Impact of conflict

- Due to the insurgency there is a lack of access to communities to raise awareness, to arrest traffickers and pursue legal cases, to protect victims and witnesses and to conduct follow-up on reintegration of survivors. Lack of access also impedes assessing and monitoring the trafficking

situation. This affects various stakeholders – NGOs, intergovernmental organisations (IGOs), police and media.

- The lack of access and lack of prevailing law and order means traffickers can operate with impunity.
- Increased displacement of women and girls mean increased desperation to travel and increased vulnerability to trafficking.
- Disappearances are rampant, yet people are unable to say if it is due to the Maoists or for trafficking.
- There is a lack of accurate and specific research to clearly examine the link between armed conflict and trafficking in Nepal. A study is needed to examine the complex relationship between armed conflict, migration and trafficking as this is a new phenomenon in Nepal.
- No matter how much awareness raising is done, the predominant issue seems to be that people are being compelled to leave their homes and this desperation is increasing their vulnerability to trafficking. Thus more sophisticated messages are required that target people on their journey and at intermediary sites such as urban centres rather than focusing on the traditional trafficking-prone areas.
- Politicians are only paying lip service to human rights and social issues behind economic and security issues. There is a lack of commitment to the community since they are no longer elected representatives.
- The lack of Parliament and inability to get laws passed means advocacy aimed at policy change is of limited value at present.

### **Rights Based Approach (RBA)**

- The general understanding of RBA is that it involves participation, empowerment and community mobilisation. Yet there is a need to distinguish pseudo-participation from genuine participation. Likewise strategies for empowerment of survivors and women were unclear and varied according to different organisations. There is a need to address the inequality between survivors and NGOs, and NGOs and donors.
- Donors themselves are not clear on the RBA, and do not provide clear mechanisms for implementing and monitoring a RBA, though they expect NGOs receiving funds to implement this approach. As a result every organisation claims its activities follow a RBA despite their very different approaches.
- Respondents link RBA to rights to mobility of women, and 'safe migration' has become another buzzword. However they only recognise rights of mobility for labour purposes i.e. known job in known place.
- There is a lack of developed and standardised indicators for monitoring RBA especially in terms of participation and self-representation.
- Organising survivors has not been able to overcome issues of stigmatisation, due to a lack of sensitivity and awareness of other stakeholders, such as media.
- Issues of hierarchy and inequality between communities and NGOs need to be addressed as this impedes successful rights-based interventions. NGOs must find a process of listening to the voice of the community as part of its strategizing and planning in prevention, prosecution and reintegration activities. NGOs and donors must be willing to adapt their programmes to meet community needs.

### **b) Prevention**

- Many NGOs are still focusing their prevention campaigns on trafficking-prone districts instead of placing more emphasis on intermediary urban sites.
- Changing modes of traffickers (in terms of recruitment and transport) are one step ahead of anti-trafficking prevention initiatives.

- The success of prevention measures in some districts means traffickers have simply moved to other areas and away from the traditional trafficking-prone districts where most NGOs concentrate their efforts.
- Awareness raising campaigns focusing on the dangers of trafficking are of limited use, since people are usually trafficked by someone they know and trust. Although the target group is now more 'aware', they think trafficking will never happen in their case (to them). The issue of trust needs further examination, in terms of whether young people trust too easily and how to address this, without simply trying to frighten young people into staying in their villages.
- Awareness raising campaigns focusing on dangers have been damaging in terms of preventing women from travelling to India due to the fear and stigma of possibly being trafficked. There is a need for positive images of migration, and more complex prevention messages. Trafficking is one consequence in a whole list of things that might happen by travelling to other countries, by overemphasising it, it is also increasing the stigma against any woman who returns from India.
- The main focus of awareness campaigns has been on the 'target group' i.e. women and girls vulnerable to trafficking, but less emphasis placed on boys and men in the community and other community members. For women to be able to access their rights and fight discrimination, others in the community must also be sensitised on issues of women's rights and discrimination.
- Despite addressing the causes of awareness and education, well-educated and 'aware' girls and women are still being trafficked. The focus should shift to how to access one's rights for anyone who might find themselves in a trafficking situation.
- Some communities are still more responsive to traffickers/brokers because they still represent opportunity and a better life for people in situations of extreme poverty, whereas awareness raising of NGOs has nothing tangible to offer in return, so commitment by communities will always be haphazard. Unlike income generation activities or health, some communities cannot see any immediate benefit by participating in trafficking prevention activities. Positive feelings towards brokers remain by local communities, because girls do bring back some income.
- Many NGOs still insist on teaching skills that are not marketable, or marketable only in terms of sustained dependence on the NGO (e.g. products for sale at the NGO). Many NGOs do not recognise or accept prostitution as a legitimate career choice for returnees. This reflects a double standard, as those trafficked into factory work or domestic labour are not forced to refrain from working in these labour sites.
- Skills training and income generating activities for women that are successful and sustainable are those done on an individual basis, which is very expensive and time-consuming. Such activities, while showing results, only address a minute portion of the community.
- The issue of demand for trafficked girls working in the sex industry has not been addressed.
- There is a need to address the structural violence in the community, which is extremely prevalent in terms of its basis in the feudal system, religion, ethnicity, legal system and education.<sup>3</sup>

### **Safe migration**

- To most respondents, safe migration means simply warning of dangers of undocumented migration and trafficking, rather than practical measures for the migrants' protection. Safe migration means propagating legal migration for labour purposes as protection from trafficking.
- Migrating for sex work may be only means for survival for women, but this is generally not recognised by NGOs.
- Different NGOs send different messages especially about prostitution and rights to mobility. This is confusing for communities and therefore actions become less effective.
- There is not enough information detailing NGO contacts and assistance points for migrants who suffer abuse and exploitation in India and elsewhere. This should be disseminated on a broad

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<sup>3</sup> As stated by HimRights



scale. Whilst the WOREC book<sup>4</sup> is useful as a tool especially for NGOs, it is not practical to disseminate such a large booklet and not sufficient numbers have been printed. (WOREC stated it has plans for a smaller leaflet to be printed and disseminated at checkpoints).

- There is a need to go beyond identifying and intercepting those who are at 'at-risk' of trafficking at border checkpoints, as these are often arbitrarily and subjectively determined by the border monitors who lack training. Instead, a better approach would disseminate safe migration materials to all migrant women.
- Closer networking and alliance-building with NGOs working on migration and migrant worker's rights is required.
- Building capacity of organisations advocating safe migration to potential migrant workers such as NFEAWA and Pourakhi to understand and incorporate trafficking as part of their work in reducing migrant worker exploitation.
- There is a lack of positive images of women migrating. Donors, NGOs, media and government offices should portray images of strong, empowered migrating women as this is often the reality. This is needed to overcome stigmatisation of migrant and trafficked women.

### **NGO border checkpoints**

- On the practical implementation level, NGOs operating border check posts are restricting women's rights to mobility in the name of stopping trafficking.
- There is no monitoring and evaluation of:
  - 1) The effectiveness of border checkpoints in preventing trafficking. Various sources have indicated that traffickers have simply altered their methods to escape detection at the border.
  - 2) Mistakes, abuses and violations of women's rights to mobility and privacy as a result of a checkpoint interception. This is despite individual cases of harassment being reported from a variety of sources including police, NGOs, IGOs and media.
  - 3) Impact of checkpoint interceptions of women, in terms of economic costs to potential migrants, women are then forced to use other more dangerous methods to travel, or due to stigmatisation as a result of interception, unable to return to home communities.
- Border monitors lack training especially in terms of interrogation techniques. Some border monitors lack sensitivity in questioning and simply follow bureaucratic procedures rather than ascertaining the facts of a situation.
- Checkpoint workers do not distinguish trafficking from undocumented migration.
- Indicators used to distinguish trafficking cases (ascertaining root causes for leaving) seem to be the same as indicators or reasons for migrating.

### **c) Prosecution**

- Directives for victim protection do not filter down to police cells working in the districts.
- Women's police cell lacks power within the institutional hierarchy of police.
- Police officers implementing a victim-sensitive approach are not supported by others in the police force.
- There is difficulty to arrest and apprehend brokers due to the conflict and lack of access to Maoist areas.
- Prevailing social structure means the brokers are in a more powerful position than returnees in communities.
- Only small time traffickers are apprehended rather than the high-powered brokers who, due to political connections or bribery, are able to escape justice and continue trafficking women and girls.

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<sup>4</sup> Pandey, B. et.al. *What everyone going abroad for employment must know: Information Handbook* , WOREC, Kathmandu, 2002.

- In some cases people are being wrongly accused of trafficking and as a result of successful community mobilisation, such people are being imprisoned as traffickers. Research is needed to determine culpability of traffickers and the legitimacy of the legal process of prosecution.
- The Anti-Trafficking Bill will lapse due to lack of Parliament so the process of lobbying for legislative change will have to begin again.
- Whilst the Anti-Trafficking Bill is positive from the point of view of victim protection, it actually raises some controversial issues as to the rights of defendants to a fair trial.
- A mechanism is needed for reporting corruption and bribery in trafficking cases as it appears to be a significant problem. The National Human Rights Commission (NHRC) does not yet have capacity to take on this issue, yet if an effective corruption monitoring mechanism is established, maybe at a later date they could take this forward. Maybe also liaise with Transparency International (TI) on this issue.
- The police anti-corruption unit should be activated on trafficking, especially since trafficking is recognised as an organised crime. There is a need for training on the issue and to develop a more pro-active strategy within the police to report corruption in trafficking cases.

#### **d) Returnee support and Reintegration**

- Lack of monitoring and evaluation of abuse and violations suffered by survivors in rehabilitation homes.
- Lack of transparency and openness in some rehabilitation homes. There is over-protection and sheltering of survivors from the outside world, which makes self-sufficiency and independence more difficult for survivors.
- Lack of alternatives for survivors beyond staying in a rehabilitation centre or returning to their home community. Lack of more independent living arrangements for women.
- Community reintegration may become the new buzzword – yet what does it mean? It should mean giving appropriate care dependent upon each individual case and ensuring that survivors have a range of options ranging from initial crisis centre/shelter, to medium shelters with more freedoms but still support, to more autonomous living arrangements such as shared housing.
- Lack of reintegration support in the communities in different districts. There are not enough services for survivors such as income generation, education opportunities, skills training and social integration such as counselling and health services.
- There is a specific need for counselling of family members before and once the woman has returned. In some cases where there are difficulties, counselling of immediate neighbours and of local authorities (police, community leaders, government officials) may be required.
- There is a need for capacity-building of women's groups to focus on reintegration issues. For example, counselling is required for returning survivors, and also for the community (family, neighbours and representatives) to better understand the issues. Women's groups in the districts need training on counselling techniques and for better understanding of trafficking issues. Community counselling could use one family who has dealt successfully with return of a family member, to counsel another family when the member of that family is returning.<sup>5</sup>
- Reintegration has generally been done on a group basis, rather than tailor-made reintegration programmes for each survivor which is more expensive and time-consuming but ultimately more empowering and more effective.
- There is a need to challenge the traditional and patriarchal values in Nepal that make it difficult for survivors to be accepted living autonomously in Nepal.<sup>6</sup>
- Whilst many organisations are interested in the concept of developing guidelines for rehabilitation and reintegration, there is a lack of co-ordination and willingness to work together, thus opportunities to learn through collaboration are lost.
- There is a lack of follow-up of survivors in the long-term, partly due to the insurgency but also due to reintegration programmes being driven by project time limits.<sup>7</sup>

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<sup>5</sup> As stated by women's groups FGD in Sindhupalchowk.

<sup>6</sup> As stated by Ray of Hope.

- Marriage is being seen as a reintegration strategy without investigating how marriage is simply reinforcing patriarchal norms and as a possible site of violence against women.
- There is a lack of support (in terms of health care, protection from violence, safe working conditions) for trafficked women re-entering prostitution as a survival strategy. Without such support women are more vulnerable to situations of abuse, exploitation and possibly situations of re-trafficking.
- There is a lack of organising of survivors groups, like Shakti Samuha due to pervading stigmatisation, which makes it even more difficult to organise in the districts. Stigmatisation is still an obstacle for Shakti Samuha.
- There is a need to build capacity of survivors, by involving them as resource persons and to work in tandem with activists in trainings and research.<sup>8</sup>
- Survivors should be trained to deal with issues of stigmatisation from a position of power and strength, so that they can fight for their own rights against those organisations who deem them inferior, or against stakeholders who take actions to stigmatise them further, such as the media.<sup>9</sup>

### e) Advocacy

- Despite very effective localised campaigns, there is a lack of co-ordination in mobilising people nationally on anti-trafficking interventions. Oxfam's upcoming campaign aims to fill that gap. It should bear in mind both the positive and negative issues raised in this report.
- After ten years of anti-trafficking interventions, survivors' voices and the voices of communities should be loudest on trafficking, yet it is still the NGOs doing all the talking.<sup>10</sup>

### f) Government initiatives

- District Task Forces (DTF) have only been effective where there has been commitment on the part of NGOs (or Government) to activate and fund the DTFs for further action. More NGOs should be represented on the DTFs.
- It is still unclear to some government officials what the DTF is actually meant to do. Village Development Committee (VDC) Task Forces (TFs) and DTFs need more information and more guidance from the central government. They lack a clear mandate.
- Whilst many NGOs, donors and the Government itself via Joint Initiative Against Trafficking (JIT) is involved in activating the DTFs and VDC TFs, there is little sharing of experiences, successes and failures between the different groups. Good practices have not been replicated and there is no standardisation of approach, meaning a lack of co-ordinated efforts across the country.
- The Office of the National Rapporteur should be proactive in encouraging reporting of human rights. The current human rights complaints system should be made a more effective mechanism to report human rights violations in the context of trafficking. There is scope for this to be developed by an NGO and then handed to the Government when capacity is increased and if the Government is serious about treating trafficking in terms of human rights violation.
- There is an unequal relationship between some donors and NGOs. For example, there is a lack of visibility and publicising of NGOs working with such donors, though these NGOs are expected to give visibility and publicise the donor's support.
- A hierarchy exists between the community and NGO/IGO, or between the NGO and donor or the NGO and survivors in some cases. This inhibits genuine participation between the groups, which is a cornerstone of the rights based approach.
- The Ministry of Labour (MOL) shows a paternalistic and sexist attitude to women's migration by requiring father or husband's consent for migration.

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<sup>7</sup> As stated by AATWIN.

<sup>8</sup> As stated by HimRights.

<sup>9</sup> As stated by HimRights.

<sup>10</sup> As stated by WOREC.

- In seeing trafficking as a migration and labour rights violation, the MOL should be more active on the trafficking issue and on regarding migration as positive, then giving women more independence.

## g) Media

- Some sensationalist stories naming and shaming survivors are still being reported despite a more sensitised media. Journalists lack understanding of the ethical and safety issues involved in naming survivors.
- Whilst journalists are more sensitised, editors are not sensitised on ethical issues and conceptual clarity related to trafficking, migration and prostitution.
- A more complex picture of trafficking needs to emerge from news stories. The current simplistic view is damaging and can lead to trafficking hysteria whereby survivors are even more stigmatised and young women are afraid to travel anywhere for fear of being trafficked.
- The media states it lacks information from NGOs about anti-trafficking programmes and causes and consequences of trafficking. Media representatives feel they only have a basic picture of trafficking, which is not enough to write critical analytical articles with.
- There seems to be bad communication between NGOs and media. There is a need for regular interactions between media and NGOs to update the media on the situation and new developments, rather than on an ad hoc basis.
- There is a lack of initiative and skills for investigative reporting. Much reporting simply repeats statements made by the Government or NGOs without an independent critique.

## 2. CONCEPTS AND TRENDS

### a) Definitions of trafficking

*'Trafficking is trying to take a person from one place to another through deception or intimidation and to make her work without her consent'.*

Worker in carpet factory, Kathmandu

*'Trafficking is buying and selling of anything, people, cattle. If cattle are sold, it's not wrong but if people are sold it's a crime'.*

Family of girl who was trafficked, Sindhupalchowk

*'If people are being sold as cattle, this is trafficking'.*

Check post worker, Rupendehi

*'Trafficking is the transportation of a person, where that person changes hands. Often the trafficker is a person the victim knows and the person is deceived or coaxed. Men can be trafficked too. It is different to migration because with migration you know where you are going but with trafficking you don't know and you end up in a difficult situation'.*

Women's groups FGD, Sindhupalchowk

*'Trafficking means taking people away from their home and selling them for money'*

Women's Police Cell, Bhaktapur

*'In practice we use the definition provided under the UN Trafficking Protocol. The legal definition of the Civil Code defines trafficking in a very limited sense (only for prostitution) thus we want to update this definition'.*

Ministry of Women and Social Affairs, Kathmandu

*'Trafficking is people being sold for prostitution'.  
Police, Sindhupalchowk*

Out of 45 interviews and four FGDs, only one interview with police defined trafficking purely in terms of prostitution. Responses ranged from simply buying and selling of a person (which is the literal translation of the Nepali word for trafficking - *bechbikhan*) to more complex definitions generally involving deception and coercion. The more complex definitions were from NGOs, donors, Government officials and local groups that had been involved in awareness raising activities. For example, the carpet worker interviewed had been sensitised to the issue through Shakti Samuha. Most respondents felt trafficking applied to children as well as adults and men as well as women. Most agreed it could be internal and external, no one mentioned the need to cross a border for trafficking to occur. Various organisations in Kathmandu referred to the UN Protocol definition. The complexity of the responses at both District and national level illustrates the effectiveness of various awareness raising campaigns and conceptual clarity workshops.

A few organisations did not use the Protocol definition. For example, WOREC and United Nations Development Fund for Women (UNIFEM) use the UN Special Rapporteur on Violence Against Women's definition. UNIFEM stated that they use the Special Rapporteur's definition because 'it does not miss anything that is in the Protocol and it is better and clearer'. Integrated Institute for Development Studies (IIDS) and UNIFEM's recent study makes a recommendation that the definition of the Special Rapporteur should be adopted.<sup>11</sup> Alliance Against Trafficking in Women and Children (AATWIN) also stated they use their own definition. Whilst it is true the practical differences between the definitions are not so significant, it would be simpler and less confusing if all organisations were unified and recognised the UN Protocol definition as this is the definition that is now accepted in international law.

The IIDS and UNIFEM trafficking report states that 58% of NGOs they interviewed considered trafficking synonymous with prostitution.<sup>12</sup> The methodology of that study may be different to this research, as Oxfam chose organisations specialised on trafficking. In this research, stakeholders such as media, police and community leaders in 'trafficking-prone' areas all seemed to recognise a broader definition of trafficking.

### **Sites other than prostitution**

*'It has now come to our notice that more people are now being trafficked to foreign countries as domestic workers, caretakers and shepherds. There have been cases where girls are recruited, are promised good job offers but that has not been the case when they go to those jobs. It has been found that they end up working in exploitative conditions.'*

Mank, Sindhupalchowk

Whilst most respondents stated outright that trafficking is not limited to prostitution, and gave examples of other sites that people could be trafficked into (such as domestic work, factory, bonded labour and organ removal) it was found that on a practical level, most experiences of trafficking related to prostitution and mainly to India. The other main pattern of trafficking identified was trafficking of children into the circus, particularly children from Makwanpur.

*'Brokers come to the village and agree to pay the family money every month. They take girls and boys as young as eight away to work performing in the circus in India usually with the family's consent. Sometimes money is paid, sometimes it is not. The girls are often sexually exploited by their employers;*

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<sup>11</sup> IIDS and UNIFEM. *Status And Dimensions OF Trafficking Within Nepalese Context*, IIDS and UNIFEM, Kathmandu, 2004, p.115.

<sup>12</sup> *id.* at p.94.

*their labour is exploited. They have no health insurance and no medical care if they have an accident. The children are underpaid, and often restrained from leaving the circus.'*

Women Skill Creation Centre (WOSCC), Makwanpur

Some awareness raising activities, such as by HimRights in Makwanpur, concentrate on the circus as a site where children are trafficked to.

In Kathmandu, the organisation CWISS that focuses on protection of child domestic workers, said that the movement of child domestic workers from rural to urban areas is also trafficking. They stated there was an unwillingness of anti-trafficking organisations in Nepal to regard this as trafficking, and that the mindset has not changed.

***'Some child domestic workers (CDWs) are definitely trafficked under the UN Protocol definition. Most NGOs only think of trafficking in terms of prostitution to India. CWISS is trying to advocate that we are also working on trafficking, but only AATWIN and Shakti Samuha (SS) recognise CWISS as working on the issue. The anti-trafficking NGOs and donors need to know domestic work can be trafficking too. If people find a victim of trafficking, they call Maiti Nepal or Agriculture, Basic Health and Cooperatives (ABC) but they don't recognise CWISS as working on issue.'***

CWISS, Kathmandu

Despite this difficulty raised by CWISS, it should be stated here that when the research team contacted CWISS, both AATWIN and the CWISS staff who answered the telephone, responded that CWISS was not really working on the issue of trafficking. Much work still needs to be done at all levels and amongst all people for the practical realisation of trafficking for all purposes of exploitation in Nepal.

At the theoretical level, organisations realise that trafficking is not limited to sex work, but practically they do not know how to approach the issue of trafficking for other forms. Usually trafficking for other purposes is considered a worst form of child labour. This does not address adult women and men who may be trafficked for other labour purposes or for marriage.

## **b) Migration vs. Trafficking**

*'Migration becomes trafficking when someone is vulnerable being in a new place. Its when someone 'helps' a person to go, promises that person a good job and good money but then when they get there, they're not paid and the working conditions are bad'.*

Shakti Samuha

*'Trafficking is a worst form of labour migration. It is an issue of reducing migration, if we reduce migration then we will reduce trafficking. Yes, women have the right to labour migration, but the legal procedure for labour migration is different to the procedure for trafficking. Labour migration requires a citizenship certificate. In cases of trafficking, no citizenship certificate is required, people just cross the border illegally. Also manpower agencies use false documents'.*

ABC Nepal, Kathmandu

*'Trafficking is different to migration. People can still go and get a job in India, that's not trafficking and it is not dangerous if they go through the Government channels but we don't know how to go about getting a job in India – What do you do?'*

Family of trafficked woman, Sindhupalchowk

*'Where migration occurs, trafficking occurs. Two sisters [who were intercepted under suspicion of being trafficked] were offered good money, they should have been suspicious'*

Women's Police Cell, Makwanpur

*'Being realistic, in the Nepali context, where migration occurs trafficking occurs'.*

International Labour Organisation (ILO)

*'Women have the right to mobility but the State needs to protect all phases of the migration process so people are not forced by economic circumstances to move. We need to make migration more of a choice'.*

CWISS

*'Migrating for prostitution is indirectly trafficking. No one would want to be a sex worker. They are forced into it by economics'.*

Women Development Officer, Sindhupalchowk

*'Migration is where a woman knows where she is going and what work she is going to do, but with trafficking she doesn't know either of these things'.*

WOSCC, Makwanpur

There is confusion on the inter-related concepts of migration and trafficking. When participants were asked to discuss migration and distinguish it from trafficking, in many cases the concept of trafficking seemed broader than their initial definition of trafficking. Some respondents clearly linked and equated trafficking with undocumented migration, such as ABC Nepal and the family interviewed in Sindhupalchowk. This over-simplification of the relationship was also manifest in statements by ILO and the police. Respondents clearly considered labour migration to occur when one had knowledge about work and knowledge about the place people are going to. This is problematic, as by extension, then any person who is not clear on where they are going, who might be fleeing a situation, or seeking a job but not sure what kind of job exactly, are deemed to be potentially trafficked e.g. by border checkpoint staff.

Most organisations, from Maiti Nepal to police, stated they recognised rights to mobility, but not rights to mobility for sex work. Rights to mobility for labour means a specific defined job not in the sex industry at the point of destination. This seems to closely reflect USAID's anti-trafficking policy which adopts a rights-based approach in view of respecting women's rights to mobility for labour purposes, but not for sex work. (See more on safe migration below under 3. a) Prevention.

### **c) Root causes**

*'Sons are given priority over daughters in rural areas. We have also heard of cases from Sindhupalchowk where the parents themselves send their daughters away to work'.*

Adolescents' group FGD in slum area, Kathmandu

*'The main cause is economic constraints. Due to this, the parents feel that if they sent their children to work, they will earn some money which will help the family, but they do not know what happens when the children are taken away. Parents should know about this'.*

Carpet factory worker, Kathmandu

*'Lack of awareness is a cause of trafficking, innocence of the girls is being exploited. The family and the girl is not clear about the future ramifications and repercussions of the work they are agreeing to do. The girl does not realise she is being trafficked until it is too late. The root cause is not just poverty, because there are those in poverty who are aware of trafficking, and they do not go and be trafficked'.*

Chief District Officer (CDO), Sindhupalchowk

*'I learned the case of a woman who was working for an INGO who knew about the issue of trafficking in women. She was trafficked to North America under the deception of marriage and forced to be a domestic worker. She was well-educated and well-aware about issue, but the main cause is that she*

*was eager, desperate to go to North America. Since she had more knowledge about trafficking, she was able to escape, go to the Embassy and return home. She is now filing a case against the man'.*  
CWISS

The most frequently mentioned root causes of trafficking were armed conflict and subsequent displacement, gender discrimination, poverty, unemployment, lack of awareness and lack of education. Less significant causes mentioned by respondents were gender violence, especially domestic violence and sexual harassment by armed forces, socio-cultural norms, desire to migrate/desire for a better life, ethnicity, breakdown of family, corruption and globalisation. Armed conflict will be discussed separately below, under 2.d) Impact of the political situation. In terms of gender discrimination, respondents felt that this was in terms of the patriarchal society and traditional values placing women in a secondary position. Sons are preferred to daughters, and girls are discriminated against, for example by not having the same access to education (according to their family) and lack of citizenship rights. Girls are not respected in the home and community, and are perceived as 'weak'. The IIDS and UNIFEM report states that 'on top of all these causes, one can pinpoint the institution of patriarchy as the main responsible cause for women and children trafficking'.<sup>13</sup>

IIDS and UNIFEM's recent research analysed 37 documented cases of trafficking. Of these, it found 92% of survivors stated 'social causes' as the cause of their trafficking. 'Social causes' includes family causes, all forms of violence, marriages, innocence, ignorance, illiteracy, all forms of discrimination and frustration.<sup>14</sup> Second to this, 65% of respondents identified economic causes as push factors for trafficking i.e. unemployment, landlessness, poverty, lack of economic alternatives, low wages and exposure to consumerism. In 16% of cases no clear cause for being trafficked was indicated.<sup>15</sup>

Respondents including WOREC and ILO stressed the importance of intermediary urban sites such as Kathmandu, Lalitpur and Bhaktapur where people are more vulnerable to being trafficked. Various respondents both at district and national level such as a Prosecutor and CDO stated poverty is not such a significant factor and should not be overemphasised. Respondents such as CWISS and the FGD with media revealed that it is not a matter of lack of awareness that causes trafficking. The phenomenon of trafficking is changing; well-educated and 'aware' people can get trafficked as well. The positive aspect arising from this is that those who are more educated and more aware may be more likely to be able to free themselves from a trafficking situation.

In a focus group discussion with 12 trafficking survivors, participants were asked what were the main causes of them being trafficked, they could select more than one:

5 stated gender discrimination and gender violence

4 stated lack of education/awareness,

4 stated poverty

2 stated breakdown of the family structure

1 stated corruption

0 stated armed conflict

These respondents had all returned to Nepal five to eight years ago, which is why the conflict was not such a factor. The survivors felt that the situation now is that lack of education/awareness is a less significant root cause due to the impact on anti-trafficking awareness, but now the armed conflict and gender-based discrimination and violence are more significant causes.

GAP: Need to shift focus away from traditional 'trafficking-prone' districts and focus more on urban catchment areas.

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<sup>13</sup> IIDS and UNIFEM, p.29.

<sup>14</sup> id. at p.31.

<sup>15</sup> id. at p.32.



GAP: Root causes are not just poverty and lack of awareness, but there is a desperation to move that is fuelled by the conflict and globalisation and desire for a better or different life.

GAP: Since many people are trafficked by someone they know and trust, people think it will never happen to them. How to warn people not to be too trusting without oversimplifying the message into a scare campaign that makes people fearful to leave their villages?

## **d) Impact of current political situation and role of politicians**

### **i) Conflict**

*'Displacement is now the key issue in causing trafficking in Nepal. Since people are displaced, they are moving to intermediary sites where they are vulnerable to trafficking and exploitation. We should focus more on these catchment areas, cabin restaurants and carpet factories from where people may be trafficked'.*

WOREC

*'At the moment the youth cannot stay in the villages due to both the Maoist and the security forces. The Maoists have been forcefully drafting the youth and the security forces are suspicious of the youth. Given this situation many young people are leaving the villages. Migration is increasing and this migration may lead to more case of people being trafficked. It has certainly provided a fertile ground for brokers. Even parents do not want their children to stay in the village now. Village schools are now devoid of children fearing Maoists and the security forces, since Maoists force these school children to participate in their programmes. You can never say what will happen. So in these circumstances when people come offering jobs away from the village, the youth is bound to go with them.'*

Mank, Sindhupalchowk

*'Most women are trafficked from remote areas where Maoists are active. We can't access these areas to raise awareness about trafficking or to catch the defendants. If we are 100% sure that a trafficker is in a remote area we will go to arrest him, but it is a big risk. In one case, local groups handed a trafficker over to police'.*

Police, Sindhupalchowk

*'Very few legal cases and complaints are being reported due to the Maoists. Maoists ask why don't you file the case in the people's court, you shouldn't recognise the Government court. Police can't go into Maoists areas, and we don't have police posts manned here anymore so we sometimes have to take the broker to be arrested by the police. The broker may bribe the police or maybe a politician also calls the police. Whatever the reason, often the trafficker is then released'.*

Grameen Mahila Shrijansil Pariwar (GMSP), Sindhupalchowk

*'In one case recently, two girls were travelling by bus and a passenger overheard a telephone conversation of the man travelling with them, that 'they' were going to sell them in India. The passenger reported it to the army at the checkpoint. The army stopped the girls and the men, and called the police but the police couldn't get there due to the Maoists. After some time, the army called an NGO. The NGO had to take the men to the police station because the police are afraid of Maoist attacks. Political leaders called the police asking them to free brokers, but for now, they are still in jail'.*

WOSCC, Makwanpur

*'The effectiveness of our awareness raising programmes is limited because we can't access some areas now due to the conflict. In some villages brokers might say that they (the broker) is a Maoist and forcefully take the children away, we are not sure if it is for use as a child soldier or if it is trafficking'.*

Makwanpur Women's group of people affected or infected by HIV/AIDS

*'Its very easy for brokers to come in and when someone disappears we are unsure if it's the Maoists or a trafficker. We haven't been able to monitor the situation or movements of women because of our own lack of freedom of mobility due to the conflict.'*

Women's Group FGD, Sindhupalchowk

*'The conflict means brokers can more easily coax girls to migrate because the girls are afraid of otherwise being recruited by the Maoists as child soldiers, or are afraid the army will come'. [sexual harassment by armed forces]*

Shakti Samuha FGD, Kathmandu

*'Many adolescents in the group we established to do community surveillance and border monitoring have now left due to the conflict and have been sent by their parents to India for work.'*

Maiti Nepal, Rupendehi

Nearly all respondents answered political questions in relation to on-going conflict. The predominant response was the issue of displacement and increased migration, both internal and external, that in turn increases the vulnerability to trafficking. Due to people's desperation and need to migrate, both legitimate foreign employment agencies and traffickers operate a lucrative business. The lack of Government administration and lack of police, has created a vacuum easily seen in Makwanpur and Sindhupalchowk. In such an environment, all criminals including traffickers can act with impunity. As stated by members of the adolescent group in a slum area of Kathmandu, 'it might be easier for brokers to lure girls now, and they can operate more openly since the government is more focused in curbing the activities of the Maoists'.

A few respondents including the Central Women's Police Cell and a local leader expressed the view that it is not known for sure that trafficking is increasing, and that perhaps it could be decreasing in Maoist areas if traffickers are frightened of the Maoists and due to the increased awareness. It is clear that the conflict has led to increased migration, but there is no data on relating this to increased trafficking.

Another observation was the reluctance of a Sindhupalchowk family to speak when the word 'Maoist' was uttered. They were unable to speak about the political situation, arising out of the fear that the Maoists have been able to instil in these remote communities.

GAP: A study is needed to examine the complex relationship between armed conflict, migration and trafficking as this is a new phenomenon in Nepal.

GAP: No matter how much awareness raising is done, the predominant issue seems to be that people are being compelled to leave their homes and this desperation is increasing their vulnerability to trafficking. Thus more sophisticated messages are required that target people on their journey and at intermediary sites such as urban centres rather than focusing on the traditional trafficking-prone areas.

## **ii) Role of politicians/representatives**

*'They are more into their own politics than issues like trafficking. It is not an issue for them. They only come to the community when the polls are announced and after that never come into the community.'*

Adolescent group FGD in slum area of Kathmandu

*'They mainly subscribe to the party's view which is one of indifference to the issue of trafficking. Very few party workers take up the issue and are committed. When a case is filed at the court [against a trafficker] then we see who is really committed. The situation is gradually improving since many local leaders are indirectly or directly supporting the issue [in Sindhupalchowk]. For instance, before the local*

*leaders used to assist brokers openly but now that is not seen. Before many local leaders were themselves implicated in trafficking. Given our social structure it is a common phenomena that the local leaders take the side of the powerful brokers (who might be influential in the district) rather than the victim (who might be a young HIV+ girl)'.*

Mank, Sindhupalchowk

*'The Government has established Ministry of Women Children and Social Welfare (MWCSW) and the Women's Commission to take charge of the issue. There are a lot of promises left unfulfilled regarding gender equality and protection. The conflict means gender issues have taken second place. Women used to speak out more, but because of the Government and the conflict they don't really do so anymore'.*

Central Women's Police Cell

*'They [politicians] do very little. Just some information campaigns but they are very preoccupied with other issues, and can't dedicate time to this. Development is the key issue for VDCs i.e. water, roads. Not even employment is an issue because there are no alternatives. There is the feeling that this is a women's issue since women are trafficked so should be dealt with by women. If trafficking cases crop up, issues are taken forward by the VDC but because the VDC here is not effective anyway (always squabbling over development projects) I don't think the VDC would be very effective on issue'.*

Family in Sindhupalchowk

*'Since the VDCs have been dissolved two years ago now there are only a few active members from the VDCs of before, but these VDCs have no responsibility to people. Before VDCs had the power to speak out and were speaking out for victims and against brokers. In that way we could ensure the safety of victims and witnesses, motivate witnesses to testify and also they would assist in reintegration, by ensuring women were accepted back into the community. This really made an impact on community. Also since the District Development Committee (DDC) is no longer elected, there is no more responsibility to people there either. If we have a criminal case with several traffickers involved, if one person is caught and arrested, its difficult to apprehend the others due to the lack of a VDC. At the District level, because two politicians are members of Co-ordination Committee Against Women Trafficking and Child Sexual Abuse (CCAWT), at least they have been taking the issue more seriously. CCAWT leaders have set a role model and encouraged other politicians in the District to become more active on the issue.*

CCAWT, Sindhupalchowk

Most respondents stated that the role of politicians has been merely to pay lip service to the issue and that little is done or nothing has been done. The issue of non-elected representatives clearly has an impact on their commitment to the people. In Sindhupalchowk there has been some success at the district level due to the active engagement of politicians on the issue, but it is difficult to see how this can be replicated except by a sea change in attitudes. It seems all social issues take a back seat behind economic and security issues as a result of the conflict. There was a certain level of resignation amongst the respondents in responding to this question.

### **iii) Lack of Parliament**

A few organisations in Kathmandu mentioned the result of the political situation is the inability to get laws passed and the general stagnant attitude concerning trafficking and the root causes, due to all attention being focused on the conflict.

## e) RBA: the new buzzword

### i) Definitions of RBA

*'The RBA is in contrast to the 'welfare' approach where survivors are sympathized with and seen as not able to do anything for themselves, NGOs must do everything for them. Under a RBA, everyone is conscious and information is what is lacking, we need to give more information to survivors about their rights. Survivors must be able to struggle for their rights and can access rights if they have information and knowledge about them. If organized, survivors can struggle for their rights. We do not pity them, we empower them'.*

AATWIN

*'It's a matter of facilitating the victim and empowering them. They have the right to access to justice, and are not being helped out of pity but because they have a right. There is a responsibility to rescued persons to make them aware of what are their rights'.*

GMSP, Sindhupalchowk

*It is understanding the rights of women to migrate and rights of the survivor/returnee to choose if she comes back what she wants to do, how she wants to be reintegrated. It is centring choices of the survivor.*

Asia Foundation (AF)

*'It is a participatory approach, whatever the survivor chooses or suggests we are willing to go along with their wishes. If a girl wishes to go home, we let her go, but we encourage her to do skills training and come back. RBA means the right to information such as information not to be trafficked and how to facilitate safe migration. We are trying to develop this at border control'.*

Maiti Nepal, Kathmandu

*'It is the right to migrate and right to choose their work but we don't believe in the RBA where it means the right to do prostitution. Of those returnees we work with, trafficked into prostitution, we find 99% say they do not think it's a good profession and that it is degrading to women. Very few went there by own choice, most were forced into it. We want women to have the right to lead a normal life. Aren't we promoting patriarchy by promoting prostitution as a profession for women? Those who willingly go into the trade should not be criminalized and shouldn't face punishment'.*

National Network Against Girl Trafficking (NNAGT)

*'RBA means providing women with choices and information so they can make choices'.*

USAID

*'It is guided by UN principles such as participation, non-alignment and non-discrimination. Most NGOs use a welfare approach not RBA. The representation of women/affected groups is important and social mobilisation that is, mobilising the communities to implement the project'.*

JIT

*'RBA does not only mean advocacy and awareness raising. Support to survivors is also part of the RBA, they have a right to support, so providing support and shelter does not necessarily mean a welfare approach, it depends on how it is done'.*

WOREC

In asking respondents about a RBA, it is clear that donors have been pressing this approach on anti-trafficking organisations. Now many organizations are talking the language of human rights and say

they are adopting a RBA but it mean very different things to different groups. What organisations say they are doing and what they actually do also seems to be different, as in the case of Maiti Nepal. People are not clear on what is a rights-based approach. It was also apparent that the representatives we spoke to from international agencies such as ILO and UNDP did not have a clear idea of what a RBA was or how to implement it in terms of trafficking. This raises questions then, how can NGOs be expected to adopt a RBA when it is not clear from their donors what a RBA entails.

Most respondents in Kathmandu who did know the term RBA, gave broadly similar answers regarding the notions of participation, empowerment and organising of communities and survivors. In the districts, respondents had less knowledge of RBA as a concept, however it was clear that the Oxfam partners are implementing this approach in any case. One partner in Makwanpur did define RBA in terms of civil-political rights only.

## ii) Implementation of RBA in anti-trafficking

*'There is a need for the voices of survivors to be heard at all levels, in all dialogues and in strategic planning of anti-trafficking interventions'.*

HimRights

*'We implement RBA by empowering women, raising women's voices and providing economic empowerment through income generation projects. We organise women into Community Based Organisations (CBO), raise their awareness by holding training, seminars and workshops and we facilitate the women's involvement and women making plans for their own advancement'.*

JIT

*'In reintegration, we raise the issue that a survivor has the right to be in her community. Thus there is a need to counsel the communities to make them understand she was forced [into prostitution], and that she has that right to stay here. We raise questions in the community, if she can't stay here, where should she go? What can she do? We have had success in changing perceptions of community by this. We try to involve VDC representatives, teachers, local intellectuals and prominent people of the community to help the community to understand'.*

GMSP Sindhupalchowk

*'We mobilise communities and raise awareness involving survivors and target groups, we see women as change agents, and get them to form their own groups. Survivors are involved in project planning e.g. work at border checkpoints in different districts'.*

NNAGT

*'NGOs should have a RBA, or be willing to learn what a RBA is, but Asia Foundation doesn't only work with those who say they implement a RBA, because then we would really lose out on the opportunity to change an organisation and transform their work like Maiti Nepal. We try through their activities to teach a RBA to NGOs. Donors can help to make change in this way, by encouraging organisations to follow a certain approach, they can have an impact. Those implementing the programmes in NGOs such as ABC and Maiti are using a RBA, though maybe we haven't changed the Director's views, this is less important than changing the actions/programmes'.*

Asia Foundation

Many respondents stated that the right to mobility of women is a central issue in terms of a RBA (JIT, UNIFEM, AF and NNAGT). It follows that implementation of a RBA in terms of prevention is to facilitate safe migration for women. We learned that the respondents' view of safe migration was generally restricted to legal migration for other forms of labour than sex work. This is likely due to the USAID influence on policy. In terms of prevention, the other key areas mentioned by respondents in following a

rights-based approach was community mobilisation, community involvement in raising awareness and developing awareness raising materials. These will be discussed under successes.

WOREC stated that a RBA to reintegration means involving survivors in decision-making processes i.e. finding out what does she want to do and facilitating that. WOREC stated they try to run their shelter with that approach, for example they let the survivors agree their own timetable. Maiti also stated participation of the women and women's choice was key to their reintegration. Yet it seemed less like this was happening in practice, though it was difficult to ascertain information from Maiti staff as they were not very open. We learned this from the views of other respondents and our visit to the Maiti rehabilitation centre. For example, music has been devised as a new activity for the survivors. We asked where the idea came from, if it was the survivors idea, but it was the idea of the founder of Maiti Nepal. We felt that whilst Maiti Nepal was speaking about RBA, that there was still a sense that survivors were being viewed in an inferior way, and thus the authenticity of the RBA at Maiti Nepal might be questioned.

***'They [survivors] are weak because they are mainly illiterate, poorly educated, have suffered abuse and have a lack of confidence, We have tried different situations to empower women but it is very challenging to make survivors strong. Only 30% of the survivors are strong'.***

Maiti Nepal, Kathmandu

More will be discussed on the details of the survivors' rights in rehabilitation centres under the section below, 4. Failures and Lessons Learned.

### iii) Monitoring

*CWISS uses three principles to evaluate the success of the RBA:*

- 1. How much does the community feel they 'own' the project? Being realistic, the community is not (in the short-medium term) going to run the project by themselves. Community ownership means they are interested to talk and participate on the issues, feel they raise social concern on the issue and that they participate actively on the issue.*
- 2. How much do stakeholders feel obliged to address human rights?*
- 3. How much do the target group feel empowered to negotiate for their own rights?*

*'Our job as a rights-based NGO is to facilitate communities and target groups to raise their issues. If we get results in this way, it doesn't matter about processes or reports or whether one can speak English to be able to liaise with donors'.*

CWISS

*'In raising awareness, we look for maximum participation from the community and from children (the target group). Issues of ownership, sustainability and active participation are key. To evaluate, we target a percentage of community members and see how the basic knowledge of people in the community has changed e.g. do they know how to protect themselves from trafficking? We hold interactions with children and the community to see how they feel in developing these skills. We try to ascertain, is the community now taking up the issue on its own initiative or not? Are people empowered? Are they taking the issue seriously? We do look at numbers of cases that are 'prevented', but we need to be careful when reviewing such data'.*

PLAN

*'We use Global Alliance Against Traffic in Women's (GAATW) Human Rights Standards (HRS) and the Office Of the United Nations High Commissioner for Human Rights (OHCHR) Guidelines to monitor a RBA. We also use indicators such as:*

- increased community surveillance*

- more organisations and organising of co-ops and child clubs i.e. of target groups
  - participation of community on the issue
  - initiative taken on issue, ripple effects, fact if the community has taken up the issue themselves
- We measure these through feedback of the community and what they feel, we hold FGD with participants and see how they take on the issue'.

HimRights

'We look at how effective our advocacy has been in terms of the Government and other NGOs now speaking the language of human rights and recognising trafficking for different purposes'.

AATWIN

'Currently we have an independent assessment team that is evaluating the effectiveness of the anti-trafficking work. On safe migration, we are looking for reduction in cases of trafficking in the long-term (based on the premise, that if the person had the information they might be able to get help and get out of their situation). In the short-term, we are looking for increased numbers of vulnerable people seeking pre-departure counselling and increased contacts of Nepali girls seeking assistance from organisations listed in WOREC's safe migration handbook (with NGOs in destination countries)'.

Asia Foundation

'We have no formal indicators, but we try to look at the impact of our actions and see the extent to which each individual survivor is empowered. We look at her self-confidence and self-image; to what extent does she freely express herself? In terms of our community programmes, we look at how accountable is the NGO to the community? How sustainable is the project? Does it listen to those voices of those in need of support?

WOREC

'It is very difficult to measure the effectiveness, especially of prevention activities. We know that 0 cases of trafficking have been reported in Nuwakot, so we think that is a good sign. In reintegration we look at the following indicators:

- participation at grassroots level
- social and political participation of women
- effective counselling – personal level for survivors/progress

JIT

'Our programmes are mainly focused on raising awareness; we look at the following points to give us a sense that the programmes are working:

# Change in perception of the group before and after the programme/how they deal with the issue after we have started working

# Groups are organising their own programme in the community

# Receptiveness to our programmes (they are more receptive now but it was not so when we started. Now they do not take us as an organization that is bent on restricting mobility).

# Political cadres were seen to be protecting brokers but now they are more helpful towards our campaign.

# Survivors of trafficking are now coming and speaking to us.

# Government agencies are also co-ordinating their efforts with our organisation.

Mank, Sindhupalchowk

The key principles seem to be active participation, ownership, organising of survivors and target groups and the initiative of communities to create change independently of the project. Many respondents interviewed said they did not know the process of monitoring a RBA and stated they had not developed any formal indicators. This included UNIFEM, WOREC, Maiti Nepal and ABC Nepal. Some

organisations such as ILO, USAID and UNDP stated that specific qualitative and quantitative indicators were developed for specific projects, but they could not speak more generally about what those indicators were, except to say that they might measure women's empowerment and access to information. From such responses, it seems that the basic principles and idea of how to monitor participation and self-representation has not caught on to most donors and international agencies and also has not filtered down to many organisations.

### 3. SUCCESSES

#### a) Prevention

##### Community mobilisation and ownership

Most NGOs, ranging from Maiti Nepal, NNAGT to AATWIN members, all stated they used a community mobilisation approach to raise awareness to prevent trafficking. It was difficult to know the exact workings of the approach of many of the respondents, due to lack of time to analyse campaigns or strategies. Some good practices and principles of community mobilisation emerge. Community mobilisation is based on the idea that eventually the community itself will take up the issue, and the role of the NGO is to facilitate that process, firstly by giving knowledge about the issue to the community and sharing this with community members in discussion. The idea is to change community perceptions around trafficking. Most organisations stated the change is on issues of gender equality, gender discrimination and women's and children's rights as well as specific information about the process of trafficking, its causes and consequences. Even prior to giving such information, a truly empowering strategy will work with the community and address the needs of the community first. Mank, GMSP and WOREC stressed this was very important.

***'Before, they [the community] felt trafficking is not their issue. So we asked them what is important to them, they told us issues of citizenship and domestic violence. Through working with them on these things we were then able to then also sensitise on trafficking. The community needs to feel it is their issue, as well as the NGO's issue. This process can take two years from first approaching the community for the community to take action on the issue.'***

WOREC

***'We didn't know about trafficking at first, but now since Shakti Samuha comes here and tells us about it, we know. We get a lot of information on what health, HIV/AIDS and sanitation and now we have understood how people get trafficked.'***

Worker in Carpet Factory, Kathmandu

***'We organised into women's groups when GMSP came to the village and introduced themselves and what areas they are working on. We [the village women] never had a tradition of forming groups of women but once we did, realised we could share problems and difficulties. We realised that forming a group is beneficial to us. They [GMSP] listened to us. They organised literacy classes and formed a saving and credit group in many of the villages. Before we didn't do anything enterprising but now we do chicken farming and cattle-raising. We hold monthly meetings and discussion classes to discuss different issues like trafficking. We have learnt many things such as if a new face came into the community with promises of good jobs, we must check the background of the person and not be deceived. Clear information about the job offered is mandatory.'***

Women's groups FGD, Sindhupalchowk

GMSP first formed a saving and credit group as an intervention strategy to secure community involvement, and then focused on issues of trafficking. Other organisations used similar practical strategies, using issues such as health to start working with communities. Various NGOs stressed the



need for local groups to be formed, rather than groups from outside coming in. This is important to foster the idea of community ownership.

*'It's important to form local groups. We can't just go into a community and raise awareness about dangers of child domestic work [or trafficking] and leave. If we try to do that, the community or child domestic workers will ask, and legitimately so, are you going to give us a job? How can we eat? This is not practical. Now, the CWISS approach is that domestic workers themselves will organise meetings in the community. They know what are the issues to be raised and how to do it'.*

CWISS

*'We need to activate the target group themselves for effective awareness raising. This means it should be local people working on the issue and local communities involved, giving input and getting organised'.*

HimRights

### **Organising of survivors and Involvement of affected groups**

The idea of participation of the affected groups and target groups is important in a rights-based approach. This is more difficult in terms of seeking input of trafficking survivors who are often unwilling to be identified as trafficked and unwilling to speak out due to fear of stigmatisation.

*'Survivors are now members of the groups we have formed. Many of the trafficked persons participate in our programmes and ask us to help them form their own organisation. We ask them what do they want to do? They say income generation or skills training activities, so we help them to set up these things. But the problem is that very few survivors open up'.*

Mank

The exception of course has been Shakti Samuha. Many of the donors and organisations point to Shakti Samuha as a good example of a rights-based approach, because it is an organisation of survivors that is imparting awareness to various communities. Yet issues of stigmatisation still haunt the members of Shakti Samuha despite the long time since the organisation was formed (for a recent example, see below, 3. Role of Media – Sensationalism still exists). Issues of overcoming stigmatisation caused by media, donors and others need to be addressed for organised survivors groups to be truly empowered and to establish themselves as organisations fighting trafficking not organisations on the basis of victimhood (which seems to be a burden placed on them by some of the donors).

Maiti Nepal states it adopts an empowering strategy by engaging survivors in the anti-trafficking movement, especially those who become border monitors. Others may work in the Maiti Nepal office.

HimRights also stated the importance of self-representation and participation of target groups in the process of creating awareness materials. They have worked with children who have produced posters and comic books informing about trafficking and find these are the most effective advocacy tools in raising awareness.

*'The materials are done by children for children. They use the children's own words and own drawings. This is crucial for sustainable impact, even though it does take a lot more time and resources to produce things in this manner'.*

HimRights

### **Women's groups**

Most NGOs stated the organisation of women's groups was important to empowering women and raising awareness of women and girls on trafficking and migration issues. Yet this can also backfire and it is important to also concentrate on other members of the community:

*'The difficulty with changing perceptions, is that even if we are successful in changing perspectives of the target group, of women for example, if we empower them, if we don't also raise awareness of men and of others, then they will never be able to access their rights that they have been educated about.'*  
WOREC

### **Formation of different and mixed groups**

WOREC forms farmers' groups, child groups and adolescent groups as well as women's groups. All of these deal with trafficking, so that it is not perceived as something just to be taken up by women's groups as a 'women's problem' (and thus accorded less importance due to pervading beliefs about the role and status of women).

This was confirmed in an interview with the family of a trafficked survivor in Sindhupalchowk who stated, *'There is little political interest in the issue at the VDC level, because there is the mentality that this is a women's issue, since women are trafficked so should be dealt with by women'*.

NGOs and a police officer interviewed in Makwanpur concurred that the issue needs to be broader than simply dealt with by women:

*'The most successful awareness raising campaigns have been those focusing on the head of family. If the family knew, they wouldn't send their child away.'*

Women's Police Cell Makwanpur

Mank also stated that previously they focused on women's groups but due to similar reasons have formed mixed groups as well. Children and youth groups have equal participation of males and females, the adults groups consist of more women than men and women hold the decision-making capacity.

### **Impact- Power and successes of the groups: information, confidence and community self-help systems**

As a result of organising the community, the community is strengthened to be able to send a message to traffickers that trafficking will not be tolerated. Mank states that brokers are not able to operate so openly, and they cannot speak out openly with authority against anti-trafficking groups like they used to. An adolescents' group stated they felt they had more self-confidence now as well as knowledge about trafficking. Women's groups also felt that the group had provided a freedom and space to them they had not experienced before.

*'Before I couldn't even leave the house, but now I can speak out. It's good because now our families have to let us go [to these meetings], they are not happy, but we can still come and learn things.'*  
Women's groups FGD, Sindhupalchowk

Measuring the changes in the perceptions of the community as a result of organising is difficult, the process is slow and it was difficult to objectively see how actions or views have been altered. With gender empowerment interventions it is easier to see the results, in terms of the increased confidence of women, reluctance to get married so young, and increased interest in economic empowerment and income generation activities. In terms of trafficking specifically, it is harder to measure the impact.

One of the objectives of some of the groups, such as those established by Mank, GMSP, Shakti Samuha and WOREC is to act as a community monitoring or self-help system. Cases of trafficking, child marriage domestic violence and other violence are monitored by the groups. HimRights working with Plan have formed para-legal committees of women, who are trained on trafficking issues and meet regularly to discuss issues. Other groups including teachers and VDC personnel are also trained to know what action to take if they see 'something suspicious'. 'Something suspicious' was considered to be a possible situation of violence, disappearance of a person or also return of someone to the village.

In such cases, reporting this to the para-legals means they can take the necessary steps to ascertain the facts about the situation and if necessary provide support to the person involved or report the case to the police. HimRights, Plan and GMSP all stated the effectiveness of this intervention.

### **Participation and accountability**<sup>16</sup>

WOREC states genuine participation of communities can be achieved through simple ways, such as through language and behaviour. A measure of community participation is how is the NGO willing to change and adapt its programmes to help the community, which is what a NGO should do if it is there to really work for the community's benefit.<sup>17</sup> WOREC explained its system of working to ensure effective participation of communities. The approach WOREC uses is very similar to the approach by AATWIN members in Makwanpur and of Oxfam partners in Sindhupalchowk.

WOREC works at three tiers:

1. District level: work on forming the DTF, providing training, writing and implementing a workplan.
2. VDC level: work on forming the VDC TF, providing training, writing and implementing a workplan.
3. Working with those in positions of influence in community (e.g. teachers, lawyers, women leaders) so they can provide information about trafficking and migration.

WOREC encourage interpersonal communication between these groups and the task forces. The VDC level women's group acts as a 'watchdog' on the VDC TF. Similarly at the District level, a federation of women's groups and concerned persons acts as 'watchdog' on the DTF. WOREC finds that this has been a successful strategy in involving different members of the community to take action on the trafficking issue in an integrated way.

GAP: The success of these measures has meant traffickers have simply moved to other areas, and away from the traditional trafficking-prone districts.

### **Safe Migration (A success or a failure?)**

*'I was nearly trafficked a couple of years ago myself. I was going to India where my sister and her husband lives to try to buy some things to bring back and sell. I was in my bus with my three-month old son and nine-year old brother. A middle-aged man came and sat next to me. He asked all about my family, where I was going. He also told me that he was going to the same place where I was going so we thought of travelling together. When we were close to the border we took a rickshaw. But he stopped a little distance away from the border and told me to wait for him here. He went off to call someone. He did not come back after some time and I thought of crossing the border alone. A group of men on a pick-up truck tried to give me lift on the pick-up truck and even tried to pull me up. But I did not go with them.*

*As soon as I reached the border, a Nepali policeman stopped me and told me to come inside. The man with whom I had travelled in the bus had called someone in Bombay and had made arrangements to sell me. But luckily for me, the policeman who had stopped me in the border had overheard the conversation and so when he saw me, he stopped me. He told me that the man had sold off four or five girls already and he was planning to do the same with me. He then asked me if I really wanted to go to India. Since, I had come such a long way I told him I wanted to. So the policeman bought the tickets for me and gave me the contact number of the office in case anything happened to me on my way. He also told me to visit him when I return from my sister's place in India. While on my way back to Nepal after visiting my sister I could see the same man following me but he didn't muster enough courage to even*

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<sup>16</sup> The issue of participation also arises under 4. Failures and lessons learned below.

<sup>17</sup> As stated by WOREC.

*look at me. When I reached the Nepali side of the border I tried to meet the policeman who had saved me but I didn't see him at the office so I went home'.*

Carpet Factory worker

This step by the police officer is a positive example of ensuring safe migration. It shows how an official can respond to a potential trafficking situation by assisting the woman to move safely, without restricting her freedom of movement. Such actions by police and border officials should be replicated. ABC Nepal, Maiti Nepal, WOREC, CCAWT, AF, MWCSW, MANK, UNIFEM, Central Women's Police Cell and PLAN Nepal all state the need for safe migration as a way of combating trafficking. This seems to be another new buzzword. ILO stated it gives information on unsafe migration to discourage trafficking of children (but will not produce its own materials on safe migration, as it does not want to be seen to encourage migration). Most of the organisations stated that safe migration is a new way of tackling prevention, and they are in the process of developing safe migration materials. WOREC seems to be the only NGO to have developed comprehensive materials on this, they published a handbook for migrants, *What everyone going abroad for employment must know*.<sup>18</sup> This seems to be adapted from GAATW's Migrating Women's Handbook.

Like the concept of a rights-based approach, clearly safe migration means different things to different people. For most NGOs, including the Oxfam partners, it seems that there is still an approach to discourage any undocumented migration because this increases one's vulnerability to trafficking. It generally seems that safe migration means migration for labour purposes and not migration for prostitution. This may be due to the USAID influence that would not support any activities supporting migration for sex work. Safe migration, according to all of these NGOs, means increasing legal opportunities for migration for women – which means labour migration. There is a misunderstanding that if you travel legally for work you will not be trafficked. Yet this is not necessarily true, for example in the Gulf States often undocumented workers are seen to be in a better position, because they have more freedom to change employers and thus escape an abusive or exploitative employer, whereas legal workers are tied to their employer.

*'Migration may be for positive purposes such as getting a job but sometimes it ends in trafficking. That's why there should be safe migration. Governments should provide training, and inform people about the situation in different countries and act as a contact point in destinations. There are more than 100 manpower agencies but are these are being misused. People are being exploited. That's why we need to have a strong monitoring mechanism at the border to ensure women have legal documents to migrate, and this will prevent them from being trafficked'*

NNAGT

*'At the check point, if girls have information about the situation and where they are going then can go across the border. If they have fake documents, we will contact their parents/guardian. The reality is most girls don't know what they are going to do. We want to protect the innocent girls, if the girls (18+) really know about the situation, what they are getting themselves into, we let them go.'*

Peace Rehabilitation Centre (PRC)

The frank comment by Peace Rehabilitation Centre, is particularly telling of the attitude of many NGOs, the distinction between innocent naive girls who need protection as opposed to loose, bad girls for whom nothing can/should be done. The reality, it seems lies somewhere in between, yet it seems that for the 'bad girls' there is no information to assist them on how to migrate safely for sex work.

*'Yes, women do have a right to migrate for work. We only stop those under 18. If they are over 18 and really insist we let them go, but we talk to them and say they could be trafficked. If they are under 18 years and not with their guardian, we stop all girls from migrating. If they are over 18 and not with their*

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<sup>18</sup> Pandey, supra note 4.

*guardian, we stop them if they don't know where they are going, and don't know what kind of work they are going to do'.*

Maiti Check Point, Rupendehi

*'There has also been an increase in migration for foreign employment. In these cases our organization has been giving out information as to how the person can safely migrate. We give information telling them that they should know the country, the place and in which company they are going. Also, for how long they are working, who is their contact person at the country of destination, what other benefits they will receive and what their salary is.'*

Mank, Sindhupalchowk

*Working with WOREC and the NGO Federation we have set up safe migration- counselling booths in different regions for people interested in going for foreign employment. Although the focus was meant to be on women, men are more often approaching these booths asking for advice on migration, mainly to the Middle East.*

Asia Foundation

Safe migration is generally understood to apply to adults migrating, rather than children. Maiti Nepal in Bhairawa showed us a brochure they had on 'safe migration'. Yet on reading the brochure, it was found the brochure was actually a list of the objectives of the transit home ran by Maiti Nepal and a list of contact numbers for vulnerable women and children. Interestingly, the brochure is not targeted at potential migrants themselves, but at members of the community. It states, 'If you see any women and children in a vulnerable situation, you can contact the following...' [list of Maiti Nepal contacts in different districts and six NGOs in different cities in India]. Maiti Nepal in Bhairawa stated they disseminate this to migrants crossing the border, but at the border checkpoint no such materials were found. To be fair to Maiti Nepal, in Kathmandu the organisation stated they were still in the process of developing safe migration materials, and had not yet disseminated these to the border.

At the CDO office in Sindhupalchowk, where passports are issued, CCAWT has set up a trafficking/migration counselling booth. This is a service whereby women and girls who are migrating can approach the counsellor who will warn them about the danger of trafficking and try to ascertain if they know where they are going or what work they will do. If the woman knows where she is going, the counsellor will tell them to make sure they see a contract that sets out basic working conditions and remuneration. Now, fewer girls come to the counsellor, as traffickers are wise to the service and tell women and girls not to go there. If a girl does not come for counselling but the counsellor sees 'something suspicious', or thinks the girl is with a broker, she reports it to the CDO and they may refrain from issuing the passport. The counsellor also advises women who says they are going to India and then going abroad, why don't they just go directly abroad from Kathmandu? She advises them to do that, and to have a telephone number of a relative or friend in India or the foreign country just in case. At present no contacts of NGOs or shelters or embassies are given to potential migrants, though this is intended in the next phase of the project. This is a programme being undertaken as 'safe migration', yet at present it is limited to mainly warning about dangers of trafficking. It still lacks the practical information about countries, what migrants need is work contacts and contacts for emergency support. The research team advised CCAWT to contact WOREC who has already published a migration handbook (mentioned earlier) with contacts of NGOs and Embassies in different countries.

### **Safe migration targeting migrant workers**

Two organisations were contacted that are not working on the trafficking issue per se, but are involved in providing information to workers seeking foreign employment– Pourakhi and the National Foreign Employment Affliction Welfare Association (NFEAWA).

In addition, UNIFEM has a programme regarding women migrant workers, yet it seemed this programme was quite distinct from its anti-trafficking work. The distinction fosters more divisions between trafficking (as prostitution and illegal migration) and migrant workers (legal labour migration and concerned with improving labour conditions abroad). UNIFEM has organised orientation training for migrant workers in conjunction with the Ministry of Labour.

Yet such trainings are very short (two days) and tend to cover more issues of country orientation and language, with less emphasis on ways to protect oneself in situations of exploitation and abuse and human rights (though UNIFEM did state that rights of workers were covered, this was not verified in the interview at the Ministry of Labour). UNIFEM are in a good position to overcome these differences and adopt a labour framework for trafficking, yet at present it has not done so. According to Asia Foundation, WOREC attempted to work with employment agencies so they might refer workers going abroad to WOREC for pre-departure information. This was not successful as employment agencies were resistant to the idea and not co-operative.

Pourakhi is funded by UNIFEM and is an NGO focusing on safe migration. The organisation has a weekly 15-minute radio show for rural people of Nepal seeking to migrate abroad.<sup>19</sup> The show provides information on rights and responsibilities of migrant workers and practical information such as ways to send home remittances, how to invest that money, existing labour laws of various destination countries and contacts in the destination if migrant workers experience difficulties. It encourages migrant workers to participate in the orientation programme, which is now compulsory for migrant workers to attend before going to the country of destination. It lists the current vacancies in foreign countries and gives advice such as to know why you want to go, what work you are going to do, what kind of visa you will enter the country under and what are the employment opportunities and what the security situation in the foreign country. Listeners are also invited to call Pourakhi for further information.

NFEAWA was set up by former employees of manpower agencies who realised migrant workers were suffering a lot of problems and were often being 'duped'. NFEAWA assists workers with information before they travel to prevent workers being exploited. NFEAWA also assists workers in the destination country that call the office and make complaints. Most frequent complaints are regarding non-payment or underpayment of wages, or different terms to the initial contract. In such cases NFEAWA liaises with the employer (usually by fax) to ascertain what is happening. If this does not bring results, NFEAWA will approach the employment agency sending the worker abroad. If the employment agency does not co-operate and the case seems legitimate, NFEAWA will ask the worker if they are willing to return and file a case against the agency. If so, NFEAWA assists in filing the case with Department of Labour. In the past two years, NFEAWA has assisted approximately 200 to 300 cases of male migrant workers. It does not receive any funding from donors, but services are free and costs are borne by the profits of an advertising agency that NFEAWA staff also run. So far, they have not received calls from women migrant workers because women are unaware of their services and also are less likely to complain if they are exploited. In the future NFEAWA would like to target women workers. NFEAWA states they receive complaints of workers that are beaten and restrained from leaving and kept in slavery-like conditions in Gulf countries. They state that even if such cases are true, they cannot do anything from here, there is a need for assistance in the destination country. According to NFEAWA, there are more cases of workers lured under false pretences to USA, Korea and Japan than the Gulf States.

These kinds of initiatives should be boosted and supported. They are slightly limited in that they tend to focus on legal labour migration, but both organisations also provide advice to undocumented workers. With support, it may be possible for these organisations to deal more effectively with complaints of slavery, trafficking and forced labour.

**GAP:** Build capacity of organisations like NFEAWA and Pourakhi to understand and incorporate trafficking as part of their work in reducing migrant worker exploitation.

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<sup>19</sup> Fridays, 8.15pm, Radio Nepal.

### **Other initiatives: education and skills training**

Various respondents such as the police, local leaders, women's groups in Sindhupalchowk, the National Rapporteur and the Ministry of Women, Children and Social Welfare stated that education of the target group is a key tool in preventing trafficking.

*'To really stop trafficking, then what JIT did in this village in Nuwakot should be replicated on a massive scale. You need to pick up all the target group, all the girls in 11- 15 years and take them from the village to the urban area. It's not safe for girls in the village. In the urban area, you put the girls in school, give them an education and teach them life skills and skills for employment afterwards. The girls then are busy and they become more confident, less likely to be duped by traffickers. In Nuwakot this worked, but was only able to target a small number of girls that could benefit from this programme. Plus, even if this was done on a grand scale to cover a whole district; the fact is that the traffickers would simply move to another district.'*

MWCSW

This quote is interesting because it illustrates the lack of understanding of a rights-based approach, and illustrates an approach of doing 'what is best' for girl-children. Various respondents stated the difficulty was the lack of free education in practice. This prevents parents from sending children to school.

Many of the respondents felt that social awareness raising in terms of life skills was an important strategy, and some respondents such as Maiti Nepal, USAID and AF felt that this should be combined with economic empowerment measures such as job insertion and income generating activities (including seed money) for women. This is to reduce vulnerability to trafficking, yet as respondents noted, the drawback is that due to the nature of such economic empowerment initiatives, for sustainability and success, they can only ever address a minute proportion of the target group.

### **b) Prosecution**

#### **Investigation: Women's Police Cell**

*'Women find it easier to report crimes to women; this is why the Women's Police Cell was formed. It is responsible for investigation, prosecution and victim support for crimes related to women and children. We have an investigation kit for officers on how to treat victims of trafficking. The police also do victim support management, we are a focal point and co-ordinate legal, medical care and temporary shelter with NGOs. We can also provide physical protection, for example, relocating a woman to a shelter if she being threatened.'*

Central Women's Police Cell

*'We don't have any directives on treatment of victims of trafficking'.*

Women's Police Cell, Bhaktapur and Makwanpur (in separate interviews)

The Women's Police Cell is active in 19 out of 75 Nepal Districts. It aims to provide a more compassionate environment to encourage female victims of crime to file complaints on issues such as domestic violence and trafficking. The Directive (Pidhit Shayog Nirdeskia) is a comprehensive document providing checklists of points of consideration for police officials investigating cases. For example:

- *While dealing with the victim, the investigation officer should be polite.*
- *In the course of gathering information from the victim, the investigation officer should encourage, help and counsel the victim.*
- *The dignity and the personal privacy of the victim should be upheld.*
- *The victim should be informed about as to where the investigation is headed.*

- *The investigation officer has to oversee and monitor whether the victim has easy access to rehabilitation centres and be in contact and co-ordinate with the victim in case of the victim needing help.*<sup>20</sup>

Unfortunately in two out of five districts of our research, officers in the women's police cell did not know of the existence of this directive. Even for those aware of its existence, we heard that the authority of the women's police cell in the hierarchy of police is very weak. For example, officers trained and dealing with the victim according to the directive (and thus providing victim support and counselling) have been told by senior police to 'stop wasting time' and threatened to interfere if the complaint was not dealt with in a faster, more brusque manner. Nepal's previous National Rapporteur conducted research on the activities of the women's police cells in relation to trafficking, yet the report is not yet available.

### **Support in filing cases**

Shakti Samuha works with the local women's police cell in Kathmandu by providing counselling and support to female victims of violence and ensuring the process of filing the case and investigation runs smoothly for the victim.

### **Anti-Trafficking Bill**

Respondents including AATWIN and GMSP stated that the Human Trafficking (Control) Bill was a success in terms of incorporating more of a rights-based approach to trafficking. Specific provisions include that a victim should only have to give testimony once before a court<sup>21</sup> (when filing the initial statement) and victims have the right to in-camera (closed courtroom) proceedings.<sup>22</sup> Under the Bill, half of the fine paid by the trafficker should go to the victim as compensation,<sup>23</sup> and names of informants (witnesses) shall be kept confidential.<sup>24</sup> The Bill also sets out that the Government shall establish a rehabilitation centre for victims<sup>25</sup> and a committee on human trafficking control to co-ordinate various anti-trafficking activities, control of trafficking and rehabilitation of trafficking survivors.<sup>26</sup> This success is reduced by the fact that due to the dissolution of Parliament, the Bill has not been passed and will lapse meaning that the entire process of drafting and passing an Anti-trafficking Act will have to start again. It goes without saying that a good law is essential, but not sufficient. It is also necessary to ensure implementation and enforcement of the law carried out effectively and without discrimination.

### **Organising as a means of victim and witness protection in filing legal cases against traffickers**

One unique strategy found of the groups visited in Sindhupalchowk was activating the community groups around the trial process as a means of victim and witness protection.

*'We believe civil officers are bound to take bribes and justice will never be served if people are not organised. CCAWT was formed when a trafficked woman returned and filed a case against a trafficker, she won. The person who encouraged her to file the case and supported her, was then killed by the broker's friends. We realised we had to be organised to be able to fight this. The organisation needs the support of the community. We need public pressure and the public to speak out in order to get traffickers convicted. With public support we can ensure witnesses and people speaking out against*

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<sup>20</sup> Excerpt from 'Responsibilities and conduct of the investigation officer while dealing with the victim', in Central Police Women Cell. *Pidhit Sahayog Nirdeshika*, Ministry of Home Affairs, Kathmandu, 2002 [in Nepali. Attached in English at Annex 2].

<sup>21</sup> Article 7.

<sup>22</sup> Article 26.

<sup>23</sup> Article 16.

<sup>24</sup> Article 17.

<sup>25</sup> Article 21.

<sup>26</sup> Article 20.



*trafficking are protected too. We use a strategy of mobilising the community and we make sure the local women's groups are all around the victim/ witness and visibly supporting them. What happens, is that then the broker feels threatened, and won't go near her. We don't have to worry so much any more about witness intimidation pre- or post-trial'.*

CCAWT, Sindhupalchowk

*'The focus is more on forming groups because it can play a major role in getting the traffickers convicted. Moreover, public prosecutors and judges are more favourable when groups approach them and speak as the voice of the community rather than just an individual [victim], so it influences the judgment'.*

Mank, Sindhupalchowk

*'In 2000, there was one case where a prosecutor and a judge were offered a bribe by the broker and his accomplices. The prosecutor told GMSP he was offered a bribe of 50,000 Rupees. The Prosecutor was leaving the district and didn't want a bad reputation. GMSP went public, broadcasting this in the media and on Radio Sagarmatha and organised a protest at the court saying 'if this is what justice is like in Sindhupalchowk then we don't need it'. We threatened to lock up courthouse and send the court officials packing! Due to this public campaign, the victim won the case and the broker was successfully sentenced to three years' imprisonment. Unfortunately this broker was only a middleman, the main traffickers were not caught'.*

GMSP, Sindhupalchowk

Whilst more formal protection is available for victims and witnesses during the trial, it is not feasible for full-blown witness protection measures such as changing identity and relocation to occur in Nepal, despite the fact that the victim may very well face intimidation and threats by traffickers. Organising as a means of victim protection is innovative and appropriate to the context of rural Nepal and measures should be taken to document and replicate this strategy.

### **Victim lawyers supporting the Public Prosecutor**

In Sindhupalchowk, CCAWT's member is a lawyer who has supported seven survivors in filing legal cases against traffickers. As the victim's lawyer, he assists the Prosecutor in building the case from the victim's side, in collecting evidence and assisting at the actual trial. The police, prosecutor and victim's lawyer all work together in preparing the criminal case against the trafficker. The Prosecutor in Sindhupalchowk stated, 'It aids the process a lot by sharing the workload with the victim's lawyer.'

## **c) Returnee Support and Reintegration**

### **Community-based social reintegration**

*'We provide and term our support to child domestic workers "direct services" rather than rescue and rehabilitation. We support community-based rehabilitation rather than centre-based, because it's important to mobilise the communities and that way we can address the origin of the problem'.*

CWISS

*'We are working on developing a strategy of effective reintegration with Maiti Nepal. For example, we are looking at foster family care, community reintegration and what works and what doesn't work. We are trying to move away from long-term stays in rehabilitation centres, so are looking at different models in South Asia. This project only started one month ago'.*

Asia Foundation

*'The generation of support systems at community level is very important, in the districts, not institutions in Kathmandu. This has not been developed but needs to be, to ensure that in rural areas survivors have some access to reintegration services needed e.g. income generation, skills training, education,*

*economic empowerment and social reintegration including professional counselling. Reintegration should be tailor-made to the individual, rather than for a group'.*

Plan

*'Successful rehabilitation is women being self-sufficient'.*

Maiti Nepal

Little successes were shared in terms of this area, and many more failures. The best method of reintegration suggested was dealing with each individual and assessing their needs and desires. The movement towards community based 'rehabilitation' was seen to be effective, and WOREC had established this for domestic violence cases. Female victims of domestic violence have set up a community-based/informal safe house in the communities. This basically rotates amongst members of the group, who agree to care for victims of domestic violence who need to flee a situation. The idea behind community-based rehabilitation or reintegration is that perceptions of the community will never change if the community does not accept trafficking survivors, and address the issue. It entails ensuring that the survivor has support in the community when she returns, such as through a local women's group. It also involves counselling of the family, and if necessary, the community, depending on the survivor's wishes and respecting her right to privacy. It is not sustainable nor ideal for the survivor or the community to keep survivors separate and institutionalised in a vacuum if we are really seeking social change. Shakti Samuha, WOREC and Ray of Hope all shared the need to move away from institutional rehabilitation centres for survivors to more autonomous living arrangements for women. The patriarchal and traditional social norms of Nepal make this a particular challenge, as it is considered strange for women to be sharing a house together and not living within a family structure.<sup>27</sup>

Various groups such as ILO, Maiti Nepal, WOREC and Shakti Samuha all stated they are preparing guidelines on reintegration or rehabilitation. The ILO and Maiti Nepal are working together, yet the other initiatives seem independent of one another.

GAP: More co-ordination should occur between groups in developing reintegration guidelines.

#### **d) Advocacy**

*'Advocacy for social change is one of our main areas of work to address not only the root causes of poverty but the issue of social mentality, social power and societal discrimination. We need to address the social structure and social factors. We cause social change by working through the child clubs [groups organised] so they have interactions with employers and the community to advocate for their own rights, own selves. We also organise workshops for policy change. We hold community interactions and meetings to raise awareness on the issues. If there is a case of abuse of a child domestic worker, rather than simply asking for police to intervene, we organise a protest or a rally to draw attention to the abuse'.*

CWISS

*'We have been successful in raising the profile of the issue of trafficking at the SAARC people's forum; we raised the Government's interest and commitment on the issue, even if we weren't happy with the SAARC Convention. We have created a network of NGOs that works in united way and has a good reputation. As a result of our conceptual clarity workshops, now many organisations are adopting a RBA. We need a common approach in order to bring about change at national level in policies. Before the Government only recognised Maiti, but now it sees AATWIN as a major player on the trafficking issue'.*

AATWIN

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<sup>27</sup> As stated by Ray of Hope.

*'Effective activists have brought about change by lobbying at policy level but there is a need to go down to grassroots now.'*

JIT

Whilst advocacy is an element of the various successful prevention, prosecution and reintegration strategies, these general comments help us understand the role advocacy plays in the work of different NGOs on trafficking. Advocacy is about raising awareness and changing the consciousness of the community, policy-makers or the general public. AATWIN states the success of its advocacy has been to raise the profile of the issue using a RBA amongst Government and NGOs.

### **e) Government Initiatives**

The Government's *National Plan of Action Against Trafficking in Children And Women For Sexual and Labour Exploitation* by the Ministry of Women, Children and Social Welfare was classed a success by a few donors and the Government, but not by NGOs. One of the main areas of the National Plan of Action (NPA) is the formation of DTFs in each of the designated trafficking-prone districts yet these seem more fraught with failures than success, depending upon whom you are talking to. What is clear is that the DTFs have met with some success where there has been additional support either from JIT, AF/USAID, PLAN, AATWIN or others. Where committed NGOs are on the Task Forces (TF), they have been most effective.

*'The DTF is working in several ways like giving skills training and raising awareness. Previously it was not effective but now due to the co-ordination committee (consisting of NGOs such as MANK, GMSP and CCAWT) and the efforts of the WDO, we have been able to put pressure on the DTF to be more active.'*

GMSP

## **4. FAILURES AND LESSONS LEARNED**

### **a) Prevention**

#### **NGO Border Checkpoints**

*'On duty at checkpoints and transit points we observe young people (men and women) crossing the border. We try and verify the relationship if they are related, if they are married and ask them questions individually, like "Where they are going? Why?" If there is no relationship between them, if there is no proof of work in India, or if anything suspicious we take them into custody. We also check with the parents, if the parents verify that the daughter is going for work in India, we will let them go.'*

Women's Police Cell Bhaktapur (previously worked on border check point)

*'The checkpoint system at the border is not effective, it's very hard to identify the women/girls. Traffickers find ways around it. We have had a discussion [in Rupendehi] on how not to harass women and the border officials prepared guidelines on dealing with suspected trafficked women and how to protect their rights. These are updated very regularly as phenomena is always changing.'*

JIT

*'We realise our activities may have a negative impact on some women and we are trying to minimise this. We are introducing safe monitoring tools and starting a new methodology of working at the border [with Save The Children USA]... No indicators have been set up to determine the effectiveness of the check post. If women are over 18, they can go freely. If under 18, they may be stopped.'*

Maiti Nepal, Kathmandu

*'The open border is a big problem. It is not to say that the activities undertaken at the checkpoints are wrong but they have to be adept at finding the truth and make sure that the girl is really being trafficked. Moreover, we have heard rumours that intercepted girls have faced difficulties, both mentally and physically, at the hands of border officials... Intercepting a woman at the checkpoint raises the question of the rights of the women and their right to mobility. It's high time the organisations managing these checkpoints evaluate their effectiveness. Furthermore, what compounds the problem is that the news of girls being intercepted comes out in the news and everyone knows about it. And the popular sense prevailing in the community that girls being intercepted were going to India to work as prostitutes puts the girls in a difficult situation. They fear stigmatisation by the community when they return and as a result most of these girls do not want to go back to the community and try to find jobs in Kathmandu. This process leaves them more vulnerable to trafficking again'.*

Mank, Sindhupalchowk

*'The view of people migrating is that they are somehow a sinful person for trying to cross the border'.*  
HimRights

### **Excerpt from interview with Maiti Nepal checkpoint officials**

*Researcher: Do women have right to freedom of movement?*

*Checkpoint: Yes it's a right. We only stop people under 18. If under 18 years and not with guardian, then we do stop all girls from migrating. If they are 18+ and they really insist we let them go, but we talk to them and say could be trafficked, we can give them contact numbers in India. If 18+ and not with guardian then we do stop them if they don't know where they are going, and don't know what kind of work they are going to do.*

*Researcher: What if I was going to go to India, because I wanted to or needed to go for work, but I didn't know yet exactly what I would do or where I might go, would you stop me from going?*

*Checkpoint: Yes. You can't go. You need to be protected. I would ask you, if you could get a job in Nepal, would you stay? If you said yes then I'd send you to the Maiti Centre in Kathmandu for skills training. The point behind this is that for girls who don't know where they are going, they are very vulnerable to be trafficked, thus we make a point of stopping them for going for their own good.*

*'In Nepal there are two types of traffickers: 1) those who take you abroad under the guise of work and 2) those NGOs who intercept you at the border and forcibly transport you to Kathmandu and lock you up and interrupt your travel arrangements. Last year there was a case of 32 girls intercepted by Maiti Nepal. In my capacity as National Rapporteur I interviewed them and it wasn't clear to me that they were being trafficked, they wanted to go abroad for work, for opportunity. Yet Maiti Nepal prevented them from leaving. Who is going to pay for these women's expenses, now they are out of pocket because they missed a plane or a train? Maiti doesn't reimburse them. I suggested to one girl who asked me for money to help her recover what she had lost (as result of Maiti intervention) that she file a case against the NGO'. - Previous National Rapporteur on Trafficking*

The checkpoint is a highly controversial prevention strategy, criticised because of its restriction on women's mobility. The research team heard many criticisms about the checkpoint and a few praises by NGOs operating such a system. NGOs operating border checkpoints include Maiti Nepal, ABC Nepal and Peace Rehabilitation Centre (PRC) (with Serve Nepal). PRC stated since they started this work in 2000, they have intercepted approximately 3000 girls at the border and prevented trafficking (or migration, depending upon your perspective).

Criticisms for the border post can be summed up thus:

- Women's mobility is being restricted in the name of anti-trafficking.
- It is difficult (might say impossible) to distinguish genuine trafficking from migration, when the girls themselves don't know they are being trafficked.
- Harassment of women and girls has been reported (see above, Mank)

- Traffickers are now aware of the check points in operation and have found ways to circumvent this control. For example, traffickers no longer tend to travel with girls across the border. They cross before or after and meet the girl on the other side. In some cases parents are taking children across the border and delivering them to traffickers to avoid the check point in Rupendehi.<sup>28</sup> Traffickers coach the girls on what to say or not to say anything to the check point workers, and warn girls that they will be imprisoned if they tell the truth<sup>29</sup> (which is true). In some cases traffickers drug the girls before crossing. Traffickers change the mode of travel, now more girls are being trafficked by air or traffickers simply avoid the crossing where checkpoints exist and find an illegal route to cross to India.

### **Observation at Sanauli, Rupendehi**

*To review the critiques for ourselves, the CEVAW research team visited Sanauli, Rupendehi to observe the Maiti Nepal checkpoint. After discussion at Oxfam, we decided to visit unannounced and see the reaction and responses from Maiti Nepal. We were concerned if we called, that people would not be so natural and might act differently. On arrival, the checkpoint staff were completely closed to our requests to speak to them about their work. 'We can't talk to anyone without permission first from head office'. There was no discussion. We spoke to the Women's Police Cell officer on duty instead and then through various telephone calls managed to gain permission to speak to the checkpoint staff. During the interview, the staff were not very forthcoming. After 20 minutes, they started to ask, 'How many more questions do you have?' and 'We have to leave to go to the field, so please finish with your questions'. We finished the interview after 25 minutes, left the border and returned 30 minutes later for our own observation.<sup>30</sup> The staff were still there and remained there for the rest of the afternoon, thus indicating they had made excuses to end the conversation with us. On that day, the staff were not busy, they did not question a single person crossing the border in our presence.*

In cases where the marriage certificate is produced, couples are allowed to cross the border. If not, they are stopped and sent back. This seems to be an over-simplification of the issues. It seemed to us also that only girls in couples were being stopped, even though we heard from various Maiti staff, including the checkpoint workers that traffickers no longer accompany girls across the border. As the girl in this case was 18, she should not have been restrained from entering India according to what we were told by others, but the reality in this case is that a woman's mobility was being restricted. When we later raised this issue with Maiti Nepal's Director in Kathmandu he stated:

*'What you saw [an 18 year old being stopped] was not correct but you shouldn't assume the girl wasn't going to be trafficked. These girls on the border they know what they are doing, they have been trafficked themselves so they know what are the signs to look for that you won't know'.*

Maiti Nepal

We also asked the Maiti Bhairawa staff how exactly do the check point workers know who is going to be trafficked and who is not?

*People at the check point are very adept in knowing who is going to be trafficked... By asking about the girl's family history, e.g. most girls being trafficked suffer troubles or domestic violence at home, problems they are trying to escape. So the checkpoint staff ask how/why do you want to go to India?*

What may have escaped Maiti Nepal's notice, is that these push factors for trafficking are the same for migrating women; many migrating women suffer problems at home they are trying to escape from. Again, it shows the unwillingness to view migration for women as a positive step, unless it is being done for a specific pre-arranged legal job. From our observations, it was not clear that the checkpoint

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<sup>28</sup> As stated by USAID.

<sup>29</sup> Maiti Bhairawa, Shakti Samuha.

<sup>30</sup> Transcript of the interview is Annex 3.

workers were really qualified to stop people moving. A Women's Police Cell officer working on the border stated,

*'The checkpoint workers are not very well-trained, this is a big problem. They don't know how to interrogate girls, they speak in a very direct way, they don't know how to extract information. They are too strong in stopping women. Sometimes they don't seek permission of police before taking girls to the transit home. In one case they kept a girl in a transit centre for one month before they let her go and found out she was not going to be trafficked. They make mistakes sometimes'*

We also asked the Maiti check point staff if mistakes ever happen, 'All the time' was the response. Maiti Nepal stated they are going through a process of evaluation to improve the checkpoints, however the situation is untenable and a clear violation of women's human rights. The treatment of women stopped at the border constitutes harassment. The economic cost of altering pre-arranged plans is also significant, especially to poor rural villagers, such as the couple we witnessed who missed their train to Assam. Such persons lose out in the process and are not in a position to be able to fight for their rights.

Border check post workers are behaving like immigration police by preventing people's migration. It is not NGO's role to do this. The border check posts must either be closed down or change their way of operating completely and become a voluntary information and migration service.

### **Raising awareness – the fear factor**

#### **Case of Anju<sup>31</sup>**

*A young woman, Anju, in a youth group from Dang District was selected by a women's peace NGO to attend the 2004 World Social Forum in Bombay. Anju was going to participate in a youth for peace workshop that would train young people in peer education techniques for peace-building. Anju travelled to Kathmandu with a colleague and upon arrival at the NGO seemed very distressed. She asked if she was going to be sold into prostitution. Is that why she was brought here? The NGO explained to her that no she wouldn't be sold, and again explained their programme of the World Social Forum. Anju still seemed worried and said her village was very convinced she would be sold. People had said goodbye to her, expecting she might not come back. The NGO said we would like you to participate and you will be safe, but it is your choice to come or not to this workshop. Anju said she would rather stay in Nepal and she returned to her village.*

Are the awareness raising campaigns perhaps working too well in warning people about the dangers of trafficking? This case certainly seems to indicate so. There is a real problem of the more complex messages concerning the inter-related nature of migration and trafficking being simplified into an anti-migration message, as the only means of protecting females from trafficking. In this case study, the concept of Mumbai has instilled terror in the young woman and prevented her from attending the WSF. It also shows the community's role in vigilance against trafficking needs to be clearer and more developed. This kind of thinking may be exacerbated by the kind of scare-tactic awareness raising campaigns such as posters showing dehumanised images of women caged in brothels who are trafficked to India (for example see the ABC Nepal posters). Such materials were not designed by local communities or target groups, but by the staff of the organisation in collaboration with an artist.

### **b) Prosecution** **Traffickers wrongly accused**

*'In the prisons, there are many that have been accused wrongly of trafficking. Some defendants in jail said they would like to kill Anu Radha when they get out because they did not commit trafficking.'*

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<sup>31</sup> All names have been changed in the case studies to protect the identity of individuals. Anju case information from Didi Bahini.

*According to a statement by police, some 60% of traffickers are supposedly innocent. These people are taken and charged as traffickers, but they did not do anything. It may be a case of someone reporting them for trafficking just to get even. For example, in one case a wife filed a case against the husband for trafficking. He says she did this because he found out she seeing other man and didn't know what to do, so decided to trump up charges against him. One imprisoned and wrongly accused broker said, 'it's a curse to be born in Sindhupalchowk and Nuwakot'. There is a need for major research on those imprisoned on trafficking charges, are they traffickers or not? Where is the case going wrong? Since traffickers are not receiving light sentences, we need to ensure the burden of proof (of guilt) is met'.*  
HimRights

Trafficking might not only involve human rights violations against survivors but also against those suspected of trafficking. Only HimRights raised this issue, yet it is an area that may warrant further investigation. Not many traffickers arrested admit their guilt and there are questions as to whether they are guilty or not. This is a negative impact of effective community mobilisation around the issue. Those traffickers prosecuted and convicted are often those implicated in trafficking in only a minor way, not the 'big fish'. Police admitted this as well. The main traffickers are often well-connected to politicians and help the politicians in election campaigns and so escape prosecution. The proposed Anti-Trafficking Bill also includes some worrying provisions from the point of view of the right of a defendant to a fair trial.

GAP: Research needed to determine culpability of traffickers and legitimacy of legal process around prosecution.

### **Community policing – too far?**

The Central Police Women's Cell expressed the view that communities were sometimes taking the law into their own hands by arresting traffickers themselves:

*'NGOs shouldn't be arresting defendants; this should be done by police. NGOs are overstepping the mark... even in remote areas there are community police who are local members of the community e.g. teachers, lawyers, local leaders. In this case, it is okay for them to arrest the trafficker if there are no police there, but it is not okay for an NGO to take matters into their own hands as we have heard such cases happening'.*

### **Corruption: Protection of traffickers by politicians and police**

*'In South Asia, in general this [corruption] is a reality we have to deal with, it happens. We don't know about it in trafficking cases specifically. It is hard to identify exactly who is involved or threatening'.*

Central Women's Police Cell

*'Indirectly, politicians may be involved in trafficking. There is tremendous pressure placed on officers in some cases to free defendants'.*

Police, Sindhupalchowk

*'There is a lot of protection to criminals by local political leaders; police might also be involved in taking bribes from criminals. The issue of bribery and corruption is not being seen as a human rights issue, there are no legal measures taken against those who offer bribes, because it is too difficult to prove it (no evidence). We also have cases of victim filing a complaint then at trial changing their mind and saying they were not trafficked. This is due to bribes by the trafficker and also the social exclusion the woman faces in her community'.*

Prosecutor, Sindhupalchowk

Many organisations and some police cells reported that corruption is a key obstacle in the prosecution of the more powerful traffickers. In some cases they are connected to the top level of politicians and chairs of political parties.

### **Case of Bandana**<sup>32</sup>

*Bandana was trafficked from her village over one year ago. She was told she would get a job in Singapore. She does not know what country she ended up in, but she travelled by aeroplane and was forced into prostitution in a brothel. She returned recently to Sindhupalchowk. An NGO (Oxfam partner) helping her, learnt about her case from the monthly meeting in the community. The local brokers know this NGO is working on the issue and so the NGO worker cannot access that part of the village without risk to her life. They have not been able to form a group amongst her ethnic group, partly because brokers are too strong. Even for other women in the village who are in the women's group, the only way they can talk to her is by making an excuse, they cannot talk to her openly. They know who is the broker but also who is protecting the broker, they are connected to the top of the political hierarchy. The NGO is worried that if she files a case she could be kidnapped and killed, and it might be difficult to protect her for duration of trial? But if she doesn't file a case, the people who trafficked her will still be at large and continue to traffic women. So the NGO does not know what to do.*

This case highlights the powerful role political figures play in the trafficking business. Unless and until political leaders are brought to justice, traffickers will continue to flout the law and keep trafficking women. Whilst the police in Nepal do have an anti-corruption unit, the Central Women's Police Cell states that this unit is not interested in the issue, trafficking is not a priority. Apparently there have been no reports of corruption in relation to trafficking thus far.<sup>33</sup>

### **c) Returnee support and Reintegration** **Experiences of rehabilitation home**

*'At the rehabilitation centre we were treated like animals...  
Survivor who stayed in NGO shelter home for two years*<sup>34</sup>

### **Case of Champa**

*I lived at the shelter for two years; I went there when I was 15. All of us trafficked girls, 30 – 40 of us were kept in one room. We were only given two meals per day. The staff and students ate first, we always ate last. The staff would not come and speak to us. Whenever they did speak to us, it would be in a degrading manner.*

*One day we were taken for a blood test, but we didn't know where we were going until we arrived at the clinic. We weren't told anything. They didn't ask for our consent for the tests. When they got the results, the diseased persons were kept separately. And they got their food separately... they weren't served like the others.*

*We weren't allowed to leave. A few girls ran away. But they were caught, when they were brought back they were beaten up and had hot water poured over them. The staff would beat any girls who ran away, including the person who founded this organisation.*

*When we got ill, it was only when I was completely bed-ridden that I got taken to the doctor. We were treated like animals. We suffered a lot of discrimination.*

*I stayed there for two years in total. My family didn't know I was there. The only way my family knew about me was that I was away with a group of girls on an awareness-raising programme. My photo*

<sup>32</sup> Case supplied by GMSP.

<sup>33</sup> According to Central Women's Police Cell.

<sup>34</sup> Survivor who spoke about this shelter home stated she did not want it to be named. If any action is taken to name the NGO involved in relation to this case, the survivor should be contacted, informed and asked for her consent.



went in the newspaper and my father saw it. My father arrived and I was so happy to see him, I really wanted to leave with him. But they wouldn't let me leave. My sisters and brothers came to visit, but the staff made it difficult for them to see me. The staff weren't supportive. It took three months before my mum came and finally I could leave with my mum.

*[why didn't they want you to leave?]* Maybe for their benefit. For funding. Also for fame. Funders and officials came to visit all the time. We were all lined up for them. But we were not allowed to talk to them, only the staff can talk to them.

*[how did this treatment compare with how you were treated when you were trafficked?]* Well there was no sexual exploitation at the shelter. But otherwise it was the same, it was just as bad as when I was trafficked. But the thing is, you just get used to it.

Now it's changed, I think it's a lot better than it was then. I was there in 1997-8. We had to wear uniforms then, now they can wear what they want. But still the girls can't leave. They still get beaten if they try and escape. I know this because I have gone back to visit friends in there sometimes. When I went back, the staff always used to ask me to come back to live in the Centre. But the last time I visited, the staff wouldn't let me in. It's because now they know I am with Shakti Samuha, they won't let me in. If I pass them on the street too, they just ignore me.

#### **Case of Deepa (different organisation)**

I was with the first group to go through this shelter. We received three meals per day. But the food was not good. We ate the same vegetables every day for one month at a time. When I complained, the staff told me, 'You should be grateful. If you were at home you'd not even get this'. We weren't given clothes for the first few months. Then we got some used clothes to wear. When visitors and funders came to visit, we were allowed to speak to them, but the staff told us don't say anything about the programme.

Usually with the other girls, after a few months at the centre, the staff would send them back to their families for a visit. But I didn't want to go back to my family (because of my step-mother). I used to say to them, 'I'd rather go back to the place I was trafficked to than go back to my family'. So they never made me go.

I used to speak out for this organisation, so I got a chance to travel to Bangladesh for a meeting. I had to go home to get my citizenship for my passport. When I went back, I found my family had moved. I quarrelled with my father. But when I was back I saw the state of my family and how poor they were. I went back to the shelter, I learnt to make candles (skills training) and then told them I wanted to go home. They gave me 7000 Rupees and I went home. The staff from the centre they never did any follow-up.

When the founding members of Shakti Samuha came to the centre and tried to recruit new members, I wanted to go to a meeting on health issues. But the staff at the shelter would not let me go. The staff would say, 'You can't do this kind of thing. It's not for you. What's the use of YOU starting an organisation'.

#### **Case of Meena at CWIN Shelter**

I stayed in the CWIN centre for two years. It was a good place; we were kept with other children. We didn't have these kinds of problems that Champa or Deepa had, no restrictions on us to leave the centre. The staff would bring us things that we wanted, like toys or books. When my relatives came to visit, they helped them by providing a place to stay and food for my family. At CWIN, you had a choice if you wanted to study or if you wanted to do vocation activities or not.

The cases of Champa, Deepa and Meena raise important issues in relation to the treatment of survivors in rehabilitation centres. Various organisations we interviewed confirmed they had heard similar allegations to the stories of Champa and Deepa. WOREC is closing its shelter because it feels that shelters are not a good environment for survivors in the long-term, and they would like to find other living arrangements for returning survivors.

### **Maiti Nepal**

In contrast to WOREC's view on institutionalised rehabilitation, Maiti Nepal has a new rehabilitation centre which can take 600 women and children. Not all are trafficking survivors, also destitute women, orphans, street children etc. reside in the shelter. The shelter complex contains not only the building for the shelter and for skills training activities but also a school, small hospital and the Maiti administration headquarters. It somewhat resembles a prison, with barbed wire along the walls and guards at the gate. Visitors must sign in and leave bags at the front desk. With its hospital and school, residents at the shelter hardly need to go outside. This creates an institutional prison-like feel, which inhibits the opportunities of survivors for independence and to experience life outside the shelter. It goes against the grain of the 'self-sufficiency' that the Maiti Director mentioned as the key to effective reintegration. This illustrates once again the difference between the sophisticated 'smooth talking' of NGO leaders who know what donors want to hear (i.e. human rights language), and the reality of their organisation's approach (i.e. welfare approach).

### **Observation from visit to Maiti Nepal**

*Many journalists (in the FGD discussion) and NGOs told us that Maiti Nepal does not like Nepalese to see the rehabilitation centre. We decided to see if this is true. The principal researcher (non-Nepali) made the appointment to visit the centre and stated she may or may not be accompanied by some colleagues. When all three members of the research team arrived, staff at the Centre stated it was not possible for the two Nepalese to enter as they were not authorised to do so. When we asked what was the problem and why it was so strict, the staff replied, 'it is very sensitive'. We asked, 'why is it so sensitive?' to which there was no reply. Eventually after much pressure, the staff let all three of us enter. We asked if we could speak to survivors, not about their experience of being trafficked but about their routine and what they do and like in the rehabilitation home. After some discussion, they did not allow us to interview any trafficked survivors and stated all those currently present had not been there long enough to feel comfortable talking to us.*

The closed attitude of Maiti Nepal, was reflected both in this visit to the rehabilitation centre and at the check-point. As one of our research team members asked, 'What do they have to hide? If they are doing such good work, then shouldn't they be open and willing to share it with people from outside?'

### **Views of survivors**

*'We need to change the attitude of the girls. We need to make them good.'*  
NNAGT

The approach of those organisations following a 'welfare' approach, show that trafficked survivors are often considered in an inferior way. This was not only in terms of people who need to be cared for and protected, but also as people without the ability to work on this issue and fight for their own rights. The cases of Champa and Deepa clearly show this attitude.

### **Reintegration: Lack of follow-up**

*One of our concerns with reintegration is that NGOs do not do proper follow-up and rarely provide counselling to the families and immediate neighbours, this is what is needed. Some trafficked women have ended up on the street, because their families/communities have refused to accept them when they return. - Shakti Samuha FGD*

The main organisations supporting returnees and providing reintegration stated they did have more comprehensive programmes of follow-up but most of these finish after six months (e.g. Maiti, ABC Nepal). ABC Nepal stated in certain cases they do follow-up also one year after the survivor has returned. WOREC has a new programme that will follow-up cases once per year, but up till now they have generally done follow-up only six months or 12 months afterwards. A concern raised by AATWIN is that social reintegration programmes tend to be project-driven (so not sustainable in the long-term) and quantitative rather than qualitative, thus inhibiting their success. Many respondents including the media stated there was a need for longer-term follow-up of survivors. Most of the reintegration NGOs also stressed the difficulty in doing follow-up because of lack of access to Maoist areas. Women's privacy also must to be respected, for in the most successful reintegration cases, where the woman has reintegrated she may not welcome the visit of a Kathmandu-based NGO that reminds her of a negative period in her past. Follow-up monitoring by the local groups was seen to be a positive strategy for unobtrusively providing longer term follow-up for survivors to gauge how they are coping. For example, this strategy is employed by GMSP.

### **Marriage**

NGOs such as Maiti Nepal and PRC stated they use marriage as a way of reintegrating girls who cannot return to their families and marriage between HIV+ persons for HIV+ survivors. Given the prevalence of domestic violence in Nepal, this needs to be questioned as a strategy as it should not simply be assumed that marriage is a safe place for a survivor to start over her life. It also reinforces the patriarchal society structure, which is identified as a root cause of trafficking.

### **Economic empowerment and training**

*'We need to recognise that not all people can be entrepreneurs. The current skills training are not demand-driven. There is a need for tailor-made reintegration programmes'.*

JIT

*'A lot of skills training programmes do not match what the survivor can actually do in the community where they live. The trainings are not locally market-driven'.*

Plan

*'With USAID, we are providing skills training to 440 girls (220 per year) who are both survivors and those vulnerable to trafficking, such as those working in sites like carpet factories (35 to 40% of those in training are survivors). We provide them with skills training in an area of their choice e.g. driving, hotel management, and health workers training. The training can take anything from one month to six months. In two years, all should be gainfully employed'.*

Asia Foundation

Many NGOs and donors echoed the call of JIT for market-driven skills training programmes to be based on what the individual wants to do, that would empower them and promote self-reliance rather than a short, simple training for a larger group that creates dependency on NGOs (such as sewing and craft-making for NGOs). It seems, through initiatives such as the Asia Foundation/USAID project, that this is finally occurring. Several NGOs stated that with the current limited vocational skills trainings, survivors do return to prostitution because it is much more lucrative for them than what they could earn with the vocational skills offered.

## **d) Advocacy**

### **Lack of Parliament – no legislative reform on trafficking**

Policy change is limited in Nepal due to the current political situation and lack of Parliament, thus for most NGOs this kind of advocacy is not a priority at the moment. The legislative and policy changes won and included under the Anti-Trafficking Bill are due to lapse, meaning the whole process must begin again.

Various organisations including WOREC, ILO and CWISS stressed the importance of social change and behavioural change not of women, but of communities in order to combat trafficking. All organisations stated the way to this social change is through organising communities (see 3. successes a) prevention above).

### **Alliance building or breaking?**

*'Networking is not working (for others) in Nepal. Many networks have failed because they were project oriented, had no transparency and unequal participation of members.'*

AATWIN

*'The infighting between NGOs is a problem. They have carved out their territory and so don't want to lose it. They are scared of losing funding. What we need is to collaborate with each other more, not duplicate each other and know how to strengthen actions that work and what our weaknesses are.'*

USAID

*'Why is there a need for all these different networks? Why not all join one?'*

NNAGT

*'The women leading the anti-trafficking NGOs are all in a power play against each other. They won't recognise or acknowledge each other's work. Working together would threaten their status.'*

JIT

*'Different organisations working in the area and raising awareness are giving different messages to the community, especially concerning restricting mobility of women. It is difficult for organisation like us and there is confusion as to what kind of information to impart.'*

Mank, Sindhupalchowk

The three main networks on trafficking are the two NGO networks, NNAGT (aligned to CATW), AATWIN (aligned to GAATW) and the so-called 'donor' network, Interagency Committee to Combat Trafficking. Each of these networks seems to work effectively in terms of member support, sharing of information and avoiding duplication of activities. Yet there is a distinct lack of working together or sharing information *between* these networks. Most of the respondents cited this as a key challenge to effective action on the trafficking issue. The 'first lady' syndrome amongst high profile feminist activists (as mentioned by JIT), is not limited to Nepal. Yet it was not clear from the discussions how the networks could be brought to work together.

In terms of the donor-NGO relationship, donors and IGOs still have much to learn about implementing a rights-based approach, which should mean an equal partnership between donor and NGO, especially in terms of visibility. Some international agencies such as JIT, UNDP and USAID seem to only understand issues of visibility in terms of NGOs acknowledging the donors. Yet donor publications, and interviews with donor agencies show that the same visibility and recognition of individual NGOs is lacking. Such donors refer to partnerships with invisible NGOs, but rarely name them when crediting their work. Instead there seems to be credit taken for the work of the NGOs by the donors, which is far from a rights-based approach.

### **Participation**

*'The UN agencies invite survivors to participate but in a surface and intimidating way by holding meetings in fancy formal surroundings which belittles community people, who can't understand the language being spoken (even if in Nepali so much English jingo) - and they call this participation? The UN is handicapped in a way because it will always employ people of a certain class who speak English very well and thus come from a wealthy background. Such people have no practical experience of dealing with communities. They need to find what is their relevance to the community? How to give genuine space and participation to communities.'* - WOREC

One criticism of a rights-based approach is that in many cases, it might only offer pseudo-participation of communities.<sup>35</sup> This was raised in several of the interviews, where issues about the inequality between community and the NGO/IGO, or between the NGO and donor are apparent. There is a need to overcome hierarchy between NGOs and community.

## **e) Government initiatives**

### **DTFs**

*'The DTFs are not as effective as we would hope, they're not solving the problem of trafficking. This may be partly due to lack of resources and therefore lack of programmes, so the Task Forces function more like a high level committee. We are looking to review the task force system, maybe make a more broad term of reference for the task forces to act on... The issue of not so much a lack of resources, but a need for reallocation of resources to address the economic conditions causing trafficking.'*  
 MWCSW

*'We have been successfully sustaining the Government task forces making community and district TFs more effective but once the project ends we don't know if it will be sustainable long-term. There is no mechanism in place to ensure long-term success. There is a lack of interest of the central government (MWCSW). CDOs and LDOs don't have so much time to invest in the TF, so we have worked with WDO to set up a mechanism of functional officers. We have been most successful at the village level, making them accountable to DTF. We work with NGOs and government officials at local level without difficulty. The Ministry (MWCSW) doesn't recognise the work of AF and these TFs, it only recognises JIT'. - Asia Foundation*

*'There are too many members on the DTF (and high level people) so it is really bound not to be concerned with these issues [trafficking]. There is a need for programmes to be funded by MWCSW, why form the DTF when there is nothing to do, no funds, no programmes?'*  
 Women Development Officer, Rupendehi

*'NGOs don't have resources, but they still can make change because they have commitment. The commitment NGOs have been able to extract from people has been able to prevent trafficking. The government doesn't run the TFs, the Government lacks vision. If resources are truly lacking, then the Government should adopt a smaller body that's more effective.'*  
 USAID

The lack of clear mandate of DTFs has meant they have been largely ineffectual, as even the Government recognises. Various donors and NGOs have been instrumental in activating the DTFs, yet the concerns about sustainability remain. Respondents did not clearly illustrate what difference the DTF made in terms of reducing trafficking, except to play a co-ordinating role in reducing duplication of activities and in providing some skills training opportunities. The make-up of the task forces should change to reflect those who are really working or interested on the trafficking issue.

### **Office of the National Rapporteur on Trafficking (part of NHRC)**

Whilst the Government and IGOs such as UNDP and ILO claim the development of the Office of the National Rapporteur is a success, the Office at present seems to lack capacity and clarity on trafficking and a rights-based approach. The Rapporteur is very new, and has little understanding of trafficking. She shows leanings more towards a welfare than rights-based approach. The role of the Rapporteur should be to develop the Government commitment in addressing human rights violations in the context of trafficking. Although the NHRC has a human rights reporting mechanism, no complaints of trafficking have yet been recorded as communities and organisations remain unaware of this system. The Rapporteur's Office seems to be focusing its efforts on co-ordination of Government and NGO

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<sup>35</sup> As stated by Ray of Hope.

initiatives and conceptual clarity, rather than serious human rights monitoring. The lack of power of the Office to respond quickly to events, to implement changes and the general lack of resources is what drove the previous National Rapporteur to resign. The Office at present simply seems to be a bureaucratic government body with little power.

GAP: The Office of the National Rapporteur needs to be more proactive in encouraging reporting of human rights. The Rapporteur herself lacks expertise on the issue of trafficking and human rights in general to make the current complaints system an effective mechanism. There is scope for this to be developed by an NGO and then handed to the Government when capacity is increased and if the Government is serious about treating the issue in terms of human rights violation.

### **Ministry of Labour**

The MOL stated they are not involved in anti-trafficking activity, and that all Government responsibility falls to the MWCSW. Yet as the MOL works on the issue of migrant workers and migrant employment abroad, the MOL should play a more important role in anti-trafficking also. The MOL currently displays a paternalistic attitude to the migration of women. Although the ban on women migrating to the Gulf has been lifted, only those migrating for jobs in the formal sector are permitted to leave. This is in order to 'protect' women from exploitation. Migrant domestic workers are excluded from working in the Gulf, which is the main job opportunity for women. The MOL admits that very few women legally migrate to the Gulf for work, but they hear that thousands of Nepali women are working in the Middle East! Statistics from Department of Labour for the year June 2003- March 2004 (9 months) show that a total of 508 women have migrated legally. Of these, 385 went to Hong Kong, 76 to Israel, 46 to Korea and 39 to United Arab Emirates (these are the top four countries). There are no available statistics on numbers or countries where Nepali women are deported. The MOL states that it prevents trafficking and forced labour cases from occurring by checking that a woman going abroad for work has permission from father or mother (if unmarried) or if married, consent from the husband or if he is not available, from the husband's family. This illustrates the paternalistic and patriarchal perspective of the Ministry, which is in desperate need of reform.

## **5. ROLE OF MEDIA**

Four interviews were conducted with members of the media and one FGD held with 20 participants from print, television and radio stations. It is difficult to generalise the media responses as it was varied according to the knowledge and attitudes of individual journalists. Respondents other than media were also asked about their experience in working with the media. Journalists have been working on different levels to address the issue. Radio, in particular, has been a more direct awareness-raising tool for communities, whereas television, print and some radio programmes have reported on trafficking to the general public, predominantly as a social problem.

We undertook a comparative analysis of media articles from 1996 to 2002 and found over time, the media has generally become more responsible and comprehensive in its reporting of trafficking cases. Press articles are now more in-depth, cover a range of issues related to trafficking and there is less equating of trafficking purely with prostitution. Human rights of the victim are raised now within the press, yet even now amongst the more sensitised media, there are still sensationalist stories reported showing a lack of sensitivity and ethics, especially in regard to survivors' rights to privacy (see below, Sensationalism still exists). Still, there is an absence of investigative journalism and much reporting simply regurgitates statements made by the Government or NGOs without an independent critique.

NGOs and IGOs had mixed feelings about the role media has played on the issue. Media has been a target of various NGO and IGO activities and is involved in trainings and conceptual clarity workshops. JIT has published a report on analysing existing media and advocacy campaigns from a human rights perspective and monitoring media coverage on women and girls. JIT has also taken forward some of these recommendations and provided training on investigative journalism to journalists in Rupendehi.

### **Advancements**

*'We've seen a shift in the media, now they are more understanding and bring up issues of publicising exploiters and women's rights rather than publicising victims'. -AATWIN*

*'Media freedom is quite new in Nepal, but we have raised awareness of the public on the issue. Radio has been used to raise awareness of communities and acted as a prevention tool. We've been able to show positive scenarios on gender and role of women'. - Nepal TV*

*'We raise awareness, use case studies. As a result, many people call the show and report disappearances'. - Makwanpur Radio Journalist*

*'The most impact the press has had is on the policy level. As a result of the press identifying the problem, there is increased budget on trafficking and MWCSW and NGOs have been strengthened to work on the issue. Now police are also sensitised on the issue and are posted at borders to stop trafficking'. - Kantipur*

These comments show the different ways in which media has brought attention to the issue, from the local to the national level. In contrast to the 1990s, when trafficking was really only considered in the context of women returning from India, now the issue is dealt with from a range of angles including prevention and prosecution. The FGD gave a unique opportunity to discuss trafficking issues with various journalists. Media representatives seemed to have a good understanding of the issues, which may be a result of NGO activities working with the media and providing conceptual clarity. For example, most of the journalists were quite clear that root causes of trafficking were varied and that the stereotypical story of a naive hilltribe village girl being duped into going to India, is no longer the reality. Root causes they identified included poverty, ethnicity, discrimination, family breakdown, armed conflict and lack of education. Media stated the effect of displacement has become a major cause of trafficking and has meant that more educated girls are also being trafficked. They also noted how the modes of trafficking are changing, and the increase in internal trafficking.

### **Shortcomings**

*'In 1994, there was a lot of interest in the issue and a high profile on trafficking in the press. We even had a trafficking beat. Yet since 1997/8 interest has decreased and now we just collect news and report, it's not investigative journalism. Now trafficking falls under the social beat. This is due to Maoist and political issues dominating the press, followed by health issues. The media's lack of access to trafficking-prone areas is a problem and it lessens the media's impact on the public. Due to the root causes, i.e. ethnicity (Tamang) who are trafficked and the history and normalisation of migration, the media has had less of an impact on reducing the problem. The media hasn't been effective in dissuading people from being trafficked or families from selling daughters.'*

Kantipur

*'Still moral ideas pervade in the press, that prostitution is bad and trafficked women are immoral, the media always focuses on women rather than on men, on the clients'*

HimRights

*'The problem is you have to work within this established hierarchy. So even though I trained some reporters and they learnt to report on trafficking in a sensitive manner, later they said when they wrote these articles, the editor changed it all. Editors don't want to take the issue forward; they have no interest in the issue. When I was National Rapporteur I tried to get in contact with the editors to inform them about trafficking. They never responded or attended a workshop for 10 minutes only that was it. There's a lack of commitment from the editors'. -WOREC*

***'The role of media has not been identified in relation to trafficking. There is a difference in approach between journalists, with many just reporting cases. Mainstream journalists and FM stations have not been addressing the issue, they lack interest in human rights issues'***

- Radio Sagarmatha

*'Among those [trafficked women] who returned from India in 1996, what happened to them? Are they now recruiting girls from their villages? Or are they working in the sex industry in Kathmandu?'*

- Media FGD

*'The media is talking about trafficking, but they seem to be making it sound attractive e.g. they report a girl got sold for 50,000 rupees, then someone reads that and thinks it's lucrative to sell women. Media needs to report also about cases filed and traffickers who get convicted and send strong message to the public not to do this. There has been an impact on training media personnel, but not everywhere.'*

- USAID

*'Stigmatisation is still a big issue for returnees, though we have aired stories about the difficulties they face and the responsibility of the community to accept these women back.'*

- Makwanpur Radio Journalist

*'In general the media is very supportive of the issues. But they play both a good and bad role. In one case I gave a media interview and mentioned an on-going criminal case against a trafficker who had not been arrested yet. I did not mention the name of the defendant. But the journalist called the court and court gave the name of the broker, so the media reported it on the radio. The broker escaped and avoided detection.'*

- Maiti Nepal, Makwanpur

What has not changed much since the 1990s, is that even in the current news stories, reports on trafficking are rarely analytical, but simply plain reporting of what the government or NGO has done/said. In the media FGD, prostitution dominated the discussion, and there was a clear conflation of trafficking with prostitution for many of the journalists. Some negative attitudes towards survivors remain, displaying the moralistic approach to prostitution. Some journalists stated that whilst there is much reporting on the impact of trafficking, there is less on how and why it occurs, and this should be explored further. Trafficking and migration of women are frequently collapsed into one concept, in a damaging oversimplification of the issues. Journalists themselves raised this issue and stated they should be more informed by NGOs on the complexities of trafficking, to prevent this from occurring. The issue of editorial power in altering and sensationalising stories, as raised by WOREC, is an additional barrier in sensitising editors.

GAP: Editors are not sensitised on ethical issues and conceptual clarity related to trafficking, migration and prostitution. Editors must be targeted by NGOs to work effectively with media.

GAP: There is a need for regular interactions between media and NGOs, to update the media on the trafficking situation and new developments, rather than on an ad hoc basis.

### **Working with NGOs**

Statements from media FGD, Kathmandu:

*NGOs should support the media no matter what. If anything negative is raised, the NGO can't take it. They only want positive things written about them.*

*Journalists are threatened from political quarters when investigating these claims that politicians protect traffickers. But the NGOs do not lend solidarity to us, thus we have to abandon the issue.*



*NGOs do not give us news – e.g. they should inform us about what happened to the 1996 returnees.*

*There needs to be a more equal partnership between NGOs and the media, NGOs need to feel that the media is a stakeholder so that such issues are more focused.*

Media reports in a reactive way to events organised on trafficking. The media seems to expect the NGOs to hand stories to them. On the other hand, some journalists stated that they feel 'used' by NGOs, that NGO staff will only talk to them or give them access when they have a particular story or issue they want publicised, yet if the media contacts the organisation about their own story, then NGO staff are not helpful. Journalists were very critical of some NGOs, such as Maiti Nepal stating they cannot access the rehabilitation centres to interview women. Media representatives raised the claims of abuse within rehabilitation centres and the difficulty in ascertaining the truth. The FGD discussion also considered the issue of lack of protection of media personnel on issues of corruption related to trafficking, and because of the lack of protection by NGOs they can't report these stories. Yet it is not the job of NGOs anywhere to protect journalists, journalists need to write these stories out of a desire to see the truth made public. Some of these problems seem to be related to the lack of history of a free press in Nepal, and the corresponding lack of understanding of media's role and responsibilities. The media raised the issue that they would like more follow-up information about 1996 returnees, and that NGOs have been negligent in not reporting on this. Again, it seems to be a mismatching of roles, if journalists want this kind of story, they should be able to investigate it themselves. NGOs may be needed to assist in locating some of the women, yet the responses from journalists seem to indicate that they expect the NGOs to organise the story for them.

Print media - Analysis of 1996 – see Annex 5

Print media - Analysis of 2002 – see Annex 6

Radio analysis – see Annex 7

### **Sensationalism still exists: A case example**

During our research and just a few days prior to our media FGD, UNIFEM, Shakti Samuha and other organisations held a joint launch of three anti-trafficking publications, to which members from the press were invited. The following day, various newspapers reported the launch. The English-language newspaper, Kathmandu Post, had a rather dry article, simply reporting the IIDS and UNIFEM report findings. Two Nepali newspapers reported on the Nepali-language publication that was launched that day by Shakti Samuha, *In search for self-reliance*, a book of ten case studies of trafficking. The Annapurna Post referred to two of the case studies in their article, using the pseudonyms provided in the book, and detailing the hardships the women faced that led to trafficking. The Kantipur<sup>36</sup> article, with the headline 'Women who manage to escape from brothel, now creating social awareness', instead displayed a distinct lack of understanding on the ethical issues involved in reporting of trafficking cases. Firstly, the word 'brothel' (*beshyalaya*) in the headline, is a particularly vulgar word in Nepali. Other words could have been used, yet this one has very negative connotations with women in prostitution. This statement about brothel escapees now raising awareness is then reiterated for emphasis with more details in the first paragraph. This simply serves to further stigmatise the women working for Shakti Samuha by relating them purely to those experiences in the brothel. The article is trying to express what a good job Shakti Samuha is doing and how far these women have come, yet its sensationalist slant obscures the writer's good intentions.

Further on, the reporter then names one of the members of Shakti Samuha and the hardship and violence she faced as a child. The reporter did not obtain consent from the member of Shakti Samuha to publish her name. The reporter spoke to the member a few months ago in an interaction between Shakti Samuha and the media. The journalist tried to persuade the woman to allow her name to be

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<sup>36</sup> See Annex 8.

published, but the member refused. When this issue was raised in Oxfam's media FGD, the reporter in question claimed,

*But if you [Shakti Samuha] are about challenging norms then why don't you let your name be written? The name is in the book anyway [in fact, this is not true]. Look, when you speak to the press, everything is on the record anyway, unless you specifically say it is off the record.*

This lack of sensitivity is disturbing. Media personnel may know what is on-record and off-record, but only those experienced in dealing with media know such intricacies. This seems to be an excuse to cover a very damaging mistake. One of the Ten Ethical and Safety Guidelines in Interviewing Trafficked Women, developed by WHO,<sup>37</sup> deals explicitly with the need to obtain free, informed consent when interviewing trafficking survivors, in terms of how the material from the interview will be used. The guidelines mention that interviewers should especially consider that survivors may not realise the impact of telling their story, and not to make that assumption. What is of particular concern in this case, is that consent was expressly *not* given, yet the journalist decided to report it anyway, showing a distinct lack of respect for the Shakti Samuha member's privacy. Whilst we disseminated the WHO Ethical and Safety Guidelines at the meeting, the media needs training to be made more aware on the ethical issues involved in reporting on trafficking.

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<sup>37</sup> Zimmerman, C and Watts, C. *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women*, World Health Organization, Geneva, 2003.

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## Annex 1: List of Respondents

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8.	Mrs. Meena Poudel	Women Development Officer (Bhairawa)	-	
9.	Mr. Suresh Nepal	Ex-DDC Chair from CPN (and Chair of CCAWT)		

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## **Community**

<b>S.N.</b>	<b>Name</b>	<b>Address</b>
1.	Tamang (Family of the victim)	9 Kilo, Sindhupalchowk
2.	P.T.	Carpet Factory, Jorpati, Kathmandu

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## **Focus Group Discussion**

1. Trafficking survivors (members of Shakti Samuha), Kathmandu
2. Women groups formed by GMSP, Lamu Sangu, Sindhupalchowk
3. Triveni adolescents group (and older women in the community), Basti [slum area], Kathmandu
4. Interaction with 20 media representatives, Kathmandu

## **Annex 2: Excerpt from Police Directive of Central Police Women Cell**

### ***Pidhit Sahayog Nirdeshika*, Ministry of Home Affairs, Kathmandu, 2002.**

#### Unofficial Translation

#### **Responsibilities and the conduct of the first police offer who takes the information about the incident.**

- While gathering information about the incident, the police officer should try to get detailed information on who the culprit was, what was the nature of the incident, when and how the incident happened?
- He/She should also take into account the name, address, mental and physical state of the victim and try to find out what kind of help the victim needs.
- While gathering information of the incident whether by person or through phone the police officer should be attentive and encouraging.
- The police officer after getting the necessary information about the incident should report to the senior staff and according to his directions.
- The officer should immediately coordinate with NGOs, other government bodies to provide the necessary services to the victim. For example ambulance etc.

#### **Responsibilities and the conduct of the police officer while dealing with the victim.**

- After arriving at the place, the officer should take into account the health status of the victim and act according to it. For example, if she needs to be taken to the hospital or the near health post, provisions should be immediately made for that.
- If there is a crowd at the crime area, the crowd should be dispersed to preserve any material evidence.
- The physical, mental state of the victim and his/her wishes should be taken into consideration and the officer should conduct himself/herself in a civilized way and should also be encouraging.
- Provide information to the victim as to what the officer needs from them in order to get to the bottom of the incident. Also guarantee the safety of the victim and his/her family.
- The victim should be placed in a comfortable place and should also be encouraged to speak in his/her own way. Other information that would be important in the investigation should also be taken from the victim.
- If other persons other than the victim person at the crime area know about the crime/incident, efforts should be made to gather information from them as well.
- If the victim himself/herself comes to report, she should be made comfortable. She should be treated with dignity and listen to what they have to say with patience.
- The victim should be informed about the investigation process and the crime that has been committed by the perpetrator.
- All the information gathered from the victim should be given to the investigation officer.
- If the police cannot go further with the case or it does not fall in its jurisdiction, the police should help the victim person to file a case in the concerned office and provide necessary help and suggestions.

#### **Responsibilities and conduct of the investigation officer while dealing with the victim**

- While dealing with the victim person, the investigation officer should be polite.
- In the course of gathering information from the victim, the investigation officer should encourage, help and counsel the victim.



- The dignity and the personal privacy of the victim should be upheld.
- The victim should be informed about as to where the investigation is headed.
- The investigation officer has to oversee and monitor if the victim has easy access to rehabilitation centers and be in contact and coordinate with the victim in case of the victim needing help.
- Help the victim while performing her task at the court, public prosecutor's office and at the police investigation office.
- Given her help and suggestions so that she does not fall victim again.
- If some material or money or goods of the victim have been kept as evidence, such things should be returned back to the victim as soon as the need of such things is finished.
- While gathering information from the victim, there should be a readymade checklist.
- Along with the above mentioned things, the investigation officer have to take into account the following as well while dealing with victims of sexual exploitation, rape, trafficking, domestic violence etc.
  - Words that may torture her mentally should not be used.
  - The privacy of the victim should be protected.
  - Utmost care should be taken while giving information to the press. So while giving information to the press, information that may have a negative impact on the dignity, status of the victim and his/her family should be avoided at all times.
  - Victims of rape and sexually exploited victims should be given information on as to how they can be protected from STDs and HIV and what medical measures can be taken immediately. The information can be also given by other organizations if the victim consents to it.
  - The victim should be informed about different victim-assistance organizations and the type of help they provide.
  - The victim and the testifiers should be informed as to when they should give their testimony to different places like the hospital, police, public prosecutor's office etc.
  - To enable that the victim of rape and sexually exploited victims to receive half the share of the culprit, the investigation officer at the time of investigation should take into account the assets of the culprit and make necessary measures to stop the sale and transfer of such assets.

### **Help that can be given by the supervising police officials**

- Provide training on how to deal with the victim to the police officials who are given the responsibility of dealing with the victim. The supervising police officials should provide them with trainings and orientation.
- The supervising official should monitor the activities of the subordinates to ensure that they are dealing properly with the victims.
- Liaison with different organizations in order to form a victim-assistance fund.

### **Help that can be given to the victim by the public prosecutor and public prosecutor's office.**

- Behave properly with the victim.
- Listen with patience to what the victim has to say. Understand their problems and render the necessary help.
- While the court is handling the case, the public prosecutor should let the victim know the progress made.
- The victim and his witness should be given information on when and how they should present themselves at the court. And when necessary, orient them in the process beforehand.
- Coordinate with the police so that the victim and the witnesses can arrive at the court at the right time.

- For the protection of the victim and the witness, the public prosecutor should coordinate with the police.
- Provide information on how, by whom the victim can be compensated.
- Try to ensure that the legal process does not take too long.
- The victim should be informed about the extent of the punishment that the perpetrator might get once convicted. Moreover, inform the victim as to how the punishment can be made more severe.
- Provide information on the rights of the victim and his witnesses and create environment whereby they can testify with ease.
- Take necessary steps to waive any fees that may be needed in the office.
- The office should be sensitive and make necessary arrangements so that the victim feels that justice has been given to him/her.
- The office should coordinate with other NGOs so that such organizations can provide the victim and witnesses with safety and other necessary help.
  - During the court proceedings the victim may need further assistance. Such being the case the court can help the victim and his witnesses in the following way.
- Make arrangements where by the victim and the witnesses don't have to testify where the suspect can see them.
- Make arrangements for interpreters if the victim and the witnesses need it.

### **Annex 3: Interview with Maiti Nepal checkpoint worker, Sanauli, Rupendehi, 30 April 2004**

*Note: The Indian-Nepal border is busy with flow of many people back and forth on foot, in rickshaws, on motorbikes and in cars. I don't know how they choose who to stop, it seems all a bit haphazard to me. Any young girl they don't recognise from the area is stopped. Older ones are not stopped it seems. Very few girls seem to be travelling to India. There are some women but generally they are going with their families. We approach Maiti staff but they are not friendly, not willing to talk to us. Say they need permission before they can talk to anyone. Finally we secure permission from the office.*

#### **What work do you do at this checkpoint?**

We mainly see if a boy and girl crossing border together, try to find evidence of the relationship. Often say brother – sister. If they together and look suspicious, then we separate them and ask them questions, e.g. mother's name, No. of family members etc. sometimes they don't look related at all. If stories don't match and not convinced that they are related, then girl and boy taken to police cell, then transferred to district police office and then girl transferred to transit home (Maiti).

#### **How many work here and what hours?**

4 people usually in shifts. From 5am to 7.30pm is someone here, mix of women's police cell and Maiti staff. Border shuts at 9pm; from 7.30 to 9 police are still there.

#### **What if girl doesn't want to talk to you?**

she has to even if unwilling. police are here also to stop her if she doesn't talk to us. if no police is around and she gets through we have contact with Indian NGO on other side and co-ordinate efforts. In some cases we follow girl.

#### **How do you know who to stop and question?**

- because been here a while know the local community. But if any girl not seen before then question her. They stick out; especially girls from hill tribes look different.

### **Have traffickers changed their methods, knowing you work here and stop girls?**

- before traffickers travelled with girls, but now girl goes alone and trafficker watches from distance to see if she makes it.
- traffickers do tell girls what to say, coach them. If really suspicious we take girl to the transit home and usually after a few days she breaks down and tells the stories the trafficker told her to say.

### **What training do you have?**

- 6 months training by Maiti including how to interrogate girls
- rescued girls are not working at the post, but some work in the office.
- no criteria to meet for this job, though women from t-prone areas are prioritised since they speak the local language

### **How many are stopped/rescued?**

No. we question every day really depends, could be 50-60 on a bus, could be less. today we haven't questioned anyone. about 60% of those we question are rescued and taken to transit centre. not all in danger of trafficking as such, some are runaways so we rescue them too and stop them from going. In the past week, maybe 20-30 girls have been questioned. we do log details of everyone and give to the office.

### **Do women have right to migrate for work?**

yes it's a right. we only stop people under 18. if over 18 and really insist we let them go, but we talk to them and say could be trafficked, say do give no.'s of contacts in India [but do I believe?]

VDC Certificate, every girl should have one for travel, but some VDCs where Maoists don't have this.

if under 18 yrs and not with guardian, then do stop all girls from migrating.

If over 18 and not with guardian then do stop them if they don't know where they are going, and don't know what kind of work going to do.

### **What if I was going to go to India, because I wanted to go for work and I didn't know yet exactly what I would do yet or where, would you stop me from going?**

yes it's a no no. you cant go. you need to be protected. I would ask u, if u could get a job in Nepal would u stay? if yes then send to Maiti centre in Kathmandu for skills training. rationale behind this is that for girls who don't know where they are going, they are very prone to be trafficked thus we make a point of stopping them for going for their own good.

### **I heard now that Parents are taking children over the border?**

- yes we try to raise awareness in the communities about sale of children, and that if u sell your child, they will make a lot more money by selling your child for a lot more in India. do Q parent and child if going to India, where are u going and what are u going to do?
- [see 2 girls in rickshaw, and question driver but he says he is parent of the girls]

### **What purposes are girls trafficked for in India?**

- prostitution and sexual exploitation mainly. also some for DW.

### **What is Trafficking?**

if people are being sold as cattle this is trafficking.

*During these last few questions, Maiti staff are trying to make us leave, 'how many more questions do you have? we have to get going to field' they say, so we try to hurry up the interview. Later we find their claim of having to leave is not true, because when we return 30 minutes later they are still there eating and watching people crossing. They just didn't want to talk to us.*

**What are the 3 challenges/obstacles to fighting trafficking in Nepal?**

- lack of employment
- poverty
- lack of awareness
- lack of education

**Has this CP worked?**

- yes. trafficking has reduced. CP been here for 6-7 yrs.

**Do you ever make any mistakes in identifying the girls?**

- Often. it's the nature of the work.

**Annex 4: Observation at Maiti Nepal check point, Sanauli, Rupendehi, 30 April 2004**

**Questions asked by the people at the checkpoint staffed by Maiti Nepal.**

The staff at the checkpoints generally stop people and ask questions like, their name, their home address, why they are going to India, which place in India, where they are staying, with whom they are staying and what kind of work they are doing. Above all they look for proof in the form of papers issued by the VDC or any concerned office.

In the case of couple being stopped at the border they look for relationship verifying certificate by the Village Development Committee (VDC) or any government agency. If the couple is able to produce that then only they are allowed to cross the border, if not, they are stopped and sent back.

**An incident involving a couple who were stopped at the checkpoint.**

The couple is stopped by one of the staff and they are brought to the post. The staff asks both of them where they are going. They both reply that they were going to India and they were married. The man says that they had crossed the border in the morning and they did not have enough money that is why they returned to Nepal border in the morning. He also said that he had written the name in the checkpoint logbook while returning from the Indian side this morning. The MN people asks for papers verifying their marriage. But they are unable to produce that. Both of them are brought to the checkpoint and the MN staff checks the logbook and tries to find the name. But she does not find it and says that it was the other people on duty in the morning and she cannot find it. Then the couple is separated and the woman is brought inside the post for questioning.

MN- what is your name?

Women- M.B.<sup>38</sup>

MN-What is your age?

Wo-18

MN-What's your home address?

Wo- Baglung, ward no-8.

MN-What's your husband's address?

Wo- Baglung, ward no.-8

MN- Whats the name of your husband and how long have you been married?

WO- His name is BBB and we have been married for one and a half years.

MN- How many in laws do you have and what is their name?

Wo- I have three in-laws. (but she is not sure of the name and with a little thought she answers) I can't say for sure what their name is.

MN- What's the name of her parents-in-laws?

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<sup>38</sup> All names removed to protect confidentiality.

Wo- I don't know the name but my husband's father is dead and only his mother is alive.

MN-Where did you come from?

Wo- From Ujeli

Then the man is summoned and asked the same set of questions and the answers of some of the questions are tallied with the answer his wife gave.

Mn- What is your name?

Man- I am BBK (the name as given by his wife does not match)

MN-What's your wife's name?

Man- It's MK (the last name does not tally with what is wife said)

MN- How many brothers do you have?

Man- three (the number does tally)

MN-How long have you been married?

Man- For one and a half years.

MN- Where do you live?

Man- Baglung, ward no-8.

MN-Where did you come from?

Man-Ujeli

MN- I would have let you both go if the name as given by your wife tallied with the name you gave of your wife. Also, your name and the name your wife gave does not tally, so we are not going to let you go.

Man-I am in the Indian Army and I came home for two months (Shows his identity card) and I am taking my wife along with me to Assam where I have been stationed.

The Maiti Nepal staff then speaks with the girl.

MN- you have been married for one and a half-year and you don't know anything about the guy's family. (it seemed as if the MN staff wanted to hear the obvious answer that she was being trafficked, but the girl does not answer.) but later she says that she has been married for one and a half-year but has not gone to his husbands house.

MN-(looking at the couple)- Since the last name as given by your wife and as given by you does not match, have you got any proof that you are married? Do you have any marriage certificate that you can show us here?

Man-I have got it at home, I told you I am in the Indian Army and this is my second marriage. I am taking her along with me.

(In the meantime one of the girls from Maiti asks the women if she has any phone number from the place she came from. The girl answers in the affirmative and then gives the phone number.)

MN to the woman-Who will pick up the phone?

Woman-Someone we know.

MN-Won't your relative or your mom pick the phone?

Woman- It will take a long long time for her to be informed.

MN- It's no use calling that phone number because the person is not related to you. Anybody who know you a little can say that. But it has to be your relative or your brother or your mom.

MN-Well, either you have to produce some certificate (proof) or you are not allowed to go.

(All the time the MN people have been asking questions, the wife does not say anything at all)

Man-We have a train ticket for Assam tonight. (shows his reservation)

MN-No, you have to have some proof that you are married. Unless and until you bring that we won't let you go.

Man- Then I will go alone and she will go home.

MN-No, you have to take her along with her to the place where you came from, You can't leave her alone.

Guy-Ok, Ill come home tomorrow with the certificate marriage.  
(off they go)

I had asked the man why the last names as given by both of them did not match. He told me that he had only studied till three class and in order to enlist in the Indian army they needed to be 5 class pass. He had enrolled into the Indian army using his friends certificate thus his last name as given by his wife and as told by him did not match. The man had given his wife's last name as K while the woman had said it was B. The woman had said the last name of his husband was B but according to his Id and according to what he said it was K.

## **Annex 5: Review of 120 articles/news/opinions from Nepali newspapers published in 1996**

**By Nabin Rawal**

### **Background**

In the year 1996, Bombay police raided different brothels and rescued around 447 girls. These rescued girls were placed in different shelters in Bombay. Among the 447 rescued girls, there were 218 Nepalese girls as well. When this news came out, different NGOs called upon the present government to take necessary steps for the safety and repatriation of these girls. This incident did create a furor in the Nepali press and the issue got a lot of media coverage.

### **Trend of news/articles and editorials in print media**

Most of the media coverage on the trafficking issue in the year 1996 revolved around Nepalese girls who were then taking refuge in different shelters in Bombay. The trend can be classified into two categories.

- 1) Print media reporting and news before the rescued girls were repatriated.
- 2) Print media reporting and news after the rescued girls were repatriated.

### **News/reporting and editorials in print media before the rescued girls were repatriated**

Overall, prior to the return the media coverage was positive. Many articles, editorials and news called for the government to be serious about the plight of the rescued girls. The print media censured the government's apathy shown to the rescued girls. This does not mean that the media was sensitive to this issue, it was largely because print media depended upon NGO activists and seminars for the source of information. The information provided to the press from different organizations got good coverage on the issue. Some of the news excerpts are given below.

#### **Demand for repatriation of the rescued girls**

National Network Against Aids Nepal called on the government to repatriate the rescued Nepalese girls who are now in different "remand homes" in Bombay. The demand was made public yesterday in a press conference organized by the network.  
(Sagarmatha Daily)

#### **National Policy stressed for rescued girls**

National Network Against Aids Nepal, called the government to protect the rights, dignity of the rescued girls. It also criticized the government for not taking these into account.  
(Himalaya Times)

**Need for rehabilitation of the rescued girls**

Rehabilitation and reintegration of the rescued girls is indeed a difficult task. Bringing them back and sending them back to their villages is not reintegration. The girls should have access to shelter homes and employment opportunities should also be provided to them. Moreover, the brokers who sold them must be traced and brought to book. The rescued girls should now be placed in shelter homes where they can learn the necessary skills for their employment and then should be given a chance to live independent lives once they are employed.

(Editorial in Pratinidin)

**Who is to be responsible for the girls?**

The government is in conundrum after receiving letter from the Indian government for the repatriation of the rescued Nepalese girls.

Many of these girls were lured or either forced into the flesh trade to service the Indians. As such, there is a danger of Aids as well. Doesn't India have some responsibility towards these girls for their rehabilitation? Given the fact that the Japanese government is compensating the Korean women when they used them as comfort girls during the Second World War, lends credence to the fact that India should also bear the responsibility towards these girls.

Moreover, as HIV/Aids is on the rampage on our region, the government also needs to look at this issue. We should seriously give a thought to this issue. Who should bear the responsibility of this issue? Does Nepal have the resources to address this issue as well?

It is high time that all the citizens gave some thought to this issue for nothing can be done if only government or NGOs are made to work on this issue.

(Sagarmatha Daily)

These are some of the examples of the print media news. Most of the news they reported were the voices of the different organizations working for this cause. Considerable coverage helped to inform the public at large on the issue. Print media was not necessarily concerned about the issues, for they mainly relied on the police reports, statement of the victims rescued from those areas and seminars organized by NGOs as their source of information.

**News/reporting and editorials in print media after the rescued girls were repatriated**

The news after the girls were repatriated is mixed. Some of the newspapers have reported positively but most seem to be confused on the issue. Most of the papers now focused on HIV/AIDS and the repatriated girls were portrayed as ticking AIDS bomb. The change of stance by the print media showed that repatriated girls and HIV/AIDS were taken as synonymous of each other. Treatment as two separate issues were lacking and some of the news could be effectively defamatory. There were some isolated supportive articles and news. These news were coverage of what NGO activists and human rights activist had to say about the repatriated girls. Below are some of the excerpts of the news.

**Imported Aids**

NGO culture in Nepal has been quite a headache. Now there is addition of AIDS as well. The government does not know. More than one hundred women from Bombay have been repatriated. Nothing has been thought about their repatriation. They are roaming around the streets of Kathmandu. It is good that these girls have returned but they have been rewarded with Hiv/Aids. We don't know how much this will affect us. Who's running the country? Surely must be the NGO.

(Gorkhapatra)

### **Bombay returnees**

This article is dedicated to those returnees who are now afflicted with the high standard diseases called Aids.

(Janamanch)

#### **“Home-back” girls: Epidemic in the making**

The girls that were rescued by the NGOs have not been rehabilitated properly. Even the government has not given any due consideration.

It is clear that these girls who came from Bombay to “NGO houses” will soon be roaming on the streets thus fuelling an epidemic of Aids.

(Nepal Jagaran)

#### **AIDS bomb in capital but government is mute**

NGOs clever in reaping dollars have helped 124 Nepalese girls affected with AIDS to come back home from Bombay. In the pretext of rescuing these girls, the NGOs have put in risk the lives of 20 million Nepalese. Likewise, taking the law in their own hands, the NGOs in order to reap dollars have brought back home girls who are now, no more than a package of life-threatening diseases.

The action of the NGOs in bringing these girls to Kathmandu is tantamount to turning Kathmandu into brothels. But it is surprising that the government has not uttered a single word.

(Janmabhumi)

#### **Government might take action against NGOs involved in repatriation of girls.**

Duryadhan Singh, Assistant minister for Women Children and Social Welfare, stated that action may be initiated against organizations trying to reap benefits by bringing in girls infected with AIDS. He also added that it was the NGOs that have to take the responsibility of those girls rather than the government.

(Lokpatra daily)

#### **They did not bring AIDS willingly**

This is a national problem and rather than looking at how many were repatriated or how many are leaving, it is imperative we look at how the problem is happening.

The parliament session is going on, but it is unfortunate that the issue has not been discussed.

They did not sell themselves, they were sold. It is the responsibility of the State to equip them with necessary employment skills. The perpetrators have to be caught and justice has to be rendered.

It is the duty of one and all to help these girls so that they can once again live a dignified life in the society. They were not sold with their consent nor did they bring AIDS willingly

(Pratipachya weekly)

#### **If these forcefully sold girls want to return we must welcome them**

National Network against AIDS stated that these girls who were deceived and forcefully sold should be welcomed by the country if they want to return.



Issuing a press release, the Network also said that it was irresponsible on the part of the government to remain indifferent to the issue, when Nepal is a signatory to various conventions protecting the rights of the women and children.  
(Himalaya Times)

### **Voice of Human Rights organization**

Issuing a press release, seven human rights working in Nepal flayed the government for not taking steps to repatriate the girls.

“The government has refrained from acting according to the conventions it has ratified in protecting the rights of the women and child and the governments lack of action in rescuing the girls is a blatant violation of their human rights.”  
(Kantipur)

These are some of the examples of newspaper reporting when the girls were repatriated to Nepal. News supporting the repatriation did exist, but were very few in numbers as compared to the news that highlighted the issues of returnees and HIV/AIDS in a negative way. For examples, there were headlines in the newspapers like- **“AIDS also made an entry with the girls”, “You can do it with me but I have AIDS”, “The country might turn into dumping site”, “Girls involved in sex-trade repatriated”**

### **Trends in Trafficking in 1996**

Almost all the news was merely reporting and there was an utter lack of in-depth analysis and investigative news on the issue. Victims were highlighted but the exploiters/traffickers were not. There was no mention on the rights of the victim

### **Definition of Trafficking**

Almost all the news reported in 1996, equated trafficking with prostitution only and the focus was on girls and women. Only this purpose was highlighted. There was no news that trafficking could be for other purposes as well. Their operating definition on trafficking was very narrow.

While some of the news acknowledged the fact that these women and girls were forced into prostitution while others simply portrayed them as “involving in sex trade”.

### **On Causes**

Most of the news article blamed poverty, lack of employment, illiteracy, open border as the prime causes of trafficking. Only a few articles, mainly opinion pieces pointed the finger at the prevailing social structure that subordinates women as one of the causes of trafficking. There was no news or articles, which stated that families and relatives were also selling their girl child. Some of the activists also pointed their fingers at the lack of political commitment on the issue of trafficking. They have also stated that the traffickers were getting political protection.

### **On rescue and rehabilitation**

Some of the newspapers supported the government lack of action on rescuing the girls. The main argument put forward was that there were thousands of girls in the brothels of Bombay and most of them were affected with AIDS, so there was a chance that Nepal could turn into dumping site for AIDS patients.

Some newspapers appreciated the effort made by NGO activists in bringing them back home and called for survivor's dignified reintegration in the community. On some of the editorials and opinion pieces there were calls for effective rehabilitation of the survivors. The government was also flayed by the civil society for not taking the initiative to rescue the girls. Even after the girls were repatriated the government showed no concern saying that they had not heard anything on that. It was only after the NGO activists created uproar and when the issue was taken up in the parliament, the government officially answered in the parliament.

#### **Ministry does not know anything about the repatriated girls**

Different NGOs have already repatriated 124 girls from Bombay but it has come to our notice that none of the government bodies know anything about it.

Concerned officials of the government have claimed that the government has not given any permission to anybody to repatriate the girls nor has there been any decision taken on this issue.

The officials at the Ministry of women and Social Welfare stated that they came to know about the repatriated girls only when the news came in different papers.  
(Kantipur)

#### **Prosecution of Traffickers**

There was news that the survivors had given the names of the traffickers to NGOs, which had given them shelter, but they had not given the names to the police since many high officials and people in the administration were implicated. The NGOs were demanding a police committee to be formed to investigate the matter. Some of the NGO activists also publicly stated that the traffickers were given political protection.

#### **“Brothel returnees” not to help in the prosecution of traffickers**

The repatriated girls have already given the names to the NGO personnel who are sheltering them. One of the members of the NGO stated that since many high-ranking officials were also involved in it, they were reluctant to give the names to the government fearing lack of action from their part.

According to them if a police action group is formed to investigate the matter then they were ready to provide the names.  
(Samacharpatra)

#### **Political patronage is provided to traffickers**

Giving shelter and services to eight HIV/AIDS affected women, Maiti Nepal was formed about three years ago. Speaking to us, she said that the most trafficking prone district in Nepal was Sindhupalchowk and Nuwakot.

Answering to one of our queries, she said that she didn't believe in families selling off their girl child but she asserted that the group of traffickers in these districts was receiving political patronage.  
(Paristhitee)

### **Government committed to prevent trafficking of girls: Khadka**

The Home Minister today said that the NGOs who had repatriated the girls had not given any information to the government.

Answering in the parliament, Home Minister Khadka said that in order to stop trafficking the government was committed to hand out severe penalties to the offenders.

He also stated that last year 133 cases were registered in the court against trafficking and 168 people indulging in trafficking were apprehended while 320 were brought to court.

Khadka also stated that in order to prevent prostitution both the men and women had to be aware. (Kantipur)

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### **On Prevention and Control**

There were no news or articles by people on how trafficking could be prevented but NGO activists did write about it in a magazine call "Bal Sarokar". In his article he stated that in order to prevent trafficking poverty had to be addressed. He also called on the need to have a bilateral agreement with India on the issue, effective laws and its implementation, awareness raising, political commitment, effective media role and a better monitoring mechanism at the border. Most of the articles on how to prevent came from the NGO activists who were making their views public through different newspapers.

## **Annex 6: Review of 137 news/articles/opinions related to trafficking published in 2002 in Nepali newspapers**

**By Nabin Rawal**

### **Trends in trafficking in 2002**

#### **Definition of trafficking**

Most of the news in print media for the year 2002 was mainly reporting of cases and events and the sources of information were the police, many trafficking related seminars, NGO information and trafficking survivors. Many opinion pieces and articles also focused on how trafficking was occurring in Nepal and what could be done to prevent it. There was not only news about women and girls being sold for prostitution in India but also sexual and labor exploitation of girls in circuses in India and domestic workers in the Gulf. Some newspapers used the term “Human Trafficking” instead of “Trafficking of Women and Children”. Almost all of the news on trafficking centered on women and children. The newspapers highlighted deception, coercion and use of force as the method for luring women and girls into prostitution in the brothels of India.

#### **The hardships of girls working in circuses**

Girls working in circuses not only work under extreme conditions but there are reports suggesting that they are sexually exploited as well.

According to Laxmi (name changed) who returned from Asian Circus told us that girls are sexually exploited in circus.  
(Ghatna Ra Bichar)

#### **Makwanpur turning into a haven for trafficking brokers**

Hundreds of girls from Makwanpur are sold in brothels and circuses in India. There is a big network of brokers in Makwanpur who have been selling girls to brothels and circuses in India. Due to Makwanpur’s proximity with the Indian border, brokers consider it a safe place.

Sushila who was able to escape from the circus one month ago said that there was rampant sexual exploitation in the circus.  
(Space Time)

#### **No end to human trafficking unless there is social change**

Trafficking of women and children not only occurs for the purpose of prostitution but are also trafficked for purposes like cheap labor and domestic help. In some circumstances children have been trafficked for forced begging and organ transplant.  
(Nepal Samacharpatra)

#### **Woman who returned from Bahrain claims that she had been sold**

Organizing a press conference Durga Maya Rai (real name) stated that she had been sold in Bahrain and hundreds of Nepalese women are experiencing hardships there as well.

According to her she had to work for more than 18 hours and two Nepalese women who were also working there were physically abused.

She also stated that she was promised a job in a hospital but was forced to work as domestic help.  
(Kantipur)

### **Trafficking and prostitution are two different things**

Our prevalent laws in trafficking have equated trafficking for the purposes of prostitution only. However, trafficking can be defined as sale of person without his/her consent, without his or her acceptance and if there is a change of hands as well. But on the other hand prostitution can be done by choice and is a form of work. Not all trafficking cases end up in prostitution and not all prostitution can be linked to trafficking.

Humans sold for purposes like forced begging, domestic help, bonded labor and cases where there is extreme labor exploitation is also trafficking. In our society trafficking is linked to prostitution alone. This is due to lack of awareness among the people.  
(Ghatibidhi)

### **On Causes and methods employed by brokers for trafficking**

There were a lot of articles, opinion pieces and news about the causes that led to trafficking. The underlying causes as reported by the papers were the status of women vis-à-vis men in the society, the erosion of social and moral values, social and economic exclusion of the disadvantaged, prevalent social and cultural ills, lack of political commitment, lack of education and awareness, poverty and unemployment, open border with India and domestic violence.

Newspapers also reported families send their children to work in circuses not knowing the consequences. Poverty, lack of education and large family size were reported to be the cause whereby families sent their children to work in circus.

Case reporting of trafficking survivors and intercepted girls revealed the methods employed by brokers to traffic women. This issue was prioritized in many newspapers. It also pointed to the fact that most of the time it was people they knew who were to trafficking women and girls.

### **How could she know that she could be sold this way?**

Mangale Tamang and his accomplice were arrested today at the border area of Kakhadbhitta. When they were questioned it was found that the girl was being taken to India under false marriage with Mangale Tamang and the idea was given by Tamang's accomplice.  
(Gorkhapatra)

### **Trafficking in Ilam**

Parents of the two girls in Ilam have reported that Chindu Bhutiya under the pretext of offering them employment abroad, have taken away two of their daughters.

According to the parents when they had asked Bhutiya to return them their daughters he had rudely told them he won't.  
(Dristi)

### **She was nearly sold right after her marriage**

Radha was able to escaped from Siliguri and come home to Siraha when her husband tried to sell her for Rs. 75000.

Radha Das had married Birendra Yadav in a temple after falling in love and had come to Siliguri for their honeymoon.

According to Radha, she was lured by Birendra who was also a father of three children and had come to Bihar to get married in a temple. But he had not brought her home but kept her in Bihar by making excuses. She managed to escape when Birendra took her to Siliguri where he was trying to sell her off to another man.

(Nepal Samacharpatra)

### **Plight of the women sold by their own cousin**

A girl who was sold to an Indian brothel ten years ago by her cousin's brother is now affected by AIDS.

At an early age Chetkumari Pariyar and Amrita Pariyar were sold by their cousin's brother Bhimsen Pariyar.

(Gorkhapatra)

### **Rescue**

Newspapers have reported a lot of cases where women and girls have been intercepted at the checkpoints run by different organizations in the border area. But it is not clear whether these girls were crossing the border for work or were actually being trafficked. One news story stated that Nepalese girls and women forced into prostitution in brothels of India did not want to come back fearing stigmatization from the society. There was only one news of girls rescued from the brothels of India and one women rescued from the Gulf.

In some of the intercepted cases names of the intercepted girls were made public in the press while in some cases the names were changed.

### **Three girl rescued**

Three girls have been intercepted in Pashupatinagar of Illam district with the help of Maiti Nepal staffs and the police. They were being taken to India with promises of jobs. The criminal is at large at the moment but he has been identified.

According to the information given by Deepa Luintel of Maiti Nepal the girls have been identified as Menaka Bhattarai of Panchthar, Kavita Tamang of Nuwakot and Sarita Chaudhari of Hetauda. (Rajdhani)

### **Two women rescued**

Two women who were sold in the brothels of Bombay have been rescued by Jhapa office of Maiti Nepal. They were sold for Rs. 80,000 each about a year ago and the perpetrators are still absconding. According to Maiti Nepal, Jhapa Chapter, 18 year old Krishna Maya Yawa and 19 year old Dilmaya Lama of Naryanghat were sold by two men hailing from the same district.

(Yugsamwad)

### **Most of the girls sold to brothels do not want to return**

In an interaction program organized by NGOs working on the issue of trafficking, NGOs have said that most of the girls sold to brothels in Mumbai were reluctant to return to Nepal.

The NGO activists who had visited a brothel in Mumbai and had talked to Meena (name changed) stated that she did not want to return home.

“What will I get, how can I show my face again?” was what Uma (name changed) said, according to the activists.

(Kantipur)

### **Three women rescued by the police**

Three girls hailing from Nawalparasi district were rescued by the Nepalese border police and staff of Maiti Nepal in Mahespur border area.

According to the police, the rescued were 23 year old Kamala(name changed) from Sunwal VDC-4, 25 year from Samjhana (name changed) from Banjharia VDC-5 and 25 year Laxmi (name changed) from Sunaul VDC-4. All of them have been handed over to their guardians.

(Rajdhani)

### **Trafficking refugee girls return from brothel**

Two young refugee girls sold to a brothel in Mumbai of India managed to return home through the help of Indian police. The girls with surnames Pradhan and Tiwari are from Goldhap and Beldangi refugee camps in Eastern Nepal. Some people from within the camps, in association with local youths had sold the girls, according to the victims. The victim also said that the brothels still holds more than sex refugee girls. Tiwari was sold six years ago while Pradhan just a month ago.

(News in The Kathmandu Post on April 14, 2004)

## On Rehabilitation

Some of the news emphasized rehabilitating rescued girls in the centres and called upon the government to prepare guidelines for rehabilitation centres.

An NGO organized seminar also flayed the government for not preparing guidelines for operating rehabilitation centres and highlighted the issue that the rights and the dignity of the survivors were to be respected as well.

### **Need to bring changes in rehabilitating women and girls**

NGOs running their rehabilitation centers have been running in their own way. Lack of policies regarding rehab centers and government's lack of commitment on the issue have led to survivors being rehabilitated without any specific criteria.

The organizers of the program have emphasized on the need to change the way survivors are being rehabilitated and called for rehabilitating the survivors in such a way that it helps them to be empowered.

(Space Time)

## On Prevention/Awareness

Newspapers carried a lot of news on the prevention measures taken by different people on the issue of trafficking. Considerable coverage was given to the awareness and preventive measures taken by stakeholders in anti-trafficking activities. One news story highlighted the need for raising awareness on the issue from the rural areas. Many organizations also stressed the important role that the media can play on the issue. Government bodies seemed to participate in those activities and put forth their views. There was one story about street drama being used as an awareness raising method in Nuwakot.

### **Need to raise awareness from the rural areas against trafficking**

Intellectuals have called for the need to raise awareness in the rural areas against trafficking.

Speaking on the occasion, District Development Chairperson, Mr. Narayan Khatiwada stressed that rather than bigwigs coming to the village and giving lectures against trafficking it would be better if awareness could be raised in each and every rural household.

(Himalaya Times)

### **Teacher-student to start a campaign against trafficking**

In order to raise awareness against trafficking in the rural areas of Banke, teacher and students are being given orientation on trafficking.

The objective of this orientation is to mobilize the students and the children in the 10 trafficking prone VDCs of the district so that they can form groups in the respective VDCs to raise awareness on the issue.

(Nepal Samacharpatra)



### **Children to unite against trafficking**

The children of Bara are now going to unite to start anti-trafficking activities. Himrights and Plan International had organized a children literary writing competition on this issue and is going to start their campaign with the help of the children using the materials prepared by them.

### **Drivers, Conductors and helpers will be making an effort to curb trafficking**

ILO organized a workshop with the transport entrepreneurs along with the drivers, conductors and the helpers. The workshop focused on how the drivers, conductors and helpers could identify potential brokers traveling with girls and women.

The transport entrepreneurs on their part have promised to form a committee and work on this issue.

(Nepal Samacharpatra)

### **On Prosecution and Conviction**

Newspapers gave a lot of coverage where traffickers or brokers had been apprehended but there was not a single case of conviction. Some of the opinion pieces and editorials criticized the government for not taking enough action on the issue even though it was signatory to many conventions on protecting human rights. Many editorials also questioned as to when the SAARC Convention on Trafficking was going to be implemented. Newspapers have also drawn attention to the justice system of Nepal which is not favorable to victims on the issue of trafficking.

### **Implementation of SAARC Convention on Trafficking important to curb trafficking**

In South Asia around 100,000 Nepali women are trafficked for domestic helpers or are forced into prostitution. Nepal and Bangladesh is considered to be a country that is bearing the brunt of trafficking activities in South Asia.

The convention, which was ratified on 11<sup>th</sup> SAARC Summit, had created a renewed hope in this issue. However, to produce substantial results in this issue the convention has to be implemented wholeheartedly.

(Nepal Samacharpatra)

### **National Rapporteur to be appointed**

National Rapporteur against trafficking in women and children will be appointed soon in the National Human Rights Commission.

The National Rapporteur office will be supported by UNDP and His Majesty's Government and UNDP have signed an agreement on this respect.

(Kantipur)

In the year 2002 the number of people caught by the police for indulging in trafficking activities as reported in the newspapers is a total of 69.

(source: CWIN Documentation and Resource Center, 2003 )

## **Annex 7: Radio Program by Oxfam “Saha-astitwa” on Radio Sagarmatha**

**By Nabin Rawal**

**Every Saturday from 9:15 pm to 10:00 pm**

The radio programme is produced by Radio Sagarmatha in partnership with Oxfam GB Nepal. Saha-astitwa is part of a campaign geared towards gender equity, social justice and women’s rights. It seeks to promote positive changes in perspective and action.

This radio programme is also aired in Manakamana FM (Hetauda), Himchuli FM (Pokhara), Radio Madan (Palpa and Pokhara), Radio Lumbini (Rupandehi), Radio Swargadari (Dang) and Koshi FM (Biratnagar).

### **Analysis of the programme's success and shortcomings**

Over the past two years the program "Saha-astitwa" has aired approximately eight programmes on trafficking. It informs listeners about specific issues such as lack of rights to citizenship for trafficking survivors, lack of action on the part of the Government and successful strategies in some districts to combat trafficking such as legal assistance to survivors in filing cases, and safe migration information in Sindhupalchowk. It highlights the work being done on this issue by NGOs and survivors and attains opinions from Government also such as CDO and representatives from MoWSA. Participation of key stakeholders in the programme gives stakeholders a forum to let the listeners know what they have been doing on the issue. One of the most positive aspects of this radio program is the participation of trafficking survivors through which they can put forth their views and sensitise the listeners to their concerns. This radio programme is a strong advocacy tool.

However the presenters of this programme should be careful and apply gender sensitivity and ethical standards not only to special reports on trafficking, but more generally when reporting the news as part of the programme. In the news section they read out the news as written in the newspapers. Sometimes the print news does not follow ethical guidelines while reporting on trafficking survivors, for instance their names are printed in the newspaper, or words that are derogatory are used in the news report. This happened on 3 April 2004, when the problematic *Kantipur* article (see earlier in report, 'Sensationalism still exists') was simply read out word for word on this radio programme. Despite the fact that between the release of the *Kantipur* article and the radio show, the radio producer attended Oxfam's media interaction. At this meeting the issues and concerns about this article were raised by Shakti Samuha and Oxfam. Yet somehow the name of the survivor and the vulgar word for brothel still appeared on the radio programme the next day. Given the training the radio producers and journalists have had by Oxfam, they should be more sensitive and take extra caution while reading out the news so that they don't violate the rights of the trafficking survivors.

### **Radio programme - structure**

This radio program can be divided into four sections.

#### **1<sup>st</sup> section**

The program starts with an awareness raising song. The theme of the song is varied but central to all of the songs is the message it carries on gender issues, women’s rights and trafficking.

#### **2<sup>nd</sup> section**

The second section of the program involves reading of some of the news published in the print media in a week while headlines of most of the news are read. The news read out is news and anchor stories that focus on gender issues, women’s issues, dalit issues and the social ills that have perpetuated subordination among some communities, caste, region and ethnicity.

### 3<sup>rd</sup> section

The third section of the program is a discussion program on the issue of trafficking. In this program various stakeholders put their view on a theme that revolves around trafficking. It focuses on sensitising the general public and the policy makers on the issue and seeks to influence the policy.

### 4<sup>th</sup> section

The fourth section is termed as “Males of new generation”. In this section married men who are generally in a respective position in the society are asked how they have recognized the existence of their female counterpart and what have they done in practice in order to co-exist with each other. The focus of this section is males and its main objective is to bring about a change in the perspectives and their actions when it comes to recognizing the coexistence of the female counterpart. This section seeks to redress the patriarchal values with the help of the prominent males who advocate coexistence in the family and the household and how they have put into action the perspective in their life.

## **Selection of Programmes of Saha-astitwa**

### **Programme 1:**

Saha-astitwa, a program in partnership with Oxfam Nepal. In this program today, we will be discussing on the theme “Public hearing in Dhaka against Trafficking in Women and Children and the government’s strategy now”, weekly news on gender issue and on the section “Males of new generation” we will be talking to Kriti Bikram Dahal, an official at the Letter of Credit Department in Nepal Central Bank.

We start with a song:

“Half life males, half life females, on both of them lies the responsibilities of life. If you look through one eye only, you only see half of the world but if you look through both the eyes, you see the whole world. Half power males, half power females and the responsibility to run the cycle of life lies in both of you two. If you have only one leg, your journey is really difficult but if you have two legs any journey is easy. It’s difficult to work with one hand but its easy if you have both the hands.”

#### News

Some of the headlines:

So-called lower caste need to pay Rs. 1 for a bucket of water to the so-called higher caste in Dhanusa, Women alleged to be a witch beaten up, An 8-year old girl raped in Dhanusha, A man jailed for trafficking women.

Its time for our discussion program and the program for today is “Public hearing in Dhaka against Trafficking in Women and Children and the government’s strategy now”. We have invited Shyam Sunder Sharma, Joint Secretary at Ministry of women children and social welfare, Goma, member of Shakti Samuha and participant at the public hearing in Dhaka and Meena Poudel, member of the Asian Women Human Rights Council.

We would like to start our program with Meena Poudel.

Radio Sagarmatha (RS) - You just came back from the public hearing in Dhaka, how fruitful was it?  
Meena Poudel (MP) - Before answering the question I would like to first explain what public hearing is. Now this public hearing is know as Women’s Court. This was envisaged by AWHRC about 12 years ago. The main objective of this court is that it seeks the participation of survivors of trafficking and violence to solve the problem. Now known as the Women’s Court, it is an answer to the courts established by the state, which we think, is embedded with patriarchal values. The term justice and court is andro-centric. The courts established by the government are not sensitive to the issues of women. This women’s court can be taken as an alternative thought which tries to draw the attention on the issues of women and that courts should be sensitive to the issues of women. As I told you earlier the objective of the court is find solution to the problem with the participation of the survivors, representatives of the State, civil society and activists working on this issue.

RS- Gomajee, what kind of things did you put in that hearing?

Goma- I narrated some parts of my experience and that court being a court where many people like me had also participated, made it easy for me to speak. We also raised issue concerning our rights.

RS- What difference did you find in that court as compared to the courts in Nepal?

Goma- I have never been to court but I have heard a lot of things from my friends. They have told me that the experience in the court is really traumatic because they have to tell each and everything that they want to forget. But in that court in Dhaka, it was really easy due to the environment.

RS- As Meenajee said earlier that the court seeks the participation of all the stakeholders so that efforts can be better coordinated, but, why wasn't there any participation from Nepal?

Shyam Sunder Sharma (SSS) - There was participation of civil society from Nepal so it would be better to say that there was no participation of the government representatives. I can't say for sure why no government representative participated there but it may be because they did not get any information.

RS- Does participation makes a difference in those hearing?

MP- It definitely does make a difference. As stated earlier by Gomajee, the courts in Nepal are not sensitive to the women's issues and how traumatic it is for them in the court. And what I have learned from Goma and others is that they are not at all reluctant to voice their opinion provided that there is an environment where they can feel at ease and there is a concerned body to listen to them. Due to the absence of the government body in that public hearing I think they missed the chance to be informed by the survivors themselves. They did not have the opportunity to be informed about the correct information. And I think this will have a bearing on the policy, campaigns and programs we intend to make in the future.

RS- There was participation from civil society and government from other countries. What actually did you see?

MP- Bangladesh minister from the Ministry of Women was present there in the public hearing. She listened to all the things that the survivors and the people working in this issue had to say. And the minister later stated that a lot needed to be done in the ministry itself and what they had been doing was below par. She also asked the help of all the stakeholders so that they could improve. I think the government would be more sensitive to the issue of survivors.

RS-How is the government responding to this public hearing?

SSS- Though we didn't make it to the hearing I would like to make it clear that we are ever welcome to discuss and take into account what the survivors say. We have a policy whereby suggestions coming from public hearing are reflected in the policy we make.

RS- Gomajee, though the government representative could not participate in the hearing, do you have anything to say to them now?

Goma- All I would like to ask is whether we are citizens of this country or not? If we are not they have to say that we are not. Just because we were sold, does that mean we don't have any rights or be excluded from the state and the family? Doesn't the government have any responsibilities towards us? Are we always going to be taken care by the organizations?

RS- Shyamjee, can we have an answer to that?

SSS- I would like to thank Goma bahini and now listening to here I feel that we still have to do more. I would also like to clarify that women of this country irrespective of them being survivors or not are citizens of this country.

RS- Meenajee, what is the reality at the moment?

MP-I see two things as the most problematic. One is the issue of citizenship, which our present law cannot address, and the other is the issue of social exclusion. Though the law clearly states that no one can be socially excluded but the reality is far away. I don't know how long the donors can give refuge to these girls. Can the government protect girls like Goma?

RS- SSSjee, can you answer that?

SSS- Lets not go into question and answers because we are discussing these issues. Now I think Goma has received her citizenship even though it was difficult. I think we need to simplify the process so that people like goma can receive citizenship easily. As far as I know, they can get citizenship but the process needs to be simplified and I think with a little discussion on the issue the government will be ready. As far as social exclusion goes, the law has prohibited that and if anyone does that he should be punished. People like Goma have every right under the law to enjoy the opportunities.

MP-I would like to add something to that. The first public hearing in Asia on the issue of trafficking was done in Kathmandu in 1995 and the Prime Minister inaugurated it. We had raised this same issue of citizenship and social exclusion. The Prime Minister even cried during that public hearing but nothing happened. We don't need people to empathize with the plight of the survivors, but what we need is some concrete policies to address this issue. It is a sad fact that criminals get citizenship and passports easily but people like Goma have to go through a lot of trouble to get a citizenship.

RS-What do you want the State to do Gomajee?

Goma-I think either the government has to say that we are not citizens or if we are they have to protect our rights and make necessary arrangements so that we can lead an independent life with dignity.

RS-SSSjee, now that you have heard what came out from the public hearing and from Gomajee, can you tell us what is the first thing you will do?

SSS-I want to say two things. The strategy of the government now is to work together with all the stakeholders and suggestions that come out of the discussions with all the stakeholders will be incorporated in the policy. We are in the process of preparing the CEDAW report and in the action plan we will incorporate the suggestions that come out from the discussion with all the stakeholders. Secondly, I would like to discuss with Meenajee and others to decipher what concrete measures we have to take.

RS-We have come to the end of the discussion section and we would like to thank all the participants.

Our next section is "Males of the new generation". For this section we have chose Mr. Kirti Bikram Dahal today.

RS- Namaste Kirtijee, How have you understood co-existence?

Kirti-We have to recognize the value of the women or we will never reach our destination if we exclude them. And I think women have equal role when it comes to the issue of co-existence. I have divided co-existence into 5 parts. There should be co-existence in ideology, decision-making, roles, opportunities and participation in the economic arena.

**Saha-astitwa: Field reporting from Chautara of Sindhupalchowk District**  
**Programme 2:**

Sindhupalchowk, one of the districts in the Bagmati zone. In the North lies Tibet, Nuwakot in the west, Dolakaha in the east, Kavre in the south and Kathmandu does adjoin with it in one side. It is just 80 kms away from the old bus park and there is transport network. Regionally it can be divided into three regions and the district Headquarters is Chautara. I had been to this hilly district two weeks ago and this district is considered to be a trafficking prone district.

On my visit to the district headquarters I had talked to different people and I would like to share this with all our listeners.

Radio Sagarmatha- On my visit to Chautara I had a chance to talk with the Chief District Officer, Mr. Rudra Bashyal and I asked him what the trafficking situation was like in the district.

Rudra Bashyal (CDO) - Due to the efforts of all the stakeholders awareness in this district against trafficking has increased but there is a lot of people now going to abroad for foreign employment. We have a counseling counter at the District Administration Office (DAO). There are now 25-40 people who come to the DAO to make passports daily and out of them 35 percent are females. The people coming to make passports are mostly in the 18-30 age groups. Most of them are mostly literate and do not have any specific skills. Regarding the conflict, it certainly has come about as a big challenge. The conflict has restricted the mobility of the police and in this situation you cannot say for sure if instances of trafficking have increased or not. The government is also coordinating closely with different organizations that are working on the issue of trafficking.

Radio Sagarmatha- We also talked with Sharda GC, who is the counselor at the DAO. We asked her what the main task of the counseling unit was and if people came there to take counseling.

Sharda GC- I generally counsel people who come there on the issue of safe migration. Most of the people who come here to take the passport do not know where they are going, what work they will do. I generally provide them information on safe migration. Not many people come to the unit for counseling because a lot of them do not know and I have to take the initiative. I give them information that while they go abroad they must make sure that they know where they are going, what work they are doing and having a local guardian in that country will help. I also tell them that if they go to some foreign country without good information they might fall victim to sexual and labor exploitation.

Radio Sagarmatha- We had a chance to talk with the public prosecutor about prosecution in trafficking issue.

Khagraj Paudel (public prosecutor)-At the moment there are six cases which are running at the court. It seems that most of the people are who are being arrested from this district are someone the trafficking victims know. We have not been able to apprehend all the people involved because most of them are unseen and unidentifiable. There is generally change of hands in the trafficking cases I have seen. With regards to the cases in the court two are cases of women sold, two are intercepted and two are cases of domestic violence.

Radio Sagarmatha- Do you think our justice system have been able to give justice to the victim? I can't say it is satisfactory but victims can take solace from the fact that the trafficker is behind bars. But since there is no compensation provided to the survivor the sentencing of the trafficker might not be enough.

Radio Sagarmatha- We also caught up with the local lawyer who is also a member of the Coordination Committee Against Women Trafficking and Child Sexual Abuse. We asked him what his role was and

we talked to him about the issue of trafficking in the district.

Punya Khanal- We have been helping the victim to file a complaint. There is a specific procedure and language in filing a complaint and most of the victims do not know. So we help them in this regards. During the time of the trial our committee has also been facilitating the process. We work in close coordination with the district prosecutor, police and the local people.

There are 3 regions in Sindhupalchowk district and region number three which is Melamchi is the most affected. There are certain areas in Melamchi like Ichok, Khose, Mahankal, Talaman, Bhote Namlan, Sindhkot, Baruwa, Thakani, Thampalkot, Lagachire and Dobachaur, which are the most affected areas. Almost 80 percent of trafficking cases occur in these areas. But we do not have actual data on how many girls were sold or where they are.

Radio Sagarmatha- Why are these places the most affected?

These places have a long history. Most of the women from these areas use to work in palaces during the Rana Regime and the work in the palace was respected. But when the Rana regime came to an end most of the Ranas fled to India taking the girls with them. During that time some people with criminal mentality started to lure girls from these areas by telling them he/she would get the women jobs in India with the Ranas and then they sold the girls in the brothel.

Radio Sagarmatha-Your committee also help the victims in the court proceedings, what kind of threat or pressures do your committee receive?

Punya Khanal-Political interventions are a simple thing in these kinds of cases. There is a big network that is involved in trafficking women and they have connection with the power centres. Even our social system values people with power and money and gives less importance to the victims which are from a poor background. Given this social milieu, there is bound to be political pressure. But since our committee is well known here in the district, the traffickers and his friends have not been able to buy away the witness and the victim.

## **Annex 8: Kantipur article, 30 March 2004** **[translation from original Nepali text]**

### **Women who managed to escape from the brothel are creating social awareness now**

Shakti Samuha, an organization comprised of women who have been able to escape from brothels are now active in anti-trafficking activities and helping vulnerable people.

Shakti Samuha, which consist of girls aged between 12 and 20 are now creating awareness in trafficking issues and violence against women. They have been raising awareness on such issues in carpet factories of Kathmandu and Bhaktapur districts, slum areas and schools.

The women of Shakti Samuha were able to return to their home with the help of different NGOs six years ago. After their return, they took basic training on women health, trafficking and gender discrimination. According to them, this training helped them to view the situation of trafficking survivors in a broad perspective.

"With the help of this training, we found a new sense of self-confidence, which inculcated in us the commitment to save women from exploitation and thus we formed this organization", say the members. At the moment there are 24 members in this organization.

Moreover, this group not only consists of trafficking survivors but also women who have been affected by domestic violence and other problems. Among such members is J.B.<sup>39</sup>. J., who was married at the age of 14, stated that she was compelled to leave home because her husband used to beat her everyday for not bringing dowry. The same group on Monday depicted their plight and was able to drive home their message through drama. The drama was based on their own incident and it left no one untouched including Renu Yadav, State Minister for Ministry of Women Children and Social Welfare.

The message that the drama drove home was the fact that rescuing wasn't enough, but the far more important thing was the rehabilitation and reintegration of such people in the family and the society. For the first time, Shakti Samuha has also published a book about their true stories, which aims to create awareness in the society. The book, which was published with the support of UNIFEM, has shown how they were sold. This book, which was edited by Babita Basnet, consists of experiences of 10 women. Through this book entitled "In Search of Self-reliance" they aim to sensitize every one from the local level to the policy level.

"It is very difficult for people to narrate their bad experiences fearing reprisals from the society, however Shakti Samuha have taken the bold step to narrate their experience, which have helped the society to be aware of such issues", said Chadani Joshi, Regional Program Director of UNIFEM. She further stated that the book would be very helpful to find out the different issues involved in violence and trafficking.

"The need of the hour is dignified re-integration into the society and for that self-reliance is needed", says the members of the group. Moreover, they stated that for self-reliance employment and income-generation is important and it is imperative for the government and the NGOs to take this issue into account.

"I will never forget those moment I spent in that brothel", writes U.T.,<sup>40</sup> aged 19 in that book. She also adds that it is difficult for her to contemplate whether it is a dream or reality when she thinks of those days where they had to wait for clients who often came drunk and abused them.

### **Comment on the news article by Shakti Samuha**

The news article "Women who managed to escape from the brothel are creating social awareness now" has come to our attention. The news article depicts Shakti Samuha as an organization formed by trafficking survivors. However, the group not only consists of trafficking survivors but also women affected from domestic violence and other problems. But from the title of the news itself, it gives the notion that all the people engaged in Shakti Samuha are trafficking survivors, thus propagating a wrong message to the common people. However, the truth is that the group not only consist of women who are trafficking survivors or women affected from domestic violence and others, but it also consist of people who have been advocating against such issues.

Thus, when you reduce all of us women who are trying to do something for the society to "brothel escapee", it has definitely hurt our self respect. Furthermore, not changing our names while using our quotes is against our right to privacy and it is also a violation of the human rights of the person. Not only in our case, but also in the cases of other affected people, we hope that paper like yours will be careful on such issue.

Shakti Samuha  
Kathmandu

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<sup>39</sup> Full name quoted in original article but removed to protect person's confidentiality.

<sup>40</sup> Ibid.



**An outline for trafficking research  
Oxfam Nepal office, Kathmandu  
February 04**

## **Annex 9**

### **Background:**

Trafficking of women in South Asia occurs within the context of large-scale regional and international migration, which has grown dramatically over the last two decades. This problem is considered by the national and international communities as contemporary form of slavery and a gross human rights violation of women.

Apart from other pull and push factors of trafficking, tightly controlled and protectionist immigration policies, defined and based on moralistic concept of patriarchy in destination countries are legal facilitating factors for trafficking.

### **Oxfam's concern on issue:**

Oxfam has no comprehensive programme on trafficking at regional and global level. But Nepal office started to develop programme on trafficking in 1997 along with local partners and regional networks and alliances. Nepal office also has linkages at global level through supporting partners working on such issue. Oxfam Nepal office adopted definition formulated by Global Alliance Against Trafficking in Women in 1998. There is growing interest in Oxfam at regional level to develop programme and address this problem as part of Oxfam's larger VAW programme.

Oxfam identified popular campaigning as one of the ways to fight growing trafficking and its changing trends. CEVAW (the Campaign to End Violence Against Women) is Oxfam's maiden campaign initiated at the regional level. It is also, Oxfam's first campaign with the primary objective of changing perceptions of social institution (individuals and family, communities, market/media, state and its decision makers) attitudes and behaviours rather than focus only on policy and practice.

**CEVAW's regional goal is to create a fundamental shift in women's and men's attitudes, beliefs, and behaviours towards gender relations that perpetuate violence against women in South Asia.**

Although, each country will have a focus, which is relevant to it, the different chapters of the campaign will be driven to achieve the overall regional goal. In Nepal the focus is trafficking in women. Across the region, we are going to ensure that the campaign is closely linked to the programmes on the ground and aims to support them.

### **Nepal objectives of CEVAW:**

The broader objective would be: -

To achieve in Nepal a society where women enjoy constitutional, social and economic rights (social acceptance of trafficked survivors, citizenship rights and marriages).

- where women experience a substantive reduction in trafficking.
- where women are able to live and travel without fear.
- where women experience a substantive reduction in VAW at family level.

Specific objective would be: -

- Government would be more accountable and activate various bodies it has formed like National Plan of Action against Trafficking in Women, BPFA and National Women Commission.
- UN Protocol, SAARC convention and Domestic Bill against Trafficking should have human rights perspective where it's focus should be more on the rights of the trafficked survivors.
- Prostitution is not taken as a crime and trafficking is not always linked with prostitution.
- The policy makers and people of Nepal are more aware of the violence perpetuated on women.
- Greater political and social acceptance of survivors as citizens by both the government and the community.

**CEVAW's target audiences**

- Individuals, families and communities
- Market
- Media
- State and its decision makers

**Research needed:**

While analysing the existing strategies developed by anti-trafficking campaigners at national to global level, generally, three categories of strategies emerge:

First strategy is preventive strategy, which involves prevention of trafficking at source by addressing the root causes and focusing on social and gender inequality against women. This strategy is common in local NGOs and INGOs who believe on human rights approach in addressing trafficking issue.

The second strategy is related to providing support to trafficked women through livelihood options, care and support that will enhance the process of rehabilitation. This strategy is common in NGOs, INGOs and bilateral donors in the welfare framework.

Third strategy is related to the efforts towards involving criminal justice to prosecute and penalise traffickers and its networks. This strategy also addresses the legal reform, which is mostly focussed by INGOs and donors including UN bodies. Legal frameworks of this strategy vary from welfare to rights approach. But legal framework is yet to articulate clear and common definition of trafficking and thus, precise legal meaning has yet to be established.

Trafficking in women is being condemned under the international human rights law thus placing clear obligations to the states to take strong steps to stop trafficking and formulate appropriate laws to protect rights of women. But at the country level, legal safeguards are either lacking to protect rights or poorly enforced.

There is also lacking on common understanding on gaps analysis and linking anti trafficking initiatives with other forms of violence against women and vs.

So Oxfam Nepal office decided to do a research that will identify the gaps on anti trafficking interventions and contribute ongoing interventions to analyse through survivors' rights prospective.

**Objectives of research:**

- i. Review the positions of various media on trafficking.
- ii. Determine knowledge, attitudes, and practices of civil society, government officials and communities of rural area to trafficking.
  - study the knowledge, attitude and practices of people who are in government service, civil society and other community members.
  - study the knowledge, attitudes and practices of government officials and individuals from the civil society in the context of their work.

The knowledge, attitudes and practices to trafficking would be looked into from a broader perspective of social acceptance of the survivors, violence against women, citizenship rights issue of the survivors, increased free mobility and control over her body and sexuality.

**Respondent's Profile .**

The respondents for the research will be mainly drawn out from the geographical areas of Kathmandu, Sindhupalchowk, Makwanpur and Mahottary districts. Since the geographical spread covers the hilly

and terai (plains) areas, caste and ethnic groups living there would feature as part of our respondent. Equal number of male and female in the age category of fifteen to forty-five would be taken into account. Political leaders, members of the media, people working in International NGO and NGOs, donors, governments and survivors would constitute as part of our respondents.

During the course of the research it is expected that there will be a review of the current approaches (NGOs, donors, governments and survivors) to prevent trafficking in Nepal and also identification of gaps on the ongoing anti trafficking initiatives in Nepal and suggestion of a broader outlines on rights based approach to response trafficking,

**Time:**

Two month:

- Six weeks for research,
- Two weeks for report writing,

**Budget and logistics:**

This will be included in individual contract letters of research team,

Other logistics:

Oxfam will cover local accommodation, one two-way international flight for the researcher (if none Nepali citizen is recruited) local travel and stationary cost of this research.

**Team**

An international researcher will be recruited to lead this research who is member of Global Alliance Against Trafficking in Women and has diverse.

There will be one research assistant from Nepal to support on language, assist on data collection, materials, other information compilation and assist on meetings and workshops etc.

One person as a member from Shakti Shamuha (an Oxfam partner) will be included in this research team to help researcher on survivors prospective and build Shakti Shamuha's capacity on research.

Oxfam Nepal office will provide working station for research team in Nepal office.

**Outcomes of research:**

This research is designed to develop CEVAW in Nepal and also expected to contribute longer-term programme development process for Oxfam.

**Scope of research: areas to visit.**

- NGOs, INGOs, bilateral donors, media, government, feminist groups and UN bodies engaged on anti trafficking initiatives in Nepal,
- Visit trafficking prone rural area and assess attitude and perception of communities on trafficking and survivors (social rejection issues).

Besides using this report to develop Nepal CEVAW plan, Nepal CEVAW team will discuss with regional CEVAW team on how to and where to share this research report.

**Management**

Country Representative will direct manage the research project with the support of Policy Advocacy Advisor and Programme Coordinator (gender) in Nepal.

Regional CEVAW team will be approached to develop message based on this research report.