

TRAFFICKING IN PERSONS

National Report 2013-15



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NATIONAL REPORT 2013-2015

Central Office

Harihar Bhawan, Lalitpur
P.O.B No. 9182, Kathmandu
Email: nhrc@nhrcnepal.org
Phone No.: 01 5010015, 16, 17, 18
Website: www.nhrcnepal.org
Fax: 01 5547973, 5547975
Hotline 50 10 000

Regional Offices

Biratnagar, Bargachhi chowk
Phone 021 461931, 461093
Fax 021 461100

Janakpur,
Phone 041 527811, 527812
Fax 041 527250

Pokhara, Janapriya Marga
Phone 061 462811, 462822
Fax 061 465042

Nepalgunj, Shantinagar
Phone 081 526707, 526708
Fax 081 526706

Dhangadhi, Uttar Behadi
Phone 091 525621, 525622
Fax 091 525623

Sub-regional Offices

Khotang, Diktel, Phone 036 420284
Rupandehi, Butwal, Phone 071 546911
Jumla, Khalanga, Phone 087 520222



National Human Rights Commission
Office of the Special Rapporteur on Trafficking in Women and Children
Harihar Bhawan, Pulchowk,
Lalitpur, Nepal



PHOTOGRAPH OF DIFFERENT ACTIVITIES



HON. CHAIRPERSON AND MEMBERS CONSULTATION WITH CIVIL SOCIETIES ON DIFFERENT ISSUES OF COMBATING TRAFFICKING



NATIONAL LEVEL CONSULTATION ON HTTCA 2007, ITS REVIEW AND TIP REPORT



ANTI-TRAFFICKING REPORT AND PUBLICATION DISSEMINATION



NATIONAL ANTI-TRAFFICKING DAY RALLY



REMARKS: HON. MEMBER MOHNA ANSARI, NATIONAL ANTI-TRAFFICKING DAY



REGIONAL CONSULTATION PROGRAMME: HTTCA 2007 IMPLEMENTATION STATUS AND ITS REVIEW



REGIONAL CONSULTATION PROGRAMME: HTTCA 2007 IMPLEMENTATION STATUS AND ITS REVIEW, KAPILBASTU



REGIONAL CONSULTATION PROGRAMME: HTTCA 2007 IMPLEMENTATION STATUS AND ITS REVIEW, JHAPA



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National Report

2013-2015

National Human Rights Commission (NHRC)
Office of the Special Rapporteur on Trafficking in Persons (OSRT)
Harihar Bhawan, Pulchok,
Lalitapur, Nepal

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Foreword

The pervasive problem of human trafficking has a long history in the world. While going through the pages of history, the form of human trafficking has undergone vast changes and it is known as the Modern Day Slavery. In the bygone century, slaves were traded and in recent years, human trafficking is committed basically for sex exploitation, in the pretext of foreign employment and trading of human organs, marriage with foreigners as well as employment in entertainment industry as often brought to light by various media reports. Specially the women, children and even the male facing the problem emerged through situation of the economic, social and political as well as and natural disaster are vulnerable to have been found victims of trafficking.

Since this is a kind of organized crime, all the nations around the world are engulfed in the problem of one or the other form of trafficking in the country of origin, transit and destination. Trafficking in persons has been the problem worldwide and therefore the transnational support, coordination and commitment to prevent and control this is inevitable.

The United Nations has developed various international human rights instruments for the protection and promotion of human rights such as the Convention on the Eliminations of all Forms of Discrimination against Women-1979 (CEDAW), Convention on the Rights of Child -1989 and its Protocol, Covenant on Economic, Social and Cultural Rights-1966, Covenant on Civil and Political Rights-1966, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families-1990, Convention against Transnational Organized-Crime (CTOC), Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), International Labor Organization (ILO) Conventions, South Asian Association for Regional Cooperation (SAARC) Convention on preventing and combating Trafficking in Women and Children for Prostitution-2002.

These apart, various committees have facilitated a number of concerns and suggestions on the issues related to trafficking in line with the UN conventions while the World Conference on Human Rights and its work plan stresses the importance of state obligation towards working on the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women.

While we look at the national level, the national laws including the national action plan on controlling human trafficking have been in enforcement for controlling human trafficking at par with the international conventions and treaties to which Nepal is a party. However, the effectiveness of the implementation of these instruments is in dismal state.

In this concern, the National Human Rights Commission has advanced its activities by establishing the Office of the Special Rapporteur of Trafficking (OSRT) under its purview to address the issues of human trafficking with high priority for its prevention and control. Likewise, the Strategic Plans of 2004-08, 2008-10 and 2011-14 of the NHRC have been implemented with the advocacy and policy based recommendations facilitated for the control and prevention of human trafficking while the Current Strategic Plan of NHRC 2015-2020 has given special priority to the prevention and control of human trafficking by making concerted efforts towards the protection of the rights of migrant workers through economic, social and cultural rights. Together with the suggestions and policy based recommendations the Commission has been publishing the National Report on the status of trafficking in persons specially on women and children since 2005 AD and this is the seventh report.

The National Report on the status of TIP is based on primary as well as secondary sources of information gathered through various studies and research, data collection, relevant details entailed with the status of human trafficking, vulnerability to foreign labor migration, post earth quake situation of human trafficking and its vulnerability, the efforts made by Government agency and

various Non-Governmental Organizations for the prevention and control of the pervasive problem of human trafficking, judicial response, implementation status of the Human Trafficking and Transportation (Control) Act-2007 and the suggestions and recommendations as well as way forward.

While we look at the data related to the human trafficking, record maintained by the Nepal Police unveils minimum number of complaints registration. On the other hand, data with regard to rescue and repatriation of the trafficked survivors of cross border and transnational trafficking by NGOs shows that it is exceptionally in inclining trend. However, it is difficult to determine the explicit data of trafficking of world scenario. With regard to the form and the trend of human trafficking, it is committed for sex exploitation, in the pretext of foreign employment and the trading of human organs, marriage with the foreigners, employment in entertainment industry, child labor including the post disaster trafficking. Also, while we look at the form and trend, the women and children are found more vulnerable to trafficking. The mechanisms established to prevent and control, on the other hand, is found still not more effective.

Despite the fact that the Government of Nepal has brought various Acts including Foreign Employment Act-2007, Human Trafficking and Transportation (Control) Act 2007, National Plan of Action on controlling human trafficking 2011-2021, National Minimum Standards for protection and care of the trafficking survivors 2012, National Child Protection Policy-2012, Foreign Employment Policy and the Mechanism established in accordance with it, the victims do not have access to justice for the prevention and control of trafficking. Internal trafficking in the field of entertainment industry and the exploitation in this field hasn't seen any improvement more effectively. The Guidelines 2009 (2065) issued as per the Supreme Court order and the work of district level Monitoring Action Committees (MAC) as per the SC Order to control the exploitation and plight of female workers haven't proved to be effective.

Honorable Commissioners including Mohna Ansari and Secretary deserve thanks appreciations for their invaluable guidance, supervision and necessary suggestions to the report preparation team. Mr Kamal Thapa Kshetri, Human Right Officer of the NHRC-OSRT deserves acknowledgement for painstaking effort in designing, writing and coordinating through consultation and discussion programs with the GOs, NGOs and CSOs to produce this report.

Dr. Govind Subedi, the consultant deserves thanks for his hard work and efforts to prepare and finalize this report. Similarly the Strengthening the Capacity of National Human Right Commission (SCNHRC) team also deserves thanks for their technical and financial support to prepare this Report.

I would also like heartily thank the Alliance Against Trafficking of Women in Nepal (AATWIN), different NGOs including various agencies of Government of Nepal for providing reliable information & data.

I believe that this report will contribute to provide a reference for monitoring and evaluating policies, Acts and programs along with policy references.

Last but not the least, NHRC would consider this report to be fruitful and prove to a vital document for monitoring and evaluating policies while combating formidable trafficking in persons.

Anup Raj Sharma
Chairperson
National Human Right Commission, Nepal

Report Writing Team

Kamal Thapa Kshetri

Human Rights Officer

National Human Right Commission

Office of the Special Rapporteur on Trafficking in Persons (NHRC -OSRT), Nepal

Yesoda Banjade

Human Rights Officer

National Human Right Commission

Office of the Special Rapporteur on Trafficking in Persons (NHRC -OSRT), Nepal

Dr. Govind Subedi

National Consultant

Acronyms and Abbreviations

| | |
|---------------|--|
| AATWIN | Alliance against Trafficking in Women and Children in Nepal |
| CAP Nepal | Center for Awareness Promotion Nepal |
| CBO | Community Based Organization |
| CBS | Central Bureau of Statistics |
| CCWB | Central Child Welfare Board |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CRC | Child Rights Convention |
| CTIP | Combating Trafficking in Persons Project |
| CWIN | Child Workers Concerned Center in Nepal |
| DCCHT | District Committee on Controlling Human Trafficking |
| DoFE | Department of Foreign Employment |
| DR | Development Regions |
| EPS | Employment Permit System |
| FEA | Foreign Employment Act 2007 of Nepal |
| FEPB | Foreign Employment Promotion Board |
| FGD | Focus Group Discussion |
| FSW | Female Sex Workers |
| FWLD | Forum for Women, Law and Development |
| FY | Fiscal Year |
| GBV | Gender based Violence |
| GCC countries | Gulf Cooperation Council Countries |
| GDP | Gross Domestic Product |
| GECU | Gender and Empowerment Coordination Unit |
| GMSP | Gramin Mahila Srijanshil Pariwar |
| GO | Governmental Organization |
| GoN | Government of Nepal |
| HTTCA | Human Trafficking and Transportation (Control) Act 2007 |
| I/NGO | International/Non-Governmental Organization |
| IEC | Information, Education and Communication |
| ILO | International Labor Organization |
| INSEC | Informal Sector Service Center |
| IOM | International Organization for Migration |
| ITUC | International Trade Union Confederation |
| KI Nepal | Kingdom Investment Nepal |
| LACC | Legal Aid and Consultancy Center |
| MoE | Ministry of Education |
| MoFA | Ministry of Foreign Affairs |
| MoFALD | Ministry of Federal Affairs and Local Development |
| MoHA | Ministry of Home Affairs |
| MoLE | Ministry of Labor and Employment |
| MoPH | Ministry of Population and Health |
| MoU | Memorandum of Understanding |
| MoWCSW | Ministry of Women, Children and Social Welfare |
| NCCR | National Center for Children at Risk |
| NCCHT | National Committee on Controlling Human Trafficking |
| NGO | Non-Governmental Organization |
| NCCR | National Center for Children at Risk |
| NHRC | National Human Rights Commission of Nepal |
| NHRIs | National Human Rights Institutions |
| NJA | National Judicial Academy |
| NLSS | Nepal Living Standards Survey |
| NPA | National Plan of Action |
| NWC | National Women Commission of Nepal |
| NRNA | Non-Residence Nepali Association |
| NHRC-OSRT | National Human Right Commission-Office of the Special Rapporteur on Trafficking In Persons |

| | |
|-------------|---|
| NMS | National Minimum Standard |
| NMSCP | National Minimum Standard for Care and Protection of Victims |
| NMS | National Minimum Standard |
| OAG | Office of the Attorney General |
| PAF | Poverty Alleviation Fund |
| PNCC | Prawasi Nepali Coordination Committee |
| PPR Nepal | Forum for Protection of People's Rights Nepal |
| SWC | Social Welfare Council |
| TAF | The Asia Foundation-Nepal |
| TIA | Tribhuvan International Airport, Kathmandu |
| TIP | Trafficking in Persons |
| TVPA | Trafficking Victims Protection Act |
| UAE | United Arab Emirates |
| UN | United Nations |
| UNOHCHR | UN Office of the High Commissioner for Human Rights |
| UNICEF | United Nations Children's Fund |
| UNODC | United Nations Office on Drugs and Crime |
| USA | United States of America |
| VAW | Violence against Women |
| VDC | Village Development Committee |
| WCSD/C | Women and Children Service Directorate / Center, Nepal Police |
| WL | Watch List |
| WMWs | Woman Migrant Workers |
| WOREC Nepal | Women's Rehabilitation Center |
| WOFOWON | Women Forum for Women in Nepal |

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Executive Summary

National Human Rights Commission of Nepal (NHRC) is an independent, autonomous and constitutional body responsible for the protection, promotion, and enforcement of the human rights in Nepal. It recognizes that trafficking in persons (TIP) violates the right to liberty, human dignity, and the right not to be held in slavery or involuntary servitude. Office of the Special Rapporteur against Trafficking (OSRT) in Persons under the NHRC is responsible to monitor the incidence of trafficking; coordinate national, regional and international efforts to combat trafficking and generate high level commitment to efforts aimed at improving the human rights situation of women and children in Nepal. OSRT-NHRC has already published six national reports on *Trafficking in Persons Especially Women and Children* in 2005, 2006/07, 2008/09, 2009/10, 2011 and 2012/13. This Report is the continuation of previous reports but it takes into account the different timeframe i.e. two Fiscal Years 2013/14 and 2014/15 and deals with the situation of TIP aftermath of the April 25, 2015 massive Earthquake of Nepal.

This Report utilizes definition of human trafficking from: i) the definition of UNs Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 supplementing the UN Convention against Transnational Organized Crime (hereafter UN Protocol on Trafficking) and the definition provided by the Human Trafficking and Transportation (Control) Act 2007 (hereafter HTTCA) of Nepal. The Trafficking Protocol requires that the crime of trafficking be defined through a combination of three constituent elements acts, means and purpose of trafficking. The HTTCA 2007 defines trafficking in person into two forms: i) human trafficking and ii) human transportation and accordingly offers the punishment.

This Report is mainly built upon the concluding comments raised by the UN Committee on the Elimination of Discrimination against Women, CEDAW (fourth and fifth combined report of Nepal, 2011) and Committee on the Rights of the Child provided Concluding Observation on 2012. The CEDAW Committee calls for the Government of Nepal (GoN) to effectively implement Article 6 of the CEDAW. It also raises the issues of woman migrant workers (WMWs), especially of undocumented migrant workers for their protection in all life cycle of migration: pre-departure, departure, transit and working at abroad including return phases. While welcoming the different legal and institutional efforts implemented so far in Nepal to combat the sale of children, the Committee on the Rights of the Child urges the GoN to adopt the necessary measures for the prevention of child trafficking, prosecution of trafficking offences, and protection of victims of trafficking.

This Report is prepared through using both primary and secondary data. Secondary data were used by reviewing annual progress Reports of different Ministries, Departments, Office of the Attorney General (OAG), Supreme Court including the Annual or progress Reports of NGOs. In case of primary data, NHRC-OSRT designed a format for collection of data from the concerned organizations and the format was sent to the GOs/NGOs. The format captured information related to prevention, protection, prosecution, and networking/coordination/collaboration and capacity development. Further, information was also collected after the three months of the deadly earthquake of April 25, 2015. Some of the GOs/NGOs provided their responses in the prescribed format while others sent their Annual Reports for review. On December 15, the Draft Report was shared among the key stakeholders of anti-trafficking initiatives and on December 19, the revised Draft Report was shared with the Hon'ble Chairperson and Commissioners of NHRC and the feedback from them was also incorporated before finalization of the Report.

The Report mainly utilizes secondary information from different Governmental and non-Governmental organizations. The data /information were closely scrutinized and analyzed.

The Report is structured in Seven Chapters. Major finding of the Report is as follow:

On Situation of TIP

Assessing the situation of TIP is a difficult task as there is no systematic and centralized counter-trafficking database system in Nepal. Data are produced by different organizations for their own purpose of use. The methods of collection and compilation, definition, coverage and reference period all vary. Despite this, the existing database system can be divided into five categories: law enforcement status, prosecution and execution status, protection status of trafficked survivors and persons vulnerability to trafficking, assessing the situation of prevention of trafficking and assessing the situation of foreign employment.

The Report attempts to provide the estimates of the TIP based on the NGOs and Police Record. A total of 9,000 to 9,500 persons were attempted to traffic, and 8,000 to 8,500 persons were trafficked in each of the FYs 2013/14 and 2014/15. Evidence suggests that the number of the interception of the vulnerable persons has increased after the earthquake – an increase by at least 15 percent before and after three months of the earthquake.

There has been considerably far lower number of TIP cases registered in Nepal Police in the FY 2013/14 and FY 2014/15 (185 and 181 cases, respectively). There are several reasons for the under-reporting and under-registration of human trafficking cases including an overlap in measures of Foreign Employment Act (FEA) and the HTTCA 2007. By districts, the number of trafficking cases was the highest in Jhapa (18), followed by Morang (16), Kaski (15), Banke (15) and Sindhupalchok (7) in FY 2013/14 while in FY 2014/15, the top-five districts with large number of TIP cases were in Rupandehi (16), Morang (15), Jhapa (14), Kaski (11), Kailali (10) and Banke (10).

Studies show that the trafficked survivors originated across the country. Of the total 191 trafficked survivors who participated in the Third National Conference of Shakti Samuha in 2014, the highest proportion (56%) were Janajati (56%), followed by Dalit (21%) and other caste groups (20%). Data from the Supreme Court Judgments also confirm that majority of trafficked survivors comprised of Janajati (37%), followed by Brahman/Chhetri/Dasanami (32%) and Dalit (16%). Traffickers are not only strangers but they are mostly own relatives and persons who are known. In terms of destination of trafficking, majority are being trafficked to India, but internal trafficking and trafficking to Gulf state have also evolved. Data reveal that trafficking takes place for multiple purposes especially for sexual exploitation, labor exploitation and other purposes such as marriage and illegal organ extraction.

Records of the Nepal Police reveal that an overwhelmingly majority of the trafficked survivors are either no schooling or they are just literates (85% in the FY 2013/14 and 68% in FY 2014/15). Majority of trafficked survivors comprised of unmarried persons. In terms of religion, 85 percent of the trafficked survivors are reported to belong to Hindus while 11 and 2.5 percent are Buddhist and Islam, respectively.

Trafficking accused persons can be characterized as predominantly males, youth, illiterates or having few years of schooling and involved in low economic activities. They come from across the caste/ethnic and religious groups of Nepal. Majority of the traffickers are males (70%) while rest 30 percent are females. Two-thirds of the trafficking accused persons are young people (64% and 69% in FY 2013/14 and in FY 2014/15, respectively). An overwhelmingly majority (87%) of the trafficking accused persons in the FY 2013/14 are either illiterate or literate only, and the comparable figure for the FY 2014/15 is 56 percent. In terms of occupation of the trafficking accused persons, they are involved in all sectors of economy including in agriculture, non-agriculture sectors such as service, business and wage laborers.

It is found that 71 percent of the 160 imprisoned traffickers of Kathmandu valley interviewed in 2014 by Dhakal et al., (2015) were involved in trafficking crime before they had attained their 30th birthday. The median age of the traffickers is 25 years. It is found that traffickers are poor (63% in the 2006 study and 78% in the 2014 study) persons. The study of imprisoned traffickers gives some

indications of the processes of trafficking: majority of victims are recruited through giving false promises and almost 90 percent of the imprisoned traffickers reported that they worked in a group. Majority of the imprisoned traffickers reported that they involved in recruitment processes and transportation, rather than selling of the victims. In majority of the cases, the traffickers crossed the border during the day and more than half confessed that they were not interrogated by anyone in the borders. Trafficking route is reported to be the main official border points between Nepal-India and Nepal-Tibet.

Studies on entertainment sectors mainly initiated after 2000s when the surge of the female workers are reported to be exploited in the mushrooming number of cabin, dance restaurants in Kathmandu valley and other major towns of Nepal. Studies such as TDH, 2010; Saathi/Planete Enfant, 2014; Chhori, 2015 and WOFOWON, 2015 establish the fact that female workers in the entertainment sectors are economically cheated, exploited and vulnerable of sexual abuse, exploitation and trafficking. These entertainment sectors have become destination places for the village girls as well as source hub for the trafficking to abroad, mainly to Gulf States. Some NGOs such as Saathi, Biswas Nepal, WOFOWON, Chhori and Change Nepal are engaged with support from the Asia Foundation, TDH, Geneva Global, and Danish Embassies to promote and protect the rights of female workers in the entertainment sectors. Despite this, there is lack of consolidated data on interventions and the number female workers engaged in the various forms of entertainment sectors.

Trafficking of girls to Korea and China for the purpose of marriage is a growing phenomenon in Nepal. This happens because South Korea and China have been experiencing low fertility and high son preference. The NHRC-OSRT National Report 2009/10 of TIP estimated that there are at least 1,000 female migrants who went to South Korea through marriage in between 2005 and 2013. About 300 are happily married while others are in slavery like condition. On March 7, 2015, the Central Investigation Bureau (CIB), Nepal Police raided the Chheru International Pvt. Ltd., and arrested the rackets involved in trafficking of young girls to Korea and China for marriage. Initial investigations show that there are at least 83 such bureaus operating in Nepal.

Another growing form of TIP is the illegally extraction of human organ – the kidney. PPR Nepal carried out a study among 36 kidney donors of Kavre district in 2014. The study found that 16 out of 36 kidney donors interviewed were Dalit. In the sample of 36 kidney removal victims, 27 reported that they granted consent for the extraction of their kidneys. This is very unusual finding as nobody would be happy to sale his/her organ willingly. Economic compulsion may be the prime factor for internalization of such wrongdoings. An overwhelmingly majority of kidney donors was contacted via middle person – reflecting that kidney donors were commoditized. The kidney extraction can have far reaching consequences on the individual physical and mental health such as feeling weakness, chronic headache, and no appetite, disorder in sleeping, vomiting and impotence. As many of the victims of the kidney removal are breadwinner in the family, the result of weak physical and mental health can have adverse impact on income of the household and livelihood.

Child vulnerability of trafficking is enormous in Nepal as indicated by the very high estimated number of children in child labor situation. According to the Nepal Child Labor Report 2012 (ILO, 2012), 40 percent of the 7.77 million estimated number of children in Nepal are working children. Nearly 21 percent children are in the state of child labor and 8 per cent are in the state of worst form of child labor.

Several forms of vulnerabilities of trafficking of girls exist in Nepal such as harmful traditional practices, child marriage, and violence against children. According to the Informal Sector Service Center (INSEC) report in the 2013, a total of 715 children are reported to have victims of different crimes: rape alone constituted of 57 percent, followed sexual abuse (25.5%) and child trafficking (9%). This pattern also holds for the year of 2014.

Studies indicated that there is linkage between trafficking and inter-country adoption. While studying the situation of inter-country adoption in Nepal in 2009, the Hague Conference on Private

International Law found a number of irregularities associated with adoption processes and violation of the Purposes, Principles and Safeguards embodied in the 1993 Hague Inter-country Adoption Convention. Data is not available about the number of inter-country adoption before 1993. The number of inter-country between May 1993 and August 2008 was 2,234. The number of inter-country adoption has dramatically reduced in the FY 2013/14 and FY 2014/15 compared to the previous years. There were only 3 and 2 inter-country adoptions in the FYs of 2013/14 and 2014/15, respectively while it was more than 50 in the preceding years. This decline may be related to the strict terms and conditions for inter-country adoption adopted by the Government of Nepal. The surge of Nepal as a destination country of surrogate mothers may also relate to a decline of the legal inter-country adoptions. Much research, however, is needed to understand if there is any linkage between TIP and the growing phenomenon of surrogacy in Nepal.

Missing children is often not taken as the trafficking of children. Realizing the linkage between missing children and trafficking, the Supreme Court of India ordered to the Union of India and States in May 10, 2013 that if the missing children are not found within four months of the first information report (FIR), the matter shall be forwarded to the Anti-Trafficking Unit and take up more intensive investigation regarding the missing child as trafficking. In Nepal, the reported number of missing children has considerably declined in the FYs of 2013/14 and 2014/15 compared to the previous years. However, the untraced rate has been more than 40 percent over the years – majority being girls (56%) against boys (31%). According to the record of the Women and Children Service Directorate (WCSD), Nepal Police, the five-yearly (2009/10 – 2013/14) average number of missing persons recorded exceeds 5,000. Of them, almost 74 percent were females and rest 26 are males. By age of the missing persons, 39 percent children and rest 61 percent were adults. Further, in FY 2014/15, Nepal Police rescued a total of 425 children from different border points/regions of Nepal.

Key challenges in relation to situation of TIP are related to developing the conceptual clarity about human trafficking, establishing a unified institutional mechanism to collect reliable statistical information, increasing the registration of TIP cases to Nepal Police, requiring greater attention, surveillance and monitoring in both formal and informal institutions, and targeting to a large number of children who are in vulnerable conditions, and obtaining disaggregated data of the trafficked survivors, especially of third gender.

On Emerging Vulnerabilities of TIP after the Deadly Earthquakes of Mid-2015

The earthquake of Nepal of April 25, 2015 with 7.8 Richter scale and a number of aftershocks has brought new challenges to combat TIP. It has not only worsened certain pre-existing vulnerabilities such as poverty, unemployment, discrimination but also created completely new ones. Hundreds of thousands of people lost their livelihoods, private property, well-being and employment opportunities. The death toll from such catastrophic trembler is estimated to have reached 8,790 while 22,300 people have sustained injuries with about 300 accounted as still missing (MoF, 2015). The earthquake is estimated to have affected about one third (8 million) of the nation's population of 31 districts. The GoN has identified 14 districts as most affected districts, namely, Gorkha, Dhading, Rasuwa, Nuwakot, Kathmandu, Lalitapur, Bhaktapur, Makwanpur, Kavre, Sindhupalchok, Dolakha, Ramechhap, Sindhuli and Okhaldhunga.

According to the National Planning Commission, NPC (2015) estimate, the total valuation of loss is Rs. 706,461 million. The highest amount of loss is in social sector (58%), followed by productive sector (25%), infrastructure (9.5%) and cross-cutting sector (7.5%). Among the individual sectors, it is the housing and human settlement that accounted almost half of the total estimated loss due to the earthquakes. It has been estimated that 5.7 million populations in 14 most affected districts have been directly affected by the quakes. Of them, female constitute 2.7 million and nearly one million is Dalit. Women, Dalit and marginalized groups will face a severe crisis as their already existing coping mechanisms and capacities are extremely low. Further, the proportion of poor in Nepal will increase by 2.8 percent (on the assumption of medium impact) into poverty in 2015/16. The proportions and

number of poor both would substantially increase in mountains and central hills of Nepal. The absolute number of poor at the national level, on the assumption of earthquake impact of medium will be nearly 800,000.

It has been estimated that nearly 95 million work days have been lost; the drop-out rate of students at grade 8 is almost one percentage point higher than that of the national average and nearly 44 percent of the affected population are children under 18 years of age. Further, a large number of children have turned to be vulnerable for trafficking and exploitation as they ended up as orphans or children without parental or guardian care. According to the Center Child Welfare Board, CCWB (2015), 176 children had become orphans, 865 children's mother died, and 972 children's father died. And a total of 2,107 children are reported to be injured. Of the total 8,790 deaths from the quake, 2737 were children (31% of the total deaths).

There are evidences that the magnitude of TIP especially of women and children has increased after the earthquakes. Media has widely provided space for the risk of trafficking of women and children. Records of Nepal Police indicate that a total of 1,233 women and children were reported to be missing during three months of the earthquake and the Nepal Police rescued 161 children from different border points between Nepal and India in the same period. Maiti Nepal's data on the number of women and children intercepted before and after three-months of the earthquake reveal that the risk of trafficking increased after the earthquake by at least 15 percent. It is mostly Thori – a bordering area in Parsa district, and Jhapa, Illam and Mahendranagar have experienced the surge of number intercepted women and children.

Responses to earthquake disaster in general and prevention of TIP in particularly were evident from a number of Governmental agencies, security forces, UN agencies, I/NGOs and civil society organizations, faith based or non-faith based organizations. NHRC carried out a monitoring study of earthquake hit districts and recommended the GoN for immediate relief of the victims of the quakes by ensuring the protection of children and women from violence and trafficking. A 'Protection Cluster' is formed comprising of GOs, UNs and civil society organizations for the effective and coordinated efforts to provide services to the survivors of the earthquakes and prevent TIP especially women and children. The Protection Cluster is chaired by the Hon'ble Commissioner of NHRC and co-chaired by the Joint Secretary of MoWCSW. A total of 17 organizations have been found to be working under Protection Cluster in the 14 most earthquakes affected districts. According to the UN estimate, a total of US Dollar 13.71 million is required for protection component – accounting of 3.3 percent of the total US Dollar of 422 million budgets required for the earthquake affected populations.

Key challenges evolved are the following: producing the reliable information/data on the impact of the earthquake; strengthening the role of the Protection Cluster; minimizing the overlap in program interventions; reducing the dropout rates of students by increasing access to schooling of children and building the public infrastructures.

On Foreign Labor Migration and Nexus of TIP

Migration, especially circular migration is seen as developmental beneficial for both origin and destination countries. However, it has also brought tremendous social costs among the migrants as well as their families and communities: it has closely linked to forced labor and trafficking.

International migration from Nepal has been a long history. Accordingly to the Population Census 2011, the absentee population consisted of 1.9 million but it is age and sex selective: of the total absentee population, 88 percent are males while rest 12 percent are females and 77 percent are in the age range of 15-35 years. Among the caste/ethnic groups, the highest proportion of absentee population is recorded among hill Dalit (10%), followed by hill Janajati (8%) and hill caste group (7.6%), Muslims (5%), Madeshi Janajati (3.9%), caste group (3.7%) and Madeshi Dalit (3.5%). Migration to India has been a long history in Nepal. However, the proportion of migrants to India has

substantially declined over the years. In early 1980s, almost 90 percent of international migrants destined to India while it was 40 percent in 2011.

Department of Foreign Employment (DoFE) maintains records of the documented foreign labor migrants of Nepal. Its eight-yearly data (FY 2006/07-FY 2013/14) reveals that it is mostly the eastern, central and western Terai districts having the highest number of foreign labor migrants. However, for female foreign labor migration, it is mostly the hills/mountains districts such as Sindhupalchok, Makwanpur, Kathmandu, Kavre, Nuwakot and Illam (DoFE, 2014a).

The flow of foreign labor migrants was more than 500 thousands in FY 2014/15 and the stock of migrants in between 2006/07 and 2014/15 reached to 3 million with 2.95 million males and 75,000 females. In terms of flow or stock of migrants, Malaysia (39%), Qatar (23.5%), Saudi Arabia (20%) and UAE (11%) are the major labor destination countries of Nepal. Unfortunately, nearly three in four Nepali foreign labor migrants are unskilled workers.

In Nepal, remittance income has become one of the major sources of national economy. It contributes to 29 percent of the Gross Domestic Product (GDP) and it has been much higher than that of other two major foreign earning sectors such as tourism (2.3% of GDP) and foreign loan and grants (5.9% of GDP). Further, the proportion of households receiving remittance has increased markedly over the years - from 23 percent in 1995/96 to 56 percent in 2010/11. The share of remittances from India has declined while it increased very dramatically from overseas.

On the other hand, there has been evidence of deception, fraud and irregularities involved in the process of foreign employment and hundreds of thousands of men and women are the victims of such fraudulent activities. The five-yearly (2010/11-2014/15) average number of complaints recorded in the DoFE, for example, is 2,182. The Foreign Employment Tribunal (FET) initiated its work since the FY 2009/10 and the six-yearly (2009/10-2014/15) average case disposal ratio comes out to be 36.7. In the FY 2014/15, of the 213 cases decided, 118 were convicted while 57 were acquitted. Of the cases convicted, a total of Rs. 94 million was demanded as bail, Rs. 3.3 million was fined and a total of 332 years of imprisonment.

Peoples Forum (2015) study provides some indications of the key demographic and social characteristics of the victims of fraud, deception in the process of foreign employment. More than 90 percent of the victims were males, 37 percent comprised of below 25 year of age and 55 percent in between 26-40 years of age. It was found that 71 percent of the victims were cheated by recruiting agencies while the rest by the agents. A range of complaints was reported: from not sending on time (40%) to the extreme cases of physical attack, (17%) put into custody in destination countries, compelling to work in forced labor situation and the death of the workers. It is found that victims get extremely low compensation amount against their claim amount. The ratios of compensation were less than 20 percent.

Evidences reveal that a large number of Nepali labor migrants ends in forced labor situation or they are trafficked for labor exploitation. The values Global Rights Index of International Trade Union Confederation (ITUC) are 5 in the Gulf countries and Malaysia. Similarly, according to the record of Counselor of Service Department, Ministry of Foreign Affairs, a total of 511 in FY 2013/14 and 494 persons in FY 2014/15 were rescued from different destination countries. There are only three Safe Houses in Gulf countries: one Kuwait, one in Saudi Arabia and one in Qatar. These Safe Houses provide services to the victims of Nepali migrant workers, especially woman migrant workers. The services include: food, lodging, primary medical treatment, legal support to the victims. A total of 920 persons were provided services by the Safe House in Kuwait, 293 persons in Saudi Arabia and 84 persons in Qatar. During the six years (2008/09 – 2013/14), a total of 3,272 migrant workers were reported to have died in different destination countries.

The GoN adopted new Foreign Employment Policy in its 13th Plan with the goal of ensuring safe, organized, respectable and reliable foreign employment. During the FYs of 2013/14 and 2014/15,

different policy initiatives were undertaken by the Ministry of Labor and Employment (MoLE) aiming to protect the rights of the female migrant workers. Key migration actors in Nepal are public and private actors. Nepal has signed one bilateral agreement and two memorandums of understanding (MoUs) for temporary labor migration with governments in the Middle East: Bahrain, Qatar, and the United Arab Emirates. NHRC Nepal has entered into Memorandum of Understanding (MoU) with the National Human Rights Committee in the State of Qatar on November 16, 2015 to protect the rights of the Nepali migrant workers in Qatar.

Key challenges in relation to regularization of foreign employment and prevention of TIP emerged the following: maintaining the information/data about the undocumented migrants; conducting a representative household survey that shows the linkage between migration and trafficking; discouraging the foreign employment for those who are unskilled workers; monitoring of a range of public and private actors; ensuring all migrant workers with access to effective complaints; introducing package programs to increase women cases of complaints; ensuring the right to mobility of women; conducting MoU with the major destination countries; introducing and expanding the alternative employment opportunities of the returnee WMWs.

On Monitoring of Anti-Trafficking Policies, Programs and Activities

Nepal has been reminded in Tire 2 over the last 5-years. Nepal has been remained in Tier 2 mainly it is because it cannot fully protect its migrant workers from slipping into forced labor situation in destination country.

The Government of Nepal in collaboration with different UNs, I/NGOs has initiated and implemented different policies and programs to combat the TIP. The GoN has developed an institutional mechanism for controlling TIP. The Ministry of Women, Children and Social Welfare (MoWCSW) is the leading Ministry in this direction. It has been realized that TIP is a multi-pronged problem, and thus, it requires mobilization of a range of line agencies, constitutional and political bodies, including civil society organizations. It is also conceptualized that multi-layered of organizations role is equally important in addressing the issues of TIP. The GoN adopted NPA against Trafficking in Persons 2011-2021, taking into account the new trafficking patterns such as those associated with foreign labor migration. The NPA identifies five broad areas for interventions: prevention, protection, prosecution, capacity building, and collaboration and networking. For reinforcing the prevention and control of trafficking in women and children, a separate NPA has been implemented since 2011 and the GoN has also prepared the Implementation Action Plan of NPA.

The GoN has been making national budget more gender responsive. The proportion of budget allocated for programs directly gender responsive increased from 11 percent in FY 2008/09 to nearly 22 percent in the FY 2014/15. The MoWCSW has been allocating annual budget to the Eight NGOs. Government budget of Rs. 8 million to Rs. 10 million each fiscal year for providing rehab services to the trafficked survivors. Budget has also been allocated Nepali Embassy to India, Consulate General Office of Nepal in Kolkata and Nepali Embassy to Thailand in recent fiscal years. The GoN has allocated budget for the District Committee on controlling human trafficking for all 75 districts. Looking at the annual budget spent in the FY 2014/15, majority of districts in hills and mountains spent Rs. 42,000 and in Terai, Rs. 57,000. The District Committees have also the some balance amount in Emergency Rescue Fund by the end of April 2015. The average amount in the Fund comes out to be 101,980 with the range of no balance amount in Rupandehi district to Rs. 396,975 in Makwanpur district.

The MoWCSW has already formed District Committees in all 75 districts in the country. Some of District Committees like Morang and Sunsari have also formulated Five-Year District Plan of Action (2015-2019). One of the advantageous of these districts Plan of Action is that they are formulated with the wide engagement of key stakeholders. The Department of Women and Children has been carrying out a number of women's empowerment programs. A large number of women's groups

have been formed in the country. The number of such groups reached to more than 150,000 in FY 2013/14 from about 124,000 in the FY 2011/12. Examining the proportion of women involvement in the collectivities by social groups, it appears that the women's programs are highly representative and inclusive.

One of the key prevention programs of combating sale of children is the education program. The GoN has been providing different scholarship schemes at different levels of school education. The schemes aim to expand equitable access of students at corresponding levels, improve retention rate, and broaden the meaningful teaching opportunities. Despite this, on the average, 500,000 students enrolled in grades one to 10 tend to drop-out each year in Nepal.

As a prevention and protection program, Child Helpline with toll free number 1098 has been in operation 12 districts. In FY 2013/14, six organizations operated child helpline and provided different services to 4,830 children. In the FY 2014/15, there were 577 Child Care Homes in 44 districts of the country with 16,400 children residing in these Homes.

A number of I/NGOs are involved in anti-trafficking activities in Nepal. Some of the NGOs have specific anti-trafficking activities, other work in internal trafficking issues while others have activities related to safe migration, empowerment of women and children. In addition to the prevention related activities, NGOs provide protection and legal aid services to the trafficked survivors. A total of 20 NGOs provided information to NHRC about at least one of the protection or legal aid related services. Accordingly, about 9,000 persons especially women and children were intercepted from the border areas, bus parks and other places in each of the fiscal year of 2013/14 and 2014/15. Similarly, 1551 victims in FY 2013/14 and 1971 in FY 2014/15 were rescued mainly from abroad. More than 3600 victims especially women and children were referred to different organizations for psychosocial counseling and medical treatment. It is reported that only four NGOs received 1858 missing person applications in FY 2013/14 and 1906 in FY 2014/15. In terms of legal support which includes FIR, prosecution and court proceeding, a total of 988 persons in FY 2013/14 and 1355 persons in FY 2014/15 were provided legal support by the 11 NGOs.

NGOs mobilized a lot of resources in the year of 2014. A total of 454.7 million Rupees was mobilized by 27 NGOs affiliated with Social Welfare Council for 63 projects in the year of 2014. Of the total funding mobilized, 97 percent came from the external donors while about 3 percent was internal ones. Among the 27 NGOs listed in SWC, the five-top NGOs that mobilized maximum budget in the year of 2014 include: CWIN (38%), Maiti Nepal (14%), WOREC Nepal (10%), Shakti Samuha (5.5%) and KI Nepal (5%).

Print media coverage in TIP can be evaluated from a recent study conducted by AATWIN (2015). It covered the news and article published in the five national daily newspapers in between April 14, 2014 to April 13, 2015. The newspapers clippings reviewed when the theme of trafficking, migration or transportation emerged in the newspapers. Of 1007 news articles published, 61.5 percent of news was related to migration while only 30 percent was related to trafficking. It appears that media has not prioritized the issue of trafficking as more than three-fourth of the news published in the pages other than first and editorial. Only 38 percent of the news was covered by only one newspaper and 62 percent of the news was event based hard news. Only in 19 percent of the news, the identity of trafficked survivors is found to have totally protected.

Key challenges in relation to implementation of policies and programs are to strengthen the Secretariat of National Committee; increase the coordination among the key line agencies; integrate TIP prevention activities with the poverty alleviation, education and empowerment programs; reduce the overlap in program interventions and increase the media coverage on trafficking issues by ensuring the confidentiality and privacy of the victims/survivors.

On Legal Framework, Enforcement and Judicial Responses

Nepal is a state party of major human rights instruments. However, Nepal has yet to be the state party of UN Protocol on Trafficking 2000; UN Convention on Right of the Migrant Workers and Their Families, 1990 and ILO Convention 189 on Domestic Workers 2011. Nepal has adopted Human Trafficking and Transportation (Control) Act 2007 and Regulation 2008. Nepal Police is the law enforcement agency. It has created Women and Children Service Directorate (WCSD) and Central Investigation Bureau (CIB) to effectively deal with the trafficking crime. The CIB during the FYs 2013/14 and 2014/15 carried out different raids, arrests through its special programs to combat TIP especially. Despite these efforts, there is relatively large number of trafficking accused persons absconded vis-à-vis the arrested persons.

The implementation status of the HTTCA 2007 and Regulations 2008 is basically assessed by drawing upon the findings of the recent studies (FWLD, 2014; NJA, 2013 and Kunwar, 2014) and regional and national level workshops organized by NHRC in the year of 2014 and 2015 among the key stakeholders. It is difficult to assess the implementation status objectively due to the lack of consolidated data and the assessment is more subjective. The level of compliance is assigned as low, low-to-moderate and moderate. Low compliance refers to the conditions in which provisions embodied in the Act/Regulation have not been implemented at all or implementation is highly unsatisfactory. Low-to-moderate level of compliance is defined as the movement towards satisfactory conditions. Moderate compliance refers to the conditions in which provisions have not been fully realized but they are at the state of satisfactory level. The analysis reveal that the level of compliance in relation to definition of offences and investigation is low-to-moderate; ii) provisions relating to rescue, rehabilitation, and reintegration is low; iii) provisions relating to punishment and compensation is low-to-moderate and iv) provisions relating to others (award, confidentiality, formation of committee and security and in-camera hearing) is low-to-moderate.

In FY 2013/14, a total of 1,007 trafficking cases were registered in the Supreme Court, Appellate Courts and District Courts of Nepal. This accounts for less than one percent of the total cases (158,699). The Supreme Court of Nepal has time and again ordered the GoN to amend the HTTA 2007, particularly in the following areas: amending the Section 15(6), making compulsory arrangement to provide the information to the victims, establishing the Compensation Fund, making compulsory budget for the witness appearing in the court; paying the Daily Service Allowances incurred for attending the court to the witnesses of the Government cases; and arranging the security to the victims and informants. The Supreme Court has also issued an order in the name of MoHA, OAG and Register of the Supreme Court for continuous hearing of the serious nature of the crimes such as trafficking and rape. Recently, the Legislature-Parliament has amended some Section of the HTTCA 2007.

The conviction rates of TIP in the courts declines as one move from the district courts to appellate courts to the Supreme Court. The five-year (2008/09-2013/14) average conviction rate in the Supreme Court is 33 while it 44 percent in appellate courts and 58 percent in districts courts of Nepal.

Key challenges in relation to law enforcement and judicial response are to increase the effective implementation of the Act; increase efforts to enforce the laws; develop the functional capacity and professional efficiency of prosecutors and judges; increase efforts to maintain the privacy of the

Special Type of Cases; increase budget allocation; increase the conceptual clarity about the differences between the crime of human trafficking and offences envisioned under the FEA 2007.

Finally, the Report concludes that different forms of trafficking are emerging in Nepal. With the lack of consolidated data, it is, however, difficult to estimate the magnitude precisely in each form. The massive earthquake of mid-2015 has greatly increased the vulnerability of trafficking especially of women and children. Evidences confirm that there has been the nexus of foreign labor migration and TIP, and protection and promotion of the migrant workers should be the lexicon priority of the GoN. Law enforcement status is still not satisfactory. Surveillance and monitoring in the formal and informal institutions have been ineffective. The GoN compliance on rescue, rehabilitation and reintegration of trafficked survivors appears to be grossly inadequate mainly because of low budget allocated. Recent judicial responses are encouraging but much effort is needed to reorient the whole judicial system as human rights friendly and victim centric. Drawing on the findings and conclusions of the Report, the recommendations are drawn related to prevention, protection, prosecution, capacity development, coordination and cooperation and maintaining data information system.

Chapter I

Introduction

National Human Rights Commission of Nepal (NHRC) was established in 2000 as a statutory body and it was elevated as constitutional body in 2007. The Constitution of Nepal 2015 also grants NHRC as a constitutional body. It is an independent and autonomous body responsible for the protection, promotion, and enforcement of the human rights in Nepal. The NHRC has a central office, five regional offices and three sub-regional offices. They all are competent to receive the complaints; carry out investigations upon complaints; monitor the human rights situation; conduct dialogue, advocacy, and lobbying, campaigning programs and publish and disseminate of reports under their jurisdiction. It has already implemented its four Strategic Plans (first, 2001-2003; second, 2004-2008; third, 2008-2010; fourth, 2011-14) and currently it has the fifth Strategic Plan 2015-2019. Each Strategic Plan offers the highest priority to combat trafficking in persons (TIP). NHRC recognizes that TIP violates the right to liberty, human dignity, and the right not to be held in slavery or involuntary servitude. Trafficking is often related to the violation of a wide range of fundamental rights. Also, NHRC believes that trafficking is a transnational organized crime, which poses considerable threats to individuals/personal security and requires to be mobilized a range of stakeholders across the countries as well as inter-country coordination, support for combating cross border & third country trafficking.

Office of the Special Rapporteur against Trafficking in Persons (OSRT) under the NHRC is responsible to monitor the incidence of trafficking; coordinate national, regional and international efforts to combat trafficking and generate high level commitment to efforts aimed at improving the human rights situation of women and children in Nepal. It publishes annual report pertaining to the situation of TIP in Nepal. From 2005 to 2012, there was a separate provision of the Special Rapporteur. Currently, OSRT is directly controlled by the Commissioners and Secretary of the NHRC. OSRT-NHRC published national reports on Trafficking in Persons Especially Women and Children in 2005, 2006/07, 2008/09, 2009/10, 2011 and 2012/13. Key aims of the each of the National Reports were to identify the situation of TIP in Nepal; assess the effectiveness of anti-trafficking laws, policies, programs, activities in fighting trafficking and recommend the Government of Nepal (GoN) to effectively combat TIP.

1.1 Objective of the National Report

This National Report also focuses the same objectives dealt as by the previous National Reports but takes into account the different timeframe i.e. **two Fiscal Years 2013/14 and 2014/15**. In addition, it specially deals with the situation of TIP **aftermath of the April 25, 2015 massive Earthquake of Nepal**. In Nepal, the fiscal year begins from Srawan (tentatively July 15) and ends in Ashad (tentatively June 15). In addition, some information related to earthquake and other vital information has been covered even after the June 2015.

The specific objectives of the Report are:

- To assess the status and emerging trends of trafficking in Nepal considering the aftermath of the Earthquake of April 25, 2015
- To study the situation of foreign labor migration and vulnerability associated with it including trafficking
- To assess the Governmental and non-Governmental programs and activities in combating trafficking
- To assess the implementation status of the Human Trafficking and Transportation (Control) Act of 2007 and judicial responses to trafficking cases and
- To recommend policies and programs for combating trafficking and safe foreign labor migration.

1.2 Definition of Trafficking in Persons

This Report understands human trafficking from:

- The definition of UNs Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 supplementing the UN Convention against Transnational Organized Crime (hereafter UN Protocol on trafficking)
- The definition provided by the Human Trafficking and Transportation (Control) Act 2007 of Nepal (hereafter HTTA 2007).

The UN

Protocol on Trafficking (Article 3(a) says:

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

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

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

The Protocol requires that the crime of trafficking be defined through a combination of the three constituent elements acts, means and purpose of trafficking (United Nations, 2009):

Acts: The offence must include any of the following - recruiting, transportation, transferring, harboring and receiving a person.

Means: It must also contain at least one of the following - use of force, threat of force, coercion, plus abduction, fraud, deceptions, abuse of power or position of vulnerability, giving or receiving of benefits.

Purposes: It must be any of the following purposes - exploiting the prostitution of others, sexual exploitation, forced labor, slavery or similar practices and removal of organs.

The notion of trafficking is different from migration and migrant smuggling. While migration is a voluntary movement of a person from one place to another; trafficking is a movement by deception or coercion. The difference lies only in the element of choice. All acts of trafficking involve migration but not all acts of trafficking are migration. If migration is not accompanied by coercion or deception and does not result in forced labor or slavery like conditions, it is not trafficking although many people migrate voluntarily but end up being trafficked. Migration with consent does not mean trafficked with consent. Article 3 (a) of Smuggling Protocol defines 'smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefits, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident'.

Key differences between trafficking in persons and smuggling of migrants

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

Source: United Nations, 2009.

The Human Trafficking and Transportation (Control) Act 2007 of Nepal defines TIP into two forms: i) human trafficking and ii) human transportation.

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

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

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

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

In his study of the implementation status of HTTA 2007, TN Kunwar – the Judge of the Appellate Court - argued that the major forms of TIP in Nepal are based on the following forms of exploitation: sexual exploitation of Nepali women and children at abroad especially in India; sexual exploitation women and children within the country especially at the entertainment sectors; exploitation of the Nepali migrant workers at abroad especially in Gulf countries and Malaysia; exploitation of Nepali children in circus performance in India; worst forms of child labor within the country; Kamaiya (bonded) labor and other forms of slavery and illegal human organ extraction.

1.3 Understanding TIP Situation in Nepal: the Analytical Framework

This Report is mainly built upon the concerns about trafficking, exploitation and migration raised by the international human rights bodies such as UN Committee on the Elimination of Discrimination against Women (CEDAW), Committee on the Rights of the Child provided Concluding Observation on 2012, Committee on International Covenant on Civil and Political Rights (ICCPR) and Committee on Economic, Social and Cultural Rights (ESCR).

Committee on CEDAW - The CEDAW Committee calls for the GoN, Nepal to implement Article 6 of CEDAW effectively. It focuses on collecting and analyzing data on all aspects of trafficking and prostitution; implementing the HTTCA 2007; strengthening preventive measures and efforts at international, regional and bilateral cooperation with countries of origin and transit; ensuring effective implementation of the SAARC Convention on Preventing and Combating Trafficking in

Women and Children for Prostitution; ratifying the UN Protocol on Trafficking 2000 and provision of information and training on the anti-trafficking legislation to the judiciary and law enforcement officials.

The Committee also raises the issues of Women Migrant Workers (WMWs), especially of undocumented ones. It urges the GoN to initiate the following: investigate the cause of women's migration; establish mechanisms to promote safe migration procedures; enforce and monitor standardized and comprehensive pre-departure orientation and skill training; sign bilateral agreements with the country of employment; provide assistance for migrant women who seek for redress; create alternative livelihood opportunities for returnees; prosecute and punish the perpetrators engaged in illegal recruitment processes fuelling trafficking of women in the name of foreign employment.

Committee on the Rights of the Child - While welcoming the different legal and institutional efforts implemented so far in Nepal to combat the sale of children, the Committee on the Rights of the Child urges the GoN to adopt policies related to prevention of TIP, prosecution of traffickers, and providing necessary measures for adequate protection of the trafficked survivors. The Committee also recommends for developing and extending the international assistance and cooperation through multilateral, regional and bilateral arrangement.

Committee on International Covenant on Civil and Political Rights (ICCPR) - The Committee on CCPR in its Concluding observations on the second periodic report of Nepal (April 2014) expressed its concerns of lack of effective implementation of HTTA 2007 and alleged involvement of State officials in trafficking-related crimes. The Committee recommends that Nepal should strengthen its efforts to prevent, suppress and punish TIP, trafficking in human organs and bonded labor. It also recommends to establish a system of data collection and analysis to identify trends and implement effective strategies.

Committee on Economic, Social and Cultural Rights (ESCR) – The Committee on its Concluding observations on the third periodic report of Nepal (December 2014) expressed following concerns:

- *On Nepali women migrant workers* – Nepali women migrant workers are in the state of unfair working conditions and vulnerable to violence and abuse in some destination countries. The Committee recommends that Nepal shall provide adequate information to women migrant workers and continue to sign bilateral agreements to the major destination countries in order to protect the rights of women migrant workers in host countries.
- *On TIP including children* - The Committee expresses concern about the magnitude of trafficking of children for labor and sexual exploitation including for begging, forced marriages and slavery. The Committee is also concerned at the ineffective implementation of HTTA 2007, the Children Act of 1992 and lack of information on investigations, prosecutions, convictions and the sanctions imposed on traffickers. The Committee recommends Nepal to effectively enforce the current legislation including by bringing its legislation into full compliance with the UN Protocol on Trafficking 2000.
- *On primary education and drop-out rates among girls* - The Committee is concerned that primary education in Nepal has not been compulsory and there is no universal free secondary schooling. The Committee recommends Nepal to adopt legislation making primary school compulsory and secondary education as free and universal in order to prevent TIP.
- *On Ratification of ESC Protocol and International Convention on the Right of the Migrant Worker and their Families* - The Committee recommends Nepal to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

1.4 Data and Methods

This Report is prepared through using both primary and secondary data. Secondary data were used by reviewing annual progress Reports of Ministry of Women, Children and Social Welfare (MoWCSW), Ministry of Labor and Employment (MoLE), Department of Foreign Employment (DoFE), Foreign Employment Tribunal (FET), Foreign Employment Promotion Board (FEPB), Office of the Attorney General (OAG), the Supreme Court, the National Human Rights Commission (NHRC) including the Annual or progress Reports of several Non-Governmental Organizations (NGOs). Further, relevant websites were also visited extensively. Recent studies conducted by the institutions/individuals were also studied.

In relation to the primary data collection, NHRC-OSRT designed a questionnaire format for collection of data from the both Governmental and non-Governmental organizations. For each of the relevant organizations, a special set of questionnaire was designed and sent via e-mail to the concerned organizations for their response. The questionnaire format sent to the NGOs captured i) introduction of the NGOs, ii) activities related to prevention and number of beneficiaries, iii) activities related to protection and number of beneficiaries, iv) activities related to the prosecution and number of beneficiaries and v) activities related to the networking, coordination and collaboration and research studies conducted so far. Further, the organizations were asked about the activities carried out after the deadly earthquake of April 25, 2015. Some of the NGOs provided their responses in the prescribed format while others sent their Annual Reports for a review.

The Draft report was shared among the key stakeholders of anti-trafficking initiatives in December 15, 2015. The workshop was organized by NHRC aiming to share the major findings of the Report and also obtain suggestions to improve the Report. The workshop was chaired by Honorable Member of the NHRC, Mrs. Mohna Ansari. There were altogether 45 participants in the workshop. The feedback from the workshop was incorporated in the Final Report. The Draft Report was also shared with the Honorable Chairperson and Commissioners of NHRC and their feedback were incorporated before finalization of this Report.

Ethical Issues – Throughout the Report, the name of the trafficked survivors has been changed and if required the location and other identity of the survivors were also changed or not written for the purpose of confidentiality.

1.5 Limitation of the Study

The key limitation of this Report is positioned to the extent of validity of the data produced by different GOs and I/NGOs regarding the prevention, protection and prosecution status of TIP. This limitation comes because Nepal does not have a centralized counter-trafficking database system. While utilizing the data/information from different sources including of research/studies, the Report attempts to scrutinize the validity of data/information by examining the methodology employed by the research/studies/reports. The UN High Commissioner for Human Rights (UNHCR) Recommended Principles and Guidelines on Human Rights and Human Trafficking urges the states to use the internationally agreed definition of trafficking while collecting and maintaining data on trafficking and ensure that data on trafficking survivors disaggregated in line with age, sex, ethnicity and other relevant attributes.

Another limitation of this Report comes from the possibility overlapping information/data, especially in case of protection and prosecution related services provided by the GOs and I/NGOs. A trafficked survivor, for example, may be intercepted by more than one organizations and it is likely that each organization would count his/her as a beneficiary. Further, caution must be borne in mind while dealing with the data related to prevention, protection, prosecution related services that one person may be counted in different services.

1.6 Organization of the Report

This Report is structured in Seven Chapters. **Chapter 1** provides the context of the Report – background, conceptualization of the TIP, methods and data used in the Report. **Chapter 2** analyzes the situation of TIP in Nepal – magnitudes, forms, processes and causes of trafficking. **Chapter 3** reviews the trafficking risk situation emerged after the April 2015 earthquake of Nepal. **Chapter 4** analyzes the nexus of foreign labor migration and trafficking. It discusses the magnitude, processes and working conditions of the migrants. It further goes on assessing the responses of foreign employment. **Chapter 5** attempts to assess the implementation status of the anti-trafficking initiatives, policies and programs especially carried out by the line agencies and I/NGOs. **Chapter 6** reviews the law enforcement status, implementation status of the HTTA 2007 and responses of judiciary and the **Final Chapter** draws the implementation status of 2008-2009 & 2009-2010 recommendation of TIP Report including Conclusions and Recommendations of this report.

Chapter 2

Situation of Trafficking in Persons

This Chapter reviews the situation of trafficking in persons (TIP) in the FYs of 2013/14 and 2014/15. It analyzes the number, process, purpose of trafficking; characteristics of trafficked survivors, offenders and imprisoned traffickers; and different emerging forms of trafficking like inter-country adoption, marriage and illegal human organ extraction. There is a gray area between trafficking and foreign employment, which is discussed in Chapter 4.

Trafficking is a complex phenomenon involving multiple determinants of trafficking. Poverty is only one determinant; there are poverty plus determinants such as loss of parents, lack of awareness among vulnerable groups, low levels of education, gender discrimination, rapid urbanization, false promises and beliefs and lack of employment opportunities in the country. Trafficking takes place in both inside the country and outside the country mainly to India, Malaysia and Gulf countries – and it appears that there is a nexus between foreign labor migration and trafficking. Trafficking takes place for different purposes such as for commercial sexual exploitation, forced labor, bonded labor, worst forms of child labor, forced marriage and illegal human organ removal. Vulnerability of trafficking has increased after Nepal experienced massive earthquakes of April and May 2015, which is discussed in detailed in Chapter 3.

This Chapter starts by discussing the nature of data/information available to assess the situation of trafficking in Nepal.

2.1 Assessing the Existing Counter-Trafficking Database Systems in Nepal

Assessing the situation of TIP is difficult task as there is no a systematic and centralized counter-trafficking database system in Nepal. Data are produced by different organizations for their own purpose of use. The methods of collection and compilation, definition, coverage and reference period vary. The existing database system, however, can be divided into five categories based on the nature of problem:

Law Enforcement Status – Nepal Police is the key law enforcement agency. Under it, Women and Children Service Directorate/Centers (WCSD/C), Interpol and Central Investigation Bureau (CIB) are the key Police units that produce data on law enforcement on TIP. The WCSD/C produces data on i) number of trafficking cases registered, number of trafficking survivors by sex, number of persons involved in the crime, purpose of trafficking and destination of trafficking. Interpol maintains records of i) number of complaints received for missing persons at abroad and ii) number of persons repatriated. CIB maintains records of number of offenders arrested, number of raids made and number of trafficked survivors rescued.

Prosecution and Adjudication Status – The Annual Reports of Supreme Court and Office of the Attorney General (OAG) are the prime sources of obtaining data on the cases of prosecution and adjudication on TIP. The Annual Report of OAG provides information on number of trafficking cases disposed, convicted, acquitted and pending in each layered courts of Nepal in a fiscal year. But the Report fails to provide information on trafficking cases according to the fine awarded and/or number of years' imprisonment. The Annual Report of the Supreme Court provides information on number of trafficking cases registered and running in each layered courts of Nepal and number of convicted persons in imprisonment by gender, nationality child/aged/disabled persons/adult. However, the Report does not provide data on judgment status - acquittal or conviction and number of years of imprisonment and fine awarded.

Protection Status of Trafficked Survivors and Persons Vulnerability to Trafficking – The key sources of data for assessing the protection status of trafficked survivors and those at vulnerable to trafficking are different NGOs particularly working exclusively on anti-trafficking activities, safe

migration and child rights issues. In addition, the National Center for Children at Risk (NCCR) and Child Helpline Nepal are the key sources of data on missing and/or trafficking of children in Nepal and WCD for record of missing women and children. The NCCR produces monthly data on (published by CCWB in Annual Report) on number of children reported missing, number of children untraced, number of children rescued and referred to rehabilitation centers and number of children reintegrated with the family. For all types of information the disaggregation by age and sex is available. Child Helpline Nepal maintains data on number of children rescued and provided legal, medical and referral services. Disaggregated data by causes and effects of trafficking, however, are not available from the both sources mentioned above. The WCD has maintained data on missing women and children over the years by age and sex.

Further, GoN established Department of Counselor Service under the Ministry of Foreign Affairs (MoFA) responsible for maintaining data on the number of persons rescued and repatriation from abroad and it is also responsible to facilitate the process of rescue and repatriation. However, it does not have disaggregated data by sex, age, country of rescue and the condition of the victims. In addition, different anti-trafficking and/or safe migration NGOs provides information on interception, rescue, rehabilitation and reintegration of trafficking survivors. However, disaggregated data on inputs such as financial resources and human resources is rarely provided. Child Rights Protection Desk of NHRC is another key source of identifying the number of complaints lodged against violation of the rights of the child in Nepal. It compiles data on i) number of complaints received by nature of violation of rights of children and ii) number of investigations/inquires conducted by place and nature of the violation of the rights of children.

Assessing the Situation of Prevention of Trafficking: Key sources for assessing the prevention activities are different anti-trafficking/safe migration, child rights, women's rights, human rights organizations and different line agencies such as Ministry of Education (MoE); Ministry of Population and Health (MoPH) and Ministry of Women, Children and Social Welfare (MoWCSW); Ministry of Federal Affairs and Local Development (MoFALD); Poverty Alleviation Fund (PAF) and National Women Commission (NWC). Data are generally available to understand i) school participation rates of marginalized groups and girls in Nepal (MoE), ii) number of women collectivities and resource mobilization (MoWCSW), iii) number of STI/HIV affected people served (MoHP) and iv) number of complaints handled in relation to violence against women and children (NWC). One of the fundamental problems of such data is that they are not disaggregated by trafficking prone groups/areas.

Assessing the Situation of Foreign Employment – Key sources to assess the situation of foreign labor migration are Ministry of Labor and Employment, Department of Foreign Employment, Foreign Employment Promotion Board, Foreign Employment Tribunal and the Supreme Court. Department of Foreign Employment publishes annual report and provides data on number of foreign labor migrants by sex, country of destination, district of origin. Foreign Employment Promotion Board publishes Annual Report and provides information on number of deceased families who received compensation. Foreign Employment Tribunal maintains data on the number of cases registered and disposed by a fiscal year. The Annual Report of Supreme Court provides data on number of cases registered, disposed, convicted and acquitted in relation to foreign labor migration. Some Foreign Missions of Nepal maintain data on number of persons in jail and those provided rescue and repatriation services.

2.2 Magnitude of Trafficking in Persons

It is difficult to estimate the magnitude of trafficking in persons due to the lack of representative household survey on situation of trafficking in persons in Nepal. Thus, this Report, following the practices of earlier National Reports, attempts to provide the estimates of the TIP based on the NGOs and Police Record (Table 2.1). According to the records of NGOs under studied, the annual number of interception of the trafficked victims ranges from 9,000 to 9,500 persons; the annual

number of rescue and repatriation is estimated to be 1,600 to 2,000 and the annual number of missing persons recorded in NGOs, NCCR and Nepal Police comes out to be 7,863. Of the missing persons, 83.5 percent remain missing. This suggests that a total of 9,000 to 9,500 persons were attempted to traffic, and 8,000 to 8,500 persons were trafficked in each of the FYs 2013/14 and 2014/15. Note that the estimates of the trafficked persons is made assuming that all rescued and repatriated persons and all the untraced missing persons were trafficked persons. Records show that missing persons remain missing for more than one-year. The Supreme Court of India considers that if a missing person who remains missing for more than four months shall be considered as a victim of a trafficked person and the case shall be forwarded to the anti-trafficking unit. In Nepal, there is no legal provision for the untraced missing persons considering as trafficked persons and there is no time-bound of considering them as potentially victims of the trafficking. However, the same condition of the legal practice of India may be applicable in case of Nepal.

Evidence suggests that the number of the interception of the vulnerable persons has increased after the earthquake of April 25, 2015 in Nepal. As suggested by the Maiti Nepal data, it increased at least by 15 percent before and after the three months of the earthquake of April 2015 in Nepal (from 635 persons to 725 persons).

Table 2.1 Figures based on program enforcement/implementation

| Source | Magnitude |
|--|---|
| WCSC, 2007 | 2,216 missing children from various regions in Nepal between July 2007 and June 2008 |
| WCSC, 2007 | 3,258 missing women in Kathmandu valley between 1998 and 2007 |
| Different NGOs*, 2008/09 (National Report 2008/09) | 3,164 and 322 intercepted and rescued by different national level NGOs in FY 2008/09 |
| Different NGOs, 2009/10 (National Report 2009/10) | About 5,500 were trafficked or attempted to traffic |
| Different NGOs 2011 (National Report 2011) | About 11,500 were trafficked or attempted to traffic |
| Different NGOs 2013 (This Report) | 13,905 to 15,568 persons were trafficked or attempted to trafficked |
| Global Slavery Index 2013 | 250,000 to 270,000 were enslaved; Of which, 2.5% or 6250 to 6750 were trafficked alone |
| Different NGOs 2013/14 and 2014/15 (National Report 2013-15) | In FY 2013/14, <ul style="list-style-type: none"> • 9482 persons (9057 NGOs and 425 Nepal Police) were intercepted; (Table 5.16 & Table 2.18) • about 1600 were rescued and repatriated (Table 5.16) • 7863 persons were recorded as missing (1858 NGOs, 837 NCCR and 5168 WCSD). of which, 6564 or 83.5% remain missing. (Table 5.16, 2.16 & 2.17) In FY 2014/15, <ul style="list-style-type: none"> • about 9000 persons were intercepted; (Table 5.16) • about 2000 were rescued and repatriated and (Table 5.16) • 2692 persons were recoded as missing (1906 NGOs and 786 NCCR). (Table 5.16 & 2.16) of which, 1909 or 70.9% remain missing*. After Earthquake of April 2015 to August, 2015, <ul style="list-style-type: none"> • about 3864 persons were intercepted (Table 5.16) • 1116 (NGOs 955 and Nepal Police 161) were rescued and repatriated (Table 5.16 and Table 3.10) • 1398 (165 NGOs and 1233 Nepal Police) persons remain missing (Table 3.9 and Table 5.16). • Maiti Nepal - The number of persons intercepted increased from 635 before three months of the earthquake to 725 after the three months of the earthquake (Table 3.11). |

Note: * in the FY 2014/15, the number of missing persons recorded in WCSD was not available.

2.3 Reported Cases of Trafficking in Persons

2.3.1 Number of Cases

Data reveal that there has been considerably far lower number of TIP cases registered in Police as believed to be. The number of cases registered to Police comes out less than 200 over the years (Table 2.2). There are several reasons for the under-reporting and under-registration of human trafficking cases. One important reason is that many cases of trafficking are a result of fraudulent promises for foreign employment but such cases are not registered under the HTTCA 2007. Additionally, due to the fact that trafficking is seen as women's issue, many instances of trafficking involving men as victims are not reported as human trafficking and are instead reported under the Foreign Employment Act (FEA), 2007. Further, the lengthy process of court trials dissuades victims from reporting the crime, as they feel that it will simply extend their suffering and stigmatization.

Table 2.2 Number of TIP cases registered in Nepal Police

| FY | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/15 |
|--------|---------|---------|---------|---------|---------|
| Number | 183 | 118 | 144 | 185 | 181 |

Source: Women and Children Service Directorate, Nepal Police Headquarter (<http://cid.nepalpolice.gov.np/2012-03-21-09-51-02/women-children.html>, accessed on November 30, 2015).

The number of trafficking cases registered by districts varied sharply. In 2013/14, top-five districts with large number of TIP cases include Jhapa (18), Morang (16), Kaski (15), Banke (15) and Sindhupalchok (7). In 2014/15, the top-five districts with large number of TIP cases registered include Rupandehi (16), Morang (15), Jhapa (14), Kaski (10) and Kailali (10)/Banke (10)(See Appendix for detail 2.1).

Record of OAG - In the FY 2013/14, there were 199 and 67 women and children, respectively, trafficked survivors recorded in the different district courts of Nepal. Similarly, there were 111 and 4 women and children, respectively, convicted as traffickers (See Appendix 2.2 for details by districts).

Trafficking Data from INSEC - INSEC documented 122 victims of trafficking in 28 districts in 2014 (Table 2.3). This category includes women who were sold abroad mainly India and came back to report in 2014 while many were the victims of attempted trafficking stopped while crossing the border to India. Top five districts with highest number of victims recorded are Kathmandu (17), Kapilbastu (15), Bardiya (14), Kaski (12) and Morang (12). Among the 122 trafficking survivors, 58 were girls. Of the girls survivors, the highest number were recorded in Kaski (10), followed by Morang (8) and Jhapa (5). Among the development regions, the highest proportion is recorded in western (33%), followed by eastern and central (24% each), far-western (15.5%) and the lowest in mid-western development region (3%). Most of the victims of child trafficking are the ones being stopped while being taken to India.

Table 2.3 Number of Trafficking survivors as reported by INSEC 2014

| Districts | Number of district | Number of survivors per district | Total number of survivors |
|--|--------------------|----------------------------------|---------------------------|
| Kathmandu | 1 | 17 | 17 |
| Kapilbastu | 1 | 15 | 15 |
| Bardiya | 1 | 14 | 14 |
| Kaski | 1 | 13 | 13 |
| Morang | 1 | 12 | 12 |
| Nawalparasi and Sindhupalchok | 2 | 7 | 14 |
| Kanchanpur | 1 | 6 | 6 |
| Banke, Chitawan, Illam, Lalitapur, Mahottari, Nuwakot, Panchathar, Parsa, Rautahat, Salyan and Sunsari | 11 | 2 | 22 |
| Baglung, Bhaktapur, Darchula, Doti, Jhapa, Parbat, Shankuwasava, Saptari and Siraha | 9 | 1 | 9 |
| Total | 28 | | 122 |

Source: INSEC, 2014.

2.3.2 Characterizing the Trafficked Survivors

Who are the victims of trafficking? Here, this is evaluated from three sources (Table 2.4). One, the number of participants of a national conference organized by Shakti Samuha held June 4 and 5, 2014 in Lalitapur, Nepal. Altogether 350 participants including 191 women trafficked survivors participated in the conference. Two, the number of cases of Human Trafficking disposed by the Supreme Court of Nepal in between 2007 to 2012. A total of 120 cases were studied by the National Judicial Academy (NJA). Three, the number of trafficking victims/survivors recorded in the Nepal police in the FY 2013/14 and 2014/15.

The trafficked survivors originated across the country as indicated by the conference participants of Shakti Samuha. Majority originated from central development region (59%), followed by mid-western (18%) and eastern development region (17%). Nearly one-tenth of the conference's participants were children (< 18 years of age). Data from the Supreme Court judgment revealed that only one-third of the survivors age was stated in the judgments (29% were under 20 years and 4 percent were 20 years and above).

Of the total 191 conference participants, 56 percent, 21 percent and 20 percent were Janajati, Dalit and other caste/ethnic groups, respectively. From the Shakti Samuha data, it appears that two disadvantaged social groups i.e. Janajati and Dalit - are overwhelmingly represented as the trafficking survivors' vis-à-vis their share of population in Nepal. According to Population Census 2011, Hill Janajati and Dalit constitute around 37 percent and 14 percent of the total population, respectively. Data from the Supreme Court judgment do not match with Shakti Samuha's data. Yet majority of trafficked survivors comprised of Janajati (37%), followed by Brahman/Chhetri/Dasanami (32%) and Dalit (16%).

Table 2.4 Distribution of trafficking survivors by age and caste/ethnic groups, Nepal

| | Shakti Samuha, 2014 | | NJA, 2013 | |
|----------------------------|---------------------|---------|-----------|---------|
| | Number | Percent | Number | Percent |
| Age groups | | | | |
| < 18 years | 19 | 9.9 | 35 | 29.2 |
| >= 18 years | 172 | 90.1 | 5 | 4.2 |
| Not stated | - | - | 86 | 66.4 |
| Caste/ethnic groups | | | | |
| Janajati | 107 | 56.0 | 44 | 36.7 |
| Dalit | 40 | 20.9 | 19 | 15.8 |
| Others | 44 | 23.0 | 38 | 31.7 |
| Not stated | - | - | 19 | 15.8 |
| Total | 191 | 100.0 | 120 | 100.0 |

Source: Shakti Samuha, 2014 and NJA, 2013.

These both sources (Shakti Samuha, 2014 and NJA, 2013) also provide some indications of the process of trafficking in Nepal. Traffickers are not only strangers but they are mostly own relatives and persons who are known. In terms of destination of trafficking, majority are being trafficked to India. Internal trafficking and trafficking to Gulf states have also evolved from the both set of data. Data reveal that trafficking takes place for multiple purposes: sexual exploitation, labor exploitation and other purposes. However, the purpose of trafficking varied sharply from two sources. From the Shakti Samuha data, nearly one-thirds (32%) were trafficked for the purpose of sexual exploitation while rest for labor exploitation. Within labor exploitation, circus performance (13% of the total), domestic work (30% of the total) and labor in restaurants/hotels (8%) are the major areas of trafficking. The NJA data reveal that 88 percent of the 120 trafficked survivors were trafficked for 'prostitution' and sexual exploitation.

Nepal Police data also reveal almost the similar result as found in the Shakti Samuha and NJA study (Table 2.5). It provides somewhat more information about the origin of the trafficked survivors by development regions, schooling status, occupational status, religious beliefs before they were trafficked. Accordingly, majority of trafficked survivors originated from Eastern development region. This holds for both FYs. An overwhelmingly majority of the trafficked survivors are either no schooling or they are just literates. Almost half in FY 2013/14 and 37.5 percent in FY 2014/15 trafficked survivors reported that they were involved in agriculture occupation before they were trafficked. Data reveal that both married and unmarried women/girls were trafficked but the majority of trafficked survivors comprised of unmarried persons. Majority of the trafficked survivors are from Janajati, followed by Brahman/Chhetri and Dalit. This finding also confirms with the Shakti Samuha and NJA studies as well. In terms of religion, 85 percent of the trafficked survivors are reported to belong to Hindus while 11 and 2.5 percent were Buddhist and Islam, respectively.

Table 2.5 Distribution of trafficked survivors by selected characteristics, FYs 2013/14 and 2014/15, Nepal

| Characteristics | 2013/14 | | 2014/15 | |
|----------------------------|---------|---------|---------|---------|
| | Number | Percent | Number | Percent |
| Development region | | | | |
| Eastern | 85 | 28.7 | 78 | 27.9 |
| Central | 46 | 15.5 | 44 | 15.7 |
| Western | 54 | 18.2 | 62 | 22.1 |
| Mid-western | 36 | 12.2 | 29 | 10.4 |
| Far-western | 38 | 12.8 | 21 | 7.5 |
| Kathmandu valley | 37 | 12.5 | 46 | 16.4 |
| Sex | | | | |
| Male | 0 | 0.0 | 36 | 12.9 |
| Female | 296 | 100.0 | 244 | 87.1 |
| Age groups | | | | |
| < =18 years | 136 | 45.9 | 144 | 51.4 |
| >18 years | 160 | 54.1 | 136 | 48.6 |
| Education | | | | |
| No schooling | 252 | 85.1 | 191 | 68.2 |
| 6-10 grade | 32 | 10.8 | 71 | 25.4 |
| SLC and above | 12 | 4.1 | 12 | 4.3 |
| Occupation | | | | |
| Agriculture | 145 | 49.0 | 105 | 37.5 |
| Non-agriculture | 92 | 31.1 | 84 | 30.0 |
| Study | 49 | 16.6 | 72 | 25.7 |
| Household work | 10 | 3.4 | 19 | 6.8 |
| Marital Status | | | | |
| Married | 126 | 42.6 | 100 | 35.7 |
| Unmarried | 170 | 57.4 | 180 | 64.3 |
| Caste/ethnic groups | | | | |
| Brahman/Chhetri | 85 | 28.7 | 84 | 30.0 |
| Janajati | 122 | 41.2 | 122 | 43.6 |
| Dalit | 57 | 19.3 | 43 | 15.4 |
| Madeshi | 32 | 10.8 | 31 | 11.1 |
| Religion | | | | |
| Hindu | NA | | 239 | 85.4 |
| Buddhist | NA | | 30 | 10.7 |
| Islam | NA | | 7 | 2.5 |
| Others | NA | | 5 | 1.8 |
| Total | 296 | 100.0 | 280 | 100.0 |
| Number of cases | 185 | | 181 | |

Source: Data obtained from Women and Children Service Directorate, Nepal Police, 2015.

Health Condition of Trafficked Survivors - Of the 191 total trafficked survivors who attended in the conference of Shakti Samuha (2014), only 30 percent reported that they had undergone health treatment after returned to Nepal. Trafficked survivors reported that they have been suffering from different physical problems like headache, lower abdominal pain, genital infection, tuberculosis, HIV infection, uterious problem, swelling and pain in joints and chest pain. The perceived mental problems reported include: worry, crying, disturbance in sleeping, feeling isolation, aggressive feeling, low self-confidence and no concentration.

2.3.3 Characterizing the Trafficked Accused Persons

In general, trafficked accused persons can be characterized as predominantly coming from all development regions, males, young, illiterate or have few years of schooling and involved in low economic activities. They come from across the caste/ethnic and religious groups of Nepal. For the both FYs, the number of trafficking accused persons is the highest in eastern development region compared to other development regions in Nepal. Majority of the traffickers are males yet there are also considerable proportion of females as traffickers (about 30%). Two-thirds of the trafficking accused persons are young people. An overwhelmingly majority (87%) of the trafficking accused persons in the FY 2013/14 are either illiterate or literate only, and the comparable figure for the FY 2014/15 is 56 percent. In terms of occupation of the trafficking accused persons, they are involved in all sectors of economy including in agriculture, non-agriculture sectors. Majority of the non-agriculture laborers come from the wage laborers. Trafficking accused persons comprised of almost all caste/ethnic groups of Nepal as shown in Table 2.6.

Table 2.6 Distribution of trafficking accused persons by selected characteristics, FYs 2013/14 and 2014/15, Nepal

| Characteristics | 2013/14 | | 2014/15 | |
|----------------------------|------------|--------------|------------|--------------|
| | Number | Percent | Number | Percent |
| Development region | | | | |
| Eastern | 131 | 35.4 | 64 | 20.6 |
| Central | 66 | 17.8 | 51 | 16.5 |
| Western | 63 | 17.0 | 65 | 21.0 |
| Mid-western | 37 | 10.0 | 35 | 11.3 |
| Far-western | 23 | 6.2 | 31 | 10.0 |
| Kathmandu valley | 50 | 13.5 | 64 | 20.6 |
| Sex | | | | |
| Male | 255 | 68.9 | 219 | 70.6 |
| Female | 115 | 31.1 | 91 | 29.4 |
| Age groups | | | | |
| < 18 years | 2 | 0.5 | 13 | 4.2 |
| 19-25 | 103 | 27.8 | 88 | 28.4 |
| 26-35 | 134 | 36.2 | 125 | 40.3 |
| 36 and above | 131 | 35.4 | 84 | 27.1 |
| Education | | | | |
| No schooling | 321 | 86.8 | 173 | 55.8 |
| 6-10 grade | 24 | 6.5 | 111 | 35.8 |
| SLC and above | 25 | 6.8 | 26 | 8.4 |
| Occupation | | | | |
| Agriculture | 175 | 47.3 | 115 | 37.1 |
| Non-agriculture | 180 | 48.6 | 170 | 54.8 |
| Study | 11 | 3.0 | 17 | 5.5 |
| Housewife | 4 | 1.1 | 8 | 2.6 |
| Marital Status | | | | |
| Married | 289 | 78.1 | 189 | 61.0 |
| Unmarried | 81 | 21.9 | 121 | 39.0 |
| Caste/ethnic groups | | | | |
| Brahman/Chhetri | 86 | 23.2 | 93 | 30.0 |
| Janajati | 169 | 45.7 | 85 | 27.4 |
| Dalit | 59 | 15.9 | 66 | 21.3 |
| Madeshi | 56 | 15.1 | 66 | 21.3 |
| Religion | | | | |
| Hindu | 284 | 76.8 | 263 | 84.8 |
| Buddhist | 54 | 14.6 | 34 | 11.0 |
| Islam | 24 | 6.5 | 8 | 2.6 |
| Others | 8 | 2.2 | 5 | 1.6 |
| Total | 370 | 100.0 | 310 | 100.0 |
| Number of cases | 185 | | 181 | |

Source: Data obtained from Women and Children Service Directorate, Nepal Police, 2015.

2.3.4 Profile of Imprisoned Traffickers, Process and Modus Operandi of Trafficking

Two studies are the milestones in understanding the profile of traffickers in Nepal. The first study entitled *Study on Male Trafficker Prisoners* was conducted by Samrakshak Samuha Nepal in 2006 taking sample of 153 imprisoned traffickers of Kathmandu valley. The second study was carried out by Dhakal et al., (2015) in Kathmandu valley during the fall of 2014 in the five jails located in Kathmandu Valley: Central Jail - Bhadrabandi, Central Jail - Main Section, Central Jail - Women's Section, Dillibazar Jail, and Nakkhu Jail in Lalitapur. This study was conducted in two phases: in the first phase, a short questionnaire having 15 questions was administered to 160 out of 239 imprisoned traffickers. In the second phase, an in-depth interview was conducted among 54 imprisoned traffickers who were listed in the first phase of the study. During the 2014 study, there were 3,784 prisoners in Kathmandu Valley against 2,110 in 2006. The number of imprisoned traffickers was 153 in 2006 against 239 in 2014. The share of the traffickers within the prison population comprised of 7.3 percent in 2006 and 6.3 percent in 2014.

Profile of Traffickers - It is found that 71 percent of the 160 imprisoned traffickers interviewed in 2014 were involved in trafficking crime before they had attained their 30th birthday (Table 2.7). The median age of the traffickers is 25 years – implying that half of the traffickers were below 25 years of age and another half were above it when they involved in the trafficking crime. The traffickers have become relatively older in 2014 compared to during 2006. With regard to marital status, three-fourth of the imprisoned traffickers is married. This holds the same for the both studies. It is found that traffickers are generally poor (63% in the 2006 study and 78% in the 2014 study) persons.

Table 2.7 Percentage distribution of the imprisoned traffickers by key characteristics

| Characteristics | 2006 Study | 2014 Study |
|-----------------------------------|------------|------------|
| Age groups (in years) | | |
| < 30 | 30.3 | 17.8 |
| 30-39 | 42.0 | 38.8 |
| 40 and above | 27.7 | 43.4 |
| Range | 18-58 | 20-72 |
| Median age | 34 | 38 |
| Marital Status | | |
| Married | 76.5 | 74.5 |
| Unmarried | 23.5 | 25.5 |
| Economic Condition | | |
| Poor | 63.0 | 78.2 |
| Non-poor | 37.0 | 21.8 |
| Number of traffickers interviewed | 153 | 160 |

Source: Dhakal et al., (2015).

Process and Modus Operandi of Human Trafficking

Table 2.8 and Appendix 2.3 summarize the process and modus operandi of human trafficking from different sources.

Victim Recruitment - Majority of victims are recruited through giving false promises of offering good employment at aboard. This is followed by false marriage or love. sfs

Networking – In majority of cases, trafficking takes place in networking rather than alone. For example, almost 90 percent of the imprisoned traffickers reported that they worked in a group. The group comprised of two persons, three persons, four persons and five and more persons. There is a specific role of the traffickers in the group. Their role ranged in a continuum – identifying and looking for the victims in condition of disadvantaged situation, luring them, arranging for a travel, transporting to border areas, handing over to other agents and sale of the victims. Majority of the imprisoned traffickers in 2014 reported that they involved in recruitment and transportation process, rather than sale of victims.

Crossing the Border – In the major border points of Nepal-India, several surveillance groups comprising of NGOs and Nepal Police have been in place. In majority of the cases, the traffickers crossed the border during the day, not in night and more than half traffickers were not enquired by anyone in the borders. In borders, only two traffickers were arrested; four were enquired by NGOs and handed over to the Police; 12 were enquired by NGOs and left the persons and other two were enquired by Nepal Police. Traffickers used different means to avoid the attraction of the border security Personal and NGO personnel. In majority of cases, ‘claiming to be married’ is used to avoid the attention of the security .

Trafficking Route and Destination – Trafficking route is reported to be the main official border points between Nepal-India and Nepal-Tibet. After the initiation of the direct bus between Kathmandu-New Delhi, and Kathmandu-Varanasi in Mid-2014, there has also been possibility of trafficking of persons, especially males for kidney removal and labor exploitation as many people do not believe that males can be the victims of trafficking. This happens because of the conflation of trafficking phenomenon with female’s ‘prostitution’. As the traffickers reported that in majority of cases, the victims were trafficked to different major metropolis of India like Mumbai, New Delhi, Ludhiana and Darjeeling. There are also cases of trafficking to China and to Gulf states. A few imprisoned traffickers, however, confessed that they have trafficked to girls for sexual exploitation directly, but in majority of cases they reported that they transported the girls/women for domestic work, garment factories, hotels and restaurants.

Table 2.8 Process of trafficking, Nepal

| | Nepal Police (2013/14) | | Nepal Police (2014/15) | | Shakti Samuha, (2014) | | NJA, (2013) | |
|-------------------------------|------------------------|--------------|------------------------|--------------|-----------------------|--------------|-------------|--------------|
| | N | % | N | % | N | % | N | % |
| Purpose | | | | | | | | |
| Sexual exploitation | 28 | 15.1 | 97 | 34.6 | 61 | 31.9 | 106 | 88.3 |
| Labor exploitation | 25 | 13.5 | 1 | 0.4 | 97 | 50.9 | 8 | 6.7 |
| Forced marriage | 12 | 6.5 | 0 | 0.0 | | | | |
| Abduction | - | - | - | - | - | - | 6 | 5.0 |
| Not stated | 120 | 64.9 | 182 | 65.0 | 33 | 17.3 | - | - |
| Modus Operandi | | | | | | | | |
| Using medicine | 0 | 0.0 | 3 | 1.1 | | | | |
| False promise | 22 | 11.9 | 70 | 25.0 | | | | |
| Fake marriage | 12 | 6.5 | 15 | 5.4 | | | | |
| Pretending to a tour | 8 | 4.3 | 9 | 3.2 | | | | |
| Pretending to visit relatives | 6 | 3.2 | 2 | 0.7 | | | | |
| Luring | 45 | 24.3 | 160 | 57.1 | | | | |
| Threats | 40 | 21.6 | 21 | 7.5 | | | | |
| Not stated | 52 | 28.1 | 0 | - | | | | |
| Types of Trafficking | | | | | | | | |
| Cross-border (India) | NA | | 180 | 64.3 | 106 | 55.5 | 98 | 81.7 |
| Internal | NA | | 98 | 35.0 | 15 | 7.9 | 21 | 17.5 |
| Overseas | NA | | 2 | 0.7 | 70 | 36.6 | 1 | 0.8 |
| Total | 185 | 100.0 | 280 | 100.0 | 191 | 100.0 | 120 | 100.0 |

Note: for FY 2013/14, the figure refers to the number of cases while for figures for FY 2014/15 refer to the number of trafficked survivors.

Source: Data obtained from Women and Children Service Directorate, Nepal Police, 2015.

2.3 Female Workers in Entertainment Sector, Sexual Exploitation and Trafficking

Studies on entertainment sectors mainly initiated after 2000s when the surge of the female workers are reported to be exploited in the mushrooming number of cabin, dance restaurants in Kathmandu valley and other major towns of Nepal. As a result, the Supreme Court issued the *Guidelines to Control Sexual Harassment towards Working in Work Places such as Dance Restaurants, Dance Bars,*

2065 aiming to protect the working women and guarantee safe and dignified working environment in work places.

- ILO (2005) studied the situation of female workers in the restaurants of Kathmandu, Biratnagar and Pokhara taking sample of 200 workers. The study found that 16.5 percent of the workers were children (< 18 years of age). Generally, the female workers can be characterized as originating from all caste/ethnic groups, illiterate or having low education level, and had economic hardship in their family. Such disadvantaged positions make the female workers slipping into exploitative working conditions.
- TDH (2010) prepared a research based handbook on *Trafficking and Exploitation in the Entertainment Sector and Sex Industries in Nepal*. It covered 63 female workers in the entertainment sectors who got individual counseling from TDH, Change Nepal, TPO and Saath- Saath. In the sample, more than two thirds were children. Half of the workers come from Tamang – one of the disadvantaged ethnic groups of Nepal who mainly reside in the surrounding hills of Kathmandu valley. The recruitment process, the working conditions and payment systems, the behavior of the customers and employers all establish that entertainment sector has yet to become safe place for female workers.
- Saathi/Danish Embassy (Jan 2009-Dec. 2010) conducted a study among 436 female workers in entertainment sector in Kathmandu valley. Half of the workers were children. Majority of the female workers were Janajati (60%) and having low educational level. Conflict and poverty was the core driving forces for these workers slipping into exploitative situation.
- Maiti Nepal (2010) studied a total of 299 female workers in Kathmandu valley. Of which, 16 percent were children. Almost 80 percent were migrants, mainly originating from surrounding districts of Kathmandu valley. One third had no education at all. Of the total, 56 percent were never married. One in five knew that their friends have been trafficked from their working places.
- While preparation of the National Report, NHRC-OSRT (2010) conducted focus group discussion with 30 female workers in entertainment sectors with the support of Shakti Samuha. Findings indicate that about half face offensive languages, 73 percent reported that they were misbehaved by customers, 60 percent admitted that their private body was contacted by the customers. Four in five workers reported to have involved in the work through friends.
- Chhori (2015)¹ studied about the entertainment workers in Kathmandu valley. Their sample size consisted of 312 women and girls working in the entertainment sectors. Major findings include i) 73 out of 312 earned less than Rs. 5000/monthly; ii) 190 out of 312 desired to go to foreign employment and iii) most of these girls and women did not have skills.
- Women Forum for Women in Nepal, WOFOWON² (2015) conducted research with the women workers in the informal and entertainment sectors such as dance restaurants, massage parlors, and open/cabin restaurants in Kathmandu valley. The study findings reveal that majority are migrants – coming to Kathmandu from remote areas of Nepal and this sector has become a huge platform for employment for the young girls. However, the work places are not regulated and the female workers are at greater risk of exploitation, violence and trafficking. It is claimed that female workers in the entertainment sector are in slavery like conditions: forced to work with negligible salary, no labor contract, no fixed working hours, arbitrary arrest by the Police and no mechanism of protection of children.

¹ Chhori provided this information to NHRC for this TIP Report. The report was in draft form.

² WOFOWON reported to NHRC for this TIP Report that it has conducted research in the entertainment sector but date of the study, sample size, and sampling areas were not reported.

These all studies establish the fact that female workers in the entertainment sectors are economically subjugated, and are vulnerable of sexual abuse, exploitation and trafficking. These entertainment sectors have become destination places for the village girls as well as source areas for the trafficking to abroad, mainly to Gulf States. Some NGOs such as Saathi, Bishwas Nepal, WOFOWON, Chhori and Change Nepal are engaged with support from the Asia Foundation, TDH, Geneva Global, and Danish Embassies to promote and protect the rights of female workers in the entertainment sectors. Despite this, there is lack of consolidated data on interventions and the number female workers engaged in the various forms of entertainment sectors.

A workshop was organized by Shakti Samuha among female workers in entertainment sectors in November 18 and 19, 2014 in Budol, Kavre to understand the current situation of workers in entertainment sectors. *Box 2.1* summarizes the key findings emerged from the workshop.

Box 2.1 Current situation of female workers in entertainment sector

- Increase in visit by the agents to restaurants and *Dohori* dance bars to lure girls/women going for abroad by giving false promises of good employment opportunity. Agents provide a number of promises to lure the female workers like promises of building a house, buying land, and paying to parents up to Rs. 200,000 to 300,000.
- Many female workers who went to abroad have not been paid. Many participants reported that the promised work did not match with the offered work. For example, workers are offered work in beauty parlors but are involved in massage parlors.
- The employers pay up to Rs. 15,000 monthly for those who have good skills in dancing and singing. Workers are either paid only tips or salary. If they are paid tips, they are not paid salary; if they are paid salary, they are not paid tips.
- Agents often take pictures of workers and did not return it. This may lead to misuse of photos.
- It is estimated that 90 percent of the restaurants in Goa, India have Nepali girls working as dance girls or singers and there are more than 150 girls/women in jail in Hong Kong and Dubai.
- One participant reported that she was forced to go to Kuwait even by making the fake passport but she resisted it and another reported that she was offered to marry to a Korean man, but she declined it. Another participant reported that she is convinced to go to Korea in marriage visa.
- The participants heard that in Samakhushi, Kathmandu, a Marriage Bureau is working to provide services for marriage visa.
- One of the participants reported that one of participant's relative was transported to Singapore and she was living in miserable condition.

From the field visit of Chhori and Women's Forum for Women in Gongabu area – the long route bus park area of Kathmandu valley, it is found that cabin restaurants in this area are replaced in to *Khaja Ghar* (literally, it is a small shed where cheap food, alcohol and meat is served). Before the earthquake of April 25, 2015, there were 17 cabin restaurants and 18 duet song (*dohori*) restaurants but now there are only 8 cabin restaurants and a few duet song (*dohori*) restaurants after the earthquake.

Women and Children Office of Kathmandu has taken initiatives to make monitoring visits by involving the members of Monitoring Action Committee. Five monitoring visits were conducted during the year of 2014 and 2015. Finding of the monitoring visit was also shared in the District Administration Office, Kathmandu in March 2015. Further, Operating Procedure for the implementation of the Supreme Court Guideline has been finalized by the Monitoring Action Committee Kathmandu and sent to the Ministry of Home Affairs for final approval.

2.4 Trafficking of Girls to Korea and China for the Purpose of Marriage

South Korea and China are facing two fundamental demographic problems: first, they have experienced low fertility. South Korea had one of the lowest Total Fertility Rate (TFR) in the world: 1.2 TFR per woman and China had 1.7 TFR in 2013 (<http://data.worldbank.org/indicator/SP.DYN.TFRT.IN>). Second, in particular in China, there has been 'missing girls' phenomenon (sex selected abortion). The sex ratio at birth in China is estimated to be 117.8 in 2011 (UNFPA, 2012). This means that there are 117.8 boys born to the 100 girls born. The sex ratio at birth in South Korea is estimated to be 106.7. Note that the biological sex ratio at birth should be around 105 in any population. This situation has created in the imbalances in population between female and male – more males over females means that males will not have females to marry.

High demand of girls for marriage in these countries coupled with poverty and unemployment in Nepal are the crucially important determinants of vulnerability of trafficking of girls for marriage. Trafficking for marriage is a growing phenomenon in Nepal. Based on the Monitoring Report of NHRC in South Korea, the OSRT-NHRC TIP National Report 2009/10 estimated that there are at least 1,000 female migrants who went to South Korea through marriage in between 2005 and 2013. About 300 are happily married while others are in slavery like condition. The Migrants Centre of the Asian Human Rights and Cultural Development Forum has been investigating complaints of paper marriage. It says, 'hundreds of Nepali women from the country's rural areas are trapped in Asian countries, especially South Korea'. In one fake marriage case, it says, 'the recruitment agency got Rs. 800,000 to Rs. 120,000. The agent pocketed Rs 500,000 and the rest was spent on marriage expenses and documentation' (<http://www.emirates247.com/news/fake-agents-trapping-nepali-women-in-foreign-marriages-2014-06-28-1.554586>).

As discussed on Chapter six (Law Enforcement Section), the CIB Nepal Police arrested the rackets involved in trafficking of young girls to Korea and China for marriage. This is also widely covered in media. The Kathmandu Post – a Daily English Newspaper writes:

Mar 7, 2015 - The Central Investigation Bureau (CIB) of Nepal Police on Friday made public three persons from Chheru International Pvt. Ltd., a marriage bureau that lures young girls into 'paper marriages' with Korean and Chinese men. Pasang Sherpa, Bipul Nagarkoti and a Korean National—Park Hue Cheung—were running the Bureau registered nine months ago, pairing girls as young as 17 years with men twice their age. Speaking at a press conference, CIB Director Hemanta Malla Thakuri said the arrest was just the tip of the iceberg. 'The magnitude at which this organized crime is being carried out is still being investigated. It is hard to point out the numbers but we can tell it is huge,' said Malla.

Source:<http://kathmandupost.ekantipur.com/news/2015-03-07/trafficking-in-disguise-china-korea-marriage-racket-busted.html>.

Source: PPR Nepal, 2015.

Initial investigations show that there are at least 83 such bureaus operating in Nepal. All marriages are registered at District Administration offices in Kathmandu, Lalitapur and Bhaktapur. However, there is lacking of authentic data revealing the magnitude of marriage bureaus registered in Nepal. Further, there is no information/data about the paper marriage already conducted, the profile of the victims (origin district, age, education, caste/ethnic groups). Much research is needed to understand the magnitude and processes of trafficking of young girls for marriage in order to setting policies, rules and holding discussions with destination countries and with different law enforcement stakeholders (MoWCSW, 2015).

2.5 Trafficking of Human Organs

The UN Protocol on trafficking 2000 and HTTCA 2007 define that the extraction of human organs, except as otherwise determined by law, is an act of human trafficking and transportation. The Previous National Report 2009/10 of the OSRT-NHRC on *Trafficking in Persons, Especially Women and Children* highlighted how the racket of trafficking of kidney was extended from village to

Kathmandu and Kathmandu to different metropolis cities of India. The Report also highlighted the lack of authentic data on the victims of kidney extraction: their magnitude, processes, causes and consequences on the individuals and community at large. In this connection, by referring the recommendation of the National Report, People’s Forum Nepal (PPR Nepal) in collaboration with USAID and Asia Foundation under the CTIP project carried out a study about the victims of kidney extraction. The study was carried out in nine already widely cited Village Development Committees (VDCs) of Kavre district in 2014 aiming to assess the situation of the victims of the kidney removal. The study is basically a quantitative one where 242 respondents comprising of 36 kidney donors (or rather victims) were interviewed (Table 2.9).

Processes and Causes – Relatively a large number of Dalit – the most disadvantaged social group of Nepal - represented as the victims of kidney extraction compared to Brahman/Chhetri and Janajati. The victims are lured by offering the false information such as ‘one kidney is sufficient’, ‘no adverse effect on health’, ‘one can travel to abroad’ etc.

In the sample of 36 kidney removal victims, 27 reported that they granted consent for the extraction of their kidney. This is very typical finding as nobody would be happy to sell his/her organ willingly. Economic compulsion, the misery, is the prime factor for internalization of such wrongdoings. Further enquiry is made to the victims about whether or not they were directly contacted by the buyers, it was found that an overwhelmingly majority were contacted via middle persons – suggesting the involvement of money and commoditization of human body. It is found that the travel documents of the victims are prepared by the middle persons. But 24 victims out of 36 knew that their travel documents were of fake.

Table 2.9 Key characteristics of the kidney donors (number of victims) (N=36)

| | Number | | Number |
|---|--------|-------------------------------------|--------|
| Caste/ethnic groups | | Types of documents prepared | |
| Brahman/Chhetri | 6 | Proof of citizenship certificate | 15 |
| Janajati | 14 | Relationship certificate | 15 |
| Dalit | 16 | Travel document | 4 |
| Persuading factors (Multiple response) | | Nothing | 1 |
| No adverse effect | 18 | Other | 1 |
| Able to buy house/land | 15 | Legal status of the document | |
| One kidney is sufficient | 12 | All were fake | 24 |
| Monetary benefit | 12 | All were genuine | 1 |
| Chance to travel abroad | 7 | Don’t know | 11 |
| Kidney will resprout | 5 | Trafficking route | |
| Whether consent taken? | | Kathmandu International Airport | 3 |
| Yes, I gave consent | 27 | Kakarbhitta-Panitanki | 11 |
| No, but forced | 1 | Birgunj-Raxual | 4 |
| Kidney extracted without notice | 3 | Bhairahawa-Sunauli | 15 |
| Don’t know | 1 | Others | 3 |
| Not stated | 3 | Destination cities in India | |
| How buyer contacted donor? | | Chennai | 18 |
| Buyer contacted directly | 4 | Chandigarh | 6 |
| Broker contracted donor | 30 | New Delhi | 1 |
| Someone known to donor made to contact | 2 | Not known to the victims | 11 |

Source: PPR Nepal, 2015.

The study also identifies the trafficking routes. Generally, the victims were transferred from the major official border points between India and Nepal (Kakarbhitta, Birgunj and Bhairahawa) where border security and the NGOs surveillance are in place. This reflects the weak surveillance in the border points. This may happen because many people do not think that men can be trafficked. The key destination cities for kidney extraction are Chennai, Chandigarh and New Delhi.

Consequences – The kidney extraction can have far reaching consequences on the individual physical and mental health. In the sample of 36 victims of kidney extraction, majority reported multiple health problems such as feeling weakness, chronic headache, and no appetite, disorder in sleeping, vomiting and impotence. As many of the victims of the kidney removal are breadwinner in the family, the result of bad physical and mental health will have adverse impact on income of the household and livelihood. It is also found that the victims are also socially stigmatized and loathed. It is also reported that even their children are also stigmatized during their school hours or at play. The study establishes the fact that the victims are also financially cheated by the agents. In the sample of 36 victims of kidney removal, the average amount promised before removal of kidney is estimated to be Rs. 172,500 against the paid amount of Rs. 102,000. Looking at the data of the usage of the money earned by a sale of the kidney, it appears that the victims mainly spend money in daily household consumption including in religious and social function (Table 2.10).

Table 2.10 An overview of consequence of extraction of kidney (in number of victims) (N=36)

| Key characteristics | Number | | Number |
|--|--------|---|---------|
| Post-donation health symptoms (Multiple response) | | Promise-Payment Status | |
| Feeling weakness | 28 | Average amount promised (in Rs.) | 172,500 |
| Headache | 20 | Average amount paid (in Rs.) | 102,000 |
| No appetite | 18 | Net cheating (in Rs.) | 70,500 |
| Sleeplessness | 17 | Use of money | |
| Vomiting | 12 | Buying a house/land | 9 |
| Impotence | 10 | Buying household amenities like TV, phone | 7 |
| Others | 4 | Ritual expenses (marriage etc) | 5 |
| Social experiences (Multiple response) | | Children's education | 5 |
| Hatred | 24 | Investment in productive sector | 4 |
| Desired to meet similar people | 17 | Buying ornament | 2 |
| No differences | 9 | Buying a motor-cycle | 1 |
| Other (Negative) | 1 | Others | 16 |

Source: PPR Nepal (2015).

Although the PPR Nepal's study is a pioneering evidence-based study about the TIP for kidney removal, it fails to provide the estimates of the magnitude of the victims of kidney removal. This is because the sampling of victims of illegal kidney extraction did not come from the randomization process. Second problem of the PPR Nepal's study is that it fails to provide the reference period of the victims – making it difficult to discern whether it is the current phenomenon or past one.

2.6 Child Trafficking

2.6.1 Vulnerability of Trafficking: Child Labor

Child vulnerability of trafficking is enormous in Nepal as indicated by the very high estimated number of children in child labor situation (Table 2.11). According to the Nepal Child Labor Report 2012 (ILO, 2012a), 40 percent of the 7.77 million estimated number of children in Nepal are working children. Nearly 21 percent are in the state of child labor and 8 per cent are in the state of worst form of child labor such as child labor in brick kilns, hotels/restaurants, domestic workers, transport workers, construction and pottering, sex workers, and children involved in brining of illicit drugs and goods in border areas of Nepal.

Table 2.11 Overview of child labor situation in Nepal

| Description | Number/percent |
|--|----------------|
| Total estimated number of children (5-17 years of age) | 7.77 million |
| Estimated number of working children | 3.14 million |
| Children working (% of total) | 40.4 |
| Estimated number of child laborers | 1.6 million |
| Child laborers (% of total) | 20.6 |
| Estimated number of children at risk | 0.62 million |
| Children at risk (% of the total) | 8.0 |

Source: ILO, 2012a.

Estimated numbers of child laborers in five worst forms are available from Rapid Assessments of World Education and Plan Nepal conducted in 2012 (see Appendix 2.4). They include: i) Brick kilns, ii) transport sector, iii) child porters, iv) child domestic workers and v) child labor in hotel/restaurants. In case of Brick kilns, 18 percent of the total 75,169 labors in Kathmandu valley and 14 percent of the total 106,355 laborers outside of the Kathmandu valley are child laborers. Recent data is also available for child laborers in brick kilns from Nepal Good Weave Foundation interventions areas from Lalitapur, Bhaktapur, Sarlahi and Rupandehi (Appendix 2.4a).

In case of transport sector, there were 2,035 child laborers in Kathmandu valley and it was 1850 in outside of the Kathmandu valley (24 districts were studied). More than one-fourth (26%) consists of children under 14 years of age. With regard to child porters, the estimated numbers of child porters were 16,000 in the 30 districts of Nepal. Of them, an overwhelmingly majority (77%) are boys and 64 percent are short-distance child porters while the rest 36 percent are long-distance child porters. The estimated number of child domestic workers was 172,000 (61,000 from rural areas, 48,000 from rural but urban oriented areas and 63,000 from urban areas). Of the total child domestic workers, more than half (56%) are under 14 years of age. By sex, majority (57%) are girls against boys (43%). An estimated number of child laborers in tea shops/hotels were 77,000. Of which, majority (48,000) are in urban areas.

2.6.2 Vulnerability of Trafficking: Harmful Practices

The UN Committee on the Rights of the Child (sixteenth session) observes that practices such as *deuki*, *jhumas*, *kamlari*, *badi*³ and prevalence of early and forced marriage are harmful for the children's physical and well-being. While these practices (Deuki, Jhumas, Kamalari and Badi) have already been outlawed, it cannot be said that such practices have already abolished. These practices constitute forms of a sale of children.

Although there are few studies revealing the linkage between early and child marriage and sale of children, the child/early marriage increases the vulnerability of children (Human Rights Treaty Monitoring Coordination Committee, Child Nepal, 2011). Drawing on data from the population censuses of Nepal, one can assess the prevalence of child and early marriage in Nepal (Table 2.12). Data suggest the following. First, there is no record of very early marriage (marriage before 10 years of age) after the 1981 population census. Second, the practices of child/early marriage have persisted in Nepalese society albeit the proportions of child/early marriage has consistently declined as the time elapses. Third, practices of child/early marriage is still much pronounced among female compared to males. For example, in 2011, one in 100 females aged 10-14 and 23 in 100 females aged 15-19 have already married while the comparable figures for males are less than half (0.45%) and 7 in 100 males, respectively.

³ *Deuki* refers to offering girls to deities to fulfill religious obligations; *jhumas* refers to offering young girls to Buddhist monasteries for performing religious functions; *kamlari* refers to offering girls for domestic work to the families of landlords, and *badi* refers to widespread practice of prostitution among the Badi caste.

Table 2.12 Percentage of married population by age and sex, decennial population censuses, 1961-2011, Nepal

| Census year | Male | | | Female | | |
|-------------|------|-------|-------|--------|-------|-------|
| | 6-9 | 10-14 | 15-19 | 6-9 | 10-14 | 15-19 |
| 1961 | 2.97 | 10.59 | 35.86 | 5.29 | 24.64 | 71.42 |
| 1971 | 1.20 | 6.23 | 26.62 | 2.33 | 13.36 | 60.19 |
| 1981 | - | 14.03 | 25.09 | - | 13.36 | 50.05 |
| 1991 | - | 4.06 | 19.13 | - | 7.21 | 45.5 |
| 2001 | - | 0.76 | 11.7 | - | 1.73 | 33.23 |
| 2011 | - | 0.45 | 7.05 | - | 1.12 | 23.09 |

Source: CBS, 2014 (Pop Monograph, Vol. 1 Population Dynamics).

Note that the incidence of child/early marriage shows a sharp variation according to rural urban areas, from one-cultural group to another and from one district to another. Districts with the highest incidence of child marriage are Bajhang, Baitadi, Dadeldhura, Kapilbastu, Rautahat and Saptari. A study conducted among 1,200 married women below 24 years of age in these districts revealed that two-thirds of these women had already married before they attained their 18th birthday. The average age at marriage was 16 years (cited in CCWB, 2015).

Given the high magnitude of child marriage, there have been very few complaints registered in Nepal Police against child marriage. This may be mainly due to cultural acceptance of child marriage in Nepalese society and partly lack of awareness against child marriage. In FY, 2014/15, there were 23 cases of child marriage registered in Nepal police. Out of these cases, there were 6 cases in eastern, 4 in central, 12 in mid-western and 1 in far-western development regions (CCWB, 2015).

2.6.3 Vulnerability of Trafficking: Violence against Children

There are several factors that led to vulnerability of trafficking of children, including lack of education, poverty, dysfunctional family, and occurrence of violence against children in the family and in the community. Informal Sector Service Center (INSEC) collects and compiles data annually related with violation of human rights including child rights. In the 2013, a total of 715 children are reported to have victims of different crimes. Among the crime listed, rape, sexual abuse and child trafficking are noticeable. Of the 715 crime compiled, rape alone constituted of 57 percent, followed by sexual abuse (25.5%) and child trafficking (9%). This pattern also holds for the year of 2014 – suggesting that sexual exploitation, rape and trafficking are the major types of crime against children in Nepal (Table 2.13).

One important insight from the INSEC data is that there is a wide gap in number of victims of crime between boys and girls – an overwhelmingly majority of girls compared to boys are at risk of crime. This happens because almost all the cases of crime of rape, sexual abuse are of girls.

Table 2.13 Number of child victims in the year of 2013 and 2014, as reported by INSEC in 2014, Nepal

| Types of crime | 2013 | | | | 2014 | | | |
|---|-------|------|-------|--------------------|-------|------|-------|--------------------|
| | Girls | Boys | Total | % of total victims | Girls | Boys | Total | % of total victims |
| Child labor | 4 | 3 | 7 | 1.0 | 9 | 4 | 13 | 1.4 |
| Child trafficking | 51 | 15 | 66 | 9.2 | 58 | 37 | 95 | 10.1 |
| Child marriage | 18 | 2 | 20 | 2.8 | 33 | 0 | 33 | 3.5 |
| Rape | 406 | 0 | 406 | 56.8 | 525 | 0 | 525 | 55.9 |
| Murder of new born child | 16 | 11 | 27 | 3.8 | 15 | 3 | 18 | 1.9 |
| Physical punishment in school | | | | 0.0 | 5 | 15 | 20 | 2.1 |
| Exclusion from different opportunities | | | | 0.0 | 2 | 0 | 2 | 0.2 |
| Discrimination in education | | | | 0.0 | 0 | 1 | 1 | 0.1 |
| Sexual abuse | 172 | 10 | 182 | 25.5 | 216 | 13 | 229 | 24.4 |
| Attempted murder | | | | 0.0 | 1 | 3 | 4 | 0.4 |
| <i>Kamalari</i> (daughters of liberated bonded labor) | 7 | 0 | 7 | 1.0 | | | | |
| Total | 674 | 41 | 715 | 100.0 | 864 | 76 | 940 | 100.0 |
| Row % | 94.3 | 5.7 | | | 91.9 | 8.1 | | |

Source: INSEC 2013 and INSEC 2014 (Annual Reports).

Data reveal that of the total 940 recorded child victims of different crimes in 2014, 9 percent were very young (≤ 5 years), 28 percent were in the age group of 6-11 years while 63 percent were in the age range of 12-17 years (Table 2.9). This suggests that children of all ages are the victims of crime, but majority are in the age range of 12-17 years. This is because majority of rape and sexual abuse crime occurs in this age group (Table 2.14).

Table 2.14 Number of child victims by age groups in the year of 2014 as reported by INSEC

| Types of crime | ≤ 5 years | 6-11 years | 12-17 years | Total |
|--|----------------|------------|-------------|-------|
| Child labor | 0 | 6 | 7 | 13 |
| Child trafficking | 5 | 17 | 73 | 95 |
| Child marriage | 0 | 1 | 32 | 33 |
| Rape | 42 | 156 | 327 | 525 |
| Murder of new born child | 18 | - | - | 18 |
| Physical punishment in school | 2 | 6 | 12 | 20 |
| Exclusion from different opportunities | 0 | 1 | 1 | 2 |
| Discrimination in education | 0 | 1 | 0 | 1 |
| Sexual abuse | 20 | 72 | 137 | 229 |
| Attempted murder | 0 | 3 | 1 | 4 |
| Total | 87 | 263 | 590 | 940 |
| Row % | 9.3 | 28.0 | 62.8 | 100.0 |

Source: INSEC, 2014

A number of studies have been carried out to understand the causes, consequences of child trafficking in Nepal. One such study is of Childreach Nepal (Stallard, 2012). The study was undertaken in Nuwakot and Sindhupalchok districts in October 2012, aiming to identify the push and pull factors of child trafficking and make recommendation for combating it⁴. The study shows a

⁴ In total, 512 people in 86 discussion groups were interviewed from 22 schools. Among the total respondents, there were 144 girls (5-17 years of age) and 88 boys (5-17 years).

number of interesting results. It shows that majority of traffickers are professional recruiters, family members and husbands. Main causes of child trafficking include: i) high school drop-out rates of girls from school; ii) easily production of fake travel documents and birth registration documents; iii) parents sending their children for foreign employment for earnings and iv) children choosing to go abroad of their own accord due to personal circumstances like unhappy with their family situation, polygamy, extra-marital sexual affairs, domestic violence, alcoholism and incest.

2.6.4 Vulnerability of Trafficking: Inter-country Adoption

Studies indicated that there is linkage between trafficking and inter-country adoption. While studying the situation of inter-country adoption in Nepal in 2009, the Hague Conference on Private International Law found a number of irregularities associated with adoption processes and violation of the Purposes, Principles and Safeguards embodied in the 1993 Hague Inter-country Adoption Convention (cited in OSRT-NHRC, 2011). The UN Committee on the Rights of the Child (sixteenth session, 29 May-15 June 2012) observes the following in relation to inter-country adoption:

- a) *The increasing number of major irregularities in inter-country adoption procedures;*
- b) *The practice of informal adoption which coincides with high risk for children to be exploited as domestic servants;*
- c) *Cases of trafficking and smuggling of babies in the State party, and of families reportedly relinquishing their children as a consequence of soliciting, coercion or inducement;*
- d) *Cases of children being abused by foreign paedophiles who run so-called “orphanages” and “street shelters”, as recognized by the State party in its report.*

The Committee recommends developing and implementing strict criteria for the adoption of Nepalese children; reviewing the current mechanisms and procedures for domestic and inter-country adoption; regulating and monitoring the practice of placing children with close relatives/others; investigating all cases of irregular adoptions, smuggling of children and opening of unauthorized shelters and ‘orphanages; and ratifying the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption and also ratifying the UN Protocol on Trafficking 2000.

UN Convention on the Rights of Child, 1989 (Article 21) has made specific provisions for the intercountry adoption of children. In Nepal, there are laws/guidelines/standards that allow safe intercountry adoption such as *Children’s Act 2048*, *Children Regulation 2051*, *National Plan of Action (NPA) for Children (2061/62-2071/72)*, *Standard of Operation of the Child Care Home 2069*, *Terms and Conditions for the Adoption of Nepali Children 2065* and *Supreme Order of Formation of the Intercountry Adoption Committee 2067*. Intercountry adoption was legalized by the amendment of National Code 1964 in 1996. The Government signed the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption in 1995 in order to upgrade the adoption procedures to international standards and to make it transparent. The GoN briefly suspended intercountry adoption in May 2007 and again resumed after one year. The Government adopted Terms and Conditions for granting approval for the intercountry adoption of a Nepali child 2008 and amended it on 2011. The Government has also established the Inter-Country Adoption Management Committee as the Central Authority for planning, and management of intercountry adoption.

Data are not available about the number of intercountry adoption before 1993. The number of intercountry between May 1993 and August 2008 was 2,234. Data reveal that intercountry adoption has dramatically reduced in the FY 2013-14 and FY 2014-15 (Table 2.15) compared to the previous years. The numbers of intercountry adoption were more than 50 in FY 2009/10 and FY 2010/11 while it reduced to 24 in FY 2011/12 and further reduced to 7, 3, and 2 in the following three Fiscal

years. Of the three intercountry adoptions in FY 2013/14, all were girls. Among them, one was adopted in India and Norway each, and another was in USA. In the FY 2014/15, there were only 2 intercountry adoptions – both were girls. One was adopted in USA and another in Slovakia. Although the number of intercountry adoptions has declined in the recent years, the number of surrogacy has rapidly been increasing in Nepal.

Table 2.15 Number of children in intercountry adoption from FY 2009/10 -2014/15

| FY | Boys | Girls | Total |
|-----------------------|------|-------|-------|
| Before 1993 | | | NA |
| May 1993 –August 2008 | NA | NA | 2,234 |
| 2009/10 | 18 | 32 | 50 |
| 2010/11 | 18 | 34 | 52 |
| 2011/12 | 6 | 18 | 24 |
| 2012/13 | 2 | 5 | 7 |
| 2013/14 | 0 | 3 | 3 |
| 2014/15 | 0 | 2 | 2 |

Source: CCWB 2010, and CCWB 2014 and CCWB 2015. Note NA refers to 'not availability'.

Much research, however, is needed to understand the potential nexus of trafficking in relation to inter-country adoptions, in relation to both inter and intra country adoptions. It has also time to assess the implementation status of Terms and Conditions 2008 and the role of the Management Committee of MoWCSW to regulate the intercountry adoption.

2.6.5 Vulnerability of Trafficking: Missing Children and Women

Missing children is often not taken as the trafficking of children. However, studies indicate that there is close relation between missing children phenomenon and trafficking of children (NHRC-OSRT, 2011). Realizing the linkage between the phenomena of missing children and trafficking, the Supreme Court of India ordered to the Union of India and States in May 10, 2013 that if the missing children are not found within four months of the first information report (FIR), the matter shall be forwarded to the Anti-Trafficking Unit and take up more intensive investigation regarding the missing child as human trafficking (Box 2.2).

Box 2.2 Supreme Court of India: Decision on Missing Children

Writ Petition (Civil) No. 75 of 2012

Bachpan Bacho Andolan Petitioner (s) versus Union of India and ORS – Respondent (s)

In the said Office Memorandum, a missing child has been defined as, *“a person below eighteen years of age, whose whereabouts are not known to the parents, legal guardians and any other person, who may be legally entrusted with the custody of the child, whatever may be the circumstances/causes of disappearance. The child will be considered missing and in need of care and protection within the meaning of the later part of the Juvenile Act, until located and/or his/her safety/well being is established.”*

In case a missing child is not recovered within four months from the date of filing of the FIR, the matter may be forwarded to the Anti-Human Trafficking Unit in each State in order to enable the said Unit to take up more intensive investigation regarding the missing child. The Anti-Human Trafficking Unit shall file periodical status reports after every three months to keep the Legal Services Authorities updated.

Once a child is recovered, the police authorities shall carry out further investigation to see whether there is an involvement of any trafficking in the procedure by which the child went missing and if, on investigation, such links are found, the police shall take appropriate action thereupon.

In Nepal, National Center for Children at Risk (NCCR) was established in 2006 with the joint efforts of MoWCSW, CCWB, Nepal Police, and civil society organizations in order to seek the missing children; provide the protection and rehabilitation services to the abandoned/neglected children and carry out the prevention activities to curtailed missing children phenomenon.

The NCCR also maintains data on the missing and found children. Accordingly, the number of missing children over the 6-years has been presented in Table 2.16. Data reveal that the reported number of missing children has considerably declined in the FY of 2013-14 and FY 2014-15 compared to the previous FYs. Although the main reasons for such a decline are yet to explore, one key reason may be that parents do not want to report in the Center. Further, the untraced rate – the proportion of missing children who remain missing – has been more than 40 percent for each of the FY except the last Fiscal Year. The untraced rate is much higher among girls compared to boys. Whereas the untraced rates range from 31 to 36 percent for boys, the comparable figures for girls are 49 to 56 percent. This may be due to i) there is high vulnerability of girls being trafficked or ii) there is a high tendency of reporting about the missing girls over missing boys in the NCCR.

Table 2.16 Number of missing children recorded in NCCR, Kathmandu Valley

| Fiscal year | No. of missing children | | | No. children remain missing | | | Untraced rate | | |
|-------------|-------------------------|-------|-------|-----------------------------|-------|-------|---------------|-------|-------|
| | Boys | Girls | Total | Boys | Girls | Total | Boys | Girls | Total |
| 2009/10 | 1139 | 1047 | 2186 | 387 | 514 | 901 | 34.0 | 49.1 | 41.2 |
| 2010/11 | 1228 | 1203 | 2431 | 451 | 636 | 1087 | 36.7 | 52.9 | 44.7 |
| 2011/12 | 774 | 804 | 1578 | 270 | 428 | 698 | 34.9 | 53.2 | 44.2 |
| 2012/13 | 659 | 794 | 1453 | 202 | 428 | 630 | 30.7 | 53.9 | 43.4 |
| 2013/14 | 429 | 408 | 837 | 145 | 229 | 374 | 33.8 | 56.1 | 44.7 |
| 2014/15 | 342 | 444 | 786 | NA | NA | 496 | | | 36.9 |

Note: NA refers to 'not availability'.

Source: CCWB, 2014 and CCWB, 2015.

According to the record of the WCSD, Nepal Police, the five-yearly (2009/10 – 2013/14) average number of missing persons recorded in WCSD is 5,246. Among the missing persons recorded almost 74 percent of the total missing recorded are females while the rest 26 percent males. The share of children recorded missing constituted 38 percent of the total missing persons recorded (Table 2.17).

Table 2.17 Number of missing persons recorded in Nepal Police, WCSD, Kathmandu

| FY | No. of missing | | | | | Remain missing | | | | |
|----------------------------|----------------|--------|----------|-------|-------|----------------|--------|----------|-------|-------|
| | Male | Female | Children | Adult | Total | Male | Female | Children | Adult | Total |
| 2009/10 | 1198 | 2629 | 1384 | 2443 | 3827 | 1005 | 2300 | 1103 | 2202 | 3305 |
| 2010/11 | 1362 | 3067 | 1444 | 2985 | 4429 | 1113 | 2578 | 1060 | 2631 | 3691 |
| 2011/12 | 1475 | 6263 | 4339 | 3399 | 7738 | 1190 | 5803 | 4021 | 2972 | 6993 |
| 2012/13 | 1344 | 3724 | 1481 | 3587 | 5068 | 1168 | 3270 | 1221 | 3217 | 4438 |
| 2013/14 | 1506 | 3662 | 1501 | 3667 | 5168 | 1399 | 3354 | 1327 | 3426 | 4753 |
| Five-yearly average | 1377 | 3869 | 2030 | 3216 | 5246 | 1175 | 3461 | 1746 | 2890 | 4636 |
| Row % | 26.2 | 73.8 | 38.7 | 61.3 | 100.0 | 25.3 | 74.7 | 37.7 | 62.3 | 100.0 |
| Five yearly untraced rate* | | | | | | 85.3 | 89.5 | 86.0 | 89.8 | 88.4 |

Source: Women and Children Service Directorate, Nepal Police, (data received through a letter on request of NHRC), 2015.

There is very large numbers of missing persons who remain missing in each FY. The five-yearly (2009/10-2013/14) average number of persons missing recorded remain missing is 4,636 – resulting a very high untraced rate. The five-yearly (2009/10-2013/14) average untraced rate comes out to be 88 percent. This means that of the total missing persons recorded in Nepal Police, 88 percent remain missing.

2.6.6 Interception of Children by Nepal Police

During the FY 2014-15, Nepal Police has rescued 425 children from different border points/regions of Nepal (Table 2.18). Among the six places, the highest number recorded was in Hetauda (30%). This is followed in Surkhet (25%), Biratnagar (24%), Dipayal (11%), Kathmandu valley (6%) and Pokhara (5%). Data reveal that there is no significant difference in the number of children rescued by sex – implying that both girls and boys are equally at risk of trafficking or missing.

Table 2.18 Number of children at risk of trafficking rescued from different border points/regions by Nepal Police, FY 2014-15

| Region/Place | Boys | Girls | Total | % of total |
|------------------|------|-------|-------|------------|
| Biratnagar | 49 | 52 | 101 | 23.8 |
| Hetauda | 62 | 65 | 127 | 29.9 |
| Pokhara | 12 | 8 | 20 | 4.7 |
| Surkhet | 49 | 57 | 106 | 24.9 |
| Dipayal | 25 | 20 | 45 | 10.6 |
| Kathmandu valley | 15 | 11 | 26 | 6.1 |
| Total | 212 | 213 | 425 | 100.0 |
| Row % | 49.9 | 50.1 | 100.0 | |

Source: cited in CCWB, 2015 from Women and Children Service Directorate, Nepal Police, 2071-72 BS.

2.7 Emerging Challenges

- Developing the conceptual clarity about human trafficking among the general population at large and among the service providers in particular. There is a need to make clarity about trafficking, migration and migrant smuggling, the modus operandi of the traffickers and involvement of own relatives as traffickers. The selling of kidney on the 'consent basis', marrying a daughter to a foreigner, all these possess a greater challenge to combat TIP.
- Establishing a unified institutional mechanism to collect reliable statistical information on the scope of trafficking in persons in Nepal or on the level of public awareness about the phenomenon. Government has to develop a standardized and integrated management information system (IMSS) for handling data related to TIP cases. Such a system has to be uniformly adopted by the concerned stakeholders including NGOs involved in anti-trafficking and safe migration areas.
- Increasing the registration of trafficking in persons cases to Nepal Police by increasing the public trust on Nepal Police, prosecution and court proceeding. This is because there is very low number of trafficking cases registered in Nepal Police.
- Requiring greater attention, surveillance and monitoring in both formal and informal, registered or unregistered institutions established in the country such as Marriage Bureaus, recruitment agencies, agents, travel agencies, pharmacies and medical institutions, insurance companies, skills and orientation centers, informal networks, financial institutions, education consultancies, hotels and lodges and 'Child Care Homes'.
- Targeting to a large number of children who are in vulnerable conditions such as in child labor, especially in worst forms of child labor, children affected by harmful practices and children in violence.
- Conducting scientific study divulging the linkage of TIP and phenomenon of missing children. In recent years, Nepal has become a key destination country for surrogate mothers, and it is essential to conduct studies whether there involves any irregularities, exploitation and trafficking in the process of making women as surrogate mothers and adoption of the child.
- Obtaining disaggregated data of the trafficked survivors, especially of third gender. This review suggests that none of the agencies – GOs or NGOs - have maintained data accordingly.

Chapter 3

Emerging Vulnerabilities of Trafficking of Persons in Nepal: The Deadly Earthquakes of Mid-2015

While Chapter 2 dealt with general situation of TIP in Nepal, this Chapter chiefly focuses on the risk of trafficking after Nepal experienced two deadly massive Earthquakes of 25 April and 12 May, 2015 and hundreds of aftershocks. Experiences from the 2010 Haiti earthquake indicated that vulnerability of TIP especially women and children surges after the massive earthquakes.

In addition to the widely cited conventional determinants of TIP such as poverty, unemployment, gender and caste discrimination, the earthquakes have created new challenges to combat trafficking. According to UNFPA (2015), Nepal's post-earthquake environment is importantly different in many ways than its pre-earthquake environment. It has not only worsened certain pre-existing vulnerabilities, but also created completely new ones. As will be discussed in the following sections, the earthquakes have damaged a huge amount of private property; people suddenly slipped into poverty, and losing well-being and employment opportunities. This leads to difficulties in livelihoods at home. As a result, many women and men would seek employment opportunities abroad. Some of them might end of being trafficked at some point (UNICEF, 2015: Trafficking of Women and Children in Nepal, Q&A). However, it is difficult to corroborate that whether there has been an increase in trafficking cases after the earthquakes as there is no comprehensive database system to record the trafficking cases.

In this context, this Chapter begins by discussing the impact of earthquake on people's lives: their well-being, employment opportunities, shelter and other vulnerabilities such as drop-out from school. It further goes on judging the media report about risk of trafficking of children/women and some field evidences how children perceive their concerns and priorities after the trembles. The final section reviews the responses of earthquakes to prevent TIP and protect children and women from being trafficked.

3.1 Assessing the Impact of Earthquakes

3.1.1 The Estimated Loss by Sectors

The earthquake of April 25, 2015 with 7.8 Richter Scale and a number of aftershocks has resulted in huge loss of human lives, physical infrastructure, and natural resources. The death toll is estimated to have reached 8,790 while 22,300 people have sustained injuries with about 300 accounted as still missing (Ministry of Finance, 2015). The earthquake is estimated to have affected about one third (8 million) of the nation's population in 31 districts out of 75 districts of Nepal. The GoN has identified 14 districts as most affected districts: Gorkha, Dhading, Rasuwa, Nuwakot, Kathmandu, Lalitapur, Bhaktapur, Makwanpur, Kavre, Sindhupalchok, Dolakha, Ramechhap, Sindhuli and Okhaldhunga.

An estimated loss due to earthquake is Rs. 706,461 million (Table 3.1). The highest amount of loss is in social sector (58%), followed by productive sector (25%), infrastructure (9.5%) and cross-cutting sector (7.5%). Among the individual sectors, it is the housing and human settlement that accounted almost half of the total estimated loss due to the earthquakes. Thus, loss of private property such as houses is the major loss – thereby displacing hundreds of thousands people from their own houses. It created a situation of unsafe for the children, women and disabled to spend days and nights in the tents. This also increased the risk of exploitation of children, women and vulnerable groups in the name of 'relief' package.

Table 3.1 Estimated loss due to the earthquake of April 25, 2015 and several aftershocks, Nepal

| Sector | Damage in (Rs. 10 Million) | Loss (Rs. 10 Million) | Total (in Rs. 10 million) | % of total |
|---------------------------------|----------------------------|-----------------------|---------------------------|-------------|
| Social Sector | 35502.8 | 5359.7 | 40862.5 | 57.8 |
| Housing and human settlement | 30363.2 | 4690.8 | 35054.0 | 49.6 |
| Health | 642.2 | 112.2 | 754.4 | 1.1 |
| Education | 2806.4 | 325.4 | 3131.8 | 4.4 |
| Cultural heritage | 1691.0 | 231.3 | 1922.3 | 2.7 |
| Productive Sector | 5807.5 | 12004.6 | 17812.1 | 25.2 |
| Agriculture | 1640.5 | 1196.20 | 2836.7 | 4.0 |
| Irrigation | 38.3 | - | 38.3 | 0.1 |
| Commerce | 901.5 | 793.8 | 1695.3 | 2.4 |
| Industry | 839.4 | 1087.7 | 1927.1 | 2.7 |
| Tourism | 1886.3 | 6237.9 | 8124.2 | 11.5 |
| Finance | 501.5 | 2689.0 | 3190.5 | 4.5 |
| Infrastructure Sector | 5246 | 1432.3 | 6678.3 | 9.5 |
| Electricity | 1780.7 | 343.5 | 2124.2 | 3.0 |
| Communication | 361.0 | 508.5 | 869.5 | 1.2 |
| Community Infrastructure | 334.9 | - | 334.9 | 0.5 |
| Transport | 1718.8 | 493.0 | 2211.8 | 3.1 |
| Water and Sewerage | 1050.6 | 87.3 | 1137.9 | 1.6 |
| Cross-Cutting | 5187.2 | 106.1 | 5293.3 | 7.5 |
| Governance | 1875.7 | - | 1875.7 | 2.7 |
| Natural Disaster Risk Reduction | 15.5 | - | 15.5 | 0.0 |
| Forest and Environment | 3296.0 | 106.1 | 3402.1 | 4.8 |
| Total | 51743.4 | 18902.7 | 70646.1 | 100.0 |

Source: National Planning Commission, 2015a.

3.1.2 Magnitude of the Affected Populations: the Marginalized Groups, Children and Women

While the disaster affects all section of the populations, it can have severe impact on those sections of populations who are already disadvantaged, marginalized and disempowered. Women, children, elderly, disabled, Dalit and ethnic minority are disproportionately affected by the earthquakes. These groups are already disempowered and poor and will have experienced a larger impact of the quakes. Further, people position in the society also determines their participation and benefits from the post-disaster relief and recovery interventions and their general resilience to future disasters (National Planning Commission, 2015b). Further, it is also evident that among the death tolls of 8684, women and girls constituted of 55 percent (3300 women, 1476 girls) while boys and men constituted 45 percent (2605 men and 1303 boys) (Gender Equality Bulletin No. 1).

It has been estimated that 5.7 million populations in 14 most affected districts have been directly affected by the quakes. Of them, female constitute more than half – accounting of 2.7 million. Vulnerable population among females are female headed households, illiterates, pregnant and lactating women, females with disabilities, elderly women, girl child under 14 years and young women. Further, Dalit population is also substantial in the affected district consisting of 16 percent of the total affected population (Table 3.2). The share of female headed households (FHHs) is 26.5 percent in the 14 hard-hit districts, which ranges between 21.3 percent (Nuwakot and Kavre) to 37.2 percent (Gorkha). As the number of single-headed households and FHHs are likely to rise in the aftermath of the earthquake, there should be a special support system to promote their survival and social resilience. Women, Dalit and marginalized groups will face a severe crisis as their already existing coping mechanisms and capacities are extremely low.

Table 3.2 Population estimated affected by the earthquakes, Nepal

| | Number |
|--|---------------|
| Total population | 5,700,000 |
| Total women's population (50.5%) | 2,710,239 |
| Female headed households (26.5%) | 326,943 |
| Women with disabilities | 39,987 |
| Elderly women (65 + years 6% of the total female population) | 163,043 |
| Girls under 14 years of age (28% of the total female population) | 764,226 |
| Illiterate women (29% of the total female population) | 794,529 |
| Dalit population (16.3%) | 929,000 |
| Number of children out of school | 1,399,000 |
| Pregnant and lactating women | 126,000 |
| Number of women at risk of gender-based violence | 40,000 |

Source: Gender Equality Bulletin No. 1.

3.1.3 Increase in Number and Proportion of Poor

According to the World Bank estimate (2015)⁵, the proportion of poor in Nepal will increase by 2 percent (on the assumption of low impact), by 2.8 percent (on the assumption of medium impact) by 3.7 percent (on the assumption of high impact) into poverty in 2015/16. The proportions and number of poor would substantially increase in mountains and central hills of Nepal. With the assumption of medium-impact of the earthquake on the Nepalese economy, the proportion of poor in mountains would increase to 43.8 percent from 35.9 percent; and in central hills, it would increase from 25.8 percent to 41.2 percent. The absolute number of poor at the national level, on the assumption of earthquake impact of low, medium and high scenarios, will be 561,000; 786,000 and 1038,000, respectively. Almost half number of poor of Nepal would be in central hills. Thus, central hills and mountains would be the pocket of poverty-hit areas coupled by the emotional and psychological distress. This is one of the crucial vulnerability situations of all persons including children, young, adult, elderly, men and women.

Table 3.3 Poverty impact earthquake of April 25, 2015 and aftershocks under three scenarios

| | % of poor (Baseline no earthquake scenario 2015) | Low impact | | Medium-impact | | High impact | |
|---------------|--|------------|--------------------------|---------------|--------------------------|-------------|--------------------------|
| | | % poor | Number of poor (in '000) | % poor | Number of poor (in '000) | % poor | Number of poor (in '000) |
| National | 21.2 | 23.2 | 561 | 24.0 | 786 | 24.9 | 1038 |
| Mountains | 35.9 | 41.1 | 102 | 43.8 | 152 | 45.1 | 180 |
| Urban | | | | | | | |
| Kathmandu | 9.4 | 12.1 | 43 | 13.0 | 56 | 14.6 | 82 |
| Other hills | 7.3 | 7.8 | 6 | 7.8 | 6 | 7.8 | 6 |
| Rural | | | | | | | |
| Eastern hills | 13.0 | 13.7 | 13 | 14.1 | 19 | 14.2 | 22 |
| Central hills | 25.8 | 36.6 | 280 | 41.2 | 395 | 45.1 | 500 |
| Western hills | 21.8 | 24.3 | 66 | 25.8 | 106 | 27.1 | 141 |

Source: NPC, 2015a.

⁵ The World Bank (cited in NPC, 2015) carried out the impact of earthquakes of April 25 and aftershocks on poverty level in Nepal under three different scenarios: low, medium and high impact. Four indicators were taken into account: i) % loss of housing and durable assets loss (50%, 70% and 100% for low, medium and high, respectively); ii) % loss in annual income loss (35%, 45% and 50% for low, medium and high respectively); iii) % of growth rate in 2015/16 (4.5%, 4.5% and 4% in low, medium and high, respectively) and iv) % increase in foreign remittance (15%, 5% and 0% for low, medium and high projection, respectively).

3.1.4 Effects on Employment and Well-being

It has been estimated that nearly 95 million work days have been lost due to the effect of earthquake of April 25 and series of aftershocks (Table 3.4). More women's working days have been lost compared to men (50.6 million days vs. 44.2 million). This is mainly due to the fact that women's work is hardly hit by the quake as majority of women in Nepal still involve in household and extended economic activities such as micro-enterprises. The high proportion of houses either partially or completely damaged means that more women tend to loss their productive working hours compared to men.

Table 3.4 Lost work days and personal income due to the earthquake (in 14 most affected districts), Nepal

| Sector | Lost work days (in millions) | | | Loss in personal income (in millions) | |
|-------------|------------------------------|-------|------|---------------------------------------|-------|
| | Total | Women | Men | Rs. | USD |
| Agriculture | 46.4 | 28.1 | 18.3 | 4,603 | 46.0 |
| Commerce | 7.9 | 2.8 | 5.1 | 2,667 | 26.7 |
| Industry | 10.8 | 4.3 | 6.6 | 3,655 | 36.5 |
| Tourism | 29.7 | 15.4 | 14.2 | 6,200 | 62.0 |
| Total | 94.8 | 50.6 | 44.2 | 17,125 | 171.2 |

Source: NPC, 2015a.

National Planning Commission (2015a) Assessment shows that value of loss due to the earthquake varies by social groups in Nepal (Table 3.5). The total effect of the earthquake is estimated to be the highest among female headed households (Rs. 85,000/ household). This is followed by households of Janajati (about Rs. 81,000), households headed by Senior citizens (Rs. 75,000) and households of Dalit (Rs. 53,000).

Table 3.5 Damage and losses sustained by different social groups due to the earthquakes (in 14 most affected districts), Nepal

| | Total damage and loss | Female HHs | Senior citizen HHs | Dalit HHs | Janajati HHs |
|--|-----------------------|------------|--------------------|-----------|--------------|
| Ownership rate | - | 26% | 23% | 16% | 25% |
| Total effect per social group (in Rs.) | 326,169 | 85,279 | 75,019 | 53,166 | 80,564 |

Further, the Assessment revealed that among the different sources of household income, income from agriculture sector had been greatly affected by the quake (30% from agriculture; 10% from wage-income from non-agriculture; 10% from enterprise income; 100% from house-rent; 10% from internal remittance and 5% from economic wide effect). Only one source of income i.e. external remittance is expected to increase by 10 percentage points.

3.1.5 Increase of Migration as a Coping Strategy

As discussed above, the earthquake of April 25 and its several aftershocks have had tremendous impact on the livelihoods of the people and people's coping strategies are greatly affected – forcing people migrate for livelihoods. There is highly likelihood that such migration would be unsafe due to stress, lack of financing for migration. Unfortunately, much research is needed to substantiate this assumption.

Considering the eight-year data (FY 2006/07 to 2013/14) of documented foreign labor migrants, the share of foreign labor migrants is about 17 percent from the 14 most affected districts of Nepal (Table 3.6). The eight-yearly average number of foreign labor migrants is 53,000. Nearly 42 percent of the documented female labor migrants originated from these districts – suggesting that there has been significant number of people going abroad for work through different channels – individual and institutional efforts or formal or informal means. This follows that there already been social and family networks established, and due to the effects of earthquakes, the likelihood of migration would increase for livelihoods.

Table 3.6 Distribution of foreign labor migrants (from FY 2006/07 to 2013/14) for mostly affected and other districts, Nepal

| | Male | Female | Total |
|--------------------------------------|-----------|--------|-----------|
| Percent | | | |
| Mostly affected districts | 16.3 | 41.8 | 16.9 |
| Other districts | 83.7 | 58.2 | 83.1 |
| Total | 100.0 | 100.0 | 100.0 |
| Sum of migrants (8 years) | | | |
| Mostly affected districts | 402,011 | 21,887 | 423,898 |
| Other districts | 2,060,873 | 30,450 | 2,091,323 |
| Total | 2,462,884 | 52,337 | 2,515,221 |
| 8-early annual average number | | | |
| Mostly affected districts | 50,251 | 2,736 | 52,987 |
| Other districts | 257,609 | 3,806 | 261,415 |
| Total | 307,861 | 6,542 | 314,403 |

Source: calculated based on Department of Foreign Employment (2014) *Annual Report of FY 2070/71 (2013/14)*.

3.1.6 Loss in Internal Efficiency of Children in Schooling

The Assessment immediately after the earthquake of April 25 and May 12, 2015 conducted by National Planning Commission (2015b) revealed that drop-out and repetition rates of students would increase while the rates of promotion will be decline. High drop-outs and repetition rates are the education related vulnerability indicators that might lead to children falling into much worst forms of child labor, exploitation and trafficking. As shown in Table 3.7, the drop-out rate of grade 8 is 6.9 percent in the earthquake affected districts - almost one percentage point higher than that of the national average. Further, the repetition rate is also higher in earthquake affected districts, especially in minor affected districts. In case of grade one, drop-out rates are much higher in major affected and minor affected districts compared to the national average and it is also predicted that repetition rate would be as high as 30 percent in major affected districts.

Table 3.7 Prediction of internal efficiency on school education in affected districts of earthquake, Nepal

| | Drop-out | | Promotion | | Repetition | |
|---------------------------|----------|------|-----------|------|------------|------|
| | Rate | Rank | Rate | Rank | Rate | Rank |
| Grade 8 | | | | | | |
| National | 6.0 | | 89.5 | | 4.5 | |
| Mostly affected districts | 6.9 | High | 87.9 | Low | 5.2 | High |
| Major affected districts | 5.8 | Low | 89.3 | Low | 5.0 | High |
| Minor affected districts | 5.8 | Low | 88.1 | Low | 6.2 | High |
| Grade 1 | | | | | | |
| National | 6.5 | | 78.4 | | 15.2 | |
| Mostly affected districts | 5.7 | Low | 69.4 | High | 14.9 | Low |
| Major affected districts | 7.2 | High | 76.8 | Low | 30.4 | High |
| Minor affected districts | 7.1 | High | 78.8 | Low | 14.1 | Low |

Source: National Planning Commission, 2015b.

3.1.7 Estimated Number of Children Affected by the Quakes

The National Planning Commission estimates show that in the 14 most affected districts, 536,948 houses were fully damaged (Table 3.8). Among the affected population of 2.5 million, 44 per cent are children under 18 years of age. Of the total affected children, the highest proportion is from Dhading (15%), followed by Nuwakot (14%), Sindhupalchok (12%), Gorkha (11%), Kavre (9%) and Dolakha (9%). All of these districts except Gorkha are traditionally hard hit by girls/women trafficking to India for sexual exploitation.

Further, a large number of children have turned to be vulnerable for trafficking and exploitation as they ended up as orphans or children without parental or guardian care. According to CCWB Annual Report of (2015), 176 children had become orphans, 865 children's mothers died, and 972 children's fathers died. And a total of 2,107 children are reported to be injured. Of the total 8,790 deaths from the quake, 2737 were children (31% of the total deaths).

Table 3.8 Estimated number of children (<18 years) affected by the earthquake of April 25, 2015 and aftershocks, Nepal

| Districts | Number of houses fully damaged | Directly affected population | Directly affected number of children | % of total children |
|---------------|--------------------------------|------------------------------|--------------------------------------|---------------------|
| Sindhuplachok | 63,885 | 300,260 | 133,375 | 11.9 |
| Dolakha | 48,880 | 229,736 | 102,049 | 9.1 |
| Kavre | 49,933 | 234,685 | 104,247 | 9.3 |
| Rasuwa | 11,368 | 53,430 | 23,733 | 2.1 |
| Nuwakot | 75,562 | 355,141 | 157,754 | 14.1 |
| Dhading | 81,313 | 382,171 | 169,760 | 15.1 |
| Gorakha | 59,527 | 279,777 | 124,277 | 11.1 |
| Makwanpur | 18,192 | 85,502 | 37,980 | 3.4 |
| Ramechhap | 26,743 | 125,692 | 55,832 | 5.0 |
| Okhaldhunga | 10,031 | 47,146 | 20,942 | 1.9 |
| Sindhuli | 18,197 | 85,526 | 37,991 | 3.4 |
| Bhaktapur | 18,900 | 88,830 | 39,458 | 3.5 |
| Lalitapur | 17,444 | 81,987 | 36,419 | 3.2 |
| Kathmandu | 36,973 | 173,773 | 77,190 | 6.9 |
| Total | 536,948 | 2,523,656 | 1,121,007 | 100.0 |

Note: Population and number of children affected have been estimated based on the census 2011 findings. The average family size per household is 4.7 and the proportion of children under 18 years is 44.4.

Source: Nepal Disaster Risk Reduction Portal, Incident Report of Earthquake 2015, Ministry of Home Affairs.

3.2 Media Coverage on Possibility of Trafficking in Persons

Media has widely provided space for the risk of trafficking of women and children after the two deadly earthquakes of Nepal. In this Report, we have randomly sought some of the news and views covered by the national and international media after the earthquakes. The news is organized in chronological order of date of publication. Having examined the media reports, it can be inferred that TIP, especially women and children has increased aftermath of the earthquakes from the most earthquake affected districts of Nepal.

1. The Guardians in May 5, 2015 writes, 'Nepal quake survivors face threat from human traffickers supplying sex trade'

Tens of thousands of young women from regions devastated by the earthquake in Nepal are being targeted by human traffickers supplying a network of brothels across South Asia, campaigners in Kathmandu and affected areas say.

"This is the time when the brokers go in the name of relief to kidnap or lure women. We are distributing assistance to make people aware that someone might come to lure them," said Sunita Danuwar, director of Shakti Samuha. "We are getting reports of [individuals] pretending to go for rescuing and looking at people."

Senior western aid officials in the Nepalese capital are also concerned. "There is nothing like an emergency when there is chaos for opportunities to ... traffic more women. There is a great chance that everything that is bad happening in Nepal could scale up," said one.

"The earthquake will definitely increase the risk of abuse," said Rashmita, a local health worker. "People here are now desperate and will take any chance. There are spotters in the villages who convince family members and local brokers who do the deal. We know who they are."

"I am worried now for the other girls who might be taken away. They will need the money and be tempted if someone talks to them about a job. Then the same thing will happen to them as happened to me," Sita said.

Many local agents do not know the eventual destination of the women, with some genuinely believing they will find well-paid work in Kathmandu or India. Others are well aware of the real nature of their "jobs".

2. Beulah Devaney in New Internationalists Blog on 13 May, 2015 writes, 'Eight ways to help stop human trafficking in Nepal'

Nepal has been struck by a second earthquake, just weeks after the Gorkha Earthquake killed more than 8,000 people and left 18,000 injured. This time, the earthquake reached 7.3 on the Richter scale, and was followed by 6 aftershocks. The Nepalese home ministry is reporting that at least another 900 people have been injured. ... So far, however, little practical information has been made available on how to help prevent human trafficking, to which, in the wake of the earthquakes, thousands of girls and young women are more vulnerable than ever. With this in mind, we have compiled 8 ways to help counteract human trafficking, both in Nepal and around the world:

1. Set up a small, regular donation, rather than a big one-off sum
2. If you are able to donate, keep an eye on where your money is going
3. Donate to anti-human trafficking charities already working within
4. Lobby the Indian government to tighten security along the India-Nepal border
5. Make sure anti-trafficking measures are incorporated into future disaster plans
6. Make sure sanitary products for women and girls are prioritized
7. Scrutinize attempts to adopt orphaned children
8. Continue to raise awareness of the situation in Nepal, build it into your local community.

Source: <http://newint.org/blog/2015/05/13/stop-human-trafficking/> (access on October 14, 2015).

3. Independent – the Daily news paper published from United Kingdom writes (26 May 2015), 'Child victims of Nepal earthquake sold to factories and brothels by human traffickers'

Child victims of the Nepal earthquake as young as eight are being rescued from people traffickers amid fears they will be sold into the sex trade.

Young survivors of the devastation are being targeted for work in sweatshops and brothels, according to campaigners.

Authorities in India now claim to have rescued 26 children pushed into slave labor work.

"Following the Nepal disaster, the fear of children and women falling prey to the human trafficker gangs has increased manifold and so we are keeping a strict vigil along the Indo-Nepal border to prevent such happenings."

Source: <http://www.independent.co.uk/news/world/asia/child-victims-of-nepal-earthquake-sold-to-factories-and-brothels-by-human-traffickers-10276506.html> (access on October 14, 2015).

4. Kathmandu Post, May 29, writes, 'Quake increased human trafficking risk, Maiti Nepal'

After documenting several cases of earthquake-displaced families haphazardly migrating to India, women and child rights organization Maiti Nepal has expressed concerns over the increased risk of trafficking of women and children from such families. The organization's border surveillance centers at Illam, Kailali, Kanchanpur, Banke, Nawalparasi and Rupandehi have recorded that 133 families have migrated to India after the April 25 earthquake in search for safer places while several similar cases go undocumented.

Source:

http://www.maitinepal.org/index.php?content=contentpage&id=84&pagename=Quake_increased_human_trafficking_risk:_Maiti_Nepal (access on October 14, 2015).

5. Spotlight News Magazine in June 20, 2015 writes, 'With a strong vigilance by Nepal Police and efforts by UNICEF, trafficking of children and women in the post-earthquake situation is under control'

On June 20, Nepal Police arrested an individual crossing Nepal-India border in Nepalgunj along with five children, between 10 and 15 years, accompanying him. ...

SSB, Indian border security, forces are also taking a close vigilance over Nepal-India open border to stop human trafficking. It has prevented traffickers from selling children in India.

"Nepal Police has been deputing strong cells at the border points and we are taking all possible efforts to save the children of the earthquake affected districts," said spokesperson of Nepal Police Kamal Singh Bom.

At least 245 children have been intercepted from being trafficked and being unnecessarily or illegally placed in children's care homes since the first earthquake hit Nepal almost two months ago, said UNICEF.

The children's organization is collaborating with the Ministry of Women, Children and Social Welfare and Child Welfare Board, as well as the Ministry of Home Affairs, the Nepal Police and the Department of Immigration to mitigate the risk of trafficking through policy measures and direct response.

"UNICEF feared a surge in trafficking cases after the major earthquakes," said Tomoo Hozumi, UNICEF Nepal Representative. "Loss of livelihoods and worsening living conditions may allow traffickers to easily convince parents to give their children up for what they are made to believe will be a better life. The traffickers promise education, meals and a better future. But the reality is that many of those children could end up being horrendously exploited and abused."

Families may also be more easily convinced to send their children to orphanages in Kathmandu and Pokhara, a trend that began following the civil war with promises of safety and education. ...

The registration of new orphanages has been suspended. The relocation of children out of their home districts is dependent upon prior authorization from the CCWB. All orphanages were banned from receiving new children without the prior knowledge and authorization of the government.

The Indian Ministry of Home Affairs has issued an advisory to increase vigilance at border controls.

Although the numbers of incidence of trafficking has reduced, children living in the devastated earthquake regions continue to be under threat of trafficking.

Source: <http://www.spotlightnepal.com/News/Article/POST-QUAKE-CONCERN-Taming-Trafficking> (Access on October 22, 2015).

6. Republica in June 20 writes, 'Human trafficking on rise in Nuwakot after earthquake'

Nuwakot, June 20: Traffickers have been found active in trafficking girls and children of rural areas in the district after the April 25 earthquake.

According to a recently published data, the traffickers have already trafficked three women from Nuwakot to India while five girls were rescued from Kathmandu. Many children have gone missing since the massive earthquake.

Out of 400 children, who were rescued from different places after the quake, 215 have gone missing. Police and Central Child Welfare Board suspect that the children might have been trafficked.

Of the missing children, most are from Nuwakot, said Purushottam Dotel, Nuwakot cluster team leader of Carnet Nepal.

Mostly, the traffickers have been found to have increased their activities in the remote areas in the district and villages with Tamang settlement, added Dotel. A total of 15 girls from Sindhupalchok and Nuwakot were found sold in brothels of Uttar Pradesh and Mumbai in India after the devastating quake of April 25.

Three women from Shikharbesi VDC alone have gone missing after the quake. Of them, two are unmarried and one is married and they are from the Tamang community.

Five girls, who were brought from Nuwakot with the purpose of selling them off to India, were rescued from Thankot, Kathmandu, and they are under the protection, said Child Welfare Officer of the District Child Welfare Board, Nuwakot, Anita Thapa.

Source: myrepublica.com/.../human-trafficking-on-rise-in-nuwakot-after-earthqu (access on 12 October, 2015).

7. The Guardian in July 30 writes, 'Indian gangs found trafficking women from earthquake-hit Nepal'

Police in India say they have uncovered a human trafficking network that has sent hundreds of young women from earthquake-hit areas of Nepal the Gulf, where they were forced into manual labor and sex work.

In a series of arrests 10 days ago, police at Delhi's main airport detained two airline staff and two suspected traffickers. They also took 21 young women into their care, seven from the airport itself – where they were being led onto a flight to Dubai – and the rest from a hotel nearby.

“They were from very poor classes and were promised jobs with handsome salaries in the Gulf. They came from districts hit hard by the earthquake in [April]. It is this disaster that is most responsible,” said Mohammed Ishfaq Haider, deputy police commissioner at the Indira Gandhi airport.

Haider, the policeman, said two of the men arrested last week had confessed to arranging for more than 250 women to travel from Nepal to Dubai and Saudi Arabia over the last three months. ...

At Delhi airport, airline employees had been paid off to help the women through immigration as international travellers. ...

“We are now working on the racket and to find out more about this dirty game. This is our first case of trafficking of this scale in this way,” Haider said.

The gangs work in different ways. Often local agents do not know the eventual destination of the women they approach, with some genuinely believing they will find well-paid work in Kathmandu or India. Others, however, are well aware of the real nature of their “jobs”.

Source: <http://www.theguardian.com/law/2015/jul/30/indian-gangs-trafficking-women-nepal-earthquake> (Access on 12 October, 2015).

8. The Rising Nepal on 20 August writes, ‘surveillance on human trafficking post-quake’

Banepa, Aug. 20: Following the risk of human trafficking that reportedly is on the rise in Kavre district after the April 25 earthquake, surveillance has been stepped up on people including women and children migrating to elsewhere for job opportunities, police said.

Deputy Superintendent of Police Raj Kumar KC said that they have increased surveillance on the quake-hit people migrating to cities in search of job opportunities after their houses were damaged in the disaster as such people are at the risk of being trafficked.

As part of the surveillance campaign, he said that they have stepped up a regular check in Sanga, Banepa and Kavrebhanjyang. He, however, said that no complaint of human trafficking has been filed with his office so far after the April 25 quake.

Mayalu Tamang, programme coordinator at the Nepal Tamang Women Ghedung, an NGO working against human trafficking in the district, said that committees against human trafficking have been formed in every VDC in view of increasing risk of human trafficking post-quake.

Krishna Pyari Nakarmi, district chairperson of the Forum for Protection of People's Rights, said that illegal trade of human kidney may have increased post-quake.

Source: <http://therisingnepal.org.np/news/5756> (Access on October 22, 2015).

3.3 Key Concerns and Priorities of Children: Evidences from Field Studies

A study conducted jointly by Plan Nepal, Save the Children, UNICEF and World Vision (2015) reveals how children perceive after the earthquake and how they see the impact of the earthquake on their lives. Utilizing the qualitative data collection tools, the study was conducted during May-June 2015 and consulted 1838 children from 14 most earthquake affected districts. Children were selected using systematic random sampling in order to ensure participation all sections of society. Groups were divided by sex and age groups.

Findings of the study indicate that children are able to express key concerns immediately after the earthquake. Concerns like loss of houses, destruction of schools and lack of access to health and hygiene are the prominent ones. Children express these concerns in different words and languages (Box 3.1).

Box 3.1 Key issues and concerns

| Key issues | Description |
|-----------------------|---|
| Loss of houses | 'Our houses have been destroyed' 'We are living in a tent and cannot sleep at night' 'We have no space or privacy' 'Our shelter cannot stand up to the storms' 'We do not know when we will have a new house' |
| Destruction of school | 'We cannot go back to school' 'We are scared to go back to school' 'Our school materials have been destroyed' 'We are finding it difficult to study' |
| Health and hygiene | 'We do not have safe drinking water' 'Toilets have been destroyed' 'We are getting sick' 'We do not have access to health care' |

Source: summarized from the study of Plan Nepal, Save the Children, UNICEF and World Vision (2015)

The study established the impact of earthquake on children's wellbeing, protection and future. Children are basically found to be: i) in grief and sadness at deaths of family members, friends and acquaintances; ii) they have strong feelings of loss, fear and other psychosocial impacts of the damage and destruction; iii) they also reported that their domestic and other chores increased; iv) concerns about not having adequate food and v) concerns about increased risks of abuse and exploitation were also raised.

Children, especially girls reported that they are afraid of abuse and exploitation at the tents. This is because they are sharing shelters with extended families and community people. In several FGDs, the study team found that children were increasingly feeling vulnerability to sexual abuse, harassment and trafficking. For example, 'in Bhaktapur girls referred to being touched and having to sit on the laps of drunken men; in Gorkha, girls referred to being pinched and sexually harassed in their tents; and in Nuwakot some girls reported that their names had been put on lists for Indian schools and that they were afraid of being trafficked'. The feeling of insecurity can be generalized from the following three children's feeling:

"Living under the sky increases our exposure to abuse."

– girl aged 16, Sindhupalchok

"I don't like it when the adult men in the tent touch our cheeks."

– girl aged 8-12, Ramechhap

"We should give priority to stop child trafficking and rape of those who are living in tents."

– girl aged 16-18, Sindhuli

The study findings showed that the key priority and expectation for future for the children in post-earthquake scenarios are i) having an earthquake protected home; ii) getting back to school; iii) access to clean water, sanitation and health care and iv) protection from all types of abuse, violence, exploitation and trafficking.

3.4 Evidences of Trafficking of Women and Children after the Earthquakes

Records of Nepal Police indicate that a total of 1,233 women and children were reported to be missing after the earthquake of April 25, 2015 to the end of September 2015 from across the country (Table 3.9). Among the recorded missing persons, a large majority are females (82%) while rest 18 percent are males. By age groups, 35 percent are children while the rest 65 percent were adult women. The highest percent of the missing children and women recorded is in Kathmandu valley (28%), followed by Pokhara (26%).

Table 3.9 Number of children and women missing after the earthquake of April 25, 2015

| | Boys | Girls | Women | Total | % of total |
|------------------|------|-------|-------|-------|------------|
| Kathmandu valley | 77 | 58 | 210 | 345 | 28.0 |
| Biratnagar | 14 | 35 | 116 | 165 | 13.4 |
| Hetauda | 17 | 31 | 120 | 168 | 13.6 |
| Pokhara | 60 | 58 | 198 | 316 | 25.6 |
| Surkhet | 30 | 14 | 89 | 133 | 10.8 |
| Dipayal | 21 | 22 | 63 | 106 | 8.6 |
| Total | 219 | 218 | 796 | 1233 | 100.0 |
| Row % | 17.8 | 17.7 | 64.6 | | |

Source: Women and Children Service Directorate, Nepal Police (data obtained from a letter on request of NHRC), 2015.

Nepal Police have rescued 161 children from different border points between Nepal and India in between earthquake of April 25, 2015 and end of September 2015. The proportion of victims who were rescued by the Nepal Police was relatively higher for girls (52%) against boys (48%). Among the regions, the highest proportion was rescued from Hetauda (32%), followed by Kathmandu valley (30%), Surkhet (17%) and Biratnagar (11%) and the least from Dipayal (1%) (Table 3.10).

Table 3.10 Number of children at risk of trafficking rescued from different border points by Nepal Police after the earthquake of April 25, 2015

| Region/Place | Boys | Girls | Total | % of total |
|------------------|------|-------|-------|------------|
| Biratnagar | 6 | 12 | 18 | 11.2 |
| Hetauda | 28 | 23 | 51 | 31.7 |
| Pokhara | 0 | 2 | 2 | 1.2 |
| Surkhet | 16 | 11 | 27 | 16.8 |
| Dipayal | 10 | 5 | 15 | 9.3 |
| Kathmandu valley | 17 | 31 | 48 | 29.8 |
| Total | 77 | 84 | 161 | 100.0 |
| Row % | 47.8 | 52.2 | 100.0 | |

Source: CCWB, 2015.

Drawing on the information obtained from Nepal Police, it is revealed that TIP especially women and children is evident after the earthquake of April 25, 2015 (Box 3.2). It also appears that even the magnitude of TIP increased as more and more number of children turned to be orphans, or become without guardians and even if there were parents of children, the parents became vulnerable.

Box 3.2 An overview of evidences of women and children vulnerability of trafficking after the April 25, 2015 earthquake as reported by Nepal Police

| Accused persons | Description of the incidences | Description of punishment |
|---|--|--|
| 1 Budha, Takashera VDC of Rukum district and currently residing in Takeshowar-14 of Kathmandu district | On the request letter of DCWB, Rukum that Budha and Pun shall be investigated on the charge of HTTA 2007. They brought 22 children from Rukum district and these children were currently residing in a Child House of Dharmasthali, Kathmandu. | Arrested Budha by Teku Police post and inquired him and handed over to the District Attorney Office, Kathmandu on June 2, 2015 for prosecution |
| 2 Thami (22 years) including other four persons of Latilang VDC of Dolakha district, Murali Bhanjyang of Dhading and Dehradun-India | Rescued 10 girls of Lapilang VDC of Dolakha district by Koteshowar Police from SOS Koteshowar Kathmandu on May 20, 2015. Children were told to be provided free education in a Children Village Society of Dehradun India | On request of the CCWB, the accused Thami and others were arrested and Baneshowar Police registered FIR on charge of HTTA 2007 |
| 3 Magar (19 years) Bhadrakali VDC-3 of Sindhupalchok district | Rescued 8 girls of Lapilang VDC of Dolakha district by Lalitapur Police from Meriwad school of Lubhu, Lalitapur on May 20, 2015. They were told to be provided free education in a Children Village Society of Dehradun India | Arrested the accused and registered a case against her on charge of HTTA 2007 by Lalitapur Police |
| 4 Lama (36 years) of Gumba VDC and Dawa Tamang (27 years) of Bhotang VDC Sindhupalchok district and Jivan (40 years) of Pokhara | 8 persons were being brought to India via Jhapa on September 19, 2015. The complaints is received by the Gausala Police. The victims were rescued from Thankot checkpoint of Nepal Police. | Two accused- persons were arrested while one was still to be arrested and the investigation was going on. |

Source: Nepal Police (data obtained from letter to the NHRC), 2015.

The resurgence of trafficking is also reported by NGOs working against trafficking in earthquake hard hit district such as Makwanpur (Case 3.1).

Case 3.1 Surge of trafficking of girls after the earthquake from Makwanpur district

Naamtar VDC, Makwanpur district is one of the hard-hit VDCs by the Earthquake of April 25 and aftershocks. The vulnerability of trafficking worsened after the earthquake in this poverty stricken village.

Tika (name changed) used to visit Ms. Bimala Bomjan – a neighbor. One day, Bimala introduced Tika to a man – Mr. Mangal Tamang - a guest of Bomjan who used to visit her frequently. During Mr. Tamang's visit to Ms. Bomjan's house, he usually met Tika. As their meeting thickened he started luring Tika and also her friend Prema (name changed) that he can help them find better job in India.

They – Mr. Tamang and two survivors– left the village on July 12, 2015. In Narayangad, Mr. Tamang gave them some medicine saying as medicine for gastric problem, which caused them feeling of dizziness and half consciousness. In such a state, they reached to Kanchanpur. After getting off the bus, Mr. Tamang made a call to someone and asked him to come there right away. Within few minutes a man appeared. He asked the survivors to ride on the man's motorbike to which they denied at first but later agreed. Fortunately, the border police stopped them and enquired.

On July 19, 2015, the FIR was filed against the perpetrators Mr. Tamang and his friend and they were arrested. The case is registered in Makwanpur District Court in August 11, 2015. On August 12, 2015 the District Court ordered the alleged traffickers to be taken into judicial custody and in 23 September 2015, the District Court convicted both accused offering 10 years imprisonment and Rs.50,000 as fine for each. The Court also ordered that the survivors be provided Rs. 25,000 as compensation from the perpetrator's fined amount as per Human Trafficking and Transportation (Control) Act 2007.

In this case, PPR Nepal – a NGO – support to the victims for the entire process of FIR, investigation, prosecution and court proceeding.

Source: PPR Nepal, 2015.

Maiti Nepal's data on the number of women and children intercepted before and after three-months of the earthquake in Nepal has been presented in Table 3.11. This dataset provides some indications that the risk of trafficking increased after the quake. It increased by nearly 15 percent. However, not all border points/locations of surveillance centers experienced the same number of trafficked survivors, it is mostly Thori – a bordering area in Chitawan district, Jhapa, Illam and Mahendranagar have experienced a surge of intercepted women and children. Unfortunately, data is not available for Sindhupalchok district – one of the 14 hard earthquake hit districts of Nepal.

Table 3.11 Number of women and children intercepted before and after three months of the April 25, 2015 Earthquake of Nepal, Maiti Nepal

| Location/area | Three-months pre-earthquake (before April 25, 2015) | | | Three-months post-earthquake (After April 25, 2015) | | | Difference (Post-Pre) |
|---------------|--|-------------|-------|--|------------|-------|--------------------------|
| | < 18 years | > =18 years | Total | < 18 years | >=18 years | Total | |
| Morang | 15 | 15 | 30 | 33 | 23 | 56 | + 26 |
| Dhangadi | 12 | 17 | 29 | 17 | 11 | 28 | - 1 |
| Birgunj | 30 | 21 | 51 | 21 | 21 | 42 | -9 |
| Mahendranagar | 14 | 19 | 33 | 30 | 49 | 79 | + 46 |
| Sindhupalchok | 3 | 6 | 9 | NA | NA | 0 | - |
| Thori | 5 | 2 | 7 | 10 | 13 | 23 | + 16 |
| Jhapa | 54 | 48 | 102 | 59 | 72 | 131 | + 29 |
| Nepalgunj | 110 | 94 | 204 | 97 | 78 | 175 | -29 |
| Illam | 7 | 16 | 23 | 7 | 39 | 46 | +23 |
| Rupandehi | 36 | 59 | 95 | 28 | 77 | 105 | -10 |
| Nagadhunga | 22 | 30 | 52 | 29 | 11 | 40 | -12 |
| Total | 308 | 327 | 635 | 331 | 394 | 725 | +90 |

Source: data sent to NHRC for this TIP Report by Maiti Nepal.

3.5 Responses

A number of Governmental agencies, security forces, UN agencies, experts from different countries, external development partners, I/NGOs and civil society organizations, faith based or non-faith based organizations, individuals living in Nepal and outside were involved in rescue and relief of the survivors of the earthquakes across the affected districts of Nepal. Here, we have only reviewed some of the responses relevant to prevention of TIP, especially women and children.

3.5.1 Government's Responses

Ministry of Women, Children and Social Welfare (MoWCSW)

The Ministry has been co-leader of Protection Cluster after under the Disaster Management Strategy.

- Made following decisions and circulated to all 75 District Administration/District Police Offices through MoHA on 10th May, 2015: i) no permission to open the new Child Homes; ii) no transfer of children without the permission of DCWB if the children are to be transferred, the DDC must maintain the record of such children.
- Postponed intercountry adoptions for the three months.
- Established temporary shelters for the children who have lost their parents in Sindhupalchok, Kavre, Dolakha, Rasuwa, Dhading and Gorkha.
- Sent a request letter to the Ministry of Local Development and Federal Affairs that it shall circulate the order to its subordinate local bodies that children affected by the earthquake shall be given highest priority to live with the family or community.
- Extended the working areas of the 8 NGOs run rehabilitation centers that have been providing the rehab services to the trafficked survivors to cover all 75 districts for the protection and rehabilitation of the trafficked survivors:

| District | Name of NGOs running the rehab center | Extended working districts |
|---------------|---------------------------------------|---|
| Kailali | Srijanshil Samaj | Darchula, Baitadi, Dadeldhura, Bajhang, Kanchanpur, Bajura, Achham, Doti, Dailekha, and Kalikot |
| Banke | Saathi | Salyan, Bardiya, Surkhet, Jajarkot, Humla, Jumla, Mugu, Dolpa, Rukum, Rolpa, Dang and Pyuthan |
| Rupandehi | Maiti Nepal | Gulmi, Arghakhanchi, Kapilbastu, Palpa, Syangja, Nawalparasi, Myagdi, Baglung and Parbat |
| Chitawan | Aadarsha Nari Bikash Kendra | Manang, Mustang, Tanahu, Kaski, Lamjung, Gorkha and Makwanpur |
| Parsa | Maiti Nepal | Bara, Rautahat, Sarlahi, Mahottari, Dhanusa, Sindhuli, Udayapur, Siraha and Saptari |
| Sindhupalchok | Gramin Mahila Srijanshil Pariwar | Kavre, Ramechhap and Dolakha |
| Kathmandu | ABC Nepal | Rasuwa, Nuwakot, Dhading, Solukhumbu, Bhojpur, Lalitapur, Okhaldhunga and Khotang |
| Jhapa | Maiti Nepal | Taplejung, Panchathar, Illam, Morang, Sunsari, Dhankuta, Tehrathum, Shankuwasava and Bhojpur |

- Prepared the Post Disaster Need Assessment and Recovery Strategy Plan for the social security schemes, women, children and senior citizen and disabled allowances.
- Established temporary information booth in collaboration with Women and Children Office and District Police Office in 8 places considering the risk of human trafficking after the quakes. ABC Nepal conducted in four places: Viman (Sindhuli), Thana Bharayang (Makwanpur), Aama and Kakarhawa VDCs (Rupandehi) and Ghorahi (Dang). KI Nepal

conducted in other four places: Barahabese (Sindhupalchok), Butawal Bus Park (Rupandehi) and Apatari (Chitawan).

- Actively engaged in rescuing and repatriation of 27 girls from Delhi Airport on 5th September, 2015 who had been transported to Kurdistan, Kenya, Tanzania to Gulf states. The rescue operation was led by India Police, Nepali Embassy to India and Ministry of Women, Children and Social Welfare.

Ministry of Labor and Employment (MoLE)

- Provisioned support of expenditure of coming from and going to a foreign employment to those victims' family members who could not afford for it. The provision was made by the decision of the Council of Minister and the support was provided through FEPB.
- Mobilized media for increasing awareness against trafficking, deception and fraud.
- Fixed minimum fee (free ticket and free visa) for the foreign employment from 6th July, 2015 with the decision of State Ministerial Level.
- Established Information Centers in 19 districts under the SaMI project and being provided information and counseling services related to foreign labor migration.
- Provided safe migration information through Labor Village, Tahachal, Kathmandu.
- Prepared draft report to establish the Safe Homes in the country and outside of the country and was being approval.

Nepal Police

- Formed a data collection Team under the the command of Central Post and collected data of the victims of quake, especially on i) number of deaths by age-and gender and ii) number of children turned to be orphans due to deaths of both parents or one parent.
- Expanded/strengthened Nepal Police surveillances and security in the most affected districts to monitor potential incidences of crime against children and women (trafficking, sexual assaults, rape and prostitution). Nepal Police carried out: i) circular for the child protection; ii) established 45 women and children security desks in the shelters (3 in eastern, 37 in central and 5 in western hills) and iii) made circulars to re-arrest those inmates who had run away after the earthquake.
- Monitored security situation in survivors' shelters including in places of Kathmandu Tudekhel, Tilaganga, Khokana and provided order to take the corrective measures.
- Mobilized Women Police Team for the encouragement of women and children residing in the shelters and provided awareness programs on their security.
- Distributed relief packages to the women and children residing in the shelters.
- Conducted entertainment activities in shelters considering the psychosocial situation of the affected persons especially children.
- Expanded/strengthened checkpoints around the country, including the borders with India and China. There were 8 checkpoints already established (Kakarbhitta, Biratanagar-Rani, Tatopani, Gadda choiki-Kanchanpur, Sunauli-Rupandehi, Jamuna-Banke and Trinagar-Nepalgunj), 14 additional checkpoints established (Pasupatinagar-Illam, Bhadrapur, Thadi-Siraha, Khajuri-Sarlahi, Vittamod, Gaur-Rautahat, Inarawa, Tribeni, Maheshpur, Belahiya, Gulariya, Dhanaghadi and Belauri), and 10 strategic places identified (Birtamod, Itahari, Bardibash, Mirchaiya, Pathalaiya, Muglin, Butawal, Lamahi, Bhaluwang, Kohalpur, Attariya). Budget for all checkpoints were allocated.
- Provisioned to register the cases of TIP in 198 Nepal Police Offices across the country. In addition, Nepal Police has formed a Task Force on the command of DIG to file the cases of trafficking and foreign labor migration.

Department of Immigration

- Issued letters to all concerned offices under the Department across the country to make especial surveillance of children traveling alone or with parents/audience or other: checking and verification of travel and other required documents and providing permission to travel.
- Initiated temporary immigration administration from Khadichaur in Sindhupalchok district and Rasuwagadi in Rasuwa district as the immigration offices of Kodari of Sindhupalchok and Rasuwa were damaged by the earthquake. This provision was made to reduce the risk of being trafficked from the damaged checkpoints.
- Made especial surveillance to children and women from the most earthquake affected districts including Gorkha, Sindhupalchok, Dolakha, Kavre, Rasuwa and Dhading travelling abroad while providing the permission of travel.
- Restrained permission of women travelling on tourist visa to go to Gulf, South American and African countries. Although there is no legal provision to do so, this was done with the intention to protect the life of women in vulnerable situation due to the earthquake. Permission was only provided after the depth analysis of her personal, family background, education, economic condition and occupation.
- Made effective inquiry to women travelling to India from the different Immigration Offices and provided permission to travel on the satisfaction of purpose of travel.
- Requested to produce referral letters from the doctors and other required medical documents if women are crossing Nepal border for treatment.
- Provided training to all immigration officials (200 people) to equip them with skills and knowledge on trafficking. This program was supported by UNICEF.

Center Child Welfare Board (CCWB)

Center Child Welfare Board (CCWB) issued a number of circular to the concerned stakeholders as well as its subordinate offices after the 25 April 2015 earthquake of Nepal. Its key activities during the crisis are the following:

- Issued an order that no children shall be allowed to transfer from one place to another without the permission of the DCWB. Maintain the records of those who have been transferred in the safe place.
- Issued an order that no new Child Homes can be established
- Carried out effective monitoring of the Child Homes for their fulfillment of minimum requirements to run the Homes.
- Made a ban intercountry adoption for three months
- Issued a request letter to the Immigration Department for effective surveillance to prevent the risk of child trafficking
- Issued a request letter to the Airline Associations for effective surveillance to prevent the risk of child trafficking
- Issued a request letter to all the hospitals in Kathmandu valley to inform to the CCWB about an injured child due to quake came for treatment, but no parental or guardian care
- Issued a remind letter to all the 75 DCWB offices about the Principle of Child Rights that no child shall be separated from the family and maintain effective monitoring of the risk of child trafficking
- Carried out awareness programs through different media (Radio, paper) about what parents and peoples responsibility for the protection of children and make aware about the sexual exploitation and trafficking

- Distributed posters, pamphlets about what should be done for the protection of the child and what should not be done to the hard affected districts
- Carried out the rescue, support and emergency shelters for the children in need
- Distributed rescue and relief package
- Prepared an Interim Guideline for Child Protection and Care.
- Provided emergency supported to 1202 children
- Established 9 Temporary Child Protection Centers and provided protection to 94 children
- Established 357 Child Friendly Shelters in the 14 hard hit districts
- Established a total of 357 child friendly places in the 14 earthquake affected districts⁶ in which 23,356 children participated.

3.5.2 Responses of National Human Rights Commission

National Human Rights Commission (NHRC) carried out a monitoring study of earthquake hit districts from April 25 to May 27, 2015. The districts visited include: Sindhupalchok, Dolakha, Kavre, Kathmandu, Lalitapur, Bhaktapur, Nuwakot, Ramechhap, Okhaldhunga, Gorkha, Dhading, Makwanpur, Sindhuli and Rasuwa, Solukhumbu districts. The monitoring team visited the districts and had interactions with the Governmental agencies, survivors of the quake, security forces and human rights organizations. NHRC recommended the GoN for immediate relief of the victims of the quakes by ensuring the protection of children and women from violence and trafficking. NHRC also made public awareness through Radio, FM - appealing to the common people of the possibility of vulnerability on violence against women and children and trafficking including lodging the complaints in NHRC if any violence occurs.

Further, the NHRC established the Human Rights Mobile Camps in ten most earthquake affected districts to observe, monitor and respond the human rights violation cases after the earthquake. The Mobile Camps were established in collaboration with Federation of Nepalese Journalists (FNJ), NGO Federation, Nepal Bar Association and other two local human rights activists. Among others, the Human Rights Mobile Camps carried out the following activities related to combating trafficking in persons:

- Rescued 6 children from Khotang and 2 children from Khadichaur, Sindhupalchok who were in child labor exploitation in the name of providing the relief materials of the earthquake.
- Three check-points in Sindhupalchok district – Bandeu, Bhotchowar, and Bahunpati - were established in collaboration with UNICEF, DCWB, Women and Children Office of Sindhupalchok district. A total of 168 children were intercepted from these check points and reintegrated the families.

3.5.3 Responses of UN Agencies, External Development Partners and NGOs

UNs and other organizations formed the Protection Cluster for the effective and coordinated efforts to provide services to the survivors of the earthquakes and prevent TIP especially women and children. The Protection Cluster is chaired by NHRC and co-chaired by MoWCSW. The organizations in the Protection Cluster are: United Nations Population Fund (UNFPA); United Nations Children's Fund (UNICEF); United Nations Entity for Gender Equality and the Empowerment of Women (UN Women); United Nations High Commissioner for Refugees (UNHCR); Office of the United Nations High Commissioner for Human Rights (UNOHCHR); Search for Common Ground; Women's Rehabilitation Centre (WOREC); SAATHI; International Organization for Migration (IOM); Nepal Bar Association; Save the Children; Plan Nepal; CARE Nepal; APE; Women for Human Rights (WHR); World Vision; Action Against Hunger; TEARFUND; Women and Children Development Office (WCDO) and Handicap International (HI).

⁶ Among the total, 72 were in Sindhupalchok, 28 in Dolakha, 54 in Kavre, 12 in Rasuwa, 12 in Nuwakot, 38 in Dhading, 35 in Gorkha, 21 in Makwanpur, 7 in Ramechhap, 16 in Okhaldhunga, 9 in Sindhuli, 24 in Bhaktapur, 21 in Lalitapur and 8 in Kathmandu.

Under the protection cluster, the following priority actions have been identified:

1. *Support a safe and non-discriminatory access to assistance and services such as psychosocial support and management of sexual violence, official documentation of affected people, family reunification and ensuring physical security;*
2. *Strengthen the system for identification, documentation, and support to vulnerable children and ensure alternative care is provided in a safe way in accordance with the best interest of the child.*
3. *Provide girls, boys and women including persons with disabilities in affected areas with safe spaces such as Child and Women Friendly Spaces as well as life-saving information to all community members about protecting themselves from violence, abuse and exploitation.*

According to the UN estimate a total of US \$ 13.71 million is required for protection component. This accounts for 3.3 percent of the total US \$ 422 million budget required for the earthquake affected populations (www.unocha.org/nepal, see Appendix 3.1).

According to the Gender Equality Bulletin No 1, a total of 17 organizations have been found to be working under Protection Cluster in the 14 most earthquakes affected districts. UNFPA worked in all 14 districts; WOREC in 13 districts; UN Women in 8 districts; WHR in 8 districts; Saathi, Sankalpa, Plan Nepal, Oxfam, Jagaran Nepal each worked in six districts; BBC and CARE each worked in 5 districts; FEDO worked in 7 districts and FPAN-ADRA worked in one district. A large numbers of I/NGOs/UN organizations involvement were in Sindhupalchok (15), Kathmandu (15), Kavre (11), Lalitapur (9), Gorkha (9) and Nuwakot (8). Few NGOs worked in Rasuwa and Okhaldhunga (Appendix 3.2).

United Nations Children’s Fund (UNICEF) and its Partner Organizations

According to the UNICEF’s *Child Protection Earthquake Response (April-May 2015) Bulletin*, UNICEF in collaboration with GoN and NGOs have carried out the following activities to prevent child trafficking in the 14 most earthquake affected districts of Nepal:

- UNICEF Child Protection has been supporting the Government to develop, strengthen and implement a comprehensive child protection system.
- After the earthquake, UNICEF supported the MoHA, the Nepal Police and Immigration authorities to establish and/or strengthen 84 police stations and checkpoints around the country to prevent and respond to child trafficking. The collaboration between police, CCWB and UNICEF has led to the interception of 95 children who were attempted to traffic, of which 25 were attempted to traffic to India.
- UNICEF is supporting the MoWCSW anti-trafficking unit to strengthen anti-trafficking committees in the 14 most affected districts and 42 border areas. Similarly, UNICEF is working with the Department of Immigration to ensure that immigration officers receive effective training to prevent possible cases of trafficking at the border areas.
- UNICEF has entered into partnership with two NGOs working on anti-trafficking. Maiti Nepal is collaborating with UNICEF to scale up or establish 12 screening and interception points along the Indian and Chinese borders and create 11 transit centers for victims of trafficking in as many districts. Shakti Samuha will be supported to conduct surveillance and awareness raising in the 14 districts.
- To further prevent trafficking, UNICEF has launched an awareness raising and public information campaign. To date, 40,000 flyers on preventing family separation and trafficking have been distributed to all 14 districts: 25 flight companies operating in Nepal.
- NICEF is working with 8 municipalities with high incidences of child labor and trafficking to monitor cases of child labor and child trafficking and strengthen their capacity to prevent and respond to child labor and trafficking cases.

United Nations Population Fund (UNFPA)

Experiences of the 2010 Haiti earthquake show that the mega earthquake can have far reaching consequences on the adolescent sexual and reproductive health. It tends to increase the risk of teenage pregnancy, HIV and other sexually transmitted infections, early marriage, miscarriage, unsafe abortion situation (<http://www.bmj.com/content/350/bmj.h3302/rr-0>). Due to the damage of the health facilities in the most affected districts, adolescents especially girls are less likely to have access to sexual and reproductive health situation.

United Nations Population Fund (UNFPA) is one of the major agencies providing sexual and reproductive health services to all women including adolescent girls in Nepal. It also provides services to combat gender based violence. It worked in all 14 most affected districts. With regard to sexual and reproductive health services, it provided services through establishing temporary health facilities, conducted of mobile camps, distribution of reproductive health kits, capacity building of health workers, awareness raising among adolescent girls and Radio airing about sexual and reproductive health and gender-based violence. A total of 93 RH camps conducted; more than 60,000 persons provided SRH services; more than 4,000 persons provided family planning services; nearly 5,000 persons provided IEC materials; more than 20,000 persons provided SRH services; 1,455 youth (15-24 years) reached with awareness raising; and more than 5,000 episodes of Radio programs broadcasted about SHR .

Regarding the services related to combat gender-based violence, 14 female-friendly space having more than 9,000 women and adolescent girls have been established; more than 11,000 dignity kits distributed; 47 post-rape treatment kit provided; 130 health workers provided capacity building training.

Save the Children

Save the Children is one of the major international NGOs responding to the humanitarian needs of the earthquake affected population and especially children of Nepal. As of 24 July, 2015, Save the Children carried out the following (Save the Children, 24 July, 2015 Version):

- 280 number of temporary learning centers for school students built
- 2500 number of hygiene kits distributed
- 549 number of community toilet built
- 30 number of outpatient therapeutic provided
- 60,000 number of tarps and shelters kits distributed
- 61 number of child friendly space established
- 23,000 number of households in which cash-transfer for shelter provided
- 131,037 number of metric tons of rice distributed.

3.6 Emerging Challenges

As discussed the earthquake has greatly increased the possibility of TIP, especially of women and children as it worsened the vulnerability situation of large number of already marginalized and poor people by creating new areas of vulnerability such as orphanhood, death of the breadwinner, displacement, destruction of private and public properties, and on top of it, the psychological fear of children across the country especially in the hard hit districts. Other key challenges in tackling the issue of trafficking are the following:

- Produce the reliable information/data on the impact of the earthquake, especially focusing on the vulnerability of trafficking, exploitation. This requires a scientific household survey.

- Strengthen the role of the Protection Cluster chaired by NHRC and co-chaired by MoWCSW for protection of the children and women in the earthquake affected districts, especially in remote areas. Continued funding is essential.
- Minimize the overlap in program interventions and reach out to the population in remote and in inaccessible areas.
- Increase the retention rate of school children and reduce the drop out rate by increasing access to schooling of children. There is also need to provide the psychosocial counseling of children and make free from the fear.
- Build the public infrastructures such as schools, drinking water supply, toilets, road, irrigation systems and support to build the private houses. Safe shelter and basic infrastructure facilities are vitally important in order to protect women and children from any types of violence including sexual exploitation and trafficking.
- Review the National Plan of Action against Human Trafficking, of Children and of Gender-based Violence in the changing context of the effects of earthquake including other diaster crisis.

Chapter 4

Foreign Labor Migration and Nexus of Trafficking in Persons

While the previous two Chapters brought the analysis of the situation of TIP and emerging vulnerabilities of TIP due to the earthquakes, this Chapter particular focuses on the linkages between foreign labor migration and TIP with reference to Nepal. Foreign labor migration has become one of the prominent livelihood strategies of Nepali people and it also contributes more than 30 percent of Gross Domestic Product (GDP).

Circular migration and its linkage to development have been widely discussed in migration and development discourses at the international levels in recent years. Circular migration refers to repeated migration experiences involving more than one emigration and return. It is claimed that circular migration generates triple wins to countries of origin, countries of destination, and to migrants themselves. Key advocates of benefits of migrations are: Global Forum on Migration and Development (GFMD), the European Commission and Washington-based Migration Policy Initiatives. Benefits claimed include: i) meeting labor shortages in higher income countries; ii) development supportive because of temporary labor arrangements and iii) it can work to everyone's advantage if it is legal, protective and linked to real labor needs.

At the global level, ageing of population, income inequality and demographic dividend are the core driving forces of international migration (Milanovic, 2011a). Many developed countries including some developing countries have been experiencing an ageing population. As a result, there is shortage of domestic labor. Second, the wide income inequality between countries encourages migration of people from poor to rich countries. Third, countries like Nepal, Bangladesh and India are currently experiencing Demographic Dividend – a situation where the proportion of working age population increases. Given these evidences, the economic incentives to migrate are becoming stronger, and measures to restrain migration are unlikely to be effective but rather it may encourage irregular migration.

On the other hand, foreign labor migration has also brought tremendous social cost of the migrants as well as the migrant families and communities. It has closely linked to forced labor and trafficking. There has been wide reporting of prevalence of elements of forced labor in foreign labor migration such as deception or fraud in recruitment, impossibility of leaving the employers and excessive working hours and coercion in work.

Key challenge is to ensure the rights of migration, especially of women while protecting them from exploitation and trafficking. Studies such as by Paoletti et al., (2014) suggest that migrant workers are vulnerable to trafficking into forced labor because they rely on promises made in Nepal with little ability to check the reality of the promises. Factors to consider whether or not a person in forced labor situation are: non-payment of wages, confiscation of documents, restricted movement, no leave, being trapped by debt, and suffering physical, sexual or emotional abuse and violence.

4.1 Magnitude of International Migration

International migration from Nepal has been a long history, especially to India. Each population census year has recorded the absentee population in Nepal, which is called the international migrants. As shown in Table 4.1, the absentee population consisted of 1.9 million in 2011. One-fourth of total households are those households which have at least one international migrant. This proportion, however, significantly varies by eco-development regions – having much higher in Western, Eastern and Far-western Development regions and having much lower in central and mid-western Development regions (except hills) than that of the national average. Almost 22 percent of total 1.9 million constituted from western hills. This is followed by eastern Terai (15%), central hills (12%), and central Terai (10.5%). The proportion of female migration is 12 percent and it is

particularly noticeable from hills and mountains especially from western mountains (32%), central mountains (29%), central hills (21%), mid-western mountains and far-western mountains (25%). On the other hand, the prevalence of female migration is the lowest in central Terai (nearly 6%) among the 15 eco-development regions of Nepal.

Table 4.1 Origin of absentee population, Population Census 2011

| | % of total households with absentee | Population | | | |
|-----------------------|-------------------------------------|------------------|--------------|-------------|-------------|
| | | Total Number | Total % | Male % | Female % |
| Nepal | 25.4 | 1,921,494 | 100.0 | 87.6 | 12.4 |
| Eastern DR | | | | | |
| Mountains | 25.4 | 27,608 | 1.4 | 91.2 | 8.8 |
| Hills | 29.2 | 128,671 | 6.7 | 91.8 | 8.2 |
| Terai | 26.3 | 273,591 | 14.2 | 89.7 | 10.3 |
| Central DR | | | | | |
| Mountains | 19.5 | 32,961 | 1.7 | 71.4 | 28.6 |
| Hills | 16.6 | 228,818 | 11.9 | 79.0 | 21.0 |
| Terai | 19.2 | 202,677 | 10.5 | 94.2 | 5.7 |
| Western DR | | | | | |
| Mountains | 21.7 | 1,704 | 0.1 | 67.6 | 32.4 |
| Hills | 42.8 | 420,099 | 21.9 | 89.5 | 10.5 |
| Terai | 30.0 | 158,031 | 8.2 | 89.6 | 10.4 |
| Mid-Western DR | | | | | |
| Mountains | 5.1 | 5,387 | 0.3 | 77.3 | 22.7 |
| Hills | 26.6 | 126,311 | 6.6 | 89.1 | 10.9 |
| Terai | 22.6 | 89,563 | 4.7 | 89.3 | 10.7 |
| Far-Western DR | | | | | |
| Mountains | 23.2 | 37,763 | 2.0 | 74.9 | 25.1 |
| Hills | 32.9 | 87,268 | 4.5 | 83.9 | 16.1 |
| Terai | 26.0 | 101,042 | 5.3 | 82.5 | 17.5 |

Note: 'DR' in this Table refers to development region.

Source: National Population Census 2011, District Report, CBS, 2014.

International migration of Nepal is highly age-sex selective. Of the total absentee population in 2011, 88 percent are males while rest 12 percent are females. Similarly, of the total international migrants, 77 percent are in the age range of 15-35 years of age (Table 4.2).

Table 4.2 Percentage distribution of population absentee by age and sex, population census 2011, Nepal

| Age at the time of departure | Total | Male | Female |
|------------------------------|-----------|-----------|---------|
| < 14 years | 6.3 | 5.0 | 15.3 |
| 15-34 | 76.6 | 77.7 | 69.8 |
| 35-54 | 14.4 | 15.2 | 9.2 |
| 55 and above | 0.8 | 0.8 | 4.5 |
| Age not stated | 1.8 | 1.4 | 1.3 |
| Total | 100.0 | 100.0 | 4.5 |
| Number of absentees | 1,921,494 | 1,684,029 | 237,400 |
| Row % | 100.0 | 87.6 | 12.4 |

Source: CBS, 2014a.

Attempts have also been made to disaggregate the number of international migrants by broad caste/ethnic groups of Nepal (Table 4.3). It is revealed that absentee population consisted of 6.7 percent of the total population of Nepal. The proportion of absentee population is much higher among hill/mountain communities compared to the Madheshi/Terai community. The highest

proportion of absentee population is recorded among hill Dalit (10%), followed by hill Janajati (8%) and hill caste group (7.6%). Among the Madheshi/Terai communities, the highest proportion of absentee is among Muslims (5%), followed by Janajati (3.9%), caste group (3.7%) and Dalit (3.5%).

Table 4.3 International Migrants by Broad Caste/Ethnic groups, Population Census 2011

| Caste/ethnic groups | Population | % Absentee | Absentee Population |
|---|-------------------|------------|---------------------|
| Hill/Mountain Community | | | |
| Caste groups | 8,278,401 | 7.6 | 629,267 |
| Janajati | 6,907,383 | 8.0 | 555,020 |
| Dalit | 2,151,626 | 10.4 | 224,669 |
| Terai/Inner Terai/Madesh Community | | | |
| Caste groups | 3,912,522 | 3.7 | 142,993 |
| Janajati | 2,593,548 | 3.9 | 100,304 |
| Dalit | 1,181,496 | 3.5 | 40,866 |
| Muslims | 1,164,255 | 5.3 | 61,240 |
| Others (unspecified caste/ethnic groups) | 316,079 | 7.7 | 24,453 |
| Total | 26,505,310 | 6.7 | 1,778,812 |

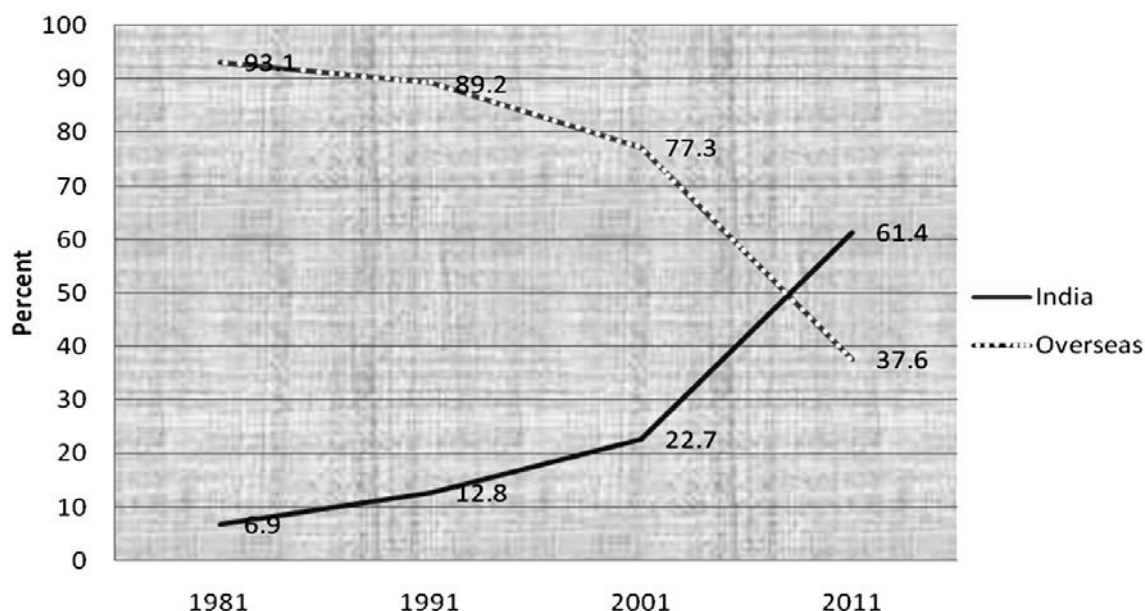
Note: According to Census 2011, the number of such absentees was 1,921,494. But, because calculations derived from the percentage figures given in *Social Inclusion Atlas of Nepal* add up to 1,778,812 only, the authors could not be sure about the other data given in the book.

Source: cited in Center for the Study of Labor and Mobility (2014) from *Social Inclusion Atlas of Nepal* (CDSA 2014).

Trends of International Migration by Countries of Destination

Migration to India has been a long history in Nepal. However, migration to India has been substantially declining over the last four decades. For example, of the total international migrants, 93 percent destined to India in 1981 and 89 percent in 1991, these figures significantly declined to 77 percent and 38 percent in 2001 and in 2011, respectively (Figure 4.1).

Figure 4.1 Trends of international migration by countries of destination



Source: CBS 2014a

Despite the decline of the share of international migrants to India, India still constitutes a major destination country for Nepali migrants. It alone shares 38 percent of the total international migrants while the rest 62 percent destined outside of India mostly in Middle East and ASEAN

countries (Table 4.4). There are also noticeable number of international migrants in European countries, USA and Canada and Pacific Ocean Region countries. In case of female international migration, India outnumbers other countries considerably: nearly half of them destined to India. There are also considerable proportion of female international migration in Middle East, EU countries and other Asian Countries (Table 4.4).

Table 4.4 International migrants by countries of destination and sex of the migrants, Population Census 2011

| Countries of destination | Number | | | Percent | | |
|---------------------------------------|-----------|---------|-----------|---------|--------|-------|
| | Male | Female | Total | Male | Female | Total |
| India | 605,869 | 116,364 | 722,255 | 36.0 | 49.0 | 37.6 |
| SAARC countries (excluding India) | 11,009 | 1,059 | 12,068 | 0.7 | 0.4 | 0.6 |
| ASEAN countries | 244,429 | 5,452 | 249,889 | 14.5 | 2.3 | 13.0 |
| Middle East Countries | 673,104 | 48,656 | 721,791 | 40.0 | 20.5 | 37.6 |
| Other Asian countries | 33,223 | 11,342 | 44,566 | 2.0 | 4.8 | 2.3 |
| EU countries | 38,912 | 19,967 | 58,882 | 2.3 | 8.4 | 3.1 |
| Other European countries | 3,016 | 675 | 3,691 | 0.2 | 0.3 | 0.2 |
| USA and Canada | 30,519 | 17,558 | 48,077 | 1.8 | 7.4 | 2.5 |
| South American and Carrabin countries | 1,889 | 426 | 2,315 | 0.1 | 0.2 | 0.1 |
| African countries | 4,307 | 817 | 5,124 | 0.3 | 0.3 | 0.3 |
| Pacific Ocean Region Countries | 17,768 | 9,598 | 27,366 | 1.1 | 4.0 | 1.4 |
| Others | 4,537 | 621 | 5,158 | 0.3 | 0.3 | 0.3 |
| Not stated | 15,447 | 4,865 | 20,312 | 0.9 | 2.0 | 1.1 |
| Total | 1,684,029 | 237,400 | 1,921,494 | 100.0 | 100.0 | 100.0 |

Note: Sex of the 65 international migrants were not stated (22 in India, 8 in ASEAN countries, 31 in Middle East Countries, 1 in Other Asian Countries, 3 in EU countries). Thus, total includes males plus females plus these missing values in the Table. Source: CBS, 2014a.

4.2 Magnitude of Foreign Labor Migration

Origin of Foreign Labor Migrants

Table 4.5 displays the distribution of foreign labor migrants by origin from the FY 2006/07 to 2013/14. Among the development regions, the highest proportion of foreign labor migrants originated from the CDR (33%), followed by EDR (32%), WDR (23%), MWDR (9%) and lowest from FWDR (3%). More than three-fourth of the foreign labor migrants, however, originates from five out of 15 eco-development regions such as Eastern Terai (19%), Central Terai (18.5%), Western Hills (16%), Central Hills (12%) and Eastern Hills (11%).

Data reveal that the share of documented female labor migrants to the total is still fairly low across the all eco-development regions in Nepal. Yet it appears that documented female labor migrants mostly originate from hills and mountains such as Central Mountains (10%), Western Mountains (5%), Central Hills (5%), Eastern Mountains (3%) and Hills (2%) are the important regions of origin of female labor migrants.

Table 4.5 Distribution of foreign labor migrants by origin, FY 2006/07 to 2013/14, Nepal

| Eco-development regions | Male | Female | Total | % of total migrants | % of female migrants to the total |
|---------------------------------------|----------------|---------------|----------------|---------------------|-----------------------------------|
| Easter Development Region | 793,088 | 18,323 | 811,411 | 32.0 | 2.0 |
| Mountains | 61,055 | 1,780 | 62,835 | 2.5 | 2.8 |
| Hills | 268,438 | 6,723 | 275,161 | 10.9 | 2.4 |
| Terai | 463,595 | 9,820 | 473,415 | 18.8 | 2.1 |
| Central Development region | 801,567 | 23,804 | 825,371 | 33.0 | 3.0 |
| Mountains | 61,419 | 6,566 | 67,985 | 2.7 | 9.7 |
| Hills | 278,071 | 13,810 | 291,881 | 11.6 | 4.7 |
| Terai | 462,077 | 3,428 | 465,505 | 18.5 | 0.7 |
| Western Development Region | 566,714 | 7,481 | 574,195 | 23.0 | 1.0 |
| Mountains | 1,141 | 61 | 1,202 | 0.0 | 5.1 |
| Hills | 398,737 | 5,247 | 403,984 | 16.1 | 1.3 |
| Terai | 166,836 | 2,173 | 169,009 | 6.7 | 1.3 |
| Mid-Western Development Region | 227,183 | 2,141 | 229,324 | 9 | 1.0 |
| Mountains | 3,960 | 46 | 4,006 | 0.2 | 1.1 |
| Hills | 130,142 | 1,014 | 131,156 | 5.2 | 0.8 |
| Terai | 93,081 | 1,081 | 94,162 | 3.7 | 1.1 |
| Far-Western Development Region | 74,332 | 588 | 74,920 | 3.0 | 1.0 |
| Mountains | 7,988 | 39 | 8,027 | 0.3 | 0.5 |
| Hills | 18,592 | 75 | 18,667 | 0.7 | 0.4 |
| Terai | 47,752 | 474 | 48,226 | 1.9 | 1.0 |
| Total | 2,462,884 | 52,337 | 2,515,221 | 100.0 | 2.1 |

Source: Department of Foreign Employment (2014) *Annual Report of FY 2070/71 (2013/14)*.

Top 10 Origin Districts of Foreign Labor Migrants

The eight-yearly data (from FY 2006/07 to FY 2013/14) summarized in Table 4.6 reveals that it is mostly the eastern, central and western Terai districts having the highest number of foreign labor migrants in Nepal. These 10 districts altogether constitute nearly 37 per cent of the total foreign labor migrants. While these districts' total population was nearly 28 percent in 2011. Thus, there has been considerable number of foreign labor migrants overrepresented from these districts especially from Dhanusa, Jhapa, Mahottari and Siraha. For example, the share of foreign labor migrants from Dhanusa district is 5.6 percent against its population share of 2.8 percent; in Jhapa, the share for foreign labor migrants is 4.7 percent against its population share of 3.1 percent; in Mahottari, the share of foreign labor migration is 4.5 percent against its population share of 2.4 percent and in Siraha, the share of foreign labor migration is 4.2 percent against its population share of 2.4 percent.

Table 4.6 Top 10 districts with foreign labor migrants, FY 2006-07 to 2013-14

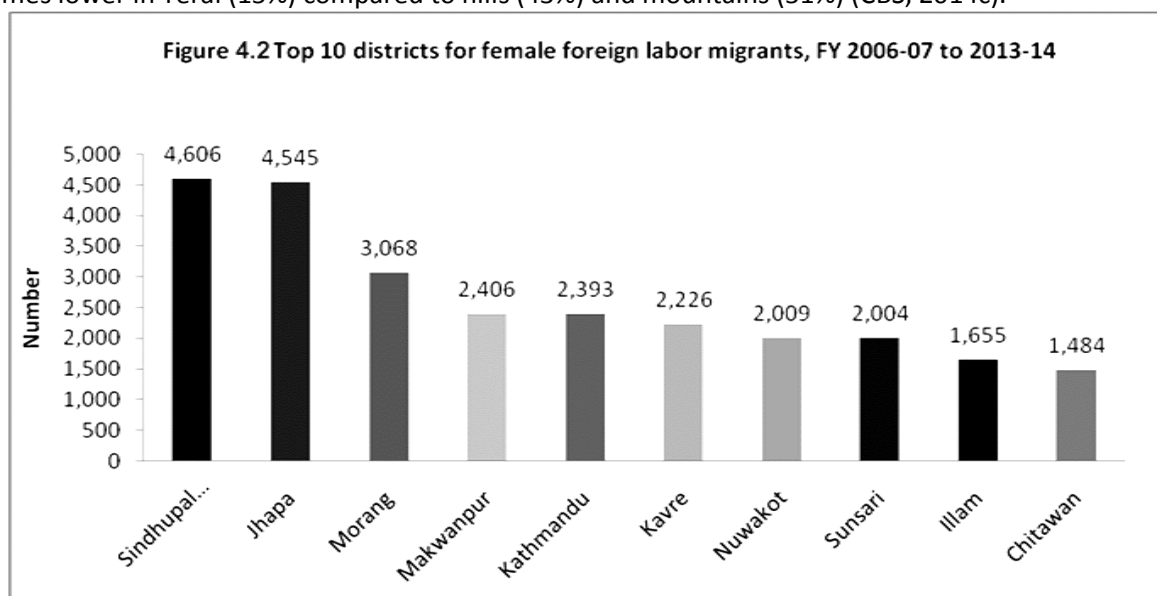
| SN | District | Total migrants | % of total migrants | Population 2011 | % share of population |
|----|--------------|----------------|---------------------|------------------|-----------------------|
| 1 | Dhanusa | 139,717 | 5.6 | 754,777 | 2.8 |
| 2 | Jhapa | 119,421 | 4.7 | 812,650 | 3.1 |
| 3 | Mahottari | 114,205 | 4.5 | 627,580 | 2.4 |
| 4 | Siraha | 105,797 | 4.2 | 637,328 | 2.4 |
| 5 | Morang | 105,402 | 4.2 | 965,370 | 3.6 |
| 6 | Nawalparasi | 78,265 | 3.1 | 643,508 | 2.4 |
| 7 | Saptari | 71,968 | 2.9 | 639,284 | 2.4 |
| 8 | Sunsari | 70,827 | 2.8 | 763,487 | 2.9 |
| 9 | Rupandehi | 61,203 | 2.4 | 880,196 | 3.3 |
| 10 | Chitawan | 60,989 | 2.4 | 579,984 | 2.2 |
| | Total | 927,794 | 36.9 | 7,304,164 | 27.6 |

Note: Total population of Nepal in 2011 was 26,494,504.

Source: Department of Foreign Employment (2014) *Annual Report of FY 2070/71 (2013/14)*.

Top 10 Districts for Female Foreign Labor Migrants

Unlike the total foreign labor migrants by districts, the female foreign labor migrants show a different picture. It is mostly the hills/mountains districts with the highest proportion of female labor migrants such as Sindhupalchok, Makwanpur, Kathmandu, Kavre, Nuwakot and Illam (Figure 3.1). These 10 districts alone share 50 percent of documented female foreign labor migrants of Nepal in between FY 2006/07 and 2013/14. Although data on the foreign labor migrants by caste/ethnicity is not available from the DoFE, it appears that it is mostly the hills origin females over Madheshi ones migrating for employment abroad. Several sociological literature suggest that there is relatively much cultural relaxation of the hills/mountain origin females especially among Janajati and Dalit to work outside of the house against females belonging to Madheshi community. This is also confirmed from Population Census 2011 data that the crude economic activity rate for females is more than 3 times lower in Terai (15%) compared to hills (43%) and mountains (51%) (CBS, 2014c).



Source: Department of Foreign Employment (2014) *Annual Report of FY 2070/71 (2013/14)*.

Countries of Destination

According to the Annual Report 2014 of Department of Foreign Employment, the GoN has opened 110 countries for work abroad. These countries consist of Europe, North America, Latin America, Africa, Asia and Australia continents (See Appendix 4.2 for individual countries).

Table 4.7 Number of foreign labor migrants by sex in FY 2014/15 and stock of migrants (2006/07-2014/15), Nepal

| Country | Annual Flow in 2014/15 | | | | Stock (2006/07-2014/15) | | | |
|--------------|------------------------|---------------|----------------|--------------|-------------------------|---------------|------------------|--------------|
| | Male | Female | Total | % of total | Male | Female | Total | % of total |
| Qatar | 122,050 | 2,318 | 124,368 | 24.2 | 705,940 | 6,317 | 712,257 | 23.5 |
| Malaysia | 196,929 | 5,899 | 202,828 | 39.5 | 1,145,467 | 23,946 | 1,169,413 | 38.6 |
| Saudi Arabia | 97,570 | 676 | 98,246 | 19.2 | 613,172 | 1,870 | 615,042 | 20.3 |
| UAE | 46,105 | 7,594 | 53,699 | 10.5 | 321,616 | 24,445 | 346,061 | 11.4 |
| Kuwait | 8,750 | 918 | 9,668 | 1.9 | 50,834 | 1,932 | 52,766 | 1.7 |
| Bahrain | 3,623 | 542 | 4,165 | 0.8 | 29,547 | 1,578 | 31,125 | 1.0 |
| Oman | 1,873 | 427 | 2,300 | 0.4 | 14,612 | 915 | 15,527 | 0.5 |
| South Korea | 4,804 | 354 | 5,158 | 1.0 | 5,941 | 426 | 6,367 | 0.2 |
| Lebanon | 136 | 462 | 598 | 0.1 | 2,745 | 3,543 | 6,288 | 0.2 |
| Israel | 131 | 319 | 450 | 0.1 | 18,179 | 3,397 | 21,576 | 0.7 |
| Afghanistan | 1,495 | 6 | 1,501 | 0.3 | 4,280 | 6 | 4,286 | 0.1 |
| Japan | 2,742 | 94 | 2,836 | 0.6 | 3,032 | 403 | 3,435 | 0.1 |
| Others | 4,651 | 2,419 | 7,070 | 1.4 | 38,378 | 5,587 | 43,965 | 1.5 |
| Total | 490,859 | 22,028 | 512,887 | 100.0 | 2,953,743 | 74,365 | 3,028,108 | 100.0 |

Source: data for FY 2014/15, <http://www.dofe.gov.np/new/pages/details/34> (accessed on November 30, 2015) and Department of Foreign Employment (2014) *Annual Report of FY 2070/71 (2013/14)*.

Table 4.7 shows both annual flow and stock of foreign labor migrants by country of destination. The flow of foreign labor migrants was more than 500 thousands in FY 2014/15 with an overwhelming majority of males. The stock of migrants in between 2006/07 and 2014/15 has been calculated as 3 million having 2.95 million males and 75,000 females. In terms of flow or stock of migrants, four countries stand out to be prominent: Malaysia (39%), Qatar (23.5%), Saudi Arabia (20%) and UAE (11%).

4.3 Skills of Foreign Labor Migrants

Skill of the workers is highly associated with their wages/salary and security. Generally, it is the unskilled workers who have lowest wages/salary and they are also at risk of exploitation and trafficking. Nearly three in four Nepali foreign labor migrants are unskilled workers while another 12 percent are semi-skilled workers and there are only 14 percent of the total foreign labor migrants who are skilled workers. This pattern almost holds for the FY 2014/15 as well (Table 4.8).

Table 4.8 Number of foreign labor migrants in FY 2013/14, Nepal

| | 2013/14 | | | 2014/15 | | |
|----------------------------------|---------|--------|---------|---------|--------|---------|
| | Male | Female | Total | Male | Female | Total |
| Skilled | 14.4 | 11.6 | 14.3 | 13.7 | 9.1 | 13.5 |
| Unskilled | 73.6 | 74.7 | 73.7 | 74.4 | 77.3 | 74.5 |
| Semi-skilled | 11.9 | 13.5 | 12.0 | 11.9 | 13.4 | 12.0 |
| Professional | 0.0 | 0.3 | 0.0 | 0.0 | 0.1 | 0.0 |
| High skills | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Number of foreign labor migrants | 434,716 | 14,992 | 449,708 | 432,080 | 16,653 | 448,733 |

Source: Department of Foreign Employment (2014) Annual Report of FY 2070/71 (2013/14) and Annual Report of FY 2071/72 (2014/15) (Unpublished). Note the figure for total outflow of migrants is 512,887 in FY 2014/15 but information about skills is available only for 448,733 migrant workers..

4.4 Remittances

Several studies suggest considerable development implications of migration for the origin as well as in destination countries (Ratha and et al., 2012). The main channels through which migration alleviates poverty and improves development outcomes are: increased incomes from remittances; improved health care, education and nutrition; ability to smooth consumption (saving for retirement life); and better access to finance for both recipient households and for countries. In Nepal, remittance income has become one of the major sources of income at the national economy (Table 4.9). It contributes to 29 percent of the total Gross Domestic Product (GDP) of Nepal and it is much higher than that of other two major foreign earning sectors such as tourism (2.3% of GDP) and foreign loan and grants (5.9% of GDP).

Table 4.9 Remittance Income, tourism income and foreign grants over the years, Nepal

| Year | Remittance income (Rs. In Billion) | Remittance income (annual increase %) | Remittance income/GDP (in %) | Tourism income/GDP (%) | Foreign loan and grants/GDP (%) |
|---------|------------------------------------|---------------------------------------|------------------------------|------------------------|---------------------------------|
| 2002/03 | 54.2 | 14.0 | 11.0 | 2.4 | 3.2 |
| 2003/04 | 58.6 | 8.1 | 10.9 | 3.4 | 3.5 |
| 2004/05 | 65.5 | 11.9 | 11.1 | 1.8 | 4.0 |
| 2005/06 | 97.7 | 49.0 | 14.9 | 1.5 | 3.4 |
| 2006/07 | 100.1 | 2.5 | 13.8 | 1.4 | 3.6 |
| 2007/08 | 142.7 | 42.5 | 17.5 | 2.3 | 3.6 |
| 2008/09 | 209.7 | 47.0 | 21.2 | 2.8 | 3.7 |
| 2009/10 | 231.7 | 10.5 | 19.4 | 2.4 | 3.1 |
| 2010/11 | 253.6 | 9.4 | 18.5 | 1.8 | 4.2 |
| 2011/12 | 359.6 | 41.8 | 23.5 | 2.0 | 3.4 |
| 2012/13 | 434.6 | 20.9 | 25.7 | 2.0 | 2.8 |
| 2013/14 | 560.6 | 29.0 | 29.1 | 2.3 | 5.9 |

Note: data for FY 2013/14.

Source: Ministry of Finance, 2014.

Further, remittance income has become one of the major sources of household income in Nepal. Drawing data from three Nepal Living Standards Surveys (NLSS) (1995/96, 2003/04 and 2010/11), it is revealed that the proportion of households receiving remittance has increased markedly over the years - from 23 percent in 1995/96 to 56 percent in 2010/11. The average amount of remittance received also substantially increased – reaching to more than Rs. 9,000 per capita remittance from only Rs. 625 in 1995/96 (Table 4.10). It is interesting to note that Nepal has increasingly been becoming an independent of remittance income from India. The share of remittances from India has declined from 33 percent in 1995/96 to 11 percent in 2010/11 while the share of remittances from other countries reached to 69 percent in 2010/11 from 22 percent in 1995/96.

Table 4.10 Overview of households receiving remittances and sources of remittances (in %), Nepal

| | NLSS 1995/96 | NLSS 2003/04 | NLSS 2010/11 |
|---|--------------|--------------|--------------|
| Remittance receiving households | | | |
| % of households receiving remittance | 23.0 | 32.0 | 56.0 |
| Average annual amount of remittance per recipient household (Rs.) | 15160 | 34698 | 80436 |
| Nominal per capita remittance received for all Nepal (Rs.) | 625 | 2100 | 9245 |
| Sources of remittances | | | |
| From within Nepal | 44.7 | 23.5 | 19.6 |
| From India | 32.9 | 23.2 | 11.3 |
| From Overseas (excluding India) | 22.4 | 53.3 | 69.1 |
| Total | 100.0 | 100.0 | 100.0 |

Source: CBS, 2011.

4.5 Complaints

Table 4.11 summarizes the five-year data (FY 2010/11 - 2014/15) regarding the number of complaints about fraudulent activities in the process of foreign employment registered in DoFE. Two types of complaints are made: one against individuals and another against institutions. While the former refers to the complaints against individuals such as middle persons, agents while the later refers to the recruiting agencies. The average five-yearly (2010/11-2014/15) number of complaints comes out to be 2,182 with 47 percent for individual and the rest 53 percent for institutional complaints. The share of individual complaints has been declining over the years. It declined from 63

percent in FY 2011/12 to 38 percent in FY 2013/14 and further to 29 percent in FY 2014/15. Conversely, the share of the complaints against institutions has been increasing. This is one of the positive aspects of dealing of fraud and deception issues related to foreign employment.

Table 4.11 Number of complaints related to foreign labor migration registered in DoFE

| Fiscal year | Number | | | Percent | | |
|--|------------|---------------|-------|------------|---------------|-------|
| | Individual | Institutional | Total | Individual | Institutional | Total |
| 2010/11 | 721 | 483 | 1204 | 59.9 | 40.1 | 100.0 |
| 2011/12 | 1370 | 802 | 2172 | 63.1 | 36.9 | 100.0 |
| 2012/13 | 1245 | 1060 | 2305 | 54.0 | 46.0 | 100.0 |
| 2013/14 | 974 | 1577 | 2551 | 38.2 | 61.8 | 100.0 |
| 2014/15 | 773 | 1906 | 2679 | 28.9 | 71.1 | 100.0 |
| Five-yearly average (2010/11-2014/15) | 1017 | 1166 | 2182 | 46.6 | 53.4 | 100.0 |

Source: Department of Foreign Employment (2014) *Annual Report of FY (2013-14) (2070-71)* and for FY 2014/15, <http://www.dofe.gov.np/new/pages/details/34> (accessed on November 30, 2015).

Table 4.12 shows the number of complaints handled by the DoFE in the FY 2013/14 and 204/15. Data reveal that relatively large number of complaints was registered in FY 2014/15 compared to the previous fiscal year. It is revealed that very few numbers of cases against institutions are forwarded to the Foreign Employment Tribunal (FET) compared to the cases against individuals.

Table 4.12 Number of complaints handled by the DoFE, FY 2013/14 and FY 2014/15

| Description | FY 2013/14 | | | FY 2014/15 | | |
|--|-------------|---------------|-------|-------------|---------------|-------|
| | Individuals | Institutional | Total | Individuals | Institutional | Total |
| Number of complaints registered at DoFE | 974 | 1577 | 2551 | 773 | 1906 | 2679 |
| Number of cases resolved at DoFE | 151 | 303 | 454 | 74 | 589 | 663 |
| Number of cases forwarded to Foreign Employment Tribunal | 128 | 5 | 133 | 165 | 1 | 166 |

Source: Department of Foreign Employment (2014) *Annual Report of FY 2070/71 (2014/15)* and for FY 2014/15, <http://www.dofe.gov.np/new/pages/details/34> (accessed on November 30, 2015).

Registration of Cases at the Foreign Employment Tribunal (FET)

Section 64 of FEA 2007 allows the FET to deal with the cases related to foreign employment. Cases must be filed at the tribunal by a DoFE investigation officer. Cases cannot be directly registered by a worker with the tribunal (Section 61(4)) – thus all the cases before the tribunal are ‘state cases’ (Section 63). Therefore, before deciding to file a case in the tribunal, the investigation officer must obtain advice of the government attorney (Section 61(4)).

The FET initiated its work since the FY 2009/10. Accordingly, the six-yearly (2009/10-2014/15) average case disposal ratio of FET is 36.7 with low in the FY 2009/10. It is also reported that by the end of FY 2014/15, there were 206 cases remained as pending in the FET. Of them, 35 are of within one-year, 27 with one-year and 18 months, 14 with 18 months to 2 years and 30 with 2 years and more.

Table 4.13 Case disposal ratio of Foreign Employment Tribunal, Nepal

| FY | No of cases registered (previous and new) | Total cases decided | % of cases decided |
|---|---|---------------------|--------------------|
| 2009/10 | 158 | 16 | 10.1 |
| 2010/11 | 262 | 78 | 29.8 |
| 2011/12 | 370 | 124 | 33.5 |
| 2012/13 | 424 | 163 | 38.4 |
| 2013/14 | 395 | 151 | 38.2 |
| 2014/15 | 419 | 213 | 38.3 |
| Six-yearly average (2009/10-2014/15) | 338 | 124 | 36.7 |

Source: Foreign Employment Tribunal, 2015.

In the FY 2014/15, of the 213 cases decided, 118 (55.4%) were convicted, 57 (26.8) were acquitted, 26 (12%) were partial (*anshika*), 1 (0.5%) case was dismissed and 11 cases (5.2%) were in *Tamili* (pending). Of the cases convicted, a total of Rs. 94 Million was demanded as deposit, Rs. 32,875,000 was fined and a total of 332 years of imprisonment was sanctioned. According to the Progress Report of the FET received in the NHRC, the reasons for low disposal ratio of FET are associated with the lack of adequate budget and human resources as per the workload, lack of utilization of the modern information system in the FET office, no provision of fulltime authority in the FET and lack of complete address of the offenders and delay in responses from other courts and concerned offices.

Characteristics of the Victims Who Made Complaints to DoFE – Key demographic and social characteristics of the victims of fraud, deception in the process of foreign employment can be assessed through a recent study conducted by Peoples Forum (2015). People’s Forum studied a total of 510 victims out of the total 2551 victims in FY 2013/14 who made complaints in DoFE for their compensation and punishment of the perpetrators (Table 4.14). In their sample, an overwhelmingly majority of the complaints was of males (91%) compared to females (9%). The very low proportion of complaints made by the females indicate two things. First, the share of the female foreign labor migration is far lower than that of males. Second, relatively less number of female victims compared to male victims make complaints because of females already disadvantaged positions in the society like illiteracy, ignorance, lack of mobility and exposure. Further, this may also indicate lack of gender friendly and trustworthy complaint handling system.

According to age group of the victims, 37 percent comprised of below 25 year of age, 55 percent in between 26-40 years of age and the 7 percent were above 40 years of age. Two-thirds of the victims were married persons. Education does not matter. In other words, among the victims studied, 27 percent were illiterate, 25 percent had up to some secondary level of education and rest 48 percent had completed SLC and more education. Among the caste/ethnic groups, majority of the victims made complaints to the DoFE was from Brahman/Chhetri (40%), followed by Janajati (37%), Madeshi (11%), Dalit (7%) and Muslims (5%). Top 10 districts from where the complaints registered in the DoFE were from Sarlahi, Kathmandu, Saptari, Nuwakot, Dhading, Sindhupalchok, Morang, Bara, Khotang and Jhapa.

Table 4.14 Percentage distribution of the victims who made complaints in the DoFE

| Characteristics | Percent |
|----------------------------|---------|
| Sex | |
| Male | 91.0 |
| Female | 9.0 |
| Age groups | |
| 18-25 | 37.0 |
| 26-40 | 55.0 |
| 40 and above | 7.0 |
| Marital Status | |
| Married | 67.0 |
| Unmarried | 32.0 |
| Single | 1.0 |
| Education | |
| Illiterate | 27.0 |
| Primary to secondary | 25.0 |
| SLC and above | 48.0 |
| Caste/ethnic groups | |
| Brahman/Chhetri | 40.0 |
| Janajati | 37.0 |
| Madeshi | 11.0 |
| Dalit | 7.0 |
| Muslims | 5.0 |
| Number of victims studied | 501 |

Source: People Forum, 2015.

Dimensions of Complaints and Access to Justice – FEA 2007 has ensured rights and process of remedies to migrant workers and created institutional mechanisms to deal with victim cases. In the study of 501 victims of the People’s Forum (2015), 71 percent reported that they were cheated by recruiting agencies while the rest by the agents. According to People’s Forum, in 4 years back, individual cheating rate was 70 percent. Causes of increase in institutional cheating could be due to awareness on legal process of foreign employment among the migrants. A range of complaints was reported which may be classified in a continuum of not sending on time (40%) to the extreme cases (17%) of physical attack, put into custody in destination countries, compelling to work in forced labor situation and the death of the workers. Forgery medical reports, withdrawal of travel documents, work not provided as promised fall in between the two polls (43%). Further, 47 percent victims claimed that they did not receive salary at all and another 47 percent reported that they received it partially. Three in four victims reported that they were not provided receipts of the money they paid to the recruiting agencies and 45 percent of the victims reported that they were charged fee more than the prescribed amount of the GoN (Table 4.15).

Table 4.15 Percentage distribution of victims of foreign employment process by types of problem faced (N=501)

| Description of the complaints/problems | % |
|--|------|
| % of victims making complaints against recruiting agencies | 71 |
| % of victims making complaints about not sending on time | 40 |
| % of victims making complaints about extreme form of violence (physical attack, withdrawal of passports, put into custody, forced labor and death) | 17 |
| % of victims making complaints about (forgery of medical reports, not provided work as per contract, not sending on specified country and no one came to receive in the destination country) | 43 |
| % of victims not received salary at all | 47 |
| % of victims not provided receipts of the money paid to the recruiting agencies | 75.0 |
| % of victims charged fee more than the Government prescribed amount | 45.0 |
| Ratio of Compensation Amount Provided ⁷ | |
| 2012/13 | 11.6 |
| 2013/14 | 15.7 |
| 2014/15 | 16.8 |
| Ratio of Compensation Amount Provided in case of People’s Forum Legal Aid Service | |
| 2012/13 (n= 745) | 13.9 |
| 2013/14 (n=1088) | 38.1 |
| 2014/15 (n = 1119) | 49.8 |

Note: Figures in parentheses refers to the number of victims provided legal aid by People Forum.

Source: People Forum, 2015.

It is found that victims receive extremely low compensation amount against their claim amount. The ratio of compensation ranged from as low as 12 percent in FY 2012/13, 16 percent in FY 2013/14 to as high as 17 percent in FY 2014/15. However, as reported by the People Forum, the compensation ratio tends to increase when victims are provided legal aid services. For example, in FY 2014/15, the People’s Forum provided legal aid services to the 1,119 victims who made complaints for compensation in the DoFE. In this case, the compensation ratio is nearly 50 percent – suggesting that once the victims get the free legal aid services, they are more likely to get more compensation amount.

⁷ The ratio of compensation is derived by dividing the total amount claimed by the victims to compensation amount granted by the DoFE to the victims. In FY 2012/13, Rs. 1170.9 million was claimed but Rs. 13.6 million was granted; in FY 2013/14, Rs. 103.4 million was claimed, but Rs. 13.6 million was granted and in FY 2014/15, Rs. 733.9 million was claimed but Rs. 12.4 million was granted.

4.6 Violence against Migrant Workers and Linkage to Trafficking

Examining the violation of the rights of the workers using the International Trade Union Confederation (ITUC) Global Rights Index, it is revealed that the vast majority of Nepali migrant workers in the Gulf countries and Malaysia are excluded from protection under the labor laws systematically exposing them in forced labor situation (Box 4.1). The Global Rights Index shows the world's worst countries for workers by rating 141 countries on a scale from 1-5 based on the degree of respect for workers' rights⁸. The index includes a list of 97 indicators which is derived from ILO Conventions and jurisprudence and represents violations of workers' rights in law and in practice.

Box 4.1 An overview of violation of labor rights in the major destination countries of Nepali labor migrants

| Countries | ITUC Global Rating Index | Description |
|----------------------|--------------------------|---|
| Malaysia (38.4%) | 5 | Exploitation of migrant workers <ul style="list-style-type: none"> Breach of contract Prevent migrant workers from unionization Physical attack and murder |
| Qatar (23.3%) | 5 | Exploitation of migrant workers <ul style="list-style-type: none"> Arrest of migrant workers Breaches of employment contracts Confiscation of passports and contracts torn up Forced to work for wages one-third lower than promised Physical attack to the workers by the supervisors |
| Saudi Arabia (20.6%) | 5 | Exploitation of migrant workers: <ul style="list-style-type: none"> Prevalent of the <i>kafala</i> (sponsorship) system - a migrant cannot change employer without the written consent of their original employer. The system lends itself to abuses such as the confiscation of passports by employers, forced labor, non-payment of wages. |
| UAE (11.6%) | 5 | Exploitation of migrant workers: <ul style="list-style-type: none"> Prone to extreme exploitation like unpaid wages, long working hours, passports confiscated by the employer Domestic workers are much vulnerable than migrants in other sectors as they are not covered by the labor legislation No rights to join a union or go on strike - those who protest risk prison and deportation. |
| Kuwait (1.7%) | 4 | <ul style="list-style-type: none"> Migrant workers deported if they dare complain No right to form trade unions, and are vulnerable to appalling exploitation. Government bodies do not allow workers to sue employers for their rights Domestic workers are excluded from the 2010 Labor Code. |
| Lebanon (0.2%) | 4 | <ul style="list-style-type: none"> Domestic workers still denied union representation Most common complaints are mistreatment by recruiters, non-payment or delayed payment of wages, forced confinement to the workplace, a refusal to provide any time off, forced labor, and verbal and physical abuse. |

Source: adopted from ITUC (2015): The 2015 ITUC Global Rights Index: The World's Worst Countries for Workers.

⁸ The higher the value of the index is, the more the violation of the rights of the workers. Accordingly, Index value of i) 5+ indicates no guarantee of rights due to the breakdown of the rule of law; ii) 5 indicates no guarantee of rights; iii) 4 indicates systematic violation of rights; 3 indicates regular violation of rights; 2 indicates repeated violation of rights and 1 refers to the irregular violation of rights.

Migrant Workers in Difficult Situation and Deaths

Data of the number of detention of Nepali migrant workers is not available. Data covering 2009 - 2011 as prepared by Bhattari (2013)⁹ include the following:

- 2,820 persons were rescued from Gulf countries, mostly from Saudi Arabia, Lebanon and Kuwait
- 111 persons were in custody in Gulf countries (40 in Saudi Arabia, 10 in Lebanon, 45 in Kuwait and 16 in Oman)
- 415 persons were in the state of mental illness (400 in Saudi Arab, 12 in Lebanon and 3 in Kuwait)
- 86 women returned to Nepal having pregnancy
- 80 women committed suicide in the destination countries
- 32 women returned with a baby
- 31 WMWs who disappeared in the destination countries.

Rescue and Repatriation of Migrant Workers – The Department of Counselor Service MoFA facilitated to rescue 511 and 494 persons in the FY 2013/14 and FY 2014/15, respectively, from different destination countries of Nepal. Unfortunately, disaggregated data by country of rescue, type of problems the victims/survivors faced and issues of major complaints is not available.

According to the MoWCSW (2015), there are three Safe Houses in Gulf countries: one Kuwait, one in Saudi Arabia and one in Qatar. These Safe Houses provide services to the victims of Nepali migrant workers, especially women migrant workers. The services include: food, lodging, primary medical treatment, legal support to the victims. A total of 920 persons were provided services by the Safe House in Kuwait (780 in FY 2013/14 and 140 in FY 2014/15), 293 persons in Saudi Arabia and 84 persons in Qatar. Note that there are no Safe Houses in Bahrain, Oman and South Korea but services to the victims are provided from the premises of Embassy in Bahrain and Oman.

Deaths – Data from the FEPB reveal that there are large number of Nepali migrant workers who die in destination countries. During the six years (2008/09 – 2013/14), a total of 3,272 migrant workers were reported to have died in different destination countries. The number of deaths might be far higher than that of this as this number only includes those deaths whose family members reached to FEPB for financial support (Table 4.16).

Table 4.16 Number of deaths of the migrant workers reported to FEPB, Nepal

| Year | Sex | | | Labor permit through: | |
|---------|------|--------|-------|-----------------------|---------------------------|
| | Male | Female | Total | Self-acquired | Through recruiting agency |
| 2008/09 | 87 | 3 | 90 | 13 | 77 |
| 2009/10 | 399 | 19 | 418 | 69 | 349 |
| 2010/11 | 541 | 8 | 549 | 106 | 443 |
| 2011/12 | 632 | 14 | 646 | 179 | 467 |
| 2012/13 | 761 | 11 | 727 | 230 | 497 |
| 2013/14 | 818 | 24 | 842 | 264 | 578 |
| Total | 3238 | 79 | 3272 | 861 | 2411 |
| Row % | 99.0 | 1.0 | 100.0 | 26.3 | 73.7 |

Source: Foreign Employment Promotion Board, 2014.

⁹ Purnachandra Bhattari presented a paper in a workshop in 2013 organized by UN Women on 'Foreign Employment and Situation of Women Migrant Workers'.

Status of Implementation of UPR Recommendation by Nepal: Advocacy Forum and the National Network for Safe Migration submitted a report to the United Nations Human Rights Councils Universal Periodic Report (UPR) on March 22, 2015 about the emerging issues and challenges of Nepalese migrant workers. Their report revealed that the GoN has failed to implement the previous UPR recommendations of:

‘Strengthen the implementation of its Human Trafficking and Transportation (Control) Act 2007 and its Regulation 2008 (Bhutan); further strengthen law enforcement and the judicial system in the efforts to address impunity (Malaysia)’

‘Protect its citizens from labour exploitation at home and abroad by providing improved regulation and oversight of workplace practices (United States of America)’.

Further, their analysis shows that GoN has failed to effectively implement the HTTA 2007 and FEA 2007. This is because of lack of sufficient funding, inefficiency in DoFE and FET and nexus with alleged perpetrators. The Report highlights the following forms of human rights violations in the context of foreign labor migration:

- **Access to justice** – delay justice, not decentralization, lengthy bureaucratic process of complaints handling, no chance of getting of compensation if the brokers do not have property etc.
- **Liberty of movement** – passport confiscation by the employers/sponsors and movements of domestic workers are restrained by the employers in Gulf countries due to *Kafala* system.
- **Right to equality and non-discrimination** – The GoN bans female workers below 30 years from undertaking foreign employment in Gulf countries. Although the GoN claims that this provision protect the life of females, the restriction has not notably reduced the number of female workers going to there. Nepalese Embassy in Riyadh estimated that there are more than 40,000 Nepali women working as domestic workers in Saudi Arabia who came through illegal channels.
- **Right to work and just and favorable condition for work** – Many migrant workers are dying due to very dangerous working condition, extremely heat temperature, crowded rooms, lack of safe drinking water, excessive working hours and meager salary.
- **Right against exploitation: forced labor, slavery and human trafficking** – Several elements of right against exploitation exists such as retention of identify documents, passports and travel documents, withholding of wages, threat of denunciation to the authorities, excessive overtime work, physical and sexual abuse and isolation. Cases of sexual abuse and rape of migrant workers in Saudi Arabia including in other Gulf countries are commonly reported.
- **Protection against Human Rights abuses perpetuated by non-state actors-** There has been widespread exploitation and abuse of migrant workers by the recruiting agencies, brokers, marriage bureaus, medical centers including of the orientation centers. Workers are deceived with regard to salary, nature of work, and even sometimes, country of destination. Fake medical reports are provided and sometimes certificates of orientation training are provided without receiving such training.

4.7 Foreign Employment Policy and Major Activities

Foreign Employment Policy in the 13th Plan of Nepal (2013/14 -2015/16)

The GoN adopted Foreign Employment Policy in its 13th Plan with the goal of ensuring safe, organized, respectable and reliable foreign employment. The overarching aim of the policy is to contribute to reduce poverty and increase sustainable economic and social development through economic and non-economic benefits of foreign employment. The specific aims are the following:

- Strengthening the institutional structure of foreign employment process

- Extending and promotion foreign labor market and protecting the workers by mobilization of the Labor Attaché and Non-Residence Nepali (NRN) in different countries
- Establishing the coordination among SAARC countries for the protection and support of the migrant workers in the destination countries
- Making labor agreement in additional countries for the protection and well-management of foreign employment
- Increasing the employment opportunities within the country by making an arrangement to enter the remittances into the country via formal channels and investment of it (remittances) on productive sector
- Making the foreign employment inclusive and pro-poor by providing training and access to foreign employment to women, poor, Dalit, Janajati and people residing in the remote areas.
- Developing special package to women with skills and access to right information about foreign employment
- Developing coordination with the financial institutions for the provisions of loans who required it
- Improving the recording system and developing the information system for labor and employment
- Adopting the different standards of labor and foreign employment business
- Strengthening the tripartite-mechanism between the Government, Employers and Laborers and
- Managing to send the workers to foreign employment only those who have received skills certificates

Major Activities Carried Out in FY 2013/14 and 2014/15

- Prepare the National Plan of Action (NPA) for the implementation of FEA 2007 and revise the FEA 2007 and Regulation 2007 as per the changing context of labor migration
- Improve the structure of MoLE, FEPB including other units
- Increase the number of Labor Attaché as per the need
- Carry out the informational and protection related activities for the promotion of the workers' rights
- Continually involve in the Colombo Process (the organization of workers' sending countries) and Abu Dhabi Dialogue (the organization of workers' sending and receiving countries) in order to promote the rights of the migrant workers jointly
- Conduct labor agreement in additional countries and extend the Safe Homes in the destination countries
- Design the policy and guideline for bringing the remittance into the country via formal channels and implement it
- Utilize the skills and capacity of the return-migrants by carrying out different re-union, self-employment and social mobilization related programs
- Formulate the law for making the foreign employment inclusive and pro-poor and identify the needs of the workers and provide skill oriented training
- Develop special package for women by providing skills and rights information about foreign employment
- Carry out awareness and informational activities targeting to the school teachers of Social Studies in 18 districts where there is high magnitude of foreign labor migration of women and youth.
- Arrange necessary coordination to the financial institutions for loan and make sure that the workers are sent after verification of their skills certificate.

On Female Migrant Workers Related

During the FY 2013/14 and 2014/15, the following initiatives were undertaken by the MoLE and DoFE aiming to protect the the rights of the female migrant workers:

- Reviewed the FEA 2007 for amendments and reforms in the law and procedures that will ensure more effective implementation of the Act and its regulation and ultimately increase protection of migrant workers.
- Inaugurated labour village, in Kathmandu aiming to provide the consolidated a range of services under one roof.
- Established a separate Labour Desk at the Tribhuvan International Airport in Kathmandu to promote safe migration among prospective female migrants and labour permit owners.
- Recruited labour attachés for embassies and consular offices to provide assistance and services as needed. In 2014, the government designed and implemented a two-week training program for newly appointed labour attachés.
- Initiated a process to review the curricula of the pre-departure orientation training program and some of its skills training program with the aim of increasing their effectiveness.
- Initiated to maintain the computerized system and database for complaints handling to provide the speedy services to the victims.
- Initiated the Government-to-Government ‘Learn and Earn Program’ between Nepal and Israel – This program aims to access soft loan and other services to the returned migrants, especially to women for initiating their own business upon their return to Nepal.
- Approved the *Working Procedure for Domestic Workers 2015* by the Cabinet as part of improving of safe and legal mechanisms for women migrants in domestic work abroad

4.8 Foreign Employment Actors in Nepal

Key foreign employment actors in Nepal are public and private actors. While the public institutions create and oversee the regulatory and administrative frameworks, the private actors are primarily responsible for implementation and performing the foreign employment related business.

Public Actors

Public actor is led by the Ministry of Labor and Employment (MoLE) and its subsequent units: Department of Foreign Employment (DoFE), Foreign Employment Promotion Board (FEPB) and Foreign Employment Tribunal (FBT). A brief function of each of the actors is discussed below.

Ministry of Labor and Employment – the Ministry is responsible for regulating and managing foreign labor migration through developing relevant policies, drafting laws and regulations, guidelines, handling labor administration and management. The department of foreign employment is a subordinate body of the ministry.

Department of Foreign Employment – It was established after the adoption of FEA 2007. Key responsibilities of the Departments are to i) regulate the foreign employment businesses; ii) investigate workers’ complaints and initiate the process for prosecution; iii) control fraud in regard to foreign employment; iv) protect the rights of migrant workers by scrutinizing the job notifications; and v) provide labor approval for foreign employment. With the decision of the Council of Minister on December 11, 2013, four offices have been established: Foreign Employment Kathmandu Office, Foreign Employment Malaysia Branch, Foreign Employment Qatar Branch, Foreign Employment Saudi Arabia Branch. Each of the Branch Offices has separate Government staff designated. These Offices are responsible for monitoring of foreign employment business, providing labor permit, protection of the rights of the migrant workers and investigation and prosecution of the offenders as per the FEA 2007. The Offices of Malaysia, Qatar, and Saudi-Arab have the following sub-sections: Administration and Research, Pre-Approval, Labor Approval, Information Technology and Record, Complaints and Investigation and Economic Administration.

Foreign Employment Promotion Board – It was also established under the FEA 2007. The Board is mainly responsible for social protection services of migrants and their families. It handles the Migrant Workers’ Welfare Fund generated through collection from the Rs. 1000 from each documented migrant worker. The Fund is used to provide rescue, rehabilitation and reintegration for the victim migrant workers, to raise awareness and various social activities to improve the foreign employment. In addition, the Board is also responsible to i) carry out studies of international labor markets; ii) conduct pre-departure orientation, skills training and arranging emergency contact; iii) formulate, implement, monitor and evaluate programs to use the skills, capital and technology of returned migrants and mobilize them for national interests; iv) formulate and approve the curricula of the pre-departure orientation training; and vi) formulate policies to make foreign employment safe, systematic and decent.

Foreign Employment Tribunal - is founded through the FEA 2007. The tribunal is a quasi-judicial body having a panel of jury comprised of three members lead by a judge equivalent to the judge of appellate court. The tribunal handles the cases forwarded by the DoFE.

The Labor Attaché - has been provisioned by the FEA 2007 to facilitate the migrant workers’ rights and safety in destination country through the Nepalese diplomatic mission. The act has provisioned where there are 5000 or more workers the government of Nepal can appoint a labor attaché. Currently, there are Labor attaché operating in six destination countries namely Kuwait, United Arab Emirates, South Korea, Saudi Arabia, Qatar and Malaysia. The labor attaches’ are trained for two weeks on labor rights and migrant workers concerns.

Private Actors

Key private actors are recruiting agencies, employer institutions, orientation training centers, individual agents, medical institutions, insurance companies and different financial institutions including cooperatives.

Recruitment Agencies - Private recruitment agencies facilitate most foreign employment from Nepal. The FEA 2007 and Regulation 2008 regulate the recruiting agencies in licensing, renewing the license and cancellation of the license. In the FY 2013/14, a total of 752 recruiting agencies were provided permission to conduct business on foreign employment and as of November 2015, there are 754 recruiting agencies operating foreign employment business in Nepal. Most of these agencies, however, are located in Kathmandu valley. There are 47 Branch offices of the recruiting agencies outside of the Kathmandu valley: 13 in Jhapa, 12 in Sunsari, 12 in Kaski, 4 in Rupandehi and one each in Chitawan, Tanahu, Illam, Dang, Siraha and Taplejung.

Employer Institutions – Employers institutions are key private actors in the destination country. The employer institutions are authorized to solicit and place migrant workers for employment, and it is the employer institution with whom the migrant worker enters into contracts. The employer institution must be based abroad and must be ‘established under the prevailing companies act to carry on the foreign employment business. There is very little check or oversight of employer institutions under Nepal’s law.

Orientation Training Centers - Orientation training to the migrant workers is mandatory before going to abroad for work. Orientation training is provided by privately operated training centers while the content of the training is provided by the Government of Nepal. DoFE provides the license of the orientation training centers following a licensing assessment by the FEPB. The *Directive on the Licensing and Renewal of Institutions Providing Orientation Training–2013* sets out the criteria for a license: possession of a reasonably sized training space, internet access, restrooms, and other facilities. As of March 2014, 101 institutes were licensed to provide the orientation training to migrant workers. Almost all training centers, however, are located in Kathmandu valley.

Individual Agents - Private individuals, commonly called agents, also carry out many recruitment-related activities as intermediaries between recruitment agencies and potential workers. One study

indicated that there are 20 to 50 individual agents per recruiting agency. Individual agents are commonly linked to instances of fraud, misrepresentation, overcharging of fees, and other harms suffered by migrant workers. As of November 2015, recruitment agencies had registered 693 individuals with DoFE. Licenses are provided mentioning the working districts of the agents. Accordingly, the agents working areas is very wide – covering 56 districts of the country. The 10-top districts having large number of agents receiving licensed are Jhapa (164), Sunsari (110), Kaski (50), Rupandehi (44), Dang (43), Chitawan (37), Banke (26), Morang (22), Dhanusa (13) and Udayapur (12) (Appendix 4.2).

Health Institutions – Health institutions prepare required medical examinations and certifications of good health. As of November 2015, there are 284 health institutions provided licensed for medical examination. Of them, majority are located in Kathmandu and Lalitapur districts (284) while 42 are located outside the Kathmandu valley: 12 in Jhapa (Birtamod and Damak), 11 in Sunsari (Itahari and Dharan), 4 in Banke, 3 in Rupandehi, 2 in Dang, Morang, Kaski and Dhanusa each, one in Parsa, Kaski, Chitawan, and Kailali each. In case of labor migration to Bahrain, Kuwait, Oman, and Saudi Arabia, medical reports are only accepted from health institutions affiliated with the Gulf Cooperation Council (GCC) Approved Medical Centers Association. Currently, there are 12 medical centers working under it in Nepal.

Insurance Companies – Making insurance is mandatory for all migrant workers under the FEA 2007. Nepali insurance companies provide life insurance to workers for the period of their employment contract. As of November 2015, there are nine private insurance companies authorized by DoFE. An insurance scheme generally provides a minimum of Rs. 500,000 in case of death of the worker, and covers a disability risk and body transportation cost of up to Rs. 100,000.

Financial Institutions – Commercial banks, money transfer agencies, savings and credit groups, and cooperatives provide services to the migrant workers. Services range from loans to transmission and investment of remittances.

Bilateral Agreement, MoUs and NHRIs Contribution

Nepal has signed one bilateral agreement and two memorandums of understanding (MoUs) for temporary labor migration with governments in the Middle East: Bahrain, Qatar, and the United Arab Emirates. Box 4.2 summarizes the content of each agreement/MoU conducted so far. The common contents of the Agreement/MoU are i) the responsibilities of Government of Nepal before departure such as medical test, acquiring passports and travel documents; ii) payment of a worker's travel and employment costs; iii) contents of a contract; and iv) a method for resolving disputes between the worker and the employer, and between the recruitment agency and the employer.

Despite some positive aspects of the Agreements/MoUs, none of them includes elements of forced labor and trafficking in persons. Forced labor is closely linked to human trafficking. According to the ILO Forced Labor Convention 1930 (No. 29), forced labor is defined as work for which a person has not offered him or herself voluntary and which is performed under the menace of any penalty applied by an employer or a third party to the work. Drawing on ILO (2012) operation definition of forced labor, there four three elements of forced labor. They include: i) unfree recruitment such as forced and deceptive recruitment; ii) work and life under duress such as excessive volume of work, degrading living conditions, limitations on freedom or excessive dependency, iii) impossibility of leaving an employer such as leaving entails a penalty or risk to the worker and iv) penalty or menace of penalty such as threat or violence (physical, sexual or psychological, deprivation of food or sleep), restriction of workers' freedom of movement due to isolation, confinement or surveillance, debt bondage, withholding of wages or other promised benefits, retention of passport or travel documents and abuse of vulnerability (threats of denunciation to the authorities).

Box 4.2 Bilateral Agreement and MoUs between Nepal and Middle East Countries regarding labor migration

| Agreement/MoU | Pre-departure | Costs and fees | Contracts | Dispute resolution |
|--|---|---|---|---|
| Qatar– Bilateral Agreement 2005 | Government of Nepal responsible for medical tests, acquiring passports or travel permits, and providing adequate information on conditions of employment, cost and standard of living in Qatar. | Employer covers round-trip travel expenses. Employer exempted from paying for return trip if the worker leaves before end of contract, or is dismissed for breach of contract. | To contain employment conditions and rights and obligations of both parties Must be in Arabic, Nepali and English. Four copies for worker, employer, Nepal government, and Qatar government. | Friendly settlement at the Qatari Ministry of Civil Service Affairs and Housing. If friendly settlement fails, to the courts. |
| UAE—MoU 2007 | Unspecified | Employer is responsible for placement and selection of worker, though does not allocate responsibility for costs. | The rights and obligations of both parties, which must be consistent with UAE labor law. Copies in Arabic, Nepali, and English. | Friendly settlement at the UAE Ministry of Labor. If that fails, referral to UAE courts. |
| Bahrain— MoU 2008 | Recruitment agencies responsible for ensuring worker is medically fit and trained properly | Not specified. | Name of employer, his/her establishment, term of the contract, type of work, agreed wage and any other details agreed. Language not specified. | Disputes in which a worker is involved to be settled according to the labor law for the private sector. Disputes between recruitment agencies to be settled friendly, followed by recourse to Bahrain’s courts. |

Source: adopted from Bassina Farbenblum, Eleanor Taylor-Nicholson, Sarah H. Paoletti (2014:88) *Migrant Workers’ Access to Justice at Home: Nepal* (Kathmandu: Center for the Study of Labor and Mobility).

NHRC, Qatar Responses - The NHRC, Qatar has established four ‘community offices’ in May 2015: each one representing for Indian, Nepalese, Filipino, and Egyptian communities. The community office works as focal points for cooperation and the exchange of information, as well as raising the level of coordination between the communities in the state of Qatar, the various embassies, the related government authorities, and civil society organizations, in order to further promote human rights in the State.

On the request of NHRC, the National Human Rights Committee of Qatar provided information about the complaints relating to the Nepalese migrant workers handled by the Committee in 2014 and 2015. Accordingly, a total of 93 complaints were received by the Committee relating to the request for transfer to other sponsorship, financial dues, request for leaving the country, request for exit paper. According to the Committee letter to the NHRC, the Committee solved the problem either by amicable solution or referring to the concerned authorities to deal the cases according to the nature of work. In 2014, the Committee received a total of 1609 complaints related to migrant

workers representing 48 countries. Of the total complaints, 61 were from the Nepalese migrant workers. As discussed in Chapter 5, NHRC Nepal and National Human Rights Committee of Qatar entered a 10 point MoU to promote and protect the rights of Nepali migrant workers in Qatar. The MoU came into force from the date of signing of it.

Prescription of Minimum Cost and Minimum Remuneration - By the FY 2013/14, the GoN prescribed minimum cost for migration for 11 countries such as Malaysia, Gulf countries, Libya, Marissa, Algeria, Israel, Japan (JITCO), EPS Korea, Russia, Poland and Portugal. Similarly, the GoN has prescribed the minimum remuneration for Nepali workers in Malaysia, Gulf countries, Libya, Algeria and Poland (see Appendix 4.3).

Monitoring - Under the Mobile DoFE program, the DoFE monitored the 85 Branch offices of the recruiting agencies and agents in Morang, Sunsari and Jhapa districts in FY 2013/14. DoFE also organized one-day interaction program in Biratnagar about the control of fraud related to foreign employment. During the FY 2013/14, a total of 90 orientation training centers were monitored; for 65 justification was asked; 65 orientation centers were suspended for some times and 45 were fined for their violation of the FEA 2007 and Regulation 2007 (Table 4.17). The orientation training centers suspended for 7 days, 15 days, 1 to 6 months.

Note that there is no information provided in the Annual Report of DoFE that the monitoring was carried out in Health Institutions and Insurance Companies.

Table 4.17 Monitoring of private actors

| | 2013/14 | 2014/15 |
|--|---------|---------|
| Number of orientation training centers monitored | 90 | |
| Number of orientation training centers asked for justification of their activities | 65 | 44 |
| Number of orientation training centers fined | 45 | |
| Number of orientation training centers suspended | 52 | 87 |
| Number of recruiting agencies monitored | 201 | |
| Number of branch office of recruiting agencies and agents monitored | 85 | |

Source: DoFE, 2014 and 2015.

Free Legal Service – Free Legal Service to the victims of the foreign employment program has been operated in coordination with the People’s Forum. In FY 2013/14, this organization provided legal aid services to 3094 victims related to foreign employment and it also provided support to 1088 persons in different 68 districts of the country.

Consultation and Assessment – The GoN has begun the process of national consultation and assessment regarding ratification of the ‘International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families’. The GoN recognizes the significance of human rights instruments for protection of Nepalese migrant workers’ rights.

4.9 Emerging Challenges

Foreign labor migration has become one of the critically important discussion issues in Nepal both in terms of its magnitude and processes of migration and in terms of its contribution to household level as well as income of the country. The annual flow of foreign labor migration (excluding migration to India) has exceeded 500,000 and the stock of the migrants crossed 3 million. Earning of foreign currency is far greater from the remittances of the migrants than that of other two important sources of foreign currency, namely, tourism and foreign grants. On the other hand, the foreign labor migration has brought an unprecedented social cost in Nepalese society such as isolation of family members, breakdown of the family, increased in divorced, widowhood, abortion, rape, unwanted pregnancy, and trafficking for labor exploitation. The other challenges include the following:

- Maintaining the information/data about the undocumented migrants including those who migrant to India for work especially from western parts of Nepal.
- Conducting a study that shows the linkage between migration and trafficking for labor exploitation by considering the ILO definition of Forced Labor and UN Protocol on Trafficking definition. Such studies will highlight where, who and what extent the migrant workers are trafficked and are in the state of forced labor situation and thereby facilitating to design policy for comating such crime.
- Discouraging the foreign employment for those who are unskilled workers. Currently, almost three-fourth of the foreign labor migrants consisted of unskilled workers and they are likely to end into much exploitative and low paid work.
- Monitoring of a range of public and private actors in dealing with the foreign employment to curtail the widespread fraud, deception involved from different actors. Corruption and irregularities are also frequently reported in the DoFE, FEPB, service providing agencies including in the Tribhuvan International Airport.
- Ensuring that all migrant workers have access to effective complaints handling mechanism and decentralization of foreign employment services at least to the district level where the is high magnitude of foreign labor migration.
- Introducing package programs to increase women cases of complaints reporting in formal mechanisms by increasing awareness among the potential woman migrant workers at large and by increasing access to justice system to DoFE and FET by women.
- Ensure the rights to mobility of women by granting the rights to mobility of women as par with the men. Protection of women from violence, abuse and exploitation in the destination countries especially in Gulf countries requires intervention programs within the country and in the destination countries.
- Conduct MoU and bilateral labor agreement with the major destination countries and extend bilateral and multilateral relations to the countries of destination using the international forum of migration such as Colombo Process and Abu Dabi Dialogue and mobilization of Non- Residence Nepali (NRN) Association across the countires, especially in Gulf and south East Asia.
- Campaign for the ratification of the 1990 UN Convention on the Protection on the Rights of all Migrant Workers and Members of their Families to protect the rights of migrant workers at origin, transit and destination countries.
- Introduce and expand the alternative employment opportunities of the returnee WMWs in order to minimize the re-victimization through repeated migration.

Chapter 5

Monitoring of Anti-Trafficking Policies, Programs and Activities

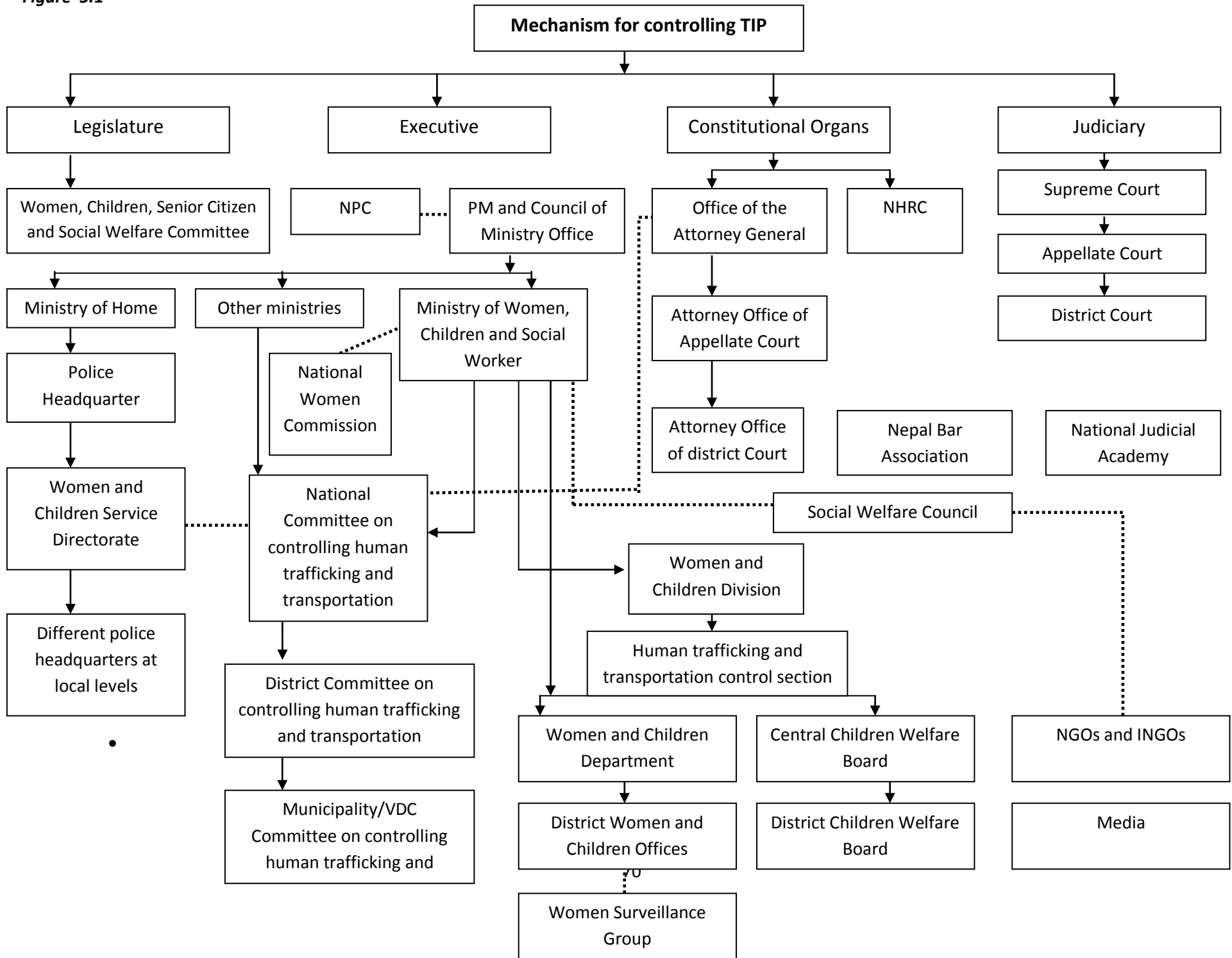
Key aim of this Chapter is to bring the Nepal's efforts to combat TIP during FYs of 2013/14 and 2014/15. It specially focuses dealing with the new policy initiatives, programs and activities and budget allocated for anti-trafficking initiatives.

Different types of services have been provided by GOs and NGOs since the past two decades. The MoWCSW is providing services to the trafficked survivors either directly, or through NGOs. The types of services range primarily on prevention, protection and prosecution, capacity building of law enforcement and judiciary, coordination and cooperation. Besides, other several line agencies such as Ministry of Education; Ministry of Population and Health; Ministry of Local Development and Federal Affairs; Ministry of Youth and Sports; Ministry of Industry, Poverty Alleviation Fund have their regular programs that contribute to prevent trafficking in persons, especially women and children.

5.1 Institutional Mechanisms for Controlling TIP in Nepal

The GoN has developed an institutional mechanism for controlling for TIP in Nepal as presented in Figure 5.1 (MoWCSW, 2015). It has been realized that TIP is a multi-pronged problem, and thus, it requires mobilization of a range of line agencies, constitutional and political bodies, including civil society organizations. It is also conceptualized that multi-layered of organizations role is equally important in addressing the issues of TIP.

Figure 5.1



5.2 Nepal in Trafficking in Persons (TIP) Reports

The United States Government has been publishing *Trafficking in Persons Report (TIP)* annually since 2001. It places countries around the globe in monitoring of trafficking in four categories: i) Tire 1; ii) Tire 2; iii) Tire 2 Watch List (WL); and iv) Tire 3. **Tire 1** countries are those whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards; **Tire 2** countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards; **Tire 2 WL** countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards and **Tire 3** countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

Nepal has been reminded in Tire 2 over the last 5-years (Box 5.1). Compared to other countries especially Pakistan, Sri Lanka and Afghanistan, Nepal progress appears to be satisfactory in fighting against trafficking. Nepal has been remained in Tire 2 mainly because Nepal cannot fully protect its migrant workers from falling into forced labor situation in Nepal, India, Middle East, Asia, Europe and USA in different informal sectors of the economy. Forced labor is facilitated by recruiting agencies. Unregistered migrants, particularly those destined via India are particularly vulnerable to forced labor. Despite this, according to the TIP Report 2015, the GoN increased efforts to prosecute suspected trafficking offenders; prepared the implementation plan for its NPA and increased funding allocations to all 75 districts for establishment of at least three new village-level anti-trafficking committees. The GoN's efforts, however, are grossly inadequate in victim identification and protection and Nepal has yet to a party to the UN Trafficking Protocol 2000.

Box 5.1 Comparing Nepal's progress in combating trafficking in persons with other SAARC countries

| Country | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|-------------|-----------|-----------|---------|-----------|-----------|-----------|
| Nepal | Tire 2 | Tire 2 | Tire 2 | Tire 2 | Tire 2 | Tire 2 |
| Bangladesh | Tire 2 WL | Tire 2 WL | Tire 2 | Tire 2 | Tire 2 | Tire 2 |
| India | Tire 2 WL | Tire 2 | Tire 2 | Tire 2 | Tire 2 | Tire 2 |
| Pakistan | Tire 2 | Tire 2 | Tire 2 | Tire 2 | Tire 2 WL | Tire 2 WL |
| Sri Lanka | Tire 2 WL | Tire 2 | Tire 2 | Tire 2 WL | Tire 2 WL | Tire 2 WL |
| Afghanistan | Tire 2 WL | Tire 2 WL | Tire WL | Tire 2 WL | Tire 2 | Tire 2 |

Source: US Department of State, TIP Reports 2010, 2011, 2012, 2013, 2014 and 2015.

5.3 Key Policy Initiatives

- Adopted National Plan of Action (NPA) against Trafficking in Women and Children and their Sexual Exploitation in 1998. This NPA identified six thematic areas for intervention: i) Policy, Research, and Institutional Development; ii) Legislation and Enforcement; iii) Awareness Creation, Advocacy, Networking and Social Mobilization; iv) Health and Education; v) Income and Employment Generation; and vi) Rescue and Reintegration. In 2001, two priority areas, namely, Trans-border, Regional and International Issues and Monitoring and Evaluation were added.
- Adopted NPA against Trafficking in Persons 2011-2021, taking into account the new trafficking patterns such as those associated with foreign labor migration. The NPA identifies five broad areas for interventions: prevention, protection, prosecution, capacity building, and cooperation for reinforcing the prevention and control of trafficking in women and children, a separate NPA has been implemented since 2012 with intervention areas including prevention, protection, prosecution, and capacity development of concerned institutions.
- Adopted National Minimum Standards for Victims Care and Protection (NMSVCP) and the Standard Operating Procedures (SOPs) for Rehab Shelter Homes for trafficking survivors in 2012 for ensuring adequate protection, assistance and provision of safe homes.

- Has implemented (2010-2015) Combating Trafficking in Persons (CTIP) program in order to more effectively prevent trafficking, protect survivors and prosecute human traffickers with key results achieved.
- Reaffirmed the effective implementation of SAARC Convention against trafficking in women with necessary revision forwarded by SAARC Summit in 2014 by virtue of building institutional capacity, cross-border cooperation and broad-based collaboration.
- Prepared the Implementation Plan of NPA 2011-2021 and initiated implementation of it.

Other Key Initiatives Relevant to Combat TIP

- Formulated ‘Sex and Gender-based Violence and Gender Empowerment Strategy and Work Plan (2012/13-2016/17)’ in 2011 and has been in implementation since then.
- Established a “GBV Elimination Fund” in 2010 to provide immediate funds for rescue, medical support, legal aid, counseling and rehabilitation for survivors of Gender based Violence (GBV). The Enforcement of the ‘Single Women Security Fund Rules’ and institutionalization of a ‘Single Women Security Fund’ for the protection and empowerment of single women have been put into effect.

5.4 Anti-Trafficking Budget, Activities and Programs

5.4.1 Status of Gender Responsive Budget

One of the GoN’s important initiatives to empower women is through making national budget more gender responsive. The GoN has initiated classification of national budget into directly gender responsive, indirectly gender responsive and gender neutral programs since the FY 2007/08. The MoF has formed a coordination committee led by the Joint Secretary of the Ministry to develop gender responsive budget.

Basis of classification for Gender Responsive Budget is¹⁰:

- More than 50 percent of budget directly beneficial for women - Direct Responsive
- 20 to 50 percent of budget directly beneficial for women - Indirect Responsive
- Less than 20 Percent of budget beneficial for women - Neutral

Data show that GoN has been continually increasing the share of budget in programs directly or indirectly gender responsive (Table 5.1). Conversely, it has been gradually reducing the share of budget in programs which is gender neutral over the years. The proportion of budget allocated for programs directly gender responsive, for example, increased from 11 percent in FY 2007/08 to nearly 22 percent in the FY 2014/15. Conversely, the proportion of budget allocated for programs that are gender neutral declined from 56 percent in the FY 2007/08 to 33 percent in the FY 2014/15.

Table 5.1 Nepal’s Budget by Gender Responsive Status (Rs. in Billion)

| Fiscal year | Directly responsive | | Indirectly responsive | | Neutral | |
|-------------|---------------------|-------|-----------------------|-------|---------|-------|
| | Rs. | % | Rs. | % | Rs. | % |
| 2007/08 | 19.09 | 11.3 | 56.03 | 33.16 | 93.87 | 55.54 |
| 2008/09 | 32.91 | 13.94 | 83.58 | 35.41 | 119.53 | 50.64 |
| 2009/10 | 49.56 | 17.30 | 104.16 | 36.43 | 132.32 | 46.27 |
| 2010/11 | 60.61 | 17.94 | 112.65 | 36.30 | 154.64 | 45.76 |
| 2011/12 | 73.33 | 19.50 | 176.21 | 45.78 | 135.35 | 35.17 |
| 2012/13 | 87.07 | 21.51 | 178.63 | 44.13 | 139.11 | 34.36 |
| 2013/14 | 125.55 | 21.75 | 227.30 | 43.94 | 177.4 | 34.31 |
| 2014/15 | 135.56 | 21.93 | 278.38 | 45.04 | 204.15 | 33.03 |

Source: Ministry of Finance (www.mof.gov.np/en/gender-responsive.budget (access on October 13, 2015).

¹⁰ Following five indicators are used to assess the above: i) women capacity development – 20 scores ii) women participation in formulation and implementation of program – 20 scores; iii) women’s share in benefit – 20 scores; iv) support in employment and income generating to women – 20 scores; and v) quality reform in time consumption and minimization of workload to women – 20 scores.

5.4.2 Allocation of Government Budget to Anti-Trafficking Activities

Government of Nepal through the MoWCSW has been allocating the budget for combating TIP to the NGOs and Nepali Missions to Abroad since the FY 2009/10. Government of Nepal in partnership with Eight NGOs that have been running the rehabilitation centers in different places of Nepal. Data reveal that the budget allocated ranged from Rs. 8 million to Rs. 10 million each fiscal year. In the FY 2012/13, only Rs. 3.5 million was allocated, however. At the same time, some rehabilitation centers have not received Government budget regularly.

Budget has also been allocated Nepali Embassy to India, Consulate General Office of Nepal in Kolkata and Nepali Embassy to Thailand in the recent fiscal years (Table 5.2).

Table 5.2 Govt. Budget Allocation for Rehabilitation Centers and Nepalese Missions to Abroad, Nepal (in Rs.)

| SN | Name of NGOs running Rehab centers | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 |
|----|--|-----------|-----------|-----------|-----------|------------|
| 1 | ABC Nepal, Kathmandu | 1,027,000 | - | 1,500,000 | 800,000 | 800,000 |
| 2 | Srijanshil Samaj, Kailali | 1,791,870 | - | 1,200,000 | - | 800,000 |
| 3 | Saathi, Banke | 1,698,000 | - | 1,500,000 | 1,000,000 | 1,000,000 |
| 4 | Adarsha Nari Bikash Kendra, Chitawan | 500,000 | 1,000,000 | 800,000 | 1,000,000 | 2,000,000 |
| 5 | Maiti Nepal, Jhapa | 1,000,000 | 1,000,000 | 700,000 | 1,200,000 | 1,200,000 |
| 6 | Shakti Samuha, Sindhupalchok | 1,325,622 | - | 1,655,000 | 2,000,000 | 1,500,000 |
| 7 | Maiti Nepal, Parsa | 500,000 | - | - | - | 1,000,000 |
| 8 | Maiti Nepal, Rupandehi | 1,200,000 | 1,000,000 | 1,200,000 | 500,000 | 1,000,000 |
| 9 | Nepali Embassy to India | 500,000 | 500,000 | - | - | 500,000 |
| 10 | Consulate General Office of Nepal in Kolkata | | | 800,000 | - | 500,000 |
| 11 | Nepali Embassy to Thailand | | | | 1,000,000 | 500,000 |
| | Total | 9,042,492 | 3,500,000 | 9,355,000 | 7,500,000 | 10,800,000 |

Note: Figures for 2015/16 refers to only to October 2015 (Kartik, 2072).

Source: Secretariat of National Committee on Controlling Human Trafficking and Transportation, MoWCSW (2015)

Allocation of Budget to the District Committee – The GoN has allocated budget for the district committee on controlling human trafficking for all 75 districts. Looking at budget spent in the FY 2014/15, majority of districts in hills and mountains spent Rs. 42,000 and in Terai, Rs. 57,000. The total amount spent is Rs. 3,854,400. Major areas of spending are interaction programs, formation of the village committees, meeting allowances, awareness programs and rallies on anti-trafficking days.

District Committees have also the some balance amount in Emergency Rescue Fund by the end of April 2015. The total amount is Rs. 7,648,574. The average amount in the Fund comes out to be 101,980 with the range of no balance amount in Rupandehi district to Rs. 396,975 in Makwanpur district. Districts like Lamjung, Gulmi, Pyuthan, Achham, Ilam, Sypja, Dailkeha, Jajarkot and Bajura have less than Rs. 20,000 in the Fund while there are 13 districts with more than Rs. 200,000 (Table 5.3).

Table 5.3 Budget spent in the FY 2014/15 by the District Committees and Balance Amount in the Emergency Rescure Fund by April 2015 (in Rs.)

| District | Budget spent | Balance amount in Emergency Rescure Fund | District | Budget spent | Balance amount in Emergency Rescure Fund |
|---------------|--------------|--|--------------|------------------|--|
| Taplejung | 42,000 | 27,000 | Synja | 42,000 | 18,000 |
| Panchthar | 42,000 | 230,550 | Kaski | 57,000 | 261,842 |
| Illam | 38,000 | 18,000 | Manang | 42,000 | 43,650 |
| Jhapa | 47,000 | 30,000 | Mustang | 42,000 | 52,000 |
| Morang | 57,000 | 60,000 | Mygdi | 42,000 | 42,000 |
| Sunsari | 57,000 | 211,295 | Parbat | 42,000 | 52,000 |
| Dhankuta | 57,000 | 96,000 | Baglung | 52,000 | 124,600 |
| Tertham | 57,000 | 114,200 | Gulmi | 42,000 | 9,000 |
| Sankhuwasava | 45,000 | 36,000 | Palpa | 42,000 | 36,000 |
| Bhojapur | 42,000 | 52,000 | Nawalparasi | 50,000 | 34,500 |
| Solukhumbu | 42,000 | 27,000 | Rupandehi | 57,000 | 0 |
| Okhaldhunga | 42,000 | 22,000 | Kapilbastu | 57,000 | 64,300 |
| Khotang | 42,000 | 205,000 | Arghakanchi | 42,000 | 26,150 |
| Udayapur | 62,000 | 187,000 | Pyuthan | 15,000 | 16,000 |
| Saptari | 57,000 | 115,200 | Rolpa | 93,000 | 50,000 |
| Siraha | 62,000 | 114,200 | Rukum | 42,000 | 88,000 |
| Dhanusa | 91,000 | 210,000 | Salyan | 42,000 | 58,700 |
| Mahottari | 57,000 | 247,000 | Dang | 57,000 | 250,000 |
| Sarlahi | 57,000 | 32,000 | Banke | 57,000 | 253,959 |
| Sindhuli | 57,000 | 178,000 | Bardiya | 57,000 | 78,938 |
| Ramechhap | 57,000 | 169,200 | Surkhet | 57,000 | 87,438 |
| Dolakha | 42,000 | 70,773 | Dailekha | 42,000 | 18,000 |
| Sindhupalchok | 132,000 | 164,600 | Jajarkot | 42,000 | 18,000 |
| Kavre | 56,400 | 74,200 | Dolpa | 42,000 | 33,000 |
| Lalitapur | 42,000 | 215,000 | Jumla | 42,000 | 33,000 |
| Bhaktapur | 57,000 | 98,000 | Kalikot | 42,000 | 233,000 |
| Kathmandu | 57,000 | 226,000 | Mugu | 42,000 | 57,500 |
| Nuwakot | 57,000 | 182,190 | Humla | 42,000 | 75,400 |
| Rasuwa | 57,000 | 190,850 | Bajura | 42,000 | 19,000 |
| Dhading | 57,000 | 229,764 | Bajhang | 42,000 | 36,000 |
| Makwanpur | 57,000 | 396,975 | Achham | 42,000 | 16,000 |
| Rautahat | 72,000 | 175,200 | Doti | 42,000 | 27,000 |
| Bara | 57,000 | 147,000 | Kailai | 57,000 | 98,000 |
| Parsa | 57,000 | 48,000 | Kanchanpur | 57,000 | 88,200 |
| Chitawan | 57,000 | 195,600 | Dadeldhura | 42,000 | 173,000 |
| Gorkha | 57,000 | 24,000 | Baitadi | 42,000 | 27,000 |
| Lamjung | 42,000 | 9,000 | Darchula | 42,000 | 127,000 |
| Tanahu | 57,000 | 93,600 | Total | 3,854,400 | 7,648,574 |

Source: MoWCSW, 2015.

Number of Survivors Provided Services - Table 5.4 shows the number of trafficked survivors provided services by the NGOs supported by the Government. The GoN has allocated budget for the running of eight rehabilitation centers in eight districts since the FY 2009/10. These rehabilitation centers have provided services to a substantial number of the survivors in each FY. The number of survivors provided services ranged from 740 in FY 2013/14 to 1311 in FY 2011/12 and to 1012 in FY 2015/16. The number of survivors provided services varied by district in which rehabilitation centers are in operation. The five-yearly average number of survivors provided services (2011/12-2015/16) is the highest in Jhapa (356), followed by Banke (190), Rupandehi (183), Parsa (155), Chitawan (73), Sindhupalchok (71) and the lowest in Kathmandu and Kailali (28 in each).

Table 5.4 Number of trafficked survivors provided support by Govt supported NGOs

| District in which rehab centers in operation | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16* | Five-yearly average number (2011/12-2015/16) |
|--|---------|---------|---------|---------|----------|--|
| Rupandehi | 195 | 233 | 157 | 90 | 242 | 183 |
| Sindhupalchok | 66 | 19 | 25 | 231 | 13 | 71 |
| Chitawan | 43 | 107 | 109 | 13 | 93 | 73 |
| Kathmandu | 69 | 8 | 14 | 28 | 21 | 28 |
| Banke | 254 | 254 | 126 | 165 | 152 | 190 |
| Parsa | 240 | 176 | 68 | 114 | 179 | 155 |
| Kailali | 32 | 26 | 29 | 18 | 37 | 28 |
| Jhapa | 412 | 635 | 212 | 244 | 275 | 356 |
| Total | 1311 | 1458 | 740 | 903 | 1012 | |

Note: Figures for 2015/16 refers to only to October 2015 (Kartik, 2072).

Source: Secretariat of National Committee on Controlling Human Trafficking and Transportation, MoWCSW (2015)

Budget Allocated Per Survivor - Table 5.5 shows the government allocation of budget to the rehabilitation centers from the FY 2011/12 to FY 2015/16 vis-à-vis total number of trafficked survivors provided services by these rehabilitation centers. The five-yearly (2011/12-2015/16) average amount allocated is Rs. 7.2 million and the five-yearly average number of trafficked survivors provided services is 1,085. The five-yearly average Rs. allocated per survivor comes out to be Rs. 6,617 with ranging from Rs. 2,058 in FY 2012/13 to Rs. 1,1561 in the FY 2013/14.

Table 5.5 Government Budget allocation to the rehabilitation centers per survivor

| FY | Total budget allocated | Total survivors provided services | Annual budget allocated per survivor |
|---------------------------------------|------------------------|-----------------------------------|--------------------------------------|
| 2011/12 | 8,542,492 | 1,311 | 6516 |
| 2012/13 | 3,000,000 | 1,458 | 2058 |
| 2013/14 | 8,555,000 | 740 | 11561 |
| 2014/15 | 6,500,000 | 903 | 7198 |
| 2015/16 | 9,300,000 | 1,012 | 9190 |
| Five-yearly average (2011/12-2015/16) | 7,179,498 | 1,085 | 6617 |

Source: calculated based on Table 5.2 and 5.3.

5.4.3 Activities Carried Out by the Ministry of Women Children and Social Welfare (MoWCSW) in FY 2014/15 and FY 2015/16

Formation and Mobilization of District Committees - The MoWCSW has already formed District Committees for Controlling Human Trafficking (DCCHT) in all 75 districts in the country. The District Committee is composed of representing from district level governmental line agencies, NGOs and civil society organizations. It is chaired by the Chief District Officer (CDO) and Women and Children Officer as the member secretary. The District Committees are responsible to formulate, implement, coordinate, monitor and evaluate anti-trafficking activities and programs in the districts.

Some of District Committees like Morang and Sunsari have also formulated Five-Year District Plan of Action (2015-2019) based on NPA. Reviewing the District Plan of Action, it is found that they are in line with the National Plan of Action against Trafficking in Persons and include components of Prevention; Protection; Prosecution; Capacity Development; and Coordination, Collaboration and Networking. The District Plan of Action contains a matrix of national strategies and corresponding district level strategies and main activities to be carried out. The Plan of Action identifies main agencies and supporting agencies for the implementation of the strategies. One of the advantageous of these districts plan of action is that they are formulated with the wide engagement of key stakeholders like district level governmental agencies, Nepal Police, Media, Non-governmental organizations and private sectors. However, these Action Plans do not provide the estimates of budget required in order to implement each of the strategies and sources of funding.

The following activities were carried out by the MoWCSW in FY 2014/15 are the following:

- Prepared the Implementation Plan 2071 (2014) of National Plan of Action against Human Trafficking, especially women and children and the Implementation Plan has been in operation since October 6, 2014.
- Amended the Annex 8 of Guideline for the Operation of the Rehabilitation Centers 2011 (2068) (Standards of Rehabilitation expenses)
- Published National Progress Report 2014 (2070) encompassing activities against TIP
- Revision of the Village Committee for Controlling Human Trafficking Guideline (Formation and Mobilization) and Local Development Committee (Formation and Mobilization) 2014 and initiated implementation from June 4, 2015.
- Extended to the support of the trafficking survivors by extending the allocation of budget beyond Nepali Embassy to India and Nepali High Commission of Kolkata to Nepali Embassy to Thailand since 2014/15 for the rescue, repatriation of the trafficking survivors.
- Published and disseminated a bulletin containing the profile of the organizations working against trafficking in persons in the country (address, working area, contact number).
- Made provisions for the budget for the staff of the Nepali Embassy to India and High Commission of Nepal to Kolkata for bringing trafficking survivors up to the border of Nepal.
- Conducted an interaction program with the 35 representatives of 25 I/NGOs working against TIP aiming to extend the coordination and cooperation among the organizations on October 31, 2014.
- Conducted dissemination programs of the Implementation Plan of NPA against TIP in six places of the country and also organized two regional level workshops (175 participants).
- Conducted one-day interaction program in Nepalgunj, Banke about the amendment of Human Trafficking and Transportation (Control) 2007 (60 participants).
- Extended District Committee on Controlling of human trafficking in all 75 districts; and formed 134 VDCs/Municipality Committees.
- Published *Yatra Patrika* (No. 3) on the occasion of the National Anti Trafficking Day.
- Conducted different central level activities on the auspicious of National Anti Trafficking Day of (*Bhadra 20, 2072* or September 6, 2015).

- Awarded organizations/individuals contributing to combat trafficking in persons in the auspicious of Eighth National Day. The organizations awarded with an appreciation letter and Rs. 10,000 are i) Nepal Police, Metropolis Police Unit; ii) Women and Children Service Center, Kalimati, Kathmandu; iii) Women and Children Office, Kathmandu and iv) ABC Nepal, Kathmandu. The individuals awarded an appreciation letter and Rs. 10,000 are Kumar Shrestha of *Nepal Smachar Patra*, Banke and Neha Sharma of Metro FM. The organizations awarded with an appreciation letter include i) Nari Ship Srijana Kendra, Makwanpur and ii) Adarsha Nari Bikash Kendra, Chitawan. The individuals provided appreciation letters are Durga Adhikari of Saphalata FM of Kaski and Rishi Paudyal of Kantipur Daily, Sindhupalchok district.

Activities Carried Out in 2015/16 (Up to October 2015)

- A study being conducted about the identification of the most risk VDCs and Municipalities for human trafficking and transportation (economically and socially disadvantaged area). The study is in the final stage of completion.
- In the FY 2015/16, a total of 160 trafficked survivors were rescued and provided rehabilitation services in 8 district rehabilitation centers (for which the Ministry supports the budget).
- The meeting of the National Committee on Controlling Human Trafficking and Transportation was held and it was decided that an additional Rs. 9.3 million shall be allocated to the 8 rehabilitation centers in the FY 2015/16 considering the disaster of earthquake.
- Carried out the 9th National Day against Human Trafficking and Transportation on *Bhadra 20, 2072* (September 6, 2015). On the occasion, media persons, NGO activists, Governmental Staff and Police were awarded for their outstanding contribution for combating trafficking in persons. The individuals honored include: Ganesh Rajuri of Dang RSS; Manju Thapa of Asmita Magazine; Jhapendra Devkota of Trilottam National Daily, Butawal; Mina Sharma of Kantipur FM; Police Inspector - Chandra Kumari Gurung – the Police Inspector, District Police Office, Kaski; Sharada Nepal of Women and Children Office, Illam; v) Raj Kumar Thapa – Police, District Police Office, Parsa and Bhagawati Nepal of Atamanirbhar Kendra, Sindhupalchok. Organizations honored include i) Legal Support and Counseling Center (LAC), Kathmandu and ii) Women and Children Office, Kanchanpur.

5.4.4 Activities Carried Out by Department of Women and Children

The Department of Women and Children has been carrying out a number of women's empowerment programs in the country. Women Development Program is one of the key development programs that has direct contribution to gender mainstreaming and women empowerment. The program has been extended to all 75 districts covering almost VDCs and Municipalities of the country.

A large number of women's collectives have been formed in the country (Table 5.6). The number of such collectives reached to more than 150,000 in FY 2013/14 from about 124,000 in the FY 2011/12. Women's participation in the programs has exceeded 892,000. Examining the proportion of women involvement in the collectivities by social groups, it appears that the women's programs are highly representative and inclusive. Further, a huge amount of resources has been mobilized by these women's collectivities. The saving amount increased from Rs. 1,685,708 thousands in FY 2011/12 to Rs. 2,612,596 thousands in 2013/14. And the total amount in investment also increased from Rs. 1,577,477 thousand to Rs. 2,515,525 thousands.

Table 5.6 An overview of women development programs, Nepal

| Name of activities | 2011/12 | 2012/13 | 2013/14 |
|--|-----------|-----------|-----------|
| Program coverage | | | |
| Number of districts | 75 | 75 | 75 |
| Number of VDCs | 3,570 | 3,636 | 3,759 |
| Number of Municipalities | 41 | 43 | 71 |
| Number of Wards | 21,362 | 22,421 | NA |
| Institutional Development | | | |
| Number of women groups formed | 123,573 | 132,928 | 150,842 |
| Number of women in the group | 736,046 | 807,976 | 892,474 |
| Dalit (% of total) | 16.9 | 16.3 | 16.0 |
| Janajati (% of total) | 35.2 | 36.2 | 34.0 |
| Others (% of total) | 47.9 | 47.5 | 50.0 |
| Resource Mobilization | | | |
| Women group saving (in Rs. '000) | 1,685,708 | 2,270,921 | 2,612,596 |
| Total amount in investment (in Rs. '000) | 1,577,477 | 2,175,168 | 2,515,525 |

Source: Ministry of Finance, 2015

In addition, the following activities have been carried out by the Department of Women and Children in the FY 2013/14 and 2014/15 in different parts of the country:

- Launched empowerment program to 360 Liberated *Kamalari* (daughter of the liberated bonded laborers) in Dang, Surkhet, Banke, Bardiya, Kailali and Kanchanpur districts.
- Conducted training orientation to 71,854 members of the women and children organizations. Of the three-day training, one day is allocated about Human Trafficking and one session about gender violence.
- Conducted training-orientation to members of women's groups formed by Women and Children Offices. A total of 5,670 women were beneficiaries. Of the seven-day training, one session is allocated about human trafficking and two sessions about gender related violence.
- Conducted orientation training to the district level leadership to members of women groups. There were 3,221 participants. Of the 5 day training, one session is allocated about human trafficking and another one session about gender related violence.
- Conduction awareness programs in all 75 districts through district committees about human trafficking and transportation. The participants included: members of District Committee, rights activists, member of woman groups, women's cooperatives, NGOs and CBOs.
- Established 5 Information Booths; 14 community surveillance groups were formed.
- Provided equity development Training (Samabikasha Talim) to 5,593 persons.
- Carried out different programs through the Monitoring Committee in Dance and Restaurants (Kathmandu, Lalitapur, Bhaktapur, Birjung, Biratnagar, Kaski, Banke, Chitawan and Rupandehi).
- Carried out awareness programs about human trafficking among staff of public transport (drivers and helpers) in Kanchanpur, Kailali, Banke, Kapilbastu, Rupandehi, Chitawan, Morang and Jhapa.

5.4.5 Activities Carried Out by Ministry of Education

One of the key prevention programs of trafficking of girls/boys or sale of children is the education program. Although the Ministry has not have any provisions of scholarships/other benefits targeting to the trafficking prone population or area, the Ministry has had provision of scholarship and food for education program targeting to different disadvantaged, deprived and marginalized groups and girl students in Nepal. The Government of Nepal has been providing different scholarship schemes at different levels of school education. The schemes aim to expand equitable access of students at corresponding levels, improve retention rate, and broaden the meaningful teaching opportunities.

The scholarships are primarily provided to disadvantaged communities, vulnerable groups and those residing in remote areas (Table 5.7).

Table 5.7 Number of students provided scholarship

| Types of scholarship | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/15* |
|--|-----------|-----------|-----------|-----------|-----------|
| Girls studying in grade 1-8 grade | 2,293,744 | 2,276,479 | 1,907,469 | 1,686,480 | 1,045,684 |
| Handicapped students (1-8) | 62,163 | 69,944 | 59,098 | 53,903 | 13,399 |
| Handicapped students (9-10) | 4,494 | 6,193 | 4,841 | 4,055 | 788 |
| Specially Targeted groups (23 ethnic) 1-8 grade | 104,157 | 86,712 | 106,517 | 77,900 | 27,677 |
| Dalit (1-8) | 1,100,349 | 1,200,816 | 1,000,741 | 870,888 | 531,581 |
| Dalit (9-10) | - | 75,511 | 79,587 | 75,386 | 39,755 |
| Scholarship for Martyr's Children | 37 | 62 | 89 | 99 | 12 |
| <i>Kamlari</i> (scholarship and capacity development) | 7,673 | 7,886 | 6,882 | 7,655 | 3,479 |
| Remote scholarship (mountain hostels) | 413 | 407 | 437 | 480 | 428 |
| Feeder hostel scholarship | 400 | 400 | 399 | 391 | 330 |
| Conflict victims scholarship | 3,808 | 8,097 | 7,412 | 6,846 | 523 |
| For model hospitals | 148 | 222 | 382 | 307 | 356 |
| For boarding school students in mountains | 220 | 140 | 160 | 180 | 128 |
| Secondary education scholarship | 58,836 | 59,023 | 58,412 | 55,826 | 37,270 |
| Scholarship for endangered ethnic people | 13,595 | 32,703 | 9,252 | 8,552 | 1,100 |
| Scholarship for target groups of science in Higher Secondary level | 80 | 76 | 68 | 39 | - |

Note: * of first, eight months.

Source: Ministry of Finance, 2015.

Food for Education Program has been in operation in 10 districts - Dailekh, Rukum, Doti, Dadeldhura, Achham, Baitadi, Bajhang, Bajura, Darchula and Jajarkot. The program aims to improve the nutrition and health condition of students and thereby contributing to raise the daily attendance, reduce the class dropout rate, increase learning, result/capacity of children. Table 5.8 shows the number of students provided food for work program from FY 2011/12 to 2014/15.

Table 5.8 Number of students provided food for work program

| Types of program | 2011/12 | 2012/13 | 2013/14 | 2014/15* |
|--------------------------------------|---------|---------|---------|----------|
| Day Snacks Program | 132,000 | 151,701 | 141,423 | 156,000 |
| Girl Student Encouragement Program | 40,197 | 50,180 | - | - |
| Mother and Child Health Care Program | 15,497 | 14,325 | - | - |

Note: * of first, eight months.

Source: Ministry of Finance, 2015.

Outcomes of Education - Data from the Department of Education (2012) indicated that there are more than 6.5 million children in basic level (1-8 grades) and more than 0.85 million in secondary level (9-10 grades) of education in Nepal recent years¹¹. Gender gap in Basic Level of education ended by 2010 while it remained somewhat in secondary and higher secondary levels even after 2011. However, gender gaps in Basic Level of education have not been ended across the social groups in Nepal. There is still gender gap in school enrolment among Dalit community – proportionally less number of girls against boys is enrolled in schools. On the other hand, there is gender equity in school enrolment among Janajati groups and even the number of girls, to some extent, exceeds boys in higher secondary level of education.

¹¹ The school education system consists of primary (1-5 grade), lower secondary (6-8 grade), secondary (9-10 grade) SLC and higher secondary (11-12 grade). Broadly, schools are categorized into: community schools (supported by government) and institutional schools (supported by parents and trustees).

The share of children from the disadvantaged social groups - Dalit and Janajati - has also been encouraging in recent years (Table 5.9). Given the 12.6 percent share of Dalit population in Nepal, the share of Dalit students at Basic Level has overrepresented while it is lower in case of secondary level. In case of Janajati, their share at both Basic Level and Secondary Level is highly satisfactory given their share of total population of 37 percent in Nepal¹².

Table 5.9 Share of Dalit and Janajati at Basic Level (1-8 grades) and Secondary Level (9-10 grades), Nepal (in %)

| Year | Dalit | | Janajati | |
|------|-------------|-----------------|-------------|-----------------|
| | Basic Level | Secondary Level | Basic Level | Secondary Level |
| 2004 | 12.5 | 8.1 | 25.0 | 30.2 |
| 2005 | 18.3 | 5.1 | 35.5 | 31.8 |
| 2006 | 15.3 | 5.3 | 36.9 | 29.9 |
| 2007 | 16.9 | 6.4 | 40.8 | 37.0 |
| 2008 | 18.1 | 7.8 | 41.0 | 40.7 |
| 2009 | 18.2 | 8.6 | 39.3 | 39.5 |
| 2010 | 19.6 | 10.0 | 39.1 | 40.8 |
| 2011 | 19.7 | 10.5 | 38.5 | 40.4 |

Source: Department of Education (2012).

Drop-Out Rates - As discussed in Chapter 2 (Child Trafficking Section), drop-out rates of school education are associated with trafficking of children in Sindhupalchok and Nuwakot districts (childreach.org.uk). Drawing upon data from Department of Education, following references may be drawn: First, although the proportions of drop-outs rates have been declining for both basic level and secondary level, the numbers are very substantial. For example, the number of drop-out students in basic level remained more than 425,000 each year from 2006 to 2011 and this number ranges as low as 40,000 to as high as 70,000 for Secondary level. It can be confirmed that, on the average, 500,000 students enrolled in grades one to 10 tend to drop-out each year in Nepal. Second, there is no significant variation in drop-out rates by gender irrespective of level of education. Third, drop-out rates tend to increase as the levels of education increases (Table 5.10).

Table 5.10 Drop-out rates by basic level (1-8 grade) and secondary level (9-10 grade), Nepal

| Year | Basic Level | | | Secondary level | | |
|----------------|-------------|---------|---------|-----------------|--------|--------|
| | Girls | Boys | Total | Girls | Boys | Total |
| Percent | | | | | | |
| 2006 | 8.0 | 7.6 | 7.8 | NA | NA | NA |
| 2007 | 7.8 | 7.1 | 7.4 | 6.2 | 6.4 | 6.3 |
| 2008 | 11.4 | 9.0 | 10.1 | 10.6 | 11.5 | 11.1 |
| 2009 | 7.3 | 6.9 | 7.0 | 8.1 | 9.4 | 8.8 |
| 2010 | 6.2 | 6.6 | 6.4 | 8.1 | 9.2 | 8.7 |
| 2011 | 6.3 | 6.6 | 6.5 | 6.9 | 6.8 | 6.9 |
| Number | | | | | | |
| 2006 | 222,877 | 230,298 | 453,663 | - | - | - |
| 2007 | 221,311 | 214,769 | 433,805 | 19,142 | 23,196 | 42,285 |
| 2008 | 350,504 | 285,712 | 631,167 | 35,792 | 43,438 | 79,407 |
| 2009 | 236,486 | 225,323 | 455,356 | 30,793 | 38,558 | 69,551 |
| 2010 | 207,033 | 218,634 | 425,721 | 32,093 | 38,244 | 70,636 |
| 2011 | 209,422 | 215,912 | 428,712 | 29,100 | 29,024 | 58,551 |

Note: As the number of drop-outs is not provided by data of Department of Education, the Research team estimated the numbers of drop-outs by multiplying the proportion of drop-outs and total number of enrolments by sex in the corresponding year.

Source: Department of Education (2012).

¹² According to the Population census 2011, the total population of Nepal was 26,494,468. Of which, Dalit accounted for 12.6 percent (Hill Dalit 8.1% and Terai/Madheshi Dalit 4.5); Janajati accounted for 35 percent (hill Janajati 27.3% and Terai/Madheshi Janajati 7.7%).

5.4.6 Child Related Programs

A number of line agencies especially MoWCSW, Ministry of Federal Affairs and Local Development, CCWB including I/NGOs have been carrying out child protection related programs across the country. In this connection, District Child Protection Committees have been formed in all 75 districts and Municipal Child Protection Committees have been formed in 27 Municipalities and Village Child Protection Committees have been formed in 1,661 VDCs by the end of first eight months of FY 2014/15.

As shown in Table 5.11, there has been greater expansion of child clubs in the country especially after the Supreme Court Order on August 9, 2001 to ensure the rights of the children for organization. The CCWB issued *the Guideline for Child Participation 2005* and make it provision to affiliate the child clubs in the DCWB. Child clubs create the awareness among community and children themselves. They carry out campaign for birth registration, school enrolment, reduction of child labor, increase child participation program, campaign for child immunization, promotion and propaganda of free education, awareness on rights of education in the fearless situation, programs related to improvement in environment, parents awareness raising program and campaign against child marriage.

Table 5.11 Overview of child clubs, FY 2013-14 and FY 2014-15, Nepal

| Description | FY 2013/14 | FY 2014/15 |
|---|------------|------------|
| Number of districts with child clubs | 75 | 75 |
| Number of Child Clubs | | |
| Total number of child clubs | 19454 | 22457 |
| No. of child clubs affiliated with DCWB | 11625 | NA |
| No. of child clubs yet to be affiliated with DCWB | 7829 | NA |
| Number of Children | | |
| Girls | 202616 | 201301 |
| Boys | 231275 | 230659 |
| Total | 433891 | 431960 |
| Types of Child Clubs | | |
| Based on communities | 9512 | NA |
| Based on schools | 6425 | NA |
| Based on other institutions | 25 | NA |
| Network of Child Clubs | | |
| At the district level | | |
| No. of networks | 66 | 33 |
| No. of child clubs in the network | 6502 | NA |
| At the VDC/Municipality level | | |
| No. of networks | 95 | 55 |
| No. of child clubs in the network | 814 | NA |
| At the ward level | | |
| No. of networks | 1244 | 738 |
| No. of child clubs in the network | 6981 | NA |

Note: the comparable figures are not available between two years (2013 and 2014); NA refers to not available.
Source: CCWB 2014 and CCWB 2015.

Child Helpline (1098) – The MoWCSW, Nepal Telecom and Nepal Telecommunications Corporation all jointly own the Child Helpline with its toll free number 1098. Child Helpline has been in operation in 12 districts in the country but they cover a wide range of districts. In FY 2013/14, six organizations operated Child Helpline and provided different services to 4,830 children. The key services provided were psychosocial counseling, emergency rescue, health treatment, family reunion, legal support, prevent from trafficking and from child marriage (Table 5.12).

Table 5.12 Overview of child helpline, FY 2013-14 and FY 2014-15, Nepal

| Description | FY 2013-14 |
|--|------------|
| Number of districts with child helpline | 12 |
| Number of organizations running the child helpline | 6 |
| Number of children benefited: | |
| Psychosocial counseling | 1569 |
| Emergency rescue | 1469 |
| Health treatment | 562 |
| Family reunion | 828 |
| Legal aid | 229 |
| Prevent from trafficking | 140 |
| Prevent from child marriage | 33 |
| Sex of the children benefited | |
| Girls (% of total) | 48.2 |
| Boys (% of total) | 51.8 |
| Total benefited | 4830 |

Note: Figures for FY 2014-15 was not available in the CCWB Annual Report 2015.

Source: CCWB 2014.

Child Care Homes – Drawing data from the CCWB Annual Reports, it is found that there were 594 Child Care Homes in 46 districts in FY 2013/14 with 16,617 children residing in these Homes. In the FY 2014/15, there were 577 Child Care Homes in 44 districts of the country with 16,400 children residing in these Homes (Table 5.13).

Table 5.13 Overview of child care homes, FY 2013-14 and FY 2014-15, Nepal

| Description | FY 2013-14 | FY 2014-15 |
|--|------------|------------|
| No. of districts with Child Care Homes | 46 | 44 |
| Number of child care homes | 594 | 577 |
| Children residing in the Homes | | |
| Boys | 8423 | 7989 |
| Girls | 8194 | 8411 |
| Total | 16617 | 16400 |

Source: CCWB, 2014 and CCWB, 2015.

The *Standard of Operating Procedure of Child Care Home 2069* (2012) has defined the children in need of special care and protection as follow:

- Children without both parents and nobody is taking care of the children
- Abandoned children or run away or no identification of the parents
- Children in abusive, exploitative and discrimination condition by the parents or the caretakers
- Children from the disabled parents family
- Children with no permanent house

5.5 NHRC Responses

- NHRC organized two regional level workshops about the implementation status of Human Trafficking and Transportation (Control) Act of 2007 in Taulihawa, Kapilbastu in Decemer 17, 2014 and in Birtamod, Jhapa in December 23, 2015. The workshop was led by the Hon'ble Commissioner of NHRC – Mrs. Mohana Anshari and the officers of NHRC of central and regional offices. Altogether, there were 88 participants in the two workshops.
- Conducted monitoring of border points in Kakarbhitta by the NHRC team and a Parliamentarian and found that there were no Surveillance Centers in other border points in Jhapa district except in Kakarbhitta and this issue was not even discussed in the District Committee for Controlling Human Trafficking.
- Organized a national level interaction programs with the stakeholders in April 11, 2015 in NHRC Central Office among GOs and NGOs personnel to combat TIP.

- Carried out a monitoring study of earthquake hit districts from April 25 to May 27, 2015 - The monitoring team visited the districts and had interactions with the Governmental agencies, survivors of the quake, security forces and human rights organizations. NHRC recommended the GoN for immediate relief of the victims of the quakes by ensuring the protection of children and women from violence and trafficking.
- Visited Qatar with the team leading by Hon'ble Chairperson – Justice Anup Raj Sharma- and conducted MoU with the National Human Rights Committee in the State of Qatar on November 16, 2015. The MoU is fundamental step of NHRC to protect the rights of Nepali migrant workers in Qatar, and counter forced labor, trafficking and exploitation of Nepali migrant workers to Qatar including in other destination countries. MoU reached to the 10 points agreements (Box 4.2).

Box 4.2 MoU between the NHRC Nepal and National Human Rights Committee Qatar

First: The memorandum shall enter into force after the signing of MoU and remains in effect for Four years from 16 November 2015 up to 15 November 2019, subject to renewal upon explicit mutual agreement of both parties, with a 3 months prior notice.

Second: Both parties shall work together to advance Nepalese workers' rights in the State of Qatar, as well as in Nepal and in other countries interested in working to that end.

Third: Both parties will work on capacity building in Qatar, Nepal, and other interested countries, through the implementation of labor training and education programs at the level of ministries, and other related agencies, including staff of both parties, in particularly on issues related to labor migration, forced labor and human trafficking.

Fourth: Both parties will work on educating workers, employers and managers, recruiters, developers, workers' associations and diplomatic missions on the issues of rights of migrant workers, existing legislation, international agreements, and the ILO labor conventions.

Fifth: Both parties will work on establishing partnership with concerned ministries, agencies and organizations in order to improve workers' conditions and to support them in pursuing the rights of migrant Nepalese workers.

Sixth: Both parties shall work with the proper jurisdictions in order to prevent trafficking of persons and forced labor in Qatar and Nepal. This shall include educating workers, employers, diplomatic missions, immigration officials and relevant ministries regarding the identifying and addressing forced labor and trafficking within labor migration and mechanisms available for rescue, repatriation, redress and restitution in both countries. The two parties shall act to help for the identification of victims of human trafficking and forced labor and work on the improvement of services provider, following a flexible "activation plan" developed with input from the two parties.

Seventh: Both parties shall monitor the implementation of prevailing labor migration laws and policies by respective governments to ensure adherence to international labor standards and international human rights instruments.

Eight: The two parties shall establish a community help desk, exchange of visits and information sharing, following a flexible "activation plan", developed with input from the two parties.

Ninth: In case of breach of any of the agreement provisions by any parties, any of the both parties may terminate this memorandum without further conditions of constraints with a two month notice by either party.

Tenth: This agreement does not bind the both parties by any financial, administrative or legal obligations.

- Prepared the Human Rights situation during the agitation before and after promulgation of the Constitution of Nepal 2015 – The monitoring report is prepared by visiting the 28 districts mostly Terai of Nepal. Among others, it recommended to operate schools located in the agitating districts, to ensure working environment for human rights defenders and journalist. Operation of schools regularly is crucial in order to prevent trafficking of children.

5.6 NGOs Responses

A number of NGOs are involved in anti-trafficking activities in Nepal. Some of the NGOs have specific anti-trafficking activities, other work in internal trafficking issues while others have activities related to safe migration, empowerment of women and children. NGOs can be classified into four areas in terms of their focus areas of activities:

- I. NGOs mainly involved in **safe-migration** and access to justice of the migrant workers – Non-Resident Nepali Association (NRNA), Peoples’ Forum for Human Rights, Pourakhi Nepal, Pravasi Nepali Coordination Committee (PNCC).
- II. NGOs mainly involved in **anti-trafficking**, women empowerment – AATWIN, Gramin Mahila Srijanshil Pariwar- Sindhupalchok, Himalayan Human Rights Monitors (HimRights), KI-Nepal (Kingdom Investment Nepal), Maiti Nepal, Tiny Hands Nepal, Women Skill Creation Centre Nepal- Makwanpur, PPR Nepal, Rural Reconstruction Nepal, Saathi, Shakti Samuha, Women Rehabilitation Center (WOREC) Nepal.
- III. NGOs mainly involved in **child rights** and anti-trafficking issues – CWIN and Nepal GoodWeave Foundation.
- IV. NGOs mainly involved in **entertainment sectors** and internal trafficking - Biswas Nepal, Change Nepal, CAP Nepal, Chhori, FHI 360 Nepal and Women Forum for Women in Nepal (WOFOWON)

I. NGOs Mainly Involved in Safe-Migration Issues

Non-Resident Nepali Association (NRNA) – It has become a good global network for dealing with the rights of Nepali migrant workers. Established in 2003, it has now extended to 71 countries where National Coordination Centers have already been established. NRNA is a Nepali citizen living outside South Asian Association for Regional Cooperation (SAARC) member countries or a person of Nepali origin holding foreign nationality other than SAARC nations. Among others, NRNA’s one strategic goal is to ‘promote and protect the rights and interest of Nepali residing outside Nepal’ to ‘promote and support fair and equitable rights of Nepali migrant workers’.

It has already conducted seven global conferences and eight regional conferences. According to the press statement of the Secretariat of NRNA (<http://nrna.org.np/newspage-87>), the seventh Global Conference held in Kathmandu in October 2015 came up with an agreement to establish network of NRNA, Interpol, Nepal Police, Government of USA, Government of Australia and Government of Indonesia to combat trafficking in persons jointly. This Agreement called ‘Kathmandu Process’ has brought NRNA formally into the social movement of fighting against TIP at the global level. It is reported that currently, the National Coordination Centers of the NRNA in Gulf state, Thailand, and African countries are engaged to support to rescue the victims of trafficking. According to the Chairperson of NRNA - Mr. Shesh Ghale, he witnessed that many Nepali MWWs are living in a dangerous state in African countries.

Non-Resident Nepali Association (NRNA) in partnership with FEPB and ILO established ‘Foreign Employment Information and Counseling Center’ at the *Sram Gram* (Labor Village) located at the premise of DoFE in Kathmandu. The main objective of the Center is to provide appropriate information to the potential migrant workers about the countries of destination: its laws, regulations, culture, food, traffic regulations including nature of work, salary, holidays and other necessary information. ILO provided support for the physical facilities of the Center while NRNA operates the Center. The Center has staff of Information Officers and Legal Counseling Officers.

Peoples’ Forum for Human Rights – This is one of the leading NGOs working on safe migration issues, especially in areas of providing legal support to the survivors in relation to foreign employment. In addition to providing the legal support, People’s Forum has also sought Supreme

Court order of mandamus and other appropriate orders for the effective implementation of the provisions of the FEA 2007. In 'People Forum for Human Rights (people Forum) vs. Government Nepal' case registered in Supreme Court in August 14, 2014, the petitioner, Mr. Shom Prasad Luitel from People Forum, demanded the effective implementation of the provisions for i) decentralization of foreign employment services (DoFE, FEPB and FET) as it is difficult to make complaints about fraud or deception to those residing in remote areas; ii) application of summary procedure in – speedy decisions in relation to cases related to foreign employment and iii) effective monitoring of recruiting agencies and agents and their punishments per the law.

Pravasi Nepali Coordination Committee (PNCC) – Established in 2009, PNCC has been working on safe migration areas. Its website is: www.pncc.org.np. It works in prevention, protection, prosecution and coordination and networking and collaboration areas. As prevention activities, it provides counselling, disseminate information regarding safer migration. In the FY 2013/14 and 2014/15, it worked in 23 districts in its SaMi Project districts (16) and PNCC 7 districts: Chitawan, Jhapa, Mahottari, Makwanpur, Palpa, Kanchanpur, Rukum, Nawalparasi, Sarlahi, Khotang, Dhanusha, Dang, Sindhuli, Sindhupalchok, Saptari, Sunsari, Kaski, Kailali, Ramechhap, Nuwakot, Dhading, Siraha and Udayapur.

- Provided formal/non-formal education to 1469 persons in FY 2013/14 and 1382 in FY 2014/15
- Conducted awareness raising programs at the community level benefiting to 4203 persons in FY 2013/14, 5972 in FY 2014/15 and to 1372 persons after three months of the April Earthquake
- Conducted lobbying and advocacy benefiting 710 persons in FY 2014/15 and 60 persons after three months of the April Earthquake
- Provided information on safe-migration to 4203, 5972 and 2858 persons in the FY 2013/14, 2014/15 and after the three months of April earthquake, respectively, through its Information Booths of Kaulalampur of Malaysia, Doha of Qatar and Different CDO offices of Nepal. Among the persons received safe migration information, 1864, 1286 and 365 persons were provided coordination services for rescue in the FY 2013/14, 2014/15 and after the 3-months of earthquake. Similarly, a total of 32, 136 and 26 persons were provided safe shelters in FY 2013/14, 2014/15 and after the earthquake.

Pourakhi Nepal – It is one of the leading NGOs led by migrant returnee women working on safe migration issues in Nepal. Pourakhi has currently two projects which are directly dealt in trafficking issues. One project entitled (CTIP) “Combating Trafficking in Person” is implementing at Sindhupalchowk district and another one project named “Work in Freedom-Community Base Intervention for Women Empowerment and Prevention of Trafficking in Person” is implementing at Dolakha district. It conducted basically different prevention related programs including supporting the formation of Village Committees for controlling human trafficking. At the national level, Pourakhi Nepal is continuously carrying out lobbying and advocacy to increase law enforcement efforts against all forms of trafficking; supporting government for raising anti-trafficking efforts, activation of the DCCHT.

II. NGOs Mainly Involved in Anti-Trafficking, Women Empowerment Issues

Alliance Against Trafficking in Women and Children in Nepal (AATWIN) – It was established in 1997 as a network organization of NGOs working in Nepal in order to raise collective voice against the human trafficking. Currently, there are 33 organizations in the network. AATWIN has been working for the policy change in local, national to international level. The role of the AATWIN has also been recognized by the GoN as reflect in the textbook of grade 10 and +2 of Population and Health Subject. AATWIN mainly worked in areas of lobbying and campaign for the SAARC Convention on preventing and combating trafficking in women and children; advocating in policy level to formulate

Domestic Violence Act and also advocated for the Constitutional Assembly of Nepal to ensure the right against human trafficking/slavery/exploitation in new the Constitution. AATWIN major partner organizations are Enabling State Program (ESP), Free The Slaves (FTS), Global Fund for Women (GFW), Global Alliance Against Traffic in Women (GAATW), Hope for Children Australia Limited (Walkfree).

It conducted the following activities in FY 2013/14 and 2014/15:

- Conducted regional level ToT against trafficking in Pokhara, Dhangadi
- Conducted research in Dolakha, Bardiya, Achham, Morang and Kaski
- Carried out National Plan of Action/District Plan of Action related programs with District Committee on Controlling Human Trafficking in Sindhupalchowk, Makwanpur Bardiya , Jhapa
- Provided awareness raising at the community level to more than 700 persons
- Conducted lobbying and advocacy with more than 35 key stakeholders.

Research and Publication

- MODERN SLAVERY IN NEPAL: Understanding the problem and existing responses in Kathmandu
- “Where Accountability Lies? On developing participatory methods of monitoring anti-trafficking initiatives - Kathmandu, Makwanpur, Kailali and Sindhupalchowk
- On Protection Mechanism entitled “How protected are They? Conducted in Dolakha , Kaski, Bardiya , Achham and Morang and
- Media Analysis of 2071 – review of the 5 leading daily newspapers.

FHI 360 Nepal – Its office is located in Baluwatar, Kathmandu and its website is www.fhi360.org. Since 2014, FHI 360 Nepal is providing Gender-Based Violence (GBV) prevention and mitigation services among female sex workers (FSWs) and transgender sex workers (TGSWs) in six districts (out of 33 project districts) in Nepal with the support of Saath--Saath Project of USAID Nepal. These services are integrated into existing HIV prevention, care, and support and treatment services of the project. It works in prevention and coordination and networking and collaboration related activities. In FY 2013/14 and 2014/15, it worked in six out of 33 project of districts of Saath-Saath Project. The districts in which it has been working include: Bhaktapur, Kathmandu, Kailali, Kaski, Lalitapur and Sunsari districts.

Gramin Mahila Srijanshil Pariwar, Sindhupalchok – It was established in 1992 aiming to protect the rights of women. It is one of the leading NGOs working in anti-trafficking activities in Sindhupalchok district. It is also the NGO that has been receiving the Government financial support for running of a rehabilitation center in Sindhupalchok district. During the period of June 2013 - January 2015, it conducted the following activities:

- Conducted awareness programs on trafficking in Sindhupalchok district (about 1500 beneficiaries)
- Conducted Radio program about the trafficking and slavery (10,000 beneficiaries)
- Conducted reflection class about the awareness of the human trafficking
- Observed International Women Day, Child Rights Day in several VDCs of Sindhupalchok district
- Conducted several interactions and lobbying to the district key stakeholders in order to strengthen the District Committee on controlling human trafficking (interaction about the district action plan, training to the police about child friendly behavior, public hearing programs with the participation of CDO, DSP and other stakeholders).

Himalayan Human Rights Monitors (HimRights) – it is one of the leading NGO working on human rights issues especially of women, children and youth in Nepal. Its head office is in Kathmandu and it has district offices in Nepalgunj, Bara, Makwanpur and Bhojapur. It has been working in anti-trafficking issues since 2003 through formation and mobilization of the surveillance groups called *Nigarani Samuha*. It has already 76 and 33 surveillance groups in Makwanpur and Bara districts respectively with 1088 members. The Surveillance Groups also lobby for the VDC budget committee to prevent TIP. It has Safe Migration Information Booths in operation Makwanpur, Bara and Parsa.

In addition, HimRights contributes to raise awareness to government stakeholders and media on issues of human trafficking and unsafe migration; advocate for the ratification and effective implementation of existing policies; and support GoN for the implementation of NPA against Trafficking in Persons (2011-2021). HimRights leads a network of the Human Rights Protection and Anti-Trafficking Network, which is made up of 13 national and district organizations working on combating trafficking in Banke, Bara, Makwanpur, and Parsa districts.

KI-Nepal (Kingdom Investment Nepal) – Its office is located in Jawalakhel, Lalitpur. Its official website is www.kinpal.org. In FYs 2013/14 and 2014/15, it worked in 11 districts: Morang, Jhapa, Parsa, Chitawan (Padampur), Sindhupalchok, Rupandehi (Devdaha), Kapilbastu (Budhhabakita-Tikkar), Banke, Kailali and Kanchanpur. KI Nepal aims to ‘end human trafficking in Nepal by transforming broken individuals and strengthening communities enhancing their moral and spiritual power’. It seeks to prioritize its programme activities on prevention, protection and prosecution along with improving coordination, alliance building and advocacy against human trafficking in Nepal.

Maiti Nepal – Maiti Nepal is one of the leading anti-trafficking NGOs in Nepal. It was established in 1993. Its head office is located in Kathmandu. It has regional headquarters in Kakarbhitta, Bharatapur and Bhairahawa. It has 3 prevention homes, 9 transit homes, 2 rehabilitation centers, 2 hospices, one half way home and 3 information and counselling centers on safe migration. It carries out prevention, advocacy, rescue and rehabilitation services to the trafficked survivors.

PPR Nepal – established in 2003, it is one of the leading NGOs working on safe migration and legal advocacy in Nepal. Its office is located in Baneshwar, Kathmandu. Its website is www.pprnepal.org.np. It has been working in anti-trafficking and violence against women issues since 2008. In the FYs 2013/14 and 2014/15, it worked in Kavre, Makwanpur and Kathmandu, particularly focusing on safe migration and anti-trafficking activities. It provided orientation training to the Governmental officials, personnel of law enforcement and judicial, political party carders about the interface between foreign employment and human trafficking. It also conducted orientation training to the VDC secretaries and community people of Kavre district about controlling TIP for kidney removal in Kavre district.

Women Skill Creation Centre Nepal, Makwanpur - This is one of the leading NGOs working in anti-trafficking areas in Makwanpur district. In the FY 2014/15, it carried out the following activities:

- Conducted different community awareness programs 10 times, parents awareness programs 7 times, VDC level stakeholders awareness programs 7 times, schools level awareness programs 35 times, legal awareness programs 16 times
- Run interaction programs with stakeholders 40 times, with media persons 1 time, with school teachers 2 times
- Assisted formation and mobilization of VDC Committees on human trafficking (10 VDCs) in collaboration with the District Committee on human trafficking
- Assisted formation of the 67 community surveillance committees
- Conducted interaction with the district network of victims

- Assisted rescuing of 23 persons
- Provided safe migration information to 2166 persons
- Provided support to reintegration to 36 women
- Provided scholarship to 283 students
- Provided legal aid to 2 persons

Rural Reconstruction Nepal – Its office is in Gairidhara, Kathmandu Nepal. Its website is: www.rrn.org.np. It has been working on anti-trafficking and violence against women issues since 2011. It works mainly in prevention related activities. In the FY 2013/14 and 2014/15, it carried out two projects relevant to prevention of trafficking in persons in Bara, Makwanpur and Dolakha districts. The project include: ‘right based education for dalit youth in Nepal’ (Makwanpur and Bara) and ‘women empowerment and reproductive health’ (Dolakha). It had the following output:

- Provided formal/non-formal education to 2181 and 2000 persons in FY 2013/14 and 2014/15, respectively.
- Provided micro-credit/income generation programs to 400 and 350 women in FY 2013/14 and 2014/15 respectively.
- Conducted awareness raising program after the April earthquake and benefited to 880 persons
- Conducted lobbying and advocacy among key stakeholders (50 in FY 2013/14 and 150 persons in 2014/15, respectively).
- Mobilized community surveillance groups of 90 in FY 2013/14 and 95 in 2014/15, respectively.
- Provided safe migration information to about 1,000 persons (600 males and 400 females) in the FY 2014/15 through its two Information Booths.

Shakti Samuha – is the trafficked survivors-based NGO in Nepal. Established in 1996, it has been organizing and empowering returning trafficked survivors by providing shelter, legal aid, vocational training and counseling. It has been working in anti-trafficking activities since 1996 and since 2010 in safe migration issues. It works in prevention, protection, prosecution, capacity building and advocacy areas. Its target groups are female trafficked survivors, girls who are at risk of trafficking and girls and women who are working in cabin restaurants, massage parlors and dance bars. It has networks with Membership in National Committee NCCHT and DCCHT; AATWIN; Global Alliance Against the Trafficking of Women (GAATW); NGO Federation Nepal; Survivor of Trafficking (SOT) Network; Women and Human Rights (WHR) Network and Network of Social Security.

In the FY 2013/14 and 2014/15, in addition to the protection and prosecution related activities, it carried out prevention related activities mainly in Banke, Nuwakot, Kathmandu, Makwanpur, Bara, Rautahat, Banke, Bardiya, Kailali and Jhapa districts through conducting street drama with the adolescent girls and boys, awareness programs in schools, conducting interaction between adolescents-parents program, interaction programs with school teachers, interaction with media persons, Nepal Police, and regular interaction programs with the key stakeholders of the entertainment sectors for the protection of the rights of the female workers. Further, it has conducted regular advocacy for the effective implementation of the Guideline of the Supreme Court for the Regulation of the Entertainment Sector for the Protection of the Rights of the Female Workers. It has also safe migration Information Booths in Makwanpur, Sindhupalchok and Bardiya and provided safe migration information to more than 4,000 women intending to go to Malaysia, Kuwait, Turkistan, and Tanzania for domestic work.

Tiny Hands Nepal – is a faith based NGO dedicated to helping orphan and abandoned children and fighting sex trafficking in South Asia. Tiny Hands operates through national NGOs in Nepal, Bagladesh and India. In Nepal, its office is located in Tahachal, Kathmandu. In the FY 2014/15, it has the following programs:

- *Border Monitoring* - Tiny Hands hires employees at sites along the Nepal-India border in order to inhibit the unlawful trafficking of women and minors to India. Local volunteer subcommittees oversee operations and aid in the care of intercepted girls.
- *Transit Homes* - Girls stopped at the borders stay temporarily in homes while an incident investigation takes place.
- *After care* - Princess Home in Kathmandu is dedicated to the rehabilitation of former sex workers.
- *Awareness* - Border staff and subcommittee members seek to spread awareness about trafficking among border communities.

In FY 2013/14 and 2014/15, it worked in 21 districts of Nepal : Jhapa (Bhadrapur, Kakarbhitta), Rupandehi (Bhairahawa), Morang (Biratnagar), Parsa (Birgunj), Kapilbastu (Chanauta), Dang (Lamahi), Dhading (Galchhi), Rautahat (Gaur), Bardiya (Guleria), Makwanpur (Hetauda), Dhanusa (Janakapur), Kathmandu, Siraha (Lahan), Chitawan (Muglin and Narayanghat), Sarlahi (Malangwa), Banke (Nepalgunj), Nawalparasi (Parasi), Sindhupalchok (Tatopani) and Kailali (Tikapur).

Women Rehabilitation Center (WOREC) Nepal – This is one of the leading NGOs working in empowerment of women in Nepal. During the FY 2014/15, it carried out the following:

- Run Radio program 102.4 (Udayapur) on awareness on safe migration and anti-trafficking regularly
- Operation of Migration Information Booths in Morang, Sunsari, Udayapur, Siraha, Dhanusa, Dang, and Kailali districts – benefiting 1000 persons
- Conducted street dramas in 10 places of Morang, Sunsari and Udayapur districts
- Put Hoarding Board and Hording Boards in six districts
- Conducted orientation programs in its six working districts – 40 persons participants
- Conducted school education – benefit 50 children
- Conducted interaction programs with the key stakeholders about safe migration in 9 places of its six working districts
- Conducted door-to-door program through peer education in 692 households
- Provided training on conceptual clarity of safe migration to 39 women and 13 men
- Provided protection related support to 121 persons.

III. NGOs Mainly Involved in Child Rights and Anti-Trafficking Issues

Child Workers in Nepal Concerned Centre (CWIN) – Established in 1997, it is a pioneer organisation in Nepal for the rights of the child and against child labour exploitation. In the FY 2013/14 and 2014/15, it has the prevention related programs in Kathmandu, Sunsari, Surkhet, Bardiya, Chitawan, Kapilbastu, Kanchanpur, Kailali, Kavre, Banke, Sindhupalchok and Makwanpur.

In addition to other prevention and protection related programs, CWIN runs Child Helpline with its toll free number 1098. It has Child Helpline in Kathmandu, Biratnagar, Pokhara, Hetauda and Nepalgunj. CWIN provided relief package to the victims of the earthquakes of April 2015 and afterwards – reaching out to more than 30,000 families with 150,000 persons including 65,000 children. It carried out the following activities after the five-months of the April 25, 2015 earthquake (<http://www.cwin.org.np>, accessed on December 1, 2015):

- Conducted 52 health camps in 11 earthquake affected districts benefiting more than 18,700 children. The health camps were run with the support of Nepal Pediatric Society and volunteers of USA and Germany.
- Prepared and distributed 250,000 copies of psychosocial counseling materials targeting to children affected by the earthquake. The materials were developed in collaboration with Department of Children, MoPH and Nepal Pediatric Society.
- Provided training to more than 100 persons about psychosocial counseling of children and mobilized them.
- Provided emergency services to more than 5,800 children through CWIN Child Helpline 1098. During the 5-months of the post-earthquake, more than 18,000 calls were received in the Helpline.
- Created Special Child Protection Desks in Dolakha, Kavre and Sindupalchok districts and strengthened the already established Child Protection Desks in Kathmandu, Makwanpur, Kaski, Morang, Banke and Kaliali districts. This activity was conducted in collaboration with WCSC, Nepal Police.
- Run 72 child friendly places and Child Protection Desks and established 165 temporary learning centers in schools of Dolakha, Makwanpur, Sindhuli, Kavre and Dhading districts.
- CWIN led an informal network of 14 organizations called *Nepal Disaster Volunteer Coordination Network* for effective and coordinated support to the victims of the earthquake and prevention of child trafficking.

Nepal GoodWeave Foundation – is a child rights organization. Its office is located in Maitidevi, Kathmandu and its website is www.goodweavenepal.org. It works in prevention, protection related activities. It basically works with the child labor in brick kilns in Kathmandu valley, Sarlahi and Rupandehi districts including in other 19 districts of the country.

IV. NGOs Mainly Involved in Entertainment Sectors and Anti Internal Trafficking

Biswas Nepal – It is especially working in combating internal trafficking, especially in entertainment sector in Nepal. Its office is located in Newroad, Kathmandu. Its website is www.biswasnepal.org. It has been working in anti-trafficking issues since 2008 and on safe migration since 2014. In FY 2013/14 and 2014/15, its working districts were Kathmandu (municipality), Gorkha (Deurali VDC) and Dolakha (Charikot, Jiri and Singati). During the July 2013-January 2015, it provided orientation programs to about 175 female workers in entertainment sector about safe migration.

Change Nepal – has been working in entertainment sector in Nepal. Its office is located in Thamel, Kathmandu. Its official website is www.changenepal.org.np. It has been working on anti-trafficking issues since 2010. Currently, it has CTIP project (2010-2015), Watch program (2013-2016), Human Liberty initiative (March 2010), Campaign against Children's Exploitation in Nepal (2013-2014) and Protection of Children in Dangerous and Exploitative Child Labor (2013-2016). It works in areas of prevention, protection, coordination, networking and collaboration. Its working areas are different locations of Kathmandu metropolis and Pokhara municipality.

During the July 2013-June 2015, it conducted the following:

- Provided formal/non-formal education to 1182 children
- Provided income generation programs to 51 persons
- Provided awareness raising at the community level (through Safe migration network, community schools) to more than 27,500 persons
- Provided legal classes (223), psychosocial counseling (971), health classes (1318), life skills (173), group discussion skills (722), vocational training (136), and entrepreneurial training (16), family financial education training (1000 households).

Centre for Awareness Promotion (CAP) Nepal – Its office is located in Dhumbarahi, Kathmandu. Its official website is www.capnepal.org. It has been working on internal trafficking in the adult entertainment sector and violence against women since 2009 and on safe migration (orientation and awareness programs on safe labor migration since 2014). Its working areas include four districts: Kathmandu, Bhaktapur, Lalitapur and Nuwakot. Though CAP Nepal basically works in the Kathmandu valley it receives referral cases from the Police, CBOs, like-minded NGOs and others from all over the country and CAP Nepal also reaches out to other districts as well through the bi-monthly magazine – *Sankalpa*. It also has the program on awareness raising programs through the magazine and documentary screening at the community level. Though CAP Nepal does not have Booths on safe migration and anti-trafficking activities, it conducts orientations and awareness workshops on safe labor migration and human trafficking for the women and girls working in the Adult Entertainment Sector and other aspirant women and girls. CAP Nepal also conducted various orientations on safe labor migration, human trafficking and vulnerability of trafficking after the earthquake in the temporary shelters that are arranged for survivors of the earthquake in different areas of Kathmandu valley.

Chhori –It has been working in entertainment sector since 2014. In 2014, it worked in Lalitpur (Gwarko, Balkumari and Bagdol), Kathmandu (Koteshor, Jadibuti, Gongabu and Kalanki) and Nuwakot (Bidur municipality). Its partner organizations are Planete Enfants, GenevaGlobal, Individual Sponsors and Helvetas/Sami.

Women Forum for Women in Nepal (WOFOWON) - Its office is located in Gongabu, Kathmandu. Its website is www.wofowon.org.np. It has been working in anti-trafficking and safe migration areas since 2008. It works in prevention, protection, prosecution areas to ensure the human and labour rights of women and young girls working in the informal and entertainment sectors (dance restaurant, massage parlor, open and cabin restaurant). In the FY 2013/14 and 2014/15, its working areas include Kathmandu metropolis city and Tokha municipality, major urban areas of Sunsari, Morang and Jhapa districts. It works in coordination with WOREC Nepal, *Shramik Mahila Sajha Manch* and Plan Nepal. Its main target groups are community of women working in the informal and entertainment sectors, earthquake affected women, girls and children especially pregnant, lactating women, elderly women.

Protection and Legal Aid Services

In addition to the prevention related activities, NGOs provide protection and legal aid services to the victims/survivors of trafficking and/or victims of foreign employment process. Table 5.16 shows the number of victims/potential victims provided different protection and legal aid services by leading NGOs working against trafficking in Nepal. A total of 20 NGOs¹³ provided information to NHRC about at least one of the protection or legal aid related services. Note that not all NGOs have all protection related components, however. For example, out of 20 NGOs which provided information to NHRC, 9 NGOs provided information that they carried out interception, 14 in rescue operation, 11 in rehab/drop in centers, 9 in reintegration of the victims, 11 for referral services, 4 missing/found cases and 11 in legal support services (Appendix 5.1). Accordingly, about 9,000 persons especially women and children were intercepted from the border areas, bus parks and other difficult situation in each of the fiscal year, and 1551 victims in FY 2013/14 and 1971 victims in FY 2014/15 were

¹³ The NGOs included are: Tiny Hands Nepal; KI Nepal, CAP Nepal, Biswas Nepal, Chhori, Nepal Good Weave Foundation, WOFOWON, Change Nepal, GMS, Him Rights, PPR Nepal, SAATHI, Shakti Samuha, Maiti Nepal, CWIN, PNCC, WOREC, Peoples Forum, Pourakhi Nepal and Women Creation Center–Makwanpur

rescued mainly from abroad. More than 3600 victims especially women and children were referred to other organizations for psychosocial counseling and medical treatment in each Fiscal year of 2013/14 and 2014/15. It is reported that only four NGOs received 1858 missing person applications in FY 2013/14 and 1906 in FY 2014/15. In terms of legal support which includes FIR, prosecution and court proceeding, a total of 988 persons in FY 2013/14 and 1355 persons in FY 2014/15 were provided legal support by the 11 NGOs.

Table 5.16 Number of trafficked survivors or persons at risk of trafficking provided protection services

| | 2013/14 | 2014/15 | After Earthquake of April 25, 2015 | No. of NGOs involved in |
|---|---------|---------|------------------------------------|-------------------------|
| Interception | 9057 | 8997 | 3864 | 9 |
| Rescue and repatriation | 1551 | 1971 | 955 | 14 |
| Rehab centers/drop-in centers | 1438 | 1801 | 698 | 11 |
| Reintegration and skills oriented work | 1467 | 1140 | 306 | 9 |
| Referrral for counseling and medical purposes | 3673 | 3627 | 970 | 11 |
| Missing persons application recieved | 1858 | 1906 | 261 | 4 |
| Missing persons found | 421 | 493 | 96 | 4 |
| Legal support (FIR and prosecution) | 988 | 1355 | 382 | 11 |

Source: Appendix 5.1.

Mobilization of Budget – NGOs mobilized a huge amount of resources for anti-trafficking activities including children and women’s empowerment programs. Although the NHRC requested NGOs to send their annual inputs i.e. budget, majority of NGOs did not send this information. Therefore, drawing upon the record of Social Welfare Council (SWC), it can be said that these NGOs mobilized a lot of resources in the year of 2014. For example, a total of 454.7 million Rupees was mobilized by 27 NGOs affiliated with SWC for 63 projects in the year of 2014¹⁴. Of the total funding mobilized, 97 percent came from the external donors while about 3 percent was internal ones. Among the 27 NGOs listed in SWC, the five-top NGOs that mobilized maximum budget in the year of 2014 include: CWIN (38%), Maiti Nepal (14%), WOREC Nepal (10%), Shakti Samuha (5.5%) and KI Nepal (5%) (Appendix 5.2 and Box 5.2).

¹⁴ The project duration basically refers to one year of 2014 except in some cases it refers to 2013 and 2015. For LACC, one project funded by KIOS, Finland is from 2014 to 2016 and for Maiti Nepal, one project funded by Home for Children, Australia runs from 2014 to 2018.

Box 5.2 Budget of NGOs on Anti-trafficking activities, child and women's related programs, 2014 (amount in Rs.)

| SN | Name of NGOs | External resources | Internal resources | Total | % of total | No. of projects |
|----|---|--------------------|--------------------|-------------|------------|-----------------|
| 1 | AATWIN, Kathmandu | 15,502,029 | 79,684 | 15,581,713 | 3.4 | 4 |
| 2 | ABC Nepal, Koteswor, Kathmandu | 653,916 | 0 | 653,916 | 0.1 | 1 |
| 3 | Action for Child Rights International, Kupondol 10, Lalitpur | 1,910,680 | 0 | 1,910,680 | 0.4 | 1 |
| 4 | Angels Nepal, Pokhara- 15, Kaski | 12,937,433 | 3,697,179 | 16,634,612 | 3.7 | 1 |
| 5 | Antenna Foundation Nepal, Bakhundole 10, Lalitpur | 659,401 | 0 | 659,401 | 0.1 | 1 |
| 6 | Asha Nepal, Taukhel 1, Lalitpur | 3,958,550 | 0 | 3,958,550 | 0.9 | 1 |
| 7 | Asha Orphanage, Koteswor, Kathmandu | 3,804,098 | 0 | 3,804,098 | 0.8 | 1 |
| 8 | Ashako Ghar Nepal, Kapan 1, Kathmandu | 500,000 | 0 | 500,000 | 0.1 | 1 |
| 9 | Biswas Nepal, New Road 22, Kathmandu | 4,580,636 | 0 | 4,580,636 | 1.0 | 1 |
| 10 | Child Welfare, Nepal, Hetauda 4, Makawanpur | 9,678,960 | 0 | 9,678,960 | 2.1 | 1 |
| 11 | CWIN, Ravi Bhawan, Kathmandu | 172,396,602 | 0 | 172,396,602 | 37.9 | 8 |
| 12 | FWLD, Thapathali, Kathmandu | 3,841,100 | 0 | 3,841,100 | 0.8 | 1 |
| 13 | General Welfare Pratisthan, Gyaneshwor, Kathmandu | 2,776,800 | 0 | 2,776,800 | 0.6 | 1 |
| 14 | Higher Ground Community Development Nepal, Lalitpur | 1,470,911 | 0 | 1,470,911 | 0.3 | 1 |
| 15 | Kingdom Investments Nepal, Jawalakhel 1, Lalitpur | 22,908,000 | 1,381,630 | 24,289,630 | 5.3 | 1 |
| 16 | LACC, Manbhawan, Lalitpur | 10,822,867 | 572,000 | 11,394,867 | 2.5 | 2 |
| 17 | Legal Aid And Research Centre (LARC), Gopigunj, Nawalparasi | 2,619,012 | 0 | 2,619,012 | 0.6 | 1 |
| 18 | Maiti Nepal, Pindalasthan, Kathmandu | 64,543,416 | 286,950 | 64,830,366 | 14.3 | 16 |
| 19 | New Light Nepal, Haripur 9, Sarlahi | 2,058,000 | 1,074,000 | 3,132,000 | 0.7 | 1 |
| 20 | PPR Nepal, Baneshwor, Kathmandu | 3,844,035 | 0 | 3,844,035 | 1 | 1 |
| 21 | Raksha Nepal, Lainchour 32, Kathmandu | 6,935,404 | 1,564,000 | 8,499,404 | 1.9 | 2 |
| 22 | Rural Women Creative Forum, Lamusangu, Sindhupalchowk. | 3,396,250 | 0 | 3,396,250 | 0.7 | 1 |
| 23 | Samrakshak Samuha Nepal (SASANE), Kathmandu-32, Dilli Bazar. | 1,785,595 | 0 | 1,785,595 | 0.4 | 1 |
| 24 | Shakti Samuha, Chabahil, Kathmandu | 22,407,504 | 2,471,140 | 24,878,644 | 5.5 | 8 |
| 25 | Women Skill Creation Centre Nepal (WOSCC), Mitra Nagar, Hetauda, Makawanpur | 3,681,365 | 0 | 3,681,365 | 0.8 | 1 |
| 26 | WOREC Nepal Kathmandu | 45,057,130 | 1,177,000 | 46,234,130 | 10.2 | 3 |
| 27 | World League for Freedom and Democracy, Kathmandu-13 | 17,640,000 | 0 | 17,640,000 | 3.9 | 1 |
| | Total | 442,369,694 | 12,303,583 | 454,673,277 | 100.0 | 63 |
| | Row % | 97.3 | 2.7 | 100.0 | | |

Source: Social Welfare Council cited in MoWCSW, 2015.

5.7 Media Responses

Media are the important means for dissemination of information to the concerned parties and they are also the catalytic means for policy interventions. Media can be classified broadly into i) print media and ii) electronic media. Print media coverage in TIP can be assessed from a recent study conducted by AATWIN (2015). It covered the news and article published in the five national daily newspapers in between April 14, 2014 to April 13, 2015. The newspapers selected for the study were Kantipur Daily, Nagarik Daily, Gorkhapatra, Nepal Samacharpatra and Rajadhani. The newspaper clippings reviewed when the theme of trafficking, migration or transportation emerged in the newspapers.

Media coverage in trafficking issue is as half as migration issue (Table 5.16). Of 1007 news articles published in these five Daily newspapers during the one-year, 61.5 percent of news was related to migration while only 30 percent was related to trafficking. Among the 299 trafficking related news and articles, the highest proportion was covered in Kantipur Daily (32%), followed by Nepal Samacharpatra (21%), Nagarik (16%), Gorkhapatra (16%), and Rajadhani (15%). Majority of the trafficked survivors comprised of Brahmin and Chhetri compared to other caste/ethnic groups – this is contrary to the other studies' findings as discussed in Chapter 2. More than half of the trafficked survivors are children under 18 years of age. It is found that four types of trafficking is taking place in Nepal: cross-border to India, internal, cross-border but related to foreign employment and organ trafficking. Majority of trafficking was initiated by the agents while neighbors, boy friends, relatives, own father, and staff of the organization are also reported as trafficking accused persons. Further, poverty was the leading cause of trafficking. The newspaper identified purposes of trafficking as sexual exploitation, labor exploitation and human organ trafficking – majority of news being related to trafficking for labor exploitation.

It appears that media has not prioritized the issue of trafficking as more than three-fourths of the news published in the pages other than first and editorial. Only 38 percent of the news was covered by only one newspaper and 45 percent news was covered by two newspapers. The media have mostly published event based hard news (62%) while soft news and editorial comprised of about one-third of the total news and articles reviewed. Confidentiality has always been the issue with the news on human trafficking but data reveal that only in 19 percent of the news, the identity of trafficked survivors is found to have totally protected. On the other hand, 35 percent of the news the names of the survivors have been disclosed and in another 31 percent of the news confidentiality have been attempted by hiding the names but supportive identity (address, parent's name, etc) has been disclosed.

Table 5.16 Distribution of the number of news and articles covered in print media about human trafficking, April 2014-April 2015, Nepal

| | Number | Percent |
|----------------------------------|--------|---------|
| Types of news reviewed | | |
| Migration | 619 | 61.5 |
| Human trafficking | 299 | 29.7 |
| Kamaiya/Kamalari | 76 | 7.5 |
| Others (international issues) | 13 | 1.3 |
| Total | 1007 | 100.0 |
| News on human trafficking | | |
| Kantipur | 96 | 32.1 |
| Nagarik | 48 | 16.1 |
| Gorkhapatra | 47 | 15.7 |
| Nepal Samacharpatra | 62 | 20.7 |
| Rajadhani | 46 | 15.4 |
| Coverage of news | | |
| Only one news paper | 114 | 38.1 |
| Two newspapers | 134 | 44.8 |
| More than two newspapers | 45 | 15.1 |
| In all in selected newspapers | 6 | 2.0 |
| Priority news | | |
| First page | 57 | 19.1 |
| Editorial news | 30 | 10.0 |
| Other pages | 212 | 70.9 |
| Types of news | | |
| Hard news (event-based) | 185 | 61.9 |
| Soft news | 90 | 30.1 |
| Editorial | 12 | 4.0 |
| Opinion articles | 12 | 4.0 |
| Confidentiality | | |
| Name disclosed | 105 | 35.1 |
| Pseudo name given | 12 | 4.0 |
| Supportive identify disclosed | 93 | 31.1 |
| Photo published | 33 | 11.0 |
| Identity totally undisclosed | 56 | 18.7 |
| N | 299 | 100.0 |

Source: AATWIN, 2015, *Human Trafficking and Transportation in Nepal: An Analysis of News and Articles* (Kathmandu: AATWIN).

5.8 Emerging Challenges

- Implement the NPA against Trafficking in Persons 2011-2021 effectively by increasing the budget and human resources.
- Strengthen the Secretariate of National Committee and mobilize the District Committees effectively and expand the Village and Municipality Committees across the countries, especially in the high prevalence of migration areas.
- Increase the coordination between the MoWCSW, the National Committee, NHRC, the MoLE, the MoFA, the OAG, and the Gender-Based Violence Unit within the Prime Minister's Office in order to effectively tackle the trafficking problems in the country.
- Integrate TIP prevention activities with the poverty alleviation, education and empowerment programs by developing coordination mechanism among and between line Ministries.
- Reduce the overlap in program interventions and encourage the NGOs reaching out to the unreached population.
- Increase the media coverage on trafficking issues ensuring the confidentiality and privacy of the victims/survivors.

Chapter 6

Legal Framework, Enforcement and Judicial Responses

This Chapter reviews the law enforcement status in relation to combating trafficking in persons. It further goes on assessing the implementation status of the HTTA 2007 and judicial responses in relation to conviction and pending rates of trafficking cases.

6.1 Legal Framework

As legal framework for combating TIP, Nepal is a state party of major human rights instruments such as the following:

- Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, 1949 (ratified December 27, 1995)
- Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (Ratified April 22, 1991)
- Convention on the Rights of the Child, 1989 (Ratified September 14, 1990)
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000 (Ratified October 31, 2005)
- SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002 (Signed October 31, 2005)
- UN Convention on Transnational Organized Crime 2000 (Ratified in June 24, 2011)

However, Nepal has yet to be the state party in the following instruments for controlling for trafficking in persons and illegal migration:

- UN Convention on Transnational Organized Crime, 2000 – Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000 (UN Protocol on Trafficking)
- UN Convention on Migrant Workers and Their Families, 1990
- ILO Convention 189 on Domestic Workers (2011).

As a domestic legal framework, Nepal has adopted Human Trafficking and Transportation (Control) Act 2007 and Regulation 2008. Recently, some provisions of the Act have been amended. However, in this Report, the implementation status of Act has been evaluated based on the provisions before its amendment (Section 6.3).

6.2 Law Enforcement Status

As shown in Figure 5.1 in Chapter 5 that the key law enforcement agency is Nepal Police. Nepal Police has specific Divisions: Women and Children Service Directorate (WCSD) and Central Investigation Bureau (CIB) primarily responsible for controlling trafficking crime in the country. Nepal Police established one in central level and 4 districts (Kathmandu, Lalitapur, Kaski and Morang) level Women and Children Service Centers (WCSC) as a pilot project in 1996. By FY 2014/15, there were 75 districts and 7 metropolitan circles, Kathmandu of WCSCs in the country.

The law enforcement status by the WCSD/WCSCs is discussed in Chapter 2 that it registered the trafficking cases in different districts, regional and central Police offices of Nepal and carried out the investigation accordingly. Here, key activities of CIB during the FYs 2013/14 and 2014/15 in controlling for organized trafficking crime are discussed below:

- On April 1, 2015, the team of CIB raided Chheru International Marriage Bureau in Kathmandu-4, Chuna Devi and arrested three persons including one Korean citizen on the suspension of their involvement in human trafficking in the name of paper marriage of

Nepali girls to Korean men. The CIB team also rescued five young girls being transferred to Korea and one returnee trafficked girl from China. The accused are charged under human trafficking and transportation and organized crime.

- The CIB has been launching the 'Operation Eagle' program for controlling the increasing crime of human trafficking and transportation in different forms. On April 11, 2015, the CIB team arrested eight persons involved in trafficking of Nepali young girls to Tanzania, Kenya, UAE, Bahrain, Malaysia, Uganda, Oman and other countries by pretending of offering good employment in these countries. The accused were arrested from different places of Kathmandu, Lalitapur districts and one was arrested from Bhojpur district. On May 22, 2015, the Kathmandu District Court ordered to put them in custody for trial until the decision by court. It has been found that a huge amount of money was transferred to the accused and their families' bank accounts from African countries. Because of this, money laundering case is also forwarded to Department of Money Laundering (*Sampati Suddikaran*) Investigation. Under the Operation Eagle, by November 9, 2015 CIB arrested 10 persons involved in different national and international criminal gangs.
- On December 23, 2014, the CIB team arrested Mr.Puri (32 years of age) of Rupandehi district and on January 8, 2015, Mr.Adhikari (32 year of age) of Kaski district from Kathmandu on the information that they had been involving in smuggling of migrants to Poland and other countries by receiving huge amount of money. They were also accused of making persons bonded during transit to destination countries.
- On June 19, 2015, the CIB team intercepted four young girls from Tribhuvan International Airport, Kathmandu on the information that their travel documents (e-visa, e-ticket, immigration stamp) were fake ones. They were being brought to Kirgizstan, Iraq by providing false promises of offereing good employment. In this connection, two persons – Mr. Ghimire, 47, the police man working in the airport and Mrs.Sunwar Kami, 47, of Chitawan district were arrested on June 24, 2015.
- On July 6, 2015, the CIB team arrested Bhattari of Rupandehi district from Kathmandu in charge that he trafficked to a young woman - Resmi (name changed) of Rupandehi district to Syria. The victim from Syria posted in social electronic media "Government!, I want to live, Save my life from this heal". The posting was widely disseminated. As a result, the office of the Prime Minister and Council of Minster, the Ministry of Labor and Employment and other concern offices informed the CIB to bring the culprit into justice. This case is handed to Rupandehi district Police for further investigation as the victim was trafficked from Rupandehi district to Sunauli – Delhi and to Syria.
- On September 3, 2013, the CIB team arrested Mr.Tamang of Nuwakot district in charge that he trafficked to Kajal Tamang (name changed) of Ghyanphedi of Nuwakot district to India for 'prostitution'. The perpetrator pretended of marring the victim and he brought her to Kathmandu and stayed 3 months in a room. With the support of other culprits, Mr.Tamang trafficked the victim to India and the victim was forced to involve in 'prostitution'.
- On September 10 and 11, 2013, the CIB team arrested some persons (number of persons not mentioned) from Kathmandu on the charge that they had for a long time involved in trafficking of young girls to Dubai and other countries in the name of employment in Dance Bars.
- On January 14, 2014, the CIB team arrested Mr. Subba of Asian Migration Agency, Maiti Devi, Kathmandu. The accused published an advertisement in Kantipur National Daily of May 31, 2013 that his Agency would facilitate receiving medical treatment visa of USA with a minimum charge. He collected hundreds of thousands of Rupees for this. He smuggled nine persons from Kathmandu via Bangkok. All the victims were kept in a room for more than one-month and they were not allowed to contact their relatives and friends. In the end, the accused gave the false visas to the victims and he had run away.

- With the complaint of the returnee victims to Nepal Police, the CIB team arrested four persons (Mr. Gurung of Kaski, Mr. Rai of Solu, Mr. Bahadur of Chitawan, Mrs. Rai of Udayapur) from Kathmandu on the charge that they involved in smuggling of Nepali to Macau. The victims were deceived of offering Security Guards, Drivers and Receptionists in Supper Markets at the rate of Rs. 250,000/month in Macau. The accused collected Rs. 850,000 per person. The victims were brought to Bangkok and kept in a hotel for a month as bondage. The perpetrators eventually ran away.
- On September 25, 2014, the CIB team arrested Mr. Tamang (32 years) of Rautahat district from Kathmandu. He pretended marrying a girl of 23 year, saying that he has had a house in Kathmandu and he lives in New Delhi for work. By making fake marriage, the accused brought the victim to New Delhi via Kathmandu-Hetauda-Birgunj. He sold the victim in a 'prostitution' place at Om Bihar area of New Delhi and ran away. On the next day, the victim was being transferred to another place by riding in a Riksha. She cried a lot and she was rescued by the Riksha-puller and informed to Maiti India. Maiti India and CIB Nepal repatriated her to Nepal. The accused confessed to having sold the victim in Indian Rs. 500,000 and from that money he bought some gold.
- On July 21, 2015, the Indian Police intercepted 27 Nepali young girls from Indira Gandhi International Airport, New Delhi that they were being sent to Gulf countries illegally. The victims were repatriated to Nepal on August 4, 2015 with the joint effort of GoN, Nepali Embassy to India. With the information of the victims, the Nepal police arrested some perpetrators in Nepal and registered the case under the HTTA 2007. Two accused had already been arrested in New Delhi by Indian Police and a diplomatic dialogue was going on to expatriate the culprits.
- On September 15, 2015, the CIB team arrested Mrs. Limbu (33 years) from Pokhara and Mr. Pariyar (42 years) from Kathmandu on the information that they involved in trafficking of their own mother, mother-in-law and a woman to Saudi Arabia via Gurgaon, Haryana. The victims were transferred to New Delhi – Gurgaon travelling from a Kathmandu-New Delhi bus. The victims were rescued from an apartment of a staff of the Embassy of Saudi Arabia to India in Gurgaon, Haryana. The victims were made bondage in his apartment.

Despite these efforts, law enforcement status appears to be still inadequate. One example of this is that there is relatively large number of trafficking accused persons absconded vis-à-vis the arrested persons. A total of 132 in FY 2013/14 and 70 in FY 2014/15 were absconded accused persons. Majority of run-away accused persons in 2013/14 were from eastern development region (39%) and it was from western development region (30%) in FY 2014/15 (Table 6.1).

Table 6.1 Number of trafficking accused persons absconded (*pharar aviyukta*), FY 2013/14 and 2014/15, Nepal

| | FY 2013/14 | | FY 2014/15 | |
|---------------------------|------------|--------------|------------|--------------|
| | Number | Percent | Number | Percent |
| Development region | | | | |
| Eastern | 52 | 39.4 | 7 | 10.0 |
| Central | 20 | 15.2 | 14 | 20.0 |
| Western | 11 | 8.3 | 21 | 30.0 |
| Mid-western | 15 | 11.4 | 7 | 10.0 |
| Far-western | 11 | 8.3 | 4 | 5.7 |
| Valley | 23 | 17.4 | 15 | 21.4 |
| Not stated | | | 2 | 2.9 |
| Sex | | | | |
| Male | 109 | 82.6 | 60 | 85.7 |
| Female | 23 | 17.4 | 10 | 14.3 |
| Total | 132 | 100.0 | 70 | 100.0 |

Source: Data obtained from Women and Children Service Directorate, Nepal Police, 2015.

6.3 Implementation Status of Human Trafficking and Transportation (Control) Act 2007

The implementation status of the Human Trafficking and Transportation (Control) Act 2007 and Trafficking and Transportation (Control) Regulations 2008 is basically assessed by drawing upon the findings of the recent studies discussed below and workshops organized by NHRC among the key stakeholders.

- FWLD (2014) carried out a study to examine the implementation status of the HTTA 2007 utilizing both quantitative and qualitative information. In addition to the key informant interviews and desk reviews, the study analyzed 22 decisions of courts on human trafficking that were filled after the adoption of the Act on 2007. The decisions were from the district courts of Sindhupalchok, Kathmandu, Sindhuli, Nuwakot, Makwanpur, Kavre and Sankhuwasabha. The study also monitored 31 cases of human trafficking between October 2012 and June 2013 in five districts courts where CTIP project has been implemented (Kathmandu, Kanchanpur, Sindhupalchok, Makwanpur, Kavre).
- National Judicial Academy, NJA (2013) carried out a study about the human trafficking cases disposed by the Supreme Court in between 2007 and 2012 in order to identify the factors affecting on conviction or acquittal of the cases and learn how to effectively carry out prosecution and court proceeding in future. A total of 120 judgments have been studied. The cases were registered under the Human Trafficking (Control) Act 1985 and HTTA 2007.
- Kunwar, T (2014) reviewed very extensively the human trafficking laws and also the implementation status of the provisions and measure of the HTTA 2007 and submitted to NHRC.
- NHRC organized two regional level workshops about the *implementation status of HTTA 2007 and its reassessment* held in Taulihawa, Kapilbastu in December 17, 2014 and in Birtamod, Jhapa in December 23, 2014. The participants comprised of Government advocates, Nepal Police, WCSC, Women and Development Offices including NGOs. In the workshop of Taulihawa, the participants from Nawalparasi, Rupandehi, Kapilbastu, Gulmi, Arghakhanchi and Kapilbastu were present. In Birtamod, participants came from Sunsari, Morang, Jhapa, Dhankuta, Panchathar and Illam. The workshop was led by the Hon'ble Commissioner of NHRC – Mrs. Mohana Anshari and the officers of NHRC at the central and regional offices. Altogether, there were 88 participants in the two workshops (for a detail output of the workshop is presented in Appendix 6.1).

It is difficult to assess the implementation status of human trafficking Act/Regulation objectively due to the lack of consolidated data. Thus, assessment will be more subjective rather than objective. Drawing on the methodology of assessment applied by the previous National Reports of OSRT-NHRC (2009 and 2011), the level of compliance is assigned as low, low-to-moderate and moderate. Low compliance refers to the conditions in which provisions embodied in the Act/Regulation have not been implemented at all or implementation is highly unsatisfactory. Low-to-moderate level of compliance is defined as the movement towards satisfactory conditions. Moderate compliance refers to the conditions in which provisions have not been fully realized but they are at the state of satisfactory level.

The provisions enriched in Act/Regulation can be discussed into four categories and the Government's level of compliance for each category is summarized in Box 6.1.

Box 6.1 Government of Nepal's compliance with HTTA 2007 and Regulation 2008

| Provisions in the Act/Regulation | Government's level of compliance |
|--|----------------------------------|
| Provisions relating to definition of offences and investigation | Low-to-moderate |
| Provisions relating to rescue, rehabilitation, and reintegration | Low |
| Provisions relating to punishment and compensation | Low-to-moderate |
| Provisions relating to others (award, confidentiality, formation of committee and security and in-camera hearing). | Low-to-moderate |

Provisions Relating to Offences and Investigation

Level of compliance in relation to defining acts of trafficking by the court and law enforcement bodies as per the Act/Regulation can be said to be **low-to-moderate** (Box 6.2). The Act has broadened the definition of trafficking detailing out the means and purpose of trafficking and transportation. It includes both internal, external trafficking and also different purposes such as sexual exploitation, labor exploitation and illegal organ extraction. It has been found that cases of illegal organ extraction have been registered under the HTTCA 2007 in Kathmandu and Kavre district courts with the support of different NGOs. As presented in case 1, on 1st June, 2013 the Kathmandu District Court gave a verdict that the culprits of kidney trafficking should be imprisoned for 10 years and fined Rs. 200,000 each and compensate the survivor with Rs. 200,000 as per HTTCA 2007. In another case, Kathmandu District Court registered the case of forcing someone into prostitution as an act of trafficking crime (Case 6.2).

FWLD (2014) also reported that FIRs were filed by five survivors of illegal kidney extraction: in Kavre on 9th and 10th April, 2013, and the metropolitan police circle in Kathmandu on 13th May, 2013. Through these FIRs, an investigation of kidney trafficking rackets in Kathmandu was carried out, and a total of 10 people were arrested.

Despite these achievements, studies suggest that there is an overlap in the definition of human trafficking between the HTTCA 2007 and the FEA 2007, and the conflation of TIP with prostitution means that many cases that do not involve prostitution but could fit the legal definition of trafficking are prosecuted under the FEA 2007. Therefore, both Acts need to be reviewed simultaneously to include the trafficking cases in the process of foreign labor migration. Further, In the analysis of the 120 Supreme Court Judgments, NJA (2013) found that cases of trafficking of children for circus performance in India were registered under the Human Trafficking (Control) Act 1986. However, as the Act does not define act of transporting a child into forced labor such as circus performance as act of trafficking, the cases of such claims are not liable to be convicted.

Case 6.1 Kidney Traffickers Convicted for the First Time

The survivor was a female (around 30 years at the time of victim) of a village of Kathmandu district. Her husband lost his leg while he was in foreign employment and the family was in misery condition. The victim initiated a small hotel by taking a loan of Rs. 200,000 but her business did not do well.

When she was going through all these misery, perpetrators Binod and Krishna lured her to sell her kidney for which she could get Rs. 200,000. The perpetrators falsely made her believe that selling of a kidney will not have any physical complication. On October 2012, the perpetrators took her to a clinic for blood test and medical examination. On 8 December 2012, the perpetrators took her to Delhi via Nepalgunj and on 25 January 2013, she was taken to Singhaniya Hospital in Delhi where her kidney was removed.

The victim returned to Kathmandu on 9th February 2013. In May 2013, the survivor came in contact with PPR Nepal – an NGO and with the support of PPR Nepal, the victim filed FIR in Metropolitan Police Range, Kathmandu. The Police arrested both perpetrators and prosecuted in Kathmandu District Court. The PPR Nepal continually provided the legal support during the court proceeding.

Source: PPR Nepal, 2015.

Case 6.2 Registration of case of forcing a female child into prostitution as trafficking crime

A 14 years old girl from Kavre district used to live with her aunt in Kathmandu. While going to buy something, she used to meet Mr. Bishnu (the perpetrator) in a shop near to her a rented room. They became close within a short period and one day Mr. Bishnu took the survivor to his rented room. He promised her handsome money if she does as he says. She was taken to a rented room. According to the survivor, there were many other girls who were forced into prostitution. When the victim said that she did not want to be in the prostitution, the perpetrator threatened her.

Meanwhile, her aunt noticed changes in the survivor's behavior and finally came to know that Mr. Bishnu was forcing her into prostitution. She then went to his rented room and rescued her. Then, they reached to Janasewa police station in New Road, Kathmandu to report the case.

The Sub-Inspector of Police - Mr. Prem Regmi informed this case to PPR Nepal. Lawyers from PPR Nepal reached to the police station for legal advice. On 2 July 2014, the survivor's relative filed FIR on behalf of the survivor under human trafficking against Mr. Thapa that the perpetrator forced the survivor into prostitution continuously for two months.

The survivor's health check-up and age verification was done in TU Teaching Hospital. After the health examination, she was found pregnant. As she was under aged and had unwanted pregnancy, she and her relative agreed to abort the fetus. Then, she was provided a safe shelter in Peace Rehabilitation Centre (PRC) Lalitapur.

After the police investigation the case was sent to Kathmandu district government attorney's office for prosecution. On 26 August 2014, the government attorney filed the case under the HTTA 2007 in the Kathmandu District Court. On 27 August 2014, the Kathmandu District Court ordered the perpetrator to be taken in judicial custody.

During the entire process lawyers from PPR Nepal provided legal counseling while PRC provided rehab service to the survivor.

Source: PPR Nepal, 2015.

The level of compliance regarding the **reporting is low** despite the NHRC recommendation to establish a unified and national level reporting system. A few cases of human trafficking are registered in Nepal Police than that of believed to be as discussed in Chapter 2. There are several reasons for under reporting of TIP cases. One, the perpetrators are often close relatives of the victims; two, many cases of TIP are a result of fraudulent promises for foreign employment, but such cases are registered under the FEA 2007, rather than under the HTCA 2007. Three, many instances of trafficking involving men as victims are not reported as human trafficking and are instead reported under the FEA 2007.

Low reporting is also evident from the Shakti Samuha (Op. cit., 2014) participants of conference. Of the total 191 trafficked survivors, only 17 percent made FIR about the trafficking while the rest did not make any complaints. Several reasons evolved as not being made FIR. Key reasons include: not having citizenship certificate (17%), no awareness (15.5%), not identifying the traffickers (10%), already death of the traffickers (8%), absconded of traffickers (4.5%), feeling of threats (4%), no support from the family (3%), because traffickers is relative (3%), because trafficker is already in Jail (1%) and no money (1%) and no meaning of complaints (1%). Among the 32 trafficked survivors who reported that they have sought legal justice, 36 cases were in the courts (27 were in district courts, 4 in Appellate Courts and one in Supreme Court). Among the 36 cases, 21 cases have already been disposed. Of the 21 disposed cases, in 18 cases, the trafficking perpetrators were convicted while in the rest three cases, the perpetrators were acquitted. Looking at the ratio of conviction and acquitted cases, it appears that the justice is satisfactorily provided to the victims.

In relation to **arrest and investigation**, the level of compliance can be said to be **low-to-moderate**. This is because as discussed in Section 6.2 of Law Enforcement Status, it is evident that in recent years, the role of CIB, Nepal Police has greatly increased in curtailing the trafficking rackets of different forms like Marriage Bureau, trafficking for labor exploitation, and trafficking for 'prostitution'. For more effective investigation and prosecution of traffickers, a high level multi-stakeholder coordination committee (representing from MoH, MoL and Nepal Police) has been formed under the Attorney General of Nepal. Similarly, Nepal Police has formed a High-level Crime Investigation Task Force to prevent and control the incidences of trafficking and illegal migration in response to the risks fuelled by the human displacements and loss of livelihood due to devastating earthquake of April and May 2015.

Despite these efforts, it was also evident that the many accused could not be arrested for investigation. It is also said that due to the provision of burden of proof that sometimes police are reluctant in registering FIRs as they feel that cases are often fabricated and that registering the FIR risks implicating innocent individuals. The workshop participants of NHRC in Jhapa and Kapilbastu argued that current 25 days of investigation period is inadequate and it needs to be extended at least 60 days. It is known that the incomplete investigation leads to incomplete prosecution, which affects to adjudication.

In relation to **rights to keep separate legal practitioners**, the level of compliance can be said as **moderate** given the large number of NGOs involved in providing the legal services to the victims. As discussed in Chapter 4, free legal service to the victims in relation to foreign employment is provided, for example, by PPR Nepal, People’s Forum and Pourakhi and others. Despite such provisions, it is reported that most victims are not aware of this provision. This is because the HTTCA 2007 does not specify who is responsible for raising the awareness about the laws although the NPA on Controlling Human Trafficking has identified the responsible agencies.

In relation to provision of **translators and interpretators**, the level of compliance can be said **low**. Drawing the case from FWLD (2014), it was found that a roster of translators/interpreters has not been maintained by courts. For example, in Baitadi, a translator was needed for the case proceedings, but the judge did not know where to find a translator and DCCHT did not have a roster of translators.

Box 6.2 Provisions relating to offences and investigation

| Provisions in the Act/Regulation | Government’s level of compliance |
|---|--|
| Sec 4, Definition of trafficking: | Moderate-to-high - The Act has broadened the definition of trafficking detailing out the means and purpose of trafficking and transportation. There are examples that Nepal’s courts have used to prosecute cases of illegal organ extraction and labor exploitation as human trafficking. Yet the definition of TIP does not explicitly include forced labor and migration as TIP. |
| Sec 5, Reporting: anyone may report a crime of human trafficking to the nearest police station, and that the confidentiality of the informants must be maintained during this reporting | Low: As there are far lower number of TIP cases registered in Nepal Police as compared to the guestimated number of TIP cases. This happens because of weak victim and witness protection system. |
| Sec 7, Arrest and investigation: set some special criteria for carrying out investigation at any time | Low-to-moderate: It is difficult to arrest perpetrators who are outside of Nepal. There is lack of bilateral cooperation which would facilitate investigation. FIRs are often registered only after the pressure of the public and the 25 days limit in investigation before a case is to be filed in court is not long enough for cases of human trafficking. |
| Sec 10, Right to keep separate legal practitioner: a victim is allowed to keep additional legal professionals such as legal aid or private lawyers in cases of state-related crimes | Moderate - There are several NGOs that support for the victims of trafficking for court procedure. However, most victims are not aware of this provision and in instances where they are, they are unable to afford a private lawyer. |
| Sec 11, Provisions of translator and interpreter: the victim has a right to a translator and interpreter. The individual unable to understand the official language is to request to District Committee for a translator | Low: This is because there is no list of interpreters or translators, no clear guideline for the selection of interpreters and most CDOs are unaware of the provision at all. |

Drawing on the feedback from the regional workshop held in Kapilbastu organized by NHRC, the following are the key challenges for effective investigation and prosecution of the trafficking cases:

It is difficult to arrest, investigate and prosecute if the criminal is a foreign citizen

- There is no special Bureau for the investigation of the trafficking cases
- The definition of 'exploitation' (Section 2 (Ka) is not fully explained
- Need for the clarification of the definition of the sexual exploitation, labor exploitation (foreign employment)
- No definition is provided for 'prostitution' and visit to the 'prostitute'.
- Need to verify the testimony (statement of victim) of the survivors in front of the Government Advocates
- Ensure the compensation to the survivors even if the property of the perpetrators is not known.
- Extend the time for investigation by making the provision of judicial custody of 90 days
- Need to avoid the overlapping provisions in the similar acts like chapter on Human Trafficking of Country Code, Abduction, Human Trafficking etc.
- Usually there is incomplete investigation, which leads to the lapses in prosecution. This requires a need to coordinate in investigation and prosecution processes.

Provisions Relating to Rescue, Rehabilitation and Reintegration

As per the Act/Regulation, the GoN 'shall manage for the rescue of any Nepali citizen sold abroad' and provide the rehabilitation services. The GoN has already established the Rehabilitation Fund and it has yet to establish the Rescue Fund.

The level of compliance regarding the **rescue, rehabilitation and reintegration** can be said to be **low-to-moderate** (Box 6.3). This is because some of the important policy initiatives for dealing with rescue and repatriation and allocation of budget has been initiated. The GoN increased the allocation of budget to District Committees, Nepali Embassies, and NGOs in the FY 2014/15 compared to the previous years. On September 2012, MoFA established data recording system of Nepali migrant workers rescued from exploitive conditions abroad. A repatriation guideline is developed with the support of Terre des Hommes, Shakti Samuha, AATWIN. This guideline facilitates safe and voluntary repatriation of Nepali trafficked survivors. The GoN formulated and adopted a National Minimum Standard (NMS) on Victim's Care and Protection, Standard Operating Procedure (SOP) on rehabilitation shelters in 2012. The GoN has safe houses in four countries: Saudi Arabia, Kuwait, Qatar and UAE to temporarily house returnee Nepali migrants. The GoN established the Rehabilitation Fund in 2008 in order to provide services to the victims of trafficking, for rescue, repatriation and rehabilitation. The Government provides support to the survivors through the Rehabilitation Fund in areas of food, shelter, cloth, medical treatment, psychosocial counseling, legal support, skills training and seed money for income generation activities. According to Dr. Kiran Rupakheti of MoWCSW, there is provision of reporting by the District Committee to the National Committee in each two months, but in practice it has not in operation. In the FY 2013/14, the Rehab Fund had Rs. 30 million. The budget is provisioned to Nepali Embassy to India, and also increased the amount per district committee. It is also reported that the MoWCSW is preparing to conduct MoU with the Rescue Foundation, Mumbai.

Despite these efforts, rescue efforts have not been adequate given the magnitude of problems spreading in Gulf countries, Malaysia and others. The Safe Houses need to be expanded as their capacity is of 10-12 persons/shelter. The workshop participants of NHRC in Kapilbastu and Jhapa realized that there is also need to establish the Emergency Fund. The participants also feel the need of allocation of budget to the rehab centers not through the central level but through the Women and Children Office at the district level. This is because it makes much accountable to the District

Committee for controlling human trafficking. Timely allocation of the budget for the Government supported rehab centers also came for discussion. Further, the participants claimed that the budget allocated for the rehab centers for food, accommodation, medical treatment and psychosocial counseling need to be increased considering the current rate of inflation in the economy.

Box 6.3 Provisions relating to rescue, rehabilitation, and reintegration

| Provisions in the Act/Regulation | Government’s level of compliance |
|--|--|
| Sec 12, Rescue: the GoN ‘shall manage for the rescue of any Nepali citizen sold abroad’ | Low-to-moderate – Nepal Police, NGOs made rescue and intercepted trafficked survivors. But such efforts are not adequate given the magnitude of the problem. The rescue of undocumented migrants from abroad is very difficult as there is no Government Fund allocated for rescuing such persons. |
| Sec 13, Rehabilitation Centers: Act places the role of providing rehabilitation centers for the physical and mental treatment, social rehabilitation and family reconciliation of the victims on the government | Low-to-moderate - With the support of the GoN, there are eight rehab centers currently running by NGOs. This number is extremely low vis-à-vis the problem especially after the April 2015 earthquake. Further, their services are also inadequate to the victims due to the lack of adequate budget. Formalities of realizing budget also require much time. |
| Sec 14, Rehabilitation Fund: The Act requires the government to establish a rehabilitation fund for the operation of rehabilitation centers Regulation requires that Management Committee is formed by representing 50% females, provides for skilful training to the victims, keep the victim in the rehabilitation centre until they are reunified with the families, monitor the rehabilitation centers and set out operation standards for the rehabilitation centre. | Low-to-Moderate: Rehab Fund has been established at the national level, but majority of districts do not have such Fund. National Committee monitored the Rehab Centers time and occasion |

Provisions Relating to Punishment and Compensation

The level of compliance on provisions relating to **punishment and compensation** can be termed as **low-to-moderate** (Box 6.4). Reviewing the 22 court decisions of human trafficking cases in between September 2012 and June 2013 by FWLD (2014), it is inferred that often sellers and abettors are punished but not the buyers. Of the total 22 court decisions analyzed, 2 sellers were imprisoned for less than 10 years; 12 were sentenced for 10-20 years and 6 abettors were sentenced for 10-20 years. Similarly, majority of the convicted persons (sellers and abettors) were fined Rs. 100,000.

Of the 160 imprisoned traffickers in Kathmandu valley in Dhakal et al. (Op. cit., 2015):

- Nearly 8 percent were sentenced less than 10 years of imprisonment; about 40 percent had 10 years of imprisonment; 15 percent had 11 to 14 years of imprisonment and rest 37 percent had 15 to 20 years of imprisonment.
- Nearly 64 percent were sentenced without imposing a fine while the rest 36 percent were sentenced with imposing some fines.
- More than three-fourth (76.5%) of the imprisoned traffickers were fined Rs. 100,000 and rest less than it. The average amount of fine was Rs. 132,000 with a range of Rs. 30,400 to Rs. 300,000.

The HTTCA 2007 (Sec 17) has the provision of compensation to the victims of at least one half of the amount fined to the offender. However, NJA (Op. cit., 2013) analysis of the 16 court judgments revealed that in majority of cases such fine was not awarded. If they are awarded, it was difficult to compensate in a real sense because the traffickers may or may not have the property to compensate. In this connection, it is recommended by the studies that compensation to the survivors should be provided by the State. The workshops' participants of NHRC suggested that it is essential to clearly state the responsible body for providing the amount of compensation. Many participants perceive that compensation should be distributed through the Women and Children Office and some participants also reported that compensation amount should be provided by visiting house-to-house.

Box 6.4 Provisions relating to punishment and compensation

| Provisions in the Act/Regulation | Government's level of compliance |
|---|---|
| <p>Sec 15, Punishment: provides for varying degrees of punishment depending on the nature of the crime. The maximum punishment is 20 years of imprisonment and a fine of Rs. 200,000. The degrees of punishment also vary depending on the relationship of the offender to the victim.</p> | <p>Low-to-moderate: Of the 22 cases that were monitored between September 2012 and June 2013 in which the accused were convicted, most were sentenced to between 10 and 20 years, and fined Rs. 100,000 to Rs. 200,000.</p> |
| <p>Sec 17, Compensation: provides that a victim shall be given compensation of at least one half of the amount fined to the offender</p> | <p>Low-to-moderate: Of the 22 cases analyzed by FWLD, in 6 cases compensation was not given. Of these cases, in 3 compensation was not requested. It is said that victims are not aware about this provision of compensation. On the other hand, the Supreme Court ordered the GoN to establish the Compensation Fund for the victims who are entitled to receive the compensation under the Section 17.</p> |

Provisions Relating to Others

It can be inferred from the findings of the studies (Op.cit., FWLD, 2014; NJA, 2013 and Kunwar, 2014) that Government of Nepal's compliance in relation to provisions of awards for the informants, maintaining confidentiality of the witness, formation of committees, providing security to the victims or witness during the entire investigation, prosecution and adjudication processes and in-camera hearing can be termed as **low-to-moderate**.

The MoWCSW has initiated awarding the individuals and institutions who have outstanding contribution to fight against TIP since the FY 2013/14 and 2014/15 as discussed in Chapter 5. Some media persons, government staff, Police were awarded in the eighth and ninth anti-trafficking National Days (*Bhadra 20, 2071 and Bhadra 20, 2072*). However, there is no evidence of the court decisions that informants of the trafficking crime shall be awarded from the Rehabilitation Fund.

Studies indicated that the confidentiality of the victim is being secured but the confidentiality of the informant is not. Of the 22 decisions analyzed by FWLD, 19 survivors' confidentiality was maintained through pseudonyms or codes, and 3 survivors' real names were used. These cases were registered before the 2007 i.e. before the enforcement of HTTA 2007. In all cases after 2007, the survivors were given pseudonyms or codes. Whereas in the study of NJA (Op. cit., 2013) 120 Supreme Court judgements of trafficking cases, in 19 judgements the confidentiality of the survivors were not maintained: their real name and caste, address were maintained. The *Supreme Court Guideline 2064* on maintaining confidentiality of the survivors states that the confidentiality of the survivors must be maintained in special crime cases such as rape, sexual exploitation, people living in HIV/AIDS.

The achievement can be termed as **moderate** in relation to formation of committees. An inter Ministerial National Committee on Controlling Human Trafficking (NCCHT) has already been formed. The Committee is represented by both GOs and NGOs. A Secretariat for NCCHT was formed in 2011

within the MoWCSW. Counter Trafficking in Persons (CTIP) project funded by USAID (2010-2015) supported the MoWCSW for strengthening the Secretariat of NCCHT. Since 2013, the NCCHT has initiated to publish Annual Report pertaining to government efforts for combating TIP. By now, two Annual Reports have been published. In all 75 districts, Districts Committees have been formed and in some districts such as in Morang, Sunsari and Rupandehi, the local committees have also been formed. Some District Committees such as of Morang and Sunsari have also formulated District Plan of Action in line with the National Plan of Action.

However, the workshops ‘ participants of NHRC held in Jhapa and Kapilbastu reported that many of the District Committees are not active, their meeting is not regular and they have not formulated the Action Plan either. Further, there is gross lacking of extension of such committees in the most trafficking prone or migration prone areas in the districts. These Committee face shortage of budget, expertise, and motivation as well. Monitoring of Border Points in Kakarbhitta by the NHRC team revealed that there is overlapping NGOs activities. NGOs are found working in relatively more accessible areas while leaving vacate in relatively in inaccessible border points. In Jhapa, for instance, the the issue of extension of surveillance centers in other border points has not even been discussed in the District Committee for Controlling Human Trafficking.

In their analysis of the 120 Supreme Court judgements of trafficking cases, NJA (Op. cit., 2013) concluded that continuous hearing in the traffcking cases is vitally important and has to be followed. The longer the time taken for court proceeding, the more likely that the survivors become hostile because of the threats from the organized groups and sometimes false promises. In its Sixth Periodic Report on the implementation status of CEDAW (MoWCSW, 2015), the GoN claimed that the continuous hearing provision of the District Court Rules, 1996 has been effectively implemented since 2013 to ensure speedy justice in cases of woman victims and survivors of violence. The Guideline on in-camera hearing and maintaining confidentiality of the victims of violence has been formulated and the justice sector actors have been trained on effective implementation.

Box 6.5 Provisions relating to others

| Provisions in the Act/Regulation | Government’s level of compliance |
|--|--|
| Sec 19, Award: awards are given to informants of crimes of trafficking in those cases where a victim is rescued or a perpetrator is arrested. The award is to be provided from the rehabilitation fund. | Low: No data on number of individuals that had received this award so far. None of the 22 cases analyzed during the research period were awards demanded (FWLD, 2014) |
| Sec 20, Confidentiality of the witness: The personal information of the informant is to be kept confidential, including their real name and address during the registration of the complaint with the police, and during court proceedings. | Low-to-moderate: while the confidentiality of the victim is being secured, the confidentiality of the informant is not. |
| Sec 23, Formation of Committees: the GoN with the power to form a National Committee or a District Committee to coordinate national initiatives to combat trafficking and rehabilitate victims of human trafficking | Moderate: NCCHT and 75 DCCHT have been created. Budget has also been allocated for each DCCHTs. But, local committees have yet to be extended across the country. |
| Sec 26, Security: security is to be provided to a victim or informant if that individual provides reasonable grounds and requests for security at the nearest police office. | Low-to-moderate: Data are not available in both GOs and NGOs about the number of victims/witnesses demanded their security to the Police. |
| Sec 27, In-camera hearings: cases of human trafficking should be heard through in-camera hearings or closed hearings, in which the public is not allowed into the court room | Moderate: Most cases of TIP are conducted through in camera hearings but types of camera hearing varied by district courts. In some courts, there is very loose monitoring while in others it is much restrictive even the person who accompanied the survivor cannot enter into the court room. In-camera hearings has yet to be institutionalized, however. |

In an interaction program in NHRC held in early 2013, a Government Advocate from the Office of the Attorney General – Mr. Krishna Ghimire - argued that there is need a separate act for witness protection, and cooperation and coordination act. He also claimed that it has been established in jurisprudence that no decisions of the courts shall be influenced by whether or not the case become hostile or absent of the witness.

6.4 Judicial Responses of Trafficking

The Share of Trafficking Cases – Table 6.1 shows the number of trafficking cases registered in Supreme Court, Appellate Courts and District Courts of Nepal in FY 2013/14 vis-à-vis the total number of cases in the courts. A total of 1,007 trafficking cases were registered in the courts – accounting for less than one percent of the total cases in the courts of Nepal (Table 6.1).

Table 6.1 Share of trafficking persons cases to the total cases in the courts of Nepal, FY 2013/14

| Courts | Total cases in the courts | Number of cases of trafficking in persons | % share of cases of trafficking in persons |
|------------------|---------------------------|---|--|
| Supreme Court | 20,353 | 215 | 1.1 |
| Appellate Courts | 28,997 | 206 | 0.7 |
| District Courts | 109,349 | 586 | 0.5 |
| Total | 158,699 | 1,007 | 0.6 |

Source: MoWCSW, 2072 (2015) *Yatra Bulletin* Fourth Number.

The Supreme Court – In FY 2012/13, the Supreme Court of Nepal has ordered the GoN to revise the Human Trafficking and Transportation (Control) Act 2007, particularly in the following areas:

- Amend the Section 15 (6) and make a law that if a person who gives the statement in the court at the beginning changes the statement latter or if a person is not cooperating with the court, such person shall be imprisoned.
- Make compulsory arrangement to provide the information to the victims about the details of Police investigation or prosecution.
- Establish the Compensation Fund for the victims who are granted compensation under the Section 17 and allocate budget compulsory from the FY 2013/14 and provide the compensation to the victims immediately after the decision of the courts through the concerned Police Offices.
- Make compulsory budget arrangement for the expenditure required to appear in the court to the witnesses of the Government cases and provide such money through the concerned Police Offices.
- Pay the expenditure incurred for attending the court to a witness of the Government cases before the witness attending in the court.
- Arrange the security to the victims and informants as per Section 26 of the Act through the concerned Police Offices.
- On July 31, 2013, the Supreme Court issued the order to the MoHA, OAG and Registrar of the Supreme Court for the arrangement of continuous hearing of the serious nature of the crimes such as trafficking and rape.

Table 6.2 shows the levels and trends of trafficking crime cases registered and disposed by the Supreme Court of Nepal from FY 2009/10 to FY 2013/14. A 5-year average number of the trafficking cases registered in the Supreme Court come out to be 77 and the 5-year average number of trafficking cases decided by the Court is 15. The conviction rate ranges from 20 percent in the FY 2010/11 to 57 percent in the FY 2011/12 and the five-year average conviction rate comes out to be 33 percent only. On the other hand, the pending rates are very high in each Fiscal year, especially after FY 2011/12.

Table 6.2 Number of trafficking crimes registered, convicted, acquitted and pending in the Supreme Court, 2009/10 -2013/14, Nepal

| Years | Total Case | No. of cases convicted | No. of cases acquitted | Total cases decided | Conviction rate (%) | No. of pending trials | Pending rate (%) |
|----------------|------------|------------------------|------------------------|---------------------|---------------------|-----------------------|------------------|
| 2009/10 | 63 | 9 | 15 | 24 | 37.5 | 39 | 61.9 |
| 2010/11 | 66 | 6 | 2 | 30 | 20.0 | 36 | 54.5 |
| 2011/12 | 59 | 4 | 3 | 7 | 57.1 | 52 | 88.1 |
| 2012/13 | 78 | 4 | 8 | 12 | 33.3 | 66 | 84.6 |
| 2013/14 | 119 | 0 | 2 | 2 | 0.0 | 117 | 98.3 |
| 5-year average | 77 | 5 | 6 | 15 | 33.3 | 62 | 80.5 |

Note: The conviction rate is defined as the ratio of number of convicted cases in a particular year to the total cases decided by a court in that year. The pending rate is defined as the ratio of number of pending cases in a particular year to the total cases registered in that year in a court.

Source: Annual Reports of OAG, 2009/10, 2010/11, 2011/12, 2012/13 and 2013/14.

Appellate Courts - The 5-year average number of cases registered in the Appellate courts comes out to be 185 and the 5-year average conviction rate is 44 per cent. On the other hand, the 5-year average pending rate is 42 per cent (Table 6.3).

Table 6.3 Number of trafficking cases registered, convicted, acquitted and pending in the appellate courts, 2009/10 -2013/14, Nepal

| Years | Total Cases | No. of cases convicted | No. of cases acquitted | Total cases decided | Conviction rate (%) | No. of pending trials | Pending rate (%) |
|----------------|-------------|------------------------|------------------------|---------------------|---------------------|-----------------------|------------------|
| 2009/10 | 155 | 38 | 50 | 89 | 42.7 | 67* | 43.2 |
| 2010/11 | 141 | 43 | 47 | 90 | 47.7 | 51 | 36.1 |
| 2011/12 | 188 | 44 | 53 | 98* | 44.9 | 90 | 47.9 |
| 2012/13 | 208 | 48 | 58 | 108* | 44.4 | 100 | 48.1 |
| 2013/14 | 231 | 32 | 48 | 80 | 40.0 | 151 | 65.4 |
| 5-year average | 185 | 41 | 51 | 93 | 44.1 | 78 | 42.2 |

Note: * cases of *multabi* also includes in this category and hence number of conviction and acquittal cases may not tally with the total decided cases.

Source: the same as in Table 6.2.

District Courts - The 5-year average number of trafficking cases registered and disposed comes out to be 283 and 117 respectively (Table 6.3). The 5-year average conviction rate is 58 per cent and the 5-year average pending rate is also 61 per cent with fluctuating rates in each year (Table 6.4).

Table 6.4 Number of trafficking cases registered, convicted, acquitted and pending in the district courts, 2009/10 -2013/14, Nepal

| Years | Total Cases | No. of cases convicted | No. of cases acquitted | Total cases decided | Conviction rate (%) | No. of pending trials | Pending rate (%) |
|-----------------|-------------|------------------------|------------------------|---------------------|---------------------|-----------------------|------------------|
| 2009/10 | 299 | 71 | 47 | 119 | 59.7 | 214* | 71.6 |
| 2010/11 | 317 | 79 | 39 | 118 | 66.9 | 199 | 62.7 |
| 2011/12 | 288 | 87 | 57 | 146** | 59.6 | 142 | 49.3 |
| 2012/13 | 341 | 58 | 56 | 115 | 50.4 | 226 | 66.3 |
| 2013/14 | 168 | 47 | 39 | 86 | 54.7 | 82 | 48.8 |
| 5-years average | 283 | 68 | 48 | 117 | 58.1 | 173 | 61.0 |

Note: * cases of *multabi* also includes in this category and hence number of conviction and acquittal cases may not tally with the total decided cases.

Source: The same as in Table 6.2.

In addition to the landmark judgments in relation to conviction of act of selling of kidney as trafficking crime by the Kathmandu district court (case 6.1), there are examples of such landmark judgments from other district courts in relation to conviction of traffickers. One recent example is from Makwanpur District Court (Case 6.3).

Case 6.3 Justice after the death of the victim

The 'Survivor A' of Makwanpur district was trafficked to a brothel in Mumbai in 1994 and sold her in Indian Rs. 30,000. After spending 9 months in the brothel, she managed to escape with another victim – Kamala. With the help of Indian police, the 'Survivor A' returned home. After her return, on 12 April 1995, she filed FIR in the district police office, Makwanpur leading to a trial in Makwanpur district court. On 13 April 1995, the district court took the victim's testimony.

But after a long time, on 16 June 2013, one of the perpetrators - Mrs. Syanktan - was arrested and on the same day the District Attorney's Office filed a charge sheet by demanding that the perpetrators should be punished according to Trafficking in Human Beings (Control) Act 1986 and HTTA 2007. Based on the evidences and victim and opponent's testimony, on 17 June 2013, the district court ordered keeping alleged perpetrator in judicial custody. Finally, on 23 June 2014, the district court ordered Mrs. Syanktan to be imprisoned for 10 years and fined Rs. 30,000.

When 'Survivor A' returned home, she was infected with HIV. She got married in 1997. She and her husband both died after five years of their marriage leaving alone only a daughter who is also HIV infected.

The family members are happy that the 'Survivor A' finally got justice even though she is no more. PPR Nepal provided legal representation in the case.

Source: PPR Nepal, 2015.

6.5 Emerging Challenges

- Amend the Human Trafficking and Transportation (Control) Act 2007 in the changing context of labor migration, trafficking for marriage and other purposes. Special consideration is needed in areas of witness protection measures, definition of organized criminal group, and obstruction of justice during and after the court proceedings.
- Increase the effective implementation of the Act, especially in areas of rescue, repatriation and rehabilitation of the survivors by increasing the budget to the District Committees, NGOs and Embassies and also develop cooperation with the different national and international organizations.
- Increase efforts to enforce the laws by strengthening the capacity of WCSCs, CIB, Nepal Police with allocation of adequate budget and human resources.
- Develop the functional capacity and professional efficiency of prosecutors, judges, legal professionals to reduce the unsystematic and ineffective investigation, prosecution and adjudication of human trafficking cases.
- Increase effort to maintain the privacy of the Special Type of Cases such as rape, abortion, sexual violence against women, human trafficking, incest, violence against women, children's cases in the juvenile courts or juvenile bench, cases relating to HIV infected people. Orientation to criminal justice actors, prosecutors, judges including other concerned individuals is needed.
- Increase budget allocation for the implementation of the Act/Regulation and disburse it through the District Women and Children Offices so as to increase the accountability at the district level.
- Increase the conceptual clarity about the differences between the crime of human trafficking and offences envisioned under the FEA 2007 among the criminal justice actors including judges.

Chapter 7

Conclusions and Recommendations

This National Report on *Trafficking in Persons in Nepal* is a continuation of previous National Reports published by NHRC. This Report mainly focuses on situation of trafficking in persons in Nepal; emerging areas of vulnerability of trafficking of post-earthquake Nepal; nexuses between foreign labor migration and trafficking; monitoring of initiatives of anti-trafficking activities and legal framework, law enforcement status and judicial responses to trafficking. The Report is prepared by covering the timeframe of July 2013 to June 2015 (two Nepali Fiscal years, namely, 2070/71 and 2071/72) and in case of responses of earthquake, it covers upto September 2015. This Report uses secondary and primary data/information. Secondary data/information mainly come from annual and progress reports of relevant GOs, and I/NGOs and UN organizations. It also collected primary data from GOs, NGOs through administering a prescribed questionnaire, which covered activities related to prevention, protection, prosecution and capacity building and networking. Drawing on the findings of the Report (summarized in Executive Summary), the following conclusions can be made:

7.1 Conclusions

Nepal is basically a source country for men, women and children trafficking. Broadly, three types of trafficking evolved: cross-border (to India), cross-border (to outside of India and mostly to Gulf countries) and internal trafficking. Evidences show that different forms of trafficking are taking place in Nepal: sexual exploitation, labor exploitation, organ removal, marriage, circus performance, child labor. With the lack of consolidated data, it is however, difficult to estimate the magnitude precisely in each form of trafficking. In addition to the widely cited conventional determinants of TIP such as poverty, unemployment, gender and caste discrimination, the earthquakes of mid-2015 have created new challenges to combat trafficking in Nepal. The quakes have damaged a huge amount of private property, hundreds of thousands people slipped into poverty, and lost well-being and employment opportunities – thereby creating the vulnerability of trafficking and exploitation, especially of already disadvantaged social groups, women and children. As suggested by the Maiti Nepal, Nepal Police and media reports, that there is likelihood that the number of victims of trafficking has increased by at least 15 to 20 percent before and after three months of the April 25, 2015 earthquake.

This review suggests that there is a grey area between foreign labor migration and trafficking in persons in Nepal. While foreign labor migration has become a fundamental and exclusive earning in Nepal and a major source of livelihoods of more than half of the households in Nepal, it has also brought a terrific social cost and human rights violation. It is closely linked to trafficking for forced labor. Several forms of human rights violations have been evident in the context of foreign labor migration, chiefly, access to justice, liberty of movement, right to equality and non-discrimination, right to work and just and favorable condition for work, right against exploitation such as forced labor, slavery and human trafficking and protection against human rights abuses perpetuated by non-state actors. The implementation status of human trafficking Act/Regulation appears to be low, particularly in areas of investigation and prosecution, conducting rescue operation, providing compensation to the survivors and maintaining confidentiality and providing security to the survivors and witnesses during the investigation and courts proceeding.

The GoN has developed an institutional mechanism for controlling for TIP in Nepal, however. It has been realized that TIP is a multi-pronged problem, and that it requires mobilization of a range of line agencies, constitutional and political bodies, including civil society organizations. It is also conceptualized that multi-layered of organizations role is equally important in addressing the issues of TIP. In this connection, the review suggests that the GoN has adopted different policies, programs to combat TIP in Nepal with the support of several external development partners and civil society

organizations. However, such efforts are not adequate to deal with the growing phenomenon of trafficking in Nepal. Much effort is needed to prevent trafficking and protect the trafficked survivors and vulnerable segments of population and prosecute the traffickers.

7.2 Implementation Status of Recommendations of the Previous National Reports

Drawing on the major findings of this Report, the implementation status of the recommendations made by the earlier National Reports (2008/09 and 2009/10) has been evaluated. Much research and review is, however, needed to evaluate extensively the implementation status of the recommendations provided by the earlier National Reports.

1. Prevention: Towards Reorienting the Economic, Social and Anti-Trafficking Polices from Human Rights and Gender Lens

| Areas | Lead Ministry/Department | Recommendation from | Implementation Status based on the finding of this Report and reiteration of the recommendations |
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| Formulation of Policy | | | |
| 1.1 Formulate anti-trafficking policy in the changing context of TIP | Ministry of Women, Children and Social Welfare (MoWCSW) | Recommended from National Report (NR) 2009-10 | Being Implemented: As the GoN has been implementing NPA 2011-2021, the Implementation Plan of NPA has also been prepared Some districts have also prepared Periodic Action Plans |
| Economic | | | |
| 1.2 Integrate trafficking issues with poverty alleviation and empowerment programs | National Planning Commission (NPC) | Recommended from National Report (NR) 2008-09 | Being implemented but yet to be effective – There are poverty and empowerment programs, yet targeted programs have yet to be extended and reached out to the unreached and trafficking prone locations/areas |
| 1.3 Develop mechanism to use the remittance in productive sector | Ministry of Finance (MoF) | Recommended from National Report (NR) 2009-10 | Implementation initiated – The GoN is planning to establish the Labor Bank and there is urgent need to collect the remittances for the investment in productive sector |
| Maintaining Surveillance | | | |
| 1.4 Maintain effective surveillance in Kathmandu International Airport and border points between Nepal and India and between Nepal and Tibet, China | Department of Immigration, Nepal Armed Police Force | Recommended from National Report (NR) 2008-09- | Implemented but yet to be effective – Surveillances are found in major border points between Nepal-India, but also require in minor border points and also make much functional and effective in all border points |
| Inclusion in School and College Curriculum | | | |
| 1.5 Include TIP and other forms of violence against women and children in school and college level education | Ministry of Education (MoE) and Universities | Recommended from National Report (NR) 2008-09 | Implemented – the Curriculum of grade 8 to 10 of Social Studies includes the issues of safe migration, trafficking, human rights issues |
| Sensitization of Media | | | |
| 1.6 Sensitize media persons on TIP issues and reorient them towards victim centric and fact-based news/views | Ministry of Information and Communication (MoIC) | Recommended from National Report (NR) 2008-09 | Implemented but yet to be effective – As shown by the AATWIN (2015) study that media are yet to be victim centric and need to be mobilized for prevention of trafficking |
| Ratification of UN Conventions | | | |
| 1.7 Advocacy and ratify the UN Protocol on Trafficking 2000 to address all required | National Human Rights Commission (NHRC) | Recommended from National Report (NR) | Implementation Initiated – Advocacy of ratification of the working Protocol on trafficking is going on with the |

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| pillars for combating TIP | Ministry of Women, Children and Social Welfare (MoWCSW) Ministry of Law | 2008-09 | efforts of I/NGOs and UN organizations |
| 1.8 Advocacy and ratify the UN Convention on Migrant Workers and Their Families 1990 | National Human Rights Commission (NHRC) Ministry of Women, Children and Social Welfare (MoWCSW) Ministry of Law | Recommended from National Report (NR) 2008-09 | Implementation Initiated – Advocacy of ratification CMW is going on with the efforts of I/NGOs and UN organizations. |
| Regulate Intercountry Adoption | | | |
| 1.9 Make effective policy, implementation plan and monitoring provisions for intercountry adoption | Ministry of Women, Children and Social Welfare (MoWCSW) | Recommended from National Report (NR) 2009-10 | Implemented but yet to be effective – The GoN developed the Terms of Conditions of Adoption and being implemented, yet strong monitoring of the Child care Homes is needed |
| Awareness Programs | | | |
| 1.10 Raise awareness on community people on safe migration including legal process required for foreign labor migration | Ministry of Labor and Employment (MoLE) | Recommended from National Report (NR) 2009-10 | Being implemented - Several NGOs with the support of external development partners have been making community awareness but it is still inadequate and target most migration prone districts |
| 1.11 Establish Information Booths on Safe Migration to prevent TIP at District Administration Offices and at the community levels | Ministry of Labor and Employment (MoLE) | Recommended from National Report (NR) 2009-10 | Being implemented – NGOs are involved in this activity in coordination with Government agency. Need to be extended in also needy place. |
| 1.12 Broadcast message of anti-trafficking and safe migration from electronic and print media | Ministry of Information and Communication (MoIC) | Recommended from National Report (NR) 2008-09 | Being implemented – Ministry of Labor and Employment (MoLE), Ministry of Women, Children and Social Welfare (MoWCSW), Ministry of Information and Communication (MoIC) and NGOs are involved in this activity. |

II. Protection: Towards Adoption and Effective Implementation of a Comprehensive 4 Rs (Rescue, Repartition, Rehabilitation and Reintegration) Policy

| Areas | Lead Ministry/Department | Recommendation from | Implementation Status based on the This Report |
|---|---|---|---|
| 2.1 Adopt i) national policy, ii) action plan and iii) SOP on rescue, repatriation, rehabilitation and reintegration policy | Ministry of Women, Children and Social Welfare (MoWCSW) | Recommended from National Report (NR) 2009-10 | Partially Implemented – The GoN developed NPA, implementation plan of NPA, National Minimum Standards for Protection and Care for Victim (NMS), some districts also developed their Action Plan |
| 2.2 Formulate the Act based on the Supreme Court Directive for protection of female workers in entertainment industry | Ministry of Women, Children and Social Welfare (MoWCSW) | Recommended from National Report (NR) 2009-10 | Not implemented |
| Rescue | | | |
| 2.3 Increase the rescue fund to be allocated to Embassies, NGOs and Rehab Fund | Ministry of Women, Children and Social Welfare (MoWCSW) | Recommended from National Report (NR) 2009-10 | Partially implemented – The GoN increased the budget in the FY 2014/15 but it is still inadequate given the magnitude of the problem |
| 2.4 Develop WCSCs as special authority Police Unit for addressing both international and cross-border TIP | Ministry of Home Affairs (MoHA) | Recommended from National Report (NR) 2009-10 | Partially implemented – Capacity of WCSD/WCSD has been strengthened through the CTIP, ADB project |
| 2.5 Establish effective surveillance at major border points between Nepal and India and in between Nepal and Tibet, China | Ministry of Home Affairs (MoHA) | Recommended from National Report (NR) 2009-10 | Partially implemented – There are Surveillance Points in major border points, there has been overlapping of Surveillances while leaving other place to make surveillance |
| Repartition | | | |
| 2.6 Establish the rescue and repatriation Special Unit in the Ministry of Foreign Affairs | Ministry of Foreign Affairs (MoFA) | Recommended from National Report (NR) 2009-10 | Partially implemented – The MoFA has created a special unit – Department of Counselor Service but the Department grossly lack the adequate physical space, human resources and budget to conduct the rescue and repatriation work. |
| 2.7 Equip Embassies/Diplomatic Mission abroad to deal with the problem of migrant workers and to verify demand of foreign labor | Ministry of Foreign Affairs (MoFA) Ministry of Labor and Employment (MoLE) | Recommended from National Report (NR) 2009-10 | Partially implemented – Some of the Missions abroad such as Thailand, Kolakatta, Delhi receive budget for Safe Houses but many major destination countries of Nepali foreign labor migrants do not receive such budget and are not equipped as expected. |
| 2.8 Set up and expand the Safe Houses for trafficked survivors at the major destination countries of Nepali migrants | Ministry of Foreign Affairs (MoFA) Ministry of Labor and Employment (MoLE) | Recommended from National Report (NR) 2009-10 | Partially implemented – There are Safe Houses in three destination countries (Gulf region), but the capacity of the safe houses is very low vis-à-vis the |

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| | | | problem and require to be establishing the safe houses in other major destination countries |
| 2.9 Include trafficking protection clause in labor migration agreements with destination countries | National Human Rights Commission (NHRC) Ministry of Labor and Employment (MoLE) | Recommended from National Report (NR) 2008-09 | Partially implemented – NHRC conducted MoU with the Human Rights Committee of the State of Qatar, which include the trafficking issue MoLE conducted agreements with Baharain, Qatar and UAE but these agreements do not explicitly address the issues of forced labor and trafficking |
| Rehabilitation | | | |
| 2.10 Increase support to rehabilitation centers and expand the rehab centers especially in highly trafficking prone districts | Ministry of Women, Children and Social Welfare (MoWCSW) | Recommended from National Report (NR) 2009-10 | Partially implemented – The GoN increased the budget to the Rehab Centers from the FY 2014/15, but the number of Rehab centers supported is inadequate and needs to be extended in other major foreign labor migrant origin districts |
| 2.11 Activate the National/District Committees on Controlling Human Trafficking | Ministry of Women, Children and Social Welfare (MoWCSW) | Recommended from National Report (NR) 2009-10 | Partially implemented – Some of the Districts such as Sunsari and Morang developed the Action Plan but majority of the District Committees are yet to be more functional because of lack of adequate budget, human resources and motivation and it is essential to activate them in order to make them much accountable to the people at the local level |
| Reintegration | | | |
| 2.12 Monitor whether the best interest of trafficked survivors has been served in the process of re-union with their community and the family | Ministry of Women, Children and Social Welfare (MoWCSW) | Recommended from National Report (NR) 2009-10 | Partially implemented – NMS has been developed but there is no information about the monitoring of by NCCHT on the condition of reintegrated trafficked survivors. |
| 2.13 Involve reintegrated survivors with the existing women collectivities through micro-credit, self-help groups and cooperatives | Ministry of Women, Children and Social Welfare (MoWCSW) | Recommended from National Report (NR) 2009-10 | Partially implemented - Some NGOs especially Shakti Samuha, Maiti Nepal have mobilized the trafficked survivors for border Surveillance but there is no information about whether or not the trafficked survivors are involved in broader women exclusive collectivities |
| 1.14 Ensure access to education and vocational training and job placement | Ministry of Women, Children and Social Welfare (MoWCSW) | Recommended from National Report (NR) 2008-09 | Being implemented – NGOs have mobilized a lot of resources for education, IG activities and for other prevention related activities but efforts is needed to reach the unreached population |

III. Prosecution: Towards Reorienting the Law Enforcement and Judicial System to Strengthen Investigation and Prosecution from Victim Centric Perspective

| Areas | Lead Ministry/Department | Recommendation from | Implementation Status based on the This Report |
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| Amend Acts | | | |
| 3.1 Amend the HTTCA 2007 and FEA 2007 to deal with TIP in relation to foreign employment | Ministry of Women, Children and Social Welfare (MoWCSW) Ministry of Labor and Employment (MoLE) Ministry of Law | Recommended from the National Report 2009-10 | Partially implemented –The legislature parliament has been ammended some provision of HTTCA 2007. Some NGOs lodged the PIL in Supreme Court for the amendment of FEA 2007 |
| 3.2 Effectively implement the HTTCA 2007 and Regulation 2008 | Ministry of Women, Children and Social Welfare (MoWCSW) Ministry of Home Affairs (MoHA) | Recommended from the National Report 2008-09 | Partially implemented – CIB has been launching special operation to bring the culprits into justice but given the magnitude of the problem spread across the country, the efforts have yet to be expanded. |
| 3.3 Effectively implement the FEA 2007 | Ministry of Labor and Employment (MoLE) | Recommended from the National Report 2008-09 | Partially implemented - The DoFE, FET case disposal ratio suggest that there has been high pending rates and access to justice to the victims of foreign labor migration is not satisfactory |
| Strengthen the law enforcement agencies | | | |
| 3.4 Strengthen Nepal Police WCSD at the national level and WCSCs at the district and local levels | Ministry of Home Affairs (MoHA) | Recommended from the National Report 2008-09 | Partially implemented - The capacity of the Nepal Police has yet to be increased and also make the more gender and human rights friendly |
| 3.5 Make effective coordination between Police, Attorney and Court in order to effectively provide the justice to the victims | Office of the Attorney General (OAG) | Recommended from the National Report 2009-10 | Implemented – A high level coordination committee among the MoHA, MoL, Nepal Police and Attorney General formed in 2012 but there is no information whether and to what extent the Committee is functional. |

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| Judiciary System | | | |
| 3.6 Capacity development of public prosecutors, court officials on anti-trafficking, human rights and gender justice issues | National Judicial Academy (NJA) National Human Rights Commissions (NHRC) | Recommended from the National Report 2008-09 | Being Implemented – With the support of CTIP project, NJA conducted training/workshop to the judicial officials, judges, prosecutors and legal practitioners, but need to be expanded outside of the Kathmandu valley as well |
| Monitoring and Coordination | | | |
| 3.7 Increase support and coordination of existing network and mechanism of combating TIP among SAARC countries | Ministry of Foreign Affairs (MoFA) | Recommended from the National Report 2008-09 | Being implemented through the MoWCSW |
| 3.8 Increase capacity of National Human Rights Institutions | National Human Rights Commission (NHRC) National Women Commission (NWC) National Dalit Commission and other Commissions | Recommended from the National Report 2008-09 | Being Implemented – NHRIs need to be equipped with adequate resources, budget |

IV. Information Needs: Strategies for Acquiring Primary and Secondary Data/Information

| Areas | Lead Ministry/Department | Recommendation from | Implementation Status based on the This Report |
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| 4.1 Strengthen OSRT-NHRC to prepare National Report on TIP with institutionalized data system | National Human Rights Commission (NHRC) | Recommended from National Report 2009-10 | Being Implemented – NHRC-OSRT is regularly publishing TIP National Report. |
| 4.2 Maintain data on foreign labor migrants | Department of Foreign Employment (DoFE) | | Implemented – DoFE has maintained data base and also posted in website. DOFE yet to be maintain the data of returnee migrant |
| 4.3 Maintain data on returnees, number of persons deported, number of persons on detention and their nature of problems, loss of life | Ministry of Foreign Affairs (MoFA) | | Not implemented – Needs to focus |

7.3 Recommendations of this Report

The recommendations are drawn based on the major findings of this Report and implementation status of the previous recommendations made by the NHRC-OSRT through TIP reports as discussed in Section 7.2. Recommendations are drawn in three major components of combating TIP e.g. prevention, protection and prosecution. Note that recommendations regarding capacity building and networking and coordination are included in these major components. Also, a separate set of recommendations is drawn for maintaining information/data on TIP.

Prevention

- Formulate anti-trafficking policy in the changing context of TIP and revise and review of the NPA in the changing context of disaster such as earthquake.
- Make functional Labor Bank as a mechanism to collect the remittances for the investment in productive sector
- Maintain effective surveillance in major border points between Nepal and India and between Nepal and Tibet, China including Kathmandu International Airport and other minor border points. NGOs should be encouraged to establish surveillance centre in the needy border points reduce the overlapping of surveillance system.
- Ensure that the contents of TIP, safe-migration and human rights included in Social Studies of grades 8 to 10 are well disseminated and shared among the teachers and students
- Continue to sensitize media persons on TIP issues and reorient them towards victim centric and fact-based news/views for ensuring the privacy and confidentiality of the victims.
- Ratify the UN Trafficking Protocol 2000 and UN Convention on Migrant Workers and Their Families 1990 to protect and promote the rights of migrant workers
- Monitor the implementation status of Terms of Conditions of Inter Country Adoption and effectively monitor the Child Care Homes to ensure that the standards provisions are met
- Raise awareness on community people especially in the most trafficking prone and high magnitude of foreign labor migration districts and areas about safe migration and trafficking issues.
- Strengthen and expand the Information Booths on Safe Migration to prevent TIP at District Administration Offices and at the community levels.
- Continue and expand the broadcast of message of anti-trafficking and safe migration from electronic and print media, especially in local and regional languages

Protection

- Implement effectively the NPA and National Minimum Standard for Victim's Care and Protection.
- Encourage the District Committees to develop and implement the period Action Plans in their own context
- Initiate the bi-lateral agreements with major destination countries to build the rapid response mechanism and avoid the delay in rescue and repatriation of the victims of trafficking based on the gravity of the problem.
- Increase the rescue fund to be allocated to Embassies, NGOs and Rehab Fund
- Strengthen WCSCs as special authority Police Unit for addressing TIP issues and also strengthen the capacity of CIB for effective collaboration and coordination among bilateral, multilateral and international agencies in order to effectively curtail the organized forms of internal and cross border trafficking.
- Strengthen the Department of Counselor Service of MoFA as a Special Unit (physical facilities, skilled human resources and budget) to effectively and timely rescue and repatriate the victims of cross border trafficking specially relating to the foreign labor migration.

- Increase allocation of budget to the Diplomatic Missions abroad to deal with the problem of migrant workers and to verify demand of foreign labor and also expand the such provisions in the major destination countries of Nepali foreign labor migrants
- Strengthen the Safe Houses already established in countries of destination and expand in other major destination countries, especially in major destination countries of women migrant workers.
- Facilitate to implement the NHRC Nepal and NHRC State of Qatar 10 points MoU entered in 2015 to protect and promote the rights of Nepalese migrant workers in state of Qatar and facilitate to replicate such a MoU in other major destination countries
- Increase support to rehabilitation centers run by NGOs and expand the rehab centers especially in highly trafficking prone districts
- Strengthen the National/District Committees on Controlling Human Trafficking by ensuring the adequate budget, human resources and motivational issues
- Effectively monitor whether the best interest of trafficked survivors has been served in the process of re-union with their community and the family
- Ensure access to education, vocational training and income generating activities to the reintegrated trafficked survivors.
- Encourage skilled foreign labor migration and make mandatory provision of at least Three (3) Month vocational training to the potential migrants. It is required to support for providing vocational training to those who could not afford.

Prosecution

- Formulate the Act based on the Supreme Court Directive for protection of female workers in entertainment industry
- Amend the HTTCA 2007 and FEA 2007 to deal with TIP in relation to foreign employment and effectively implement the HTTCA 2007 and Regulation 2008 and FEA 2007. Make required amendment in Immigration Act and Passport Act in line with human right protection of the victim for responding and dealing with trafficking and smuggling of person and undocumented migrants.
- Strengthen WCSD at the national level and WCSCs at the district and local levels and make the more gender and human rights friendly
- Make functional the high level coordination committee of MoHA, MoLE, Nepal Police and Attorney General formed in 2012 to effectively provide the justice to the victims
- Strengthen the NJA to effectively conduct training/workshop to the judicial officials, judges, prosecutors and legal practitioners and expand the activities of NJA even outside of the Kathmandu valley.

Information Needs

- Maintain data on returnees, number of persons deported, number of persons on detention and their nature of problems, loss of life
- Build up bilateral relations with Government of India to maintain data on the Nepalese workers heading for a third country via India
- Conduct studies on these areas: study the situation of migrant workers through the household survey, situation of woman migrant workers in Gulf countries, study the TIP for marriage, for illegal organ extraction
- Conduct rapid assessment to understand the magnitude of TIP after the Earthquake of Mid-2015.

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Raw Data Obtained

Government Offices

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2. Counselor of Service Department, Ministry of Foreign Affairs
3. Department of Foreign Employment
4. Foreign Employment Promotion Board
5. Foreign Employment Tribunal
6. Women and Children Office, Kathmandu
7. Women and Children Service Directorate, Nepal Police
8. Ministry of Women Children and Social Welfare

NGOs

1. Biswas Nepal
2. Center for Awareness Promotion (CAP) Nepal
3. Change Nepal
4. Chhori
5. Child Workers Concerned Center in Nepal (CWIN)
6. Gramin Mahila Srijanshil Pariwar, Sindhupalchok (GMSP)
7. Himalayan Human Rights Monitors (Him Rights)
8. Kingdom Investment Nepal (KI Nepal)
9. Maiti Nepal
10. Nari Ship Srijana Kendra, Makwanpur
11. Nepal Good Weave Foundation
12. Peoples Forum
13. Prawasi Nepali Coordination Committee (PNCC)
14. Pourakhi Nepal
15. Forum for Protection of People's Rights Nepal (PPR Nepal)
16. SAATHI
17. Shakti Samuha
18. Tiny Hands, Nepal
19. Women Forum for Women in Nepal (WOFOWON)
20. Women's Rehabilitation Center (WOREC Nepal)

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Appendices

Appendix 2.1 Number of trafficking cases registered in Nepal Police, 2013/14 and 2014/15

| District | 2013/14 | 2014/15 |
|---------------|---------|---------|
| Panchathar | 2 | 1 |
| Illam | 1 | 3 |
| Jhapa | 18 | 14 |
| Morang | 16 | 15 |
| Sunsari | 4 | 5 |
| Bhojpur | 1 | |
| Dhankuta | | 1 |
| Shankuwasava | 1 | |
| Okhaldhunga | | 1 |
| Saptari | 2 | 3 |
| Siraha | | 2 |
| Udayapur | 3 | 2 |
| Dhanusa | | 1 |
| Mahottari | 2 | 1 |
| Sarlahi | 3 | |
| Sindhuli | | 1 |
| Rautahat | 2 | 4 |
| Bara | 1 | 1 |
| Parsa | 7 | 2 |
| Makwanpur | 1 | 3 |
| Chitawan | 4 | 5 |
| Nuwakot | 5 | 4 |
| Rasuwa | | 1 |
| Dhading | 1 | 3 |
| Sindhupalchok | 7 | 2 |
| Gorkha | 1 | |
| Lamjung | 1 | 1 |
| Kaski | 15 | 11 |
| Syangja | | 1 |
| Tanahu | 1 | 2 |
| Baglung | 1 | |
| Parbat | 1 | 1 |
| Rupandehi | 6 | 16 |
| Nawalparasi | 3 | 1 |
| Kapilbastu | 5 | 6 |
| Arghakhanchi | 1 | 1 |
| Palpa | 1 | |
| Jajarkot | 1 | |
| Banke | 15 | 10 |
| Surkhet | 2 | 3 |
| Bardiya | 2 | 3 |
| Salyan | 1 | |
| Rolpa | | 1 |
| Dang | | 2 |
| Achham | | 1 |
| Kailali | | 10 |
| Darchula | 1 | 2 |
| Baitadi | 1 | |
| Kanchanpur | 2 | 5 |
| Total | 185 | 181 |

Source: Women and Children Service Directorate, Nepal Police, 2015.

Appendix 2.2 Number of women and children trafficking survivors and traffickers by districts, FY 2013/14, Nepal

| District | Trafficking Survivors | | Traffickers | |
|---------------|-----------------------|----------|-------------|----------|
| | Women | Children | Women | Children |
| Taplejung | | | | |
| Panchathar | 2 | | | |
| Illam | | | 1 | |
| Jhapa | 18 | | 12 | |
| Shankuwasava | 1 | 3 | 2 | |
| Bhojpur | | | | |
| Dhankuta | | | | |
| Tehrathum | | | | |
| Morang | 20 | 17 | 10 | 1 |
| Sunsari | 1 | 1 | 4 | |
| Solukhumbu | 1 | | | |
| Okhaldhunga | | | | |
| Khotang | | | | |
| Udayapur | 3 | | 2 | |
| Saptari | 5 | | 2 | |
| Siraha | | 1 | 2 | |
| Ramechhap | | | | |
| Sindhuli | | | | |
| Dhanusa | 4 | | | |
| Mahottari | 2 | | | |
| Sarlahi | 4 | | | |
| Chitawan | | | | |
| Makwanpur | | | | |
| Parsa | 1 | 2 | 8 | 1 |
| Bara | | | | |
| Rautahat | 1 | | | |
| Dolakha | | | | |
| Sindhupalchok | 6 | | 3 | |
| Kavre | 4 | | 4 | |
| Bhaktapur | 1 | | | |
| Kathmandu | 42 | 21 | 17 | |
| Lalitapur | 6 | 2 | 2 | 2 |
| Nuwakot | 2 | 1 | 3 | |
| Rasuwa | | | | |
| Dhading | 4 | 1 | | |
| Gorkha | | 1 | | |
| Manang | | | | |
| Lamjung | 1 | 2 | 1 | |

| | | | | |
|--------------|------------|-----------|------------|----------|
| Kaski | 9 | | 10 | |
| Tanahu | | | | |
| Syangja | | | | |
| Mustang | | | | |
| Myagdi | | | | |
| Parbat | | 1 | 2 | |
| Baglung | 1 | | | |
| Gulmi | | 2 | 2 | |
| Arghakhanchi | | 1 | 3 | |
| Palpa | | 3 | | |
| Nawalparasi | 7 | 1 | | |
| Rupandehi | 7 | | 3 | |
| Kapilvastu | 16 | | 2 | |
| Rukum | 6 | 2 | | |
| Rolpa | | | | |
| Pyuthan | | | | |
| Salyan | 5 | | | |
| Dang | | | | |
| Jajarkot | 1 | 1 | 2 | |
| Dailekh | | | | |
| Surkhet | | | | |
| Banke | 8 | 1 | 7 | |
| Bardiya | 1 | | | |
| Dolpa | | | | |
| Mugu | | | | |
| Humla | | | | |
| Jumla | | | | |
| Kalikot | | | | |
| Bajura | | | | |
| Bajhang | | | | |
| Achham | | | | |
| Doti | | | | |
| Kailali | 7 | 2 | 7 | |
| Darchula | 1 | | | |
| Baitadi | 1 | | | |
| Dadeldhura | | | | |
| Kanchanpur | | | | |
| Total | 199 | 67 | 111 | 4 |

Source: Office of the Attorney General of Nepal, 2071 (2014).

Appendix 2.3 Modus operandi of human trafficking (number of imprisoned traffickers), Kathmandu valley

| | Number of traffickers | | Number of traffickers |
|--|------------------------------|--------------------------------|------------------------------|
| Mode of recruitment | | Trafficking destination | |
| Promises of good employment | 28 | China (place not specified) | 1 |
| False marriage/promise of love | 21 | Darjeeling | 7 |
| Total | 49 | Delhi | 23 |
| Border crossing | | Gulf countries | 2 |
| At night | 2 | Khasa, China | 3 |
| During the day | 39 | Ludhiana, India | 2 |
| Usually during the day | 2 | Mumbai, India | 22 |
| Total | 43 | Total | 60 |
| Inquiry in Border | | Purpose of Trafficking | |
| Not stopped by anyone | 22 | Brothel | 8 |
| Arrested by Police | 2 | Domestic work | 11 |
| Caught by NGOs | 4 | Garment factory | 2 |
| Stopped by NGOs | 12 | Hotel | 18 |
| Stopped by Police | 2 | Not going for a job | 6 |
| Total | 42 | Restaurant | 4 |
| Methods of avoiding detention at border | | Other employment | 7 |
| Claiming to be friends | 2 | Total | 56 |
| Claiming to be going for a training | 1 | | |
| Claiming to be married | 33 | | |
| Claiming to be relatives | 4 | | |
| Others | 1 | | |
| Total | 41 | | |

Note: The Research team did not note why the total in each of the response in the Table varied. It may be due to no response in a particular question.
Source: Dhakal et al., (2015).

Appendix 2.4 Distribution of child labor in different worst forms

| Child labor in Brick Kilns | Number/Percent |
|--|-----------------------|
| Kathmandu valley | |
| Total laborers | 75,169 |
| Child laborers | 13,715 |
| Child laborers (% of total) | 18.2 |
| Outside of the Kathmandu valley | |
| Total laborers | 106,355 |
| Child laborers | 14,618 |
| Child laborers (% of total) | 13.7 |
| Child Laborers in Transport Sector (covers 19 districts only) | |
| Kathmandu valley | 2035 |
| Outside of the Kathmandu valley | 1850 |
| Age groups | |
| % children below <14 years of age | 26.0 |
| % of children in between 14-18 years of age | 74.0 |
| Child Porters (covers 30 districts) | |
| Girls | 3,633 |
| Boys | 12,363 |
| Short-distance | 10,220 |
| Long-distance | 5,776 |
| Total | 15,996 |
| Child Domestic Workers | |
| Rural areas | 61,471 |
| Urban-oriented areas | 48,052 |
| Urban areas | 62,579 |
| Total | 172,102 |
| Age group | |
| <14 years (% out of total) | 56.0 |
| 14 -18 years (% out of total) | 44.0 |
| Sex | |
| Boys | 43.0 |
| Girls | 57.0 |
| Child laborers in Tea shop/hotels | |
| Rural areas | 5741 |
| Urban-oriented areas | 22851 |
| Urban areas | 48347 |
| Total | 76939 |

Source: ILO, 2012 and World Education and Plan Nepal, 2012 (Different Studies).

Appendix 2.4a Number of child laborers in brick kilns, Nepal Goodweave Foundation Interventions areas

| Name of brick kilns | Process | Total | Sex | | Schooling status | | Nationality | | Living arrangement | |
|-------------------------|--------------|-----------|-----------|-----------|----------------------|-----------|-------------|-----------|--------------------|----------------|
| | | | Boys | Girls | Never been in school | Drop-outs | Nepali | Indian | With family | Without family |
| Brick Kiln A, Lalitapur | Donkey Boy | 10 | 10 | | | | | 10 | | 10 |
| Brick Kiln B, Lalitapur | Molding | 10 | 5 | 5 | | 11 | 11 | | 10 | 1 |
| Brick Kiln C, Lalitapur | Carrying | 3 | 2 | 1 | | 3 | 3 | | | 3 |
| Brick Kiln A, Bhaktapur | Molding | 2 | 2 | | | 2 | 2 | | 2 | |
| Brick Kiln B, Bhaktapur | Carrying | 12 | 8 | 4 | 2 | 10 | 11 | 1 | 5 | 7 |
| Brick Kiln, Sarlahi | Carrying | 1 | | 1 | 1 | | 1 | | | 1 |
| Brick Kiln A, Rupandehi | Molding | 8 | 8 | | 4 | 4 | | 8 | 8 | |
| Brick Kiln B, Rupandehi | Carrying | 4 | 3 | 1 | 4 | | | 4 | 4 | |
| Brick Kiln C, Rupandehi | Molding | 2 | 2 | | 2 | | 2 | | 2 | |
| | Total | 52 | 40 | 12 | 13 | 30 | 30 | 23 | 31 | 22 |

Source: Nepal GoodWeave Foundation, 2015.

Appendix 3.1 Estimate of amount required for the relief of earthquake survivors in most affected 14 districts, Nepal

| Cluster | Requirement (US \$) | % of total |
|--|---------------------|------------|
| 1. Food Security | 98,639,453 | 23.4 |
| 2. Shelter and Non-food items (NFIs) | 98,260,938 | 23.3 |
| 3. Water, Sanitation and Hygiene (WASH) | 62,985,546 | 14.9 |
| 4. Health | 41,822,974 | 9.9 |
| 5. Logistics | 39,508,568 | 9.4 |
| 6. Education | 24,064,072 | 5.7 |
| 7. Early Recovery | 16,049,800 | 3.8 |
| 8. Protection | 13,714,915 | 3.3 |
| 9. Nutrition | 11,016,755 | 2.6 |
| 10. Camp Coordination and Camp Management (CCCM) | 10,326,856 | 2.4 |
| 11. Coordination | 3,443,000 | 0.8 |
| 11. Emergency Telecommunications | 2,029,465 | 0.5 |
| Grand Total | 421,862,342 | 100.0 |

Note: The amount is estimated covering April-September, 2015 damage and loss due to earthquake.

Source: www.unocha.org/nepal.

Appendix 3.2 List of civil society organizations involved in relief program of the survivors of the earthquake

| NGOs | Gorkha | Dhading | Nuwakot | Rasuwa | Sindhupalchok | Dolakha | Ramechhap | Okhaldhunga | Bhaktapur | Sindhuli | Kavre | Kathmandu | Lalitapur | Makwanpur | Total |
|---------------|--------|---------|---------|--------|---------------|---------|-----------|-------------|-----------|----------|-------|-----------|-----------|-----------|-------|
| BBC | | | | | √ | | | | √ | | | √ | √ | √ | 5 |
| CARE | √ | √ | | | √ | | | | | | √ | √ | | | 5 |
| CVICT | | | | | | | √ | | | √ | √ | | | | 3 |
| FEDO | | | √ | | √ | √ | √ | | | | √ | √ | √ | | 7 |
| FPAN/ADRA | | | | | | | | | | | √ | | | | 1 |
| Jagaran Nepal | | | | | √ | √ | √ | | √ | | | √ | √ | | 6 |
| MAG | √ | | | | √ | | | | | | | √ | | | 3 |
| Maiti Nepal | | | √ | | √ | | | | | | | √ | | √ | 4 |
| Oxfam | √ | √ | √ | | √ | | | | √ | | | √ | | | 6 |
| Plan Nepal | | | | | √ | √ | | | | √ | √ | √ | | √ | 6 |
| Pourakhi | | √ | | | √ | √ | | | | | | √ | | | 4 |
| Saathi | √ | | √ | | √ | | | | | | √ | √ | √ | | 6 |
| Sankalpa | √ | | | | √ | | | | | | √ | √ | √ | √ | 6 |
| UN Women | √ | | √ | | √ | | √ | | | √ | √ | √ | √ | | 8 |
| UNFPA | √ | √ | √ | √ | √ | √ | √ | √ | √ | √ | √ | √ | √ | √ | 14 |
| WHR | √ | | √ | | √ | | | | √ | √ | √ | √ | √ | | 8 |
| WOREC | √ | √ | √ | √ | √ | √ | √ | √ | √ | | √ | √ | √ | √ | 13 |
| Total | 9 | 5 | 8 | 2 | 15 | 6 | 5 | 2 | 6 | 5 | 11 | 15 | 9 | 6 | |

Source: Gender Equality Bulletin No. 1.

Appendix 4.1 Countries opened up for foreign labor migration for Nepalese by FY 2013-14 (2070-71)

| SN | Country | SN | Country | SN | Country |
|----|--------------------|----|-------------|-----|--------------------|
| 1 | Afghanistan | 38 | Guiana | 75 | Nigeria |
| 2 | Albania | 39 | Holy see | 76 | Norway |
| 3 | Algeria | 40 | Hong-Kong | 77 | Oman |
| 4 | Argentina | 41 | Hungary | 78 | Pakistan |
| 5 | Armenia | 42 | Iceland | 79 | Panama |
| 6 | Australia | 43 | Indonesia | 80 | Peru |
| 7 | Austria | 44 | Iran | 81 | Poland |
| 8 | Azerbaijan | 45 | Iraq* | 82 | Portugal |
| 9 | Bahrain | 46 | Ireland | 83 | Qatar |
| 10 | Bangladesh | 47 | Israel | 84 | Republic of Korea |
| 11 | Belarus | 48 | Italy | 85 | Republic of Slovak |
| 12 | Belgium | 49 | Japan | 86 | Rumania |
| 13 | Bolivia | 50 | Jordan | 87 | Russia |
| 14 | Bosnia Herz Govina | 51 | Kazakhstan | 88 | Saipan |
| 15 | Brazil | 52 | Kenya | 89 | Saudi Arabia |
| 16 | Brunei | 53 | Kosovo | 90 | Singapore |
| 17 | Bulgaria | 54 | Kuwait | 91 | Slovenia |
| 18 | Canada | 55 | Laos PDR | 92 | South Africa |
| 19 | Chili | 56 | Latvia | 93 | Spain |
| 20 | China | 57 | Lebanon | 94 | Sri Lanka |
| 21 | Colombia | 58 | Libya* | 95 | Sweden |
| 22 | Cambodia | 59 | Luxemburg | 96 | Switzerland |
| 23 | Congo | 60 | Macau | 97 | Seychelles |
| 24 | Costarica | 61 | Malaysia | 98 | Tanzania |
| 25 | Croatia | 62 | Maldives | 99 | Thailand |
| 26 | Cuba | 63 | Malta | 100 | The Philippines |
| 27 | Cyprus | 64 | Macedonia | 101 | Tunisia |
| 28 | Czech Republic | 65 | Mexico | 102 | Turkey |
| 29 | Denmark | 66 | Moldova | 103 | Uganda |
| 30 | Egypt | 67 | Mongolia | 104 | Ukraine |
| 31 | Estonia | 68 | Mauritius | 105 | UAE |
| 32 | Fiji | 69 | Morocco | 106 | USA |
| 33 | Finland | 70 | Mozambique | 107 | Uzbekistan |
| 34 | France | 71 | Myanmar | 108 | Venezuela |
| 35 | Germany | 72 | Netherland | 109 | Vietnam |
| 36 | Great Britain | 73 | New Zealand | 110 | Zambia |
| 37 | Greece | 74 | Nicaragua | | |

Source: Department of Foreign Employment (2014) *Annual Report of FY 2013-14 (2070/71)* .

Appendix 4.2 Number of registered agents by working districts as of November 2015

| District | Number of districts | Number of agents per district | Total number of agents |
|--|---------------------|-------------------------------|------------------------|
| Jhapa | 1 | 164 | 164 |
| Sunsari | 1 | 110 | 110 |
| Kaski | 1 | 50 | 50 |
| Rupandehi | 1 | 44 | 44 |
| Dang | 1 | 43 | 43 |
| Chitawan | 1 | 37 | 37 |
| Banke | 1 | 26 | 26 |
| Morang | 1 | 22 | 22 |
| Dhanusa | 1 | 13 | 13 |
| Udayapur, Nawalparasi and Kailali | 3 | 12 | 36 |
| Dhankuta | 1 | 9 | 9 |
| Tanahu, Illam and Bara | 3 | 8 | 24 |
| Sarlahi, Parsa, Kapilbastu | 3 | 7 | 21 |
| Siraha, Sankhuwasabha | 2 | 6 | 12 |
| Rolpa, Panchathar, Myagdi | 3 | 5 | 15 |
| Taplejung, Saptari, Makwanpur and Kavre | 4 | 4 | 16 |
| Parbat, Nuwakot, Mahottari and Bardiya, | 4 | 3 | 12 |
| Surkhet, Solukhumbu, Pyuthan, Lamjung, Khotang, Gorkha, Dolakha, Bhojpur and Baglung | 9 | 2 | 18 |
| Syangja, Siraha, Sindhupalchok, Sindhuli, Rukum, Rautahat, Ramechhap, Palpa, Okhaldhunga, Kanchanpur, Gorkha, Dhading, Dailekha, Dadeldhura and Arghakhanchi | 15 | 1 | 15 |
| Working districts not given | | | 6 |
| Total | 56 | | 693 |

Source: <http://www.dofe.gov.np/new/pages/details/39> (Accessed on November 30, 2015).

Appendix 4.3 Prescribed Minimum Cost and Minimum Remuneration as of FY 2070/71

| SN | Country | Minimum prescribed cost | Minimum prescribed remuneration |
|----|--------------------------|---|---|
| 1 | Malaysia | Rs. 80,000 | 546 RM |
| 2 | Gulf countries | Rs. 70,000 | 600+200 Qatar; 800 +200 Saudi Arabia 60 KDN Kuwait |
| 3 | Libya | Rs. 90,000 | \$ 175 to \$ 250 (including food, accommodation) |
| 4 | Marissa | Rs. 19900 | |
| 5 | Algeria | | |
| | a. Skilled workers | Rs. 118,000 | US \$ 300-400 (monthly) |
| | b. Staff and indirect | Rs. 123,000 | US \$ 700 |
| 6 | Israel | | |
| | a. Agriculture | US 915 and air ticket Rs. 60,000 | |
| | b. Care giver | Excluding air ticket Rs. 75,000 | |
| 7 | JITCO-Japan | Rs. 50,000 (excluding ticket) | |
| 8 | EPS-Korea | US \$ 970.20 | |
| 9 | Russia | Rs. 80,000 | |
| 10 | Poland | Rs. 80,400 | US \$ 400 |
| 11 | Portugal | Rs. 65,000 | |
| 12 | Not prescribed countries | Equivalent to maximum of 6 months' salary | Theoretical |

Source: Department of Foreign Employment (2014) Annual Report of FY 2014-15 (2070/71)

Appendix 5.1 Number of persons provided protection services by different NGOs

| Interception | FY 2013/14 | FY 2014/15 | After EQ |
|---|-------------|-------------|-------------|
| Tiny Hands, Nepal | 1291 | 1071 | 151 |
| Kingdom Investments Nepal (KI Nepal) | 1307 | 655 | 74 |
| Center for Awareness Promotion (CAP) Nepal | 0 | 0 | 0 |
| Biswas Nepal | 800 | 1026 | 548 |
| Chhori | 0 | 40 | 120 |
| Nepal GoodWeave Foundation | 45 | 47 | 4 |
| Women Forum for Women in Nepal (WOFOWON) | 3 | 2 | 1 |
| Change Nepal | 292 | 468 | 134 |
| Gramin Mahila Srijanshil, Sindhupalchok (GMS) | 0 | 0 | 0 |
| Himalayan Human Rights Monitors (HimRights) | 0 | 0 | 0 |
| PPR Nepal | 0 | 0 | 0 |
| SAATHI | 396 | 361 | 13 |
| Shakti Samuha | 0 | 0 | 0 |
| Maiti Nepal | 2809 | 2904 | 725 |
| CWIN | 2114 | 2423 | 2094 |
| PNCC | 0 | 0 | 0 |
| WOREC | 0 | 0 | 0 |
| Peoples' Forum | 0 | 0 | 0 |
| Pourakhi Nepal | na | na | na |
| Nari Ship Srijana Kendra, Makwanpur | 0 | 0 | 0 |
| Total | 9057 | 8997 | 3864 |
| Rescue/repatriation | | | |
| Tiny Hands, Nepal | 0 | 0 | 0 |
| Kingdom Investment Nepal (KI Nepal) | 0 | 19 | 0 |
| Center for Awareness Promotion (CAP) Nepal | 0 | 0 | 0 |
| Biswas Nepal | 229 | 396 | 194 |
| Chhori | 0 | 0 | 20 |
| Nepal GoodWeave Foundation | 39 | 43 | 4 |
| Women Forum for Women in Nepal (WOFOWON) | 0 | 6 | 0 |
| Change Nepal | 100 | 206 | 85 |
| Gramin Mahila Srijanshil, Sindhupalchok (GMS) | 19 | - | - |
| Himalayan Human Rights Monitors (HimRights) | 55 | - | - |
| PPR Nepal | 2 | - | - |
| SAATHI | 113 | 27 | 9 |
| Shakti Samuha | 43 | | |
| Maiti Nepal | 142 | 183 | |
| CWIN | 334 | 302 | 140 |
| PNCC | 279 | 640 | 463 |
| WOREC | 123 | NA | NA |
| Peoples Forum | 50 | 149 | 40 |
| Pourakhi Nepal | na | NA | NA |
| Nari Ship Srijana Kendra, Makwanpur | 23 | NA | NA |
| Total | 1551 | 1971 | 955 |

Contd. Appendix 5.1

| | FY 2013/14 | FY 2014/15 | After EQ |
|---|-------------|-------------|------------|
| Rehab centers/drop-in centers | | | |
| Tiny Hands, Nepal | 0 | 0 | 0 |
| Kingdom Investment Nepal (KI Nepal) | 0 | 285 | 192 |
| Center for Awareness Promotion (CAP) Nepal | 80 | 60 | 20 |
| Biswas Nepal | 600 | 863 | 424 |
| Chhori | 0 | 0 | 20 |
| Nepal GoodWeave Foundation | 81 | 91 | 4 |
| Women Forum for Women in Nepal (WOFOWON) | 293 | 390 | 26 |
| Change Nepal | 1 | 5 | 3 |
| Gramin Mahila Srijanshil, Sindhupalchok (GMS) | 0 | 0 | 0 |
| Himalayan Human Rights Monitors (HimRights) | 20 | - | - |
| PPR Nepal | 0 | - | - |
| SAATHI | 107 | 27 | 9 |
| Shakti Samuha | 136 | | |
| Maiti Nepal | 120 | 80 | |
| CWIN | 0 | 0 | 0 |
| PNCC | 0 | 0 | 0 |
| WOREC | NA | NA | NA |
| Peoples Forum | 0 | 0 | 0 |
| Pourakhi Nepal | na | na | Na |
| Nari Ship Srijana Kendra, Makwanpur | 0 | 0 | 0 |
| Total | 1438 | 1801 | 698 |
| Reintegration | | | |
| Tiny Hands, Nepal | 0 | 0 | 0 |
| Kingdom Investment Nepal (KI Nepal) | 672 | 404 | 16 |
| Center for Awareness Promotion (CAP) Nepal | 80 | 60 | 10 |
| Biswas Nepal | 53 | 158 | 87 |
| Chhori | 0 | 2 | 6 |
| Nepal GoodWeave Foundation | 0 | 0 | 0 |
| Women Forum for Women in Nepal (WOFOWON) | 2 | 3 | 8 |
| Change Nepal | 28 | 96 | 40 |
| Gramin Mahila Srijanshil, Sindhupalchok (GMS) | 0 | 0 | 0 |
| Himalayan Human Rights Monitors (HimRights) | 0 | - | - |
| PPR Nepal | 0 | - | - |
| SAATHI | 18 | 21 | 0 |
| Shakti Samuha | 86 | - | - |
| Maiti Nepal | NA | NA | NA |
| CWIN | 492 | 396 | 139 |
| PNCC | 0 | 0 | 0 |
| WOREC | NA | NA | NA |
| Peoples Forum | 0 | 0 | 0 |
| Pourakhi Nepal | na | na | na |
| Nari Ship Srijana Kendra, Makwanpur | 36 | 0 | 0 |
| Total | 1467 | 1140 | 306 |

Contd. Appendix 5.1

| | FY 2013/14 | FY 2014/15 | After EQ |
|---|-------------------|-------------------|-----------------|
| Missing persons/Found | | | |
| Tiny Hands, Nepal | 0 | 0 | 0 |
| Kingdom Investment Nepal (KI Nepal) | 0 | 0 | 0 |
| Center for Awareness Promotion (CAP) Nepal | 0 | 0 | 0 |
| Biswas Nepal | 0 | 0 | 0 |
| Chhori | 0 | 0 | 0 |
| Nepal GoodWeave Foundation | 0 | 0 | 0 |
| Women Forum for Women in Nepal (WOFOWON) | 0 | 0 | 1 |
| Change Nepal | 0 | 0 | 0 |
| Gramin Mahila Srijanshil, Sindhupalchok (GMS) | 0 | 0 | 0 |
| Himalayan Human Rights Monitors (HimRights) | 0 | - | - |
| PPR Nepal | 0 | - | - |
| SAATHI | 25 | 45 | 4 |
| Shakti Samuha | 0 | - | - |
| Maiti Nepal | 1533 (342) | 1442(283) | |
| CWIN | 276 (79) | 314 (210) | 176 (96) |
| PNCC | 24 | 105 | 80 |
| WOREC | NA | NA | NA |
| Peoples Forum | 0 | 0 | 0 |
| Pourakhi Nepal | Na | na | na |
| Nari Ship Srijana Kendra, Makwanpur | 0 | 0 | 0 |
| Total | 1858 (421) | 1906 (493) | 261 (96) |
| Referral Services | | | |
| Tiny Hands, Nepal | 0 | 0 | 0 |
| Kingdom Investment Nepal (KI Nepal) | 0 | 0 | 0 |
| Center for Awareness Promotion (CAP) Nepal | 0 | 0 | 0 |
| Biswas Nepal | 377 | 835 | 300 |
| Chhori | 0 | 0 | 0 |
| Nepal GoodWeave Foundation | 239 | 424 | 39 |
| Women Forum for Women in Nepal (WOFOWON) | 201 | 204 | 150 |
| Change Nepal | 17 | 12 | 6 |
| Gramin Mahila Srijanshil, Sindhupalchok (GMS) | 230 | - | - |
| Himalayan Human Rights Monitors (HimRights) | 0 | - | - |
| PPR Nepal | 5 | - | - |
| SAATHI | 462 | 443 | 200 |
| Shakti Samuha | 65 | - | - |
| Maiti Nepal | NA | NA | NA |
| CWIN | 473 | 473 | 272 |
| PNCC | 1597 | 1231 | 0 |
| WOREC | NA | NA | NA |
| People's Forum | 7 | 5 | 3 |
| Pourakhi Nepal | Na | na | na |
| Nari Ship Srijana Kendra, Makwanpur | 0 | 0 | 0 |
| Total | 3673 | 3627 | 970 |

Contd. Appendix 5.1

| | FY 2013/14 | FY 2014/15 | After EQ |
|--|-------------------|-------------------|-----------------|
| Legal Support (Filing FIR, prosecution) | | | |
| Tiny Hands, Nepal | 8 | 41 | 6 |
| Kingdom Investment Nepal (KI Nepal) | 0 | 16 | 5 |
| Center for Awareness Promotion (CAP) Nepal | 0 | 0 | 0 |
| Biswas Nepal | 0 | 0 | 0 |
| Chhori | 0 | 0 | 0 |
| Nepal GoodWeave Foundation | 0 | 0 | 0 |
| Women Forum for Women in Nepal (WOFOWON) | 0 | 1 | 1 |
| Change Nepal | 0 | 0 | 0 |
| Gramin Mahila Srijanshil, Sindhupalchok (GMS) | 226 | | |
| Himalayan Human Rights Monitors (HimRights) | 0 | - | - |
| PPR Nepal | 31 | - | - |
| SAATHI | 104 | 103 | 18 |
| Shakti Samuha | 75 | - | - |
| Maiti Nepal | 27 | 19 | NA |
| CWIN | 30 | 199 | 88 |
| PNCC | 15 | 27 | 0 |
| WOREC | 2 | NA | NA |
| Peoples Forum | 468 | 949 | 264 |
| Pourakhi Nepal | Na | na | na |
| Nari Ship Srijana Kendra, Makwanpur | 2 | 0 | 0 |
| Total | 988 | 1355 | 382 |

Note: Figure for Gramin Mahila Srijanshil, Sindhupalchok; HimRights, PPR Nepal and Shakti Samuha refer to the period of July 15, 2013 to December 15, 2014.

Source: based on the information provided by the concerned NGOs to NHRC for this TIP Report, 2015.

Appendix 5.2 Mobilization of budget in anti-trafficking, women and children related activities by some leading NGOs in Nepal, 2014 (amount in Rs.)

| SN | Name & Address of NGO | Donor Agency | External Resource | Internal Contribution | Total | Project Duration | Sector |
|----|---|---|-------------------|-----------------------|------------|------------------------------|--------------------------------|
| 1 | 3 Angels Nepal, Pokhara 15, Kaski. | Asian Aid Organization, Australia. | 12,937,433 | 3,697,179.00 | 16,634,612 | Jan. 2014 to July 2014 | Women/ Child |
| 2 | Action for Child Rights International, Kupondol 10, Lalitapur. | Action for Child Rights International, Belgium. | 1,910,680 | | 1,910,680 | 1 June 2014 to 31 Dec. 2014 | Child |
| 3 | Agro forestry, Basic Health & Cooperatives (ABC) Nepal, Koteshwor, Kathmandu. | Kids in Need of Education (KINOE), England. | 653,916 | 79,684.00 | 733,600 | Jun. 2014 to May 2015 | Education/ Women |
| 4 | Alliance Against Trafficking in Women and Children in Nepal (AATWIN), Bizulibazar, Kathmandu. | Global Fund for Women, USA. | 2,418,695 | | 2,418,695 | 1 Jan. 2014 to 31 Dec. 2014 | Women/ Child |
| | Alliance Against Trafficking in Women and Children in Nepal (AATWIN), Bizulibazar, Kathmandu. | Free the Slaves (FTS), USA. | 2,006,532 | | 2,006,532 | 1 Feb. 2014 to 31 Dec. 2014 | Human Trafficking |
| | Alliance Against Trafficking in Women and Children in Nepal (AATWIN), Bizulibazar, Kathmandu. | Hope for Children, Australia. | 1,371,459 | | 1,371,459 | 10 Apr. 2014 to 15 Jul. 2014 | Women/ Child |
| | Alliance Against Trafficking in Women and Children in Nepal (AATWIN), Bizulibazar, Kathmandu. | Enabling State Program (ESP), Sanepa, Lalitapur. | 567,840 | | 567,840 | 25 Nov. 2013 to 31 Dec. 2013 | Human trafficking/ Right |
| 5 | Antenna Foundation Nepal, Bakhundole 10, Lalitapur. | Graphic Voices Stanford University, Vanderbilt University, USA. | 659,401 | | 659,401 | 13 June 2013 to 31 Dec. 2014 | Media (Research) |
| 6 | Asha Nepal, Taukhel 1, Lalitapur. | Shared Hope International, USA | 3,958,550 | | 3,958,550 | 2071/4/1 to 2072/3/30 | Women |
| 7 | Asha Orphanage, Koteshwor, Kathmandu. | Foundation Ashah Orphanage, Switzerland. | 3,804,098 | | 3,804,098 | 2071/4/1 to 2072/3/30 | Child home |
| 8 | Ashako Ghar Nepal, Kapan 1, Kathmandu. | Normisjon, Norway. | 500,000 | | 500,000 | 1 Aug. 2014 to 30 June 2015 | Elderly home |
| 9 | Biswas Nepal, New Road 22, Kathmandu. | ECPAT Luxembourg, Luxembourg. | 4,580,636 | | 4,580,636 | 2071/4/16 to 2072/3/15 | Women/ Child |
| 10 | Child Welfare, Nepal, Hetauda 4, Makwanpur. | EDUCANEPAL, Spain. | 9,678,960 | | 9,678,960 | 1 Feb. 2014 to 30 Jan. 2015 | Child |

Contd. Appendix 5.2

| SN | Name & Address of NGO | Donor Agency | External Resource | Internal Contribution | Total | Project Duration | Sector |
|----|---|--|-------------------|-----------------------|--------------|-------------------------------|-----------------------|
| 11 | Child Workers in Nepal Concern Centre (CWIN), Ravi Bhawan, Kathmandu. | FORUT Norway. | 31,090,728 | | 31,090,728 | Jan. 2014 - Dec. 2014 | Child |
| | Child Workers in Nepal Concerned Centre (CWIN), Kathmandu. | FORUT - Norway. | 32,000,000 | | 32,000,000 | 1 Jan. 2013 to 31 Dec. 2013 | Child |
| | Child Workers in Nepal Concerned Centre (CWIN), Kathmandu. | ICDI | 8,479,750 | | 8,479,750 | Jan. 2013 to Dec. 2013 | Child |
| | Child Workers in Nepal Concerned Centre (CWIN), Kathmandu. | UNICEF. | 12,504,547 | | 12,504,547 | 15 April 2013 to 31 Dec. 2014 | Child |
| | Child Workers in Nepal Concerned Centre (CWIN), Kathmandu. | FORUT - Norway. | 16,000,000 | | 16,000,000 | 1 Jan. 2013 to 31 Dec. 2013 | Child |
| | Child Workers in Nepal Concerned Centre (CWIN), Ravi Bhawan, Kathmandu. | Comic Relief- United Kingdom. | 47,478,215 | | 47,478,215 | 1 Dec. 2013 to 30 Nov. 2016 | Child |
| | Child Workers in Nepal Concerned Centre (CWIN), Ravi Bhawan, Kathmandu. | International Child Development Initiative (ICDI), The Netherlands. | 9,906,001 | | 9,906,001.00 | Jan. 2014 to Dec. 2014 | Women |
| | Child Workers in Nepal Concerned Centre (CWIN), Ravi Bhawan, Kathmandu. | FORUT-Norway. | 14,937,360 | | 14,937,360 | 1 Jan. 2014 to 31 Dec. 2014 | Women/ Child |
| 12 | Forum for Protection of People's Rights, Nepal (PPR Nepal), Baneshwor, Kathmandu. | The Asia Foundation (TAF), Nepal, www. asiafoundation. org | 827,000 | | 827,000 | 1 Aug. 2013 to 30 Sept. 2013 | Women/Men |
| 13 | Forum for Protection of People's Rights, Nepal (PPR Nepal), Baneshwor, Kathmandu. | The Asia Foundation (TAF), Kathmandu. | 3,017,035 | | 3,017,035 | 1 Oct 2013 to 30 Sept. 2014 | Women/ Child/ Men |
| 14 | Forum for Women, Law and Development (FWLD), Thapathali, Kathmandu. | The United Nations Entity for Gender Equality and the Empowerment of Women (UN - WOMEN), Kathmandu. | 3,841,100 | | 3,841,100 | 1 Jan. 2014 to Sept. 2014 | Legal |
| 15 | General Welfare Pratisthan, Gyaneshwor, Kathmandu. | GO Campaign USA. | 2,776,800 | | 2,776,800 | 1 Apr. 2014 to 31 Mar. 2015 | Health/ Education |
| 16 | Higher Ground Community Development Nepal, Lalitapur | Women At Risk International (WAR-Int'l), USA | 1,470,911 | | 1,470,911 | 2070-4-1 to 2071- 3-30 | Combating Trafficking |
| 17 | Kingdom Investments Nepal (KIN), Jawalakhel 1, Lalitapur. | 1. Eternal Threads, USA. 2. 10/40 Connection, USA. 3. RUN Ministries, USA. 4. DTN INC, USA. 5. HCJB Global, USA. | 22,908,000 | 1,381,630 | 24,289,630 | 1 Jan. 2014 to 31 Dec. 2014 | Women/ Child |

Contd. Appendix 5.2

| SN | Name & Address of NGO | Donor Agency | External Resource | Internal Contribution | Total | Project Duration | Sector |
|----|--|---|-------------------|-----------------------|------------|------------------------------|--------------|
| 18 | Legal Aid & Consultancy Centre (LACC), Manbhawan, Lalitapur. | The Asian Foundation (TAF), Nepal. | 3,395,467 | | 3,395,467 | 1 Apr. 2014 to 30 Sept. 2014 | Women/ Youth |
| | Legal Aid & Consultancy Centre (LACC), Manbhawan, Lalitapur. | KIOS, The Finnish NGO Foundation for Human Rights, Finland. | 7,427,400 | 572,000 | 7,999,400 | 1 Apr. 2014 to 31 Mar. 216 | Women |
| | Legal Aid And Research Centre (LAAC), Jamuniya - 4, Gopigunj, Nawalparasi. | Usha International Ltd., India. | 2,619,012 | | 2,619,012 | 1 July 2013 to 30 June 2014 | Women |
| 19 | Maiti Nepal, Pindalasthan, Kathmandu. | Aura Foundation, Canada. | 1,601,995 | | 1,601,995 | 1 Jan. 2014 to 31 Dec. 2014 | Women/ Child |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Friends of Maiti, Nepal, (FOMN) USA. | 3,000,083 | | 3,000,083 | 1 May 2014 to 30 Apr. 2015 | Women/child |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Australian Embassy, Bansbari, Kathmandu. | 1,672,500 | | 1,672,500 | 1 Nov. 2013 to 31 May 2014 | Child |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Profellia e.v. Germany. | 6,262,097 | | 6,262,097 | 1 Jan. 2014 to 31 Dec. 2014 | Women/ Child |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Rotary Australia (RAWCS), Australia. | 3,730,879 | | 3,730,879 | 1 Jan. 2014 to 30 June 2015 | Women/ Child |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Profilia e.v. Germany. | 1,537,500 | | 1,537,500 | 1 July 2014 to 30 June 2015 | Women |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Viajes Surland, Spain. | 930,485 | | 930,485 | 1 Dec. 2013 to 31 May 2014 | Women/ Child |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Friends of Maiti Nepal, USA. | 3,528,000 | | 3,528,000 | May 2014 to Apr. 2015 | Child/ Women |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Bono Directhilfe e.v., Germany. | 4,772,736 | | 4,772,736 | 1 Jan. 2014 to 31 Dec. 2014 | Women/ Child |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Christiline Ostimission, Switzerland. | 4,797,460 | | 4,797,460 | 1 Jan. 2014 to 31 Dec. 2014 | Women/ Child |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Project Futures Ltd. | 2,676,600 | | 2,676,600 | 1 May 2014 to 31 Dec. 2014 | Women |
| | Maiti Nepal, Pingalasthan, Kathmandu. | World Children Prize Foundation, Sweden. | 2,700,000 | | 2,700,000 | 1 Nov. 2013 to 31 May 2014 | Child |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Anne Matheson, Canada | 1,940,400 | | 1,940,400 | 1 May 2014 to 30 Apr. 2015 | Women/ Child |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Free A Girl, Netherlands. | 2,584,550 | 286,950 | 2,871,500 | Aug. 2014 to July 2015 | Women |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Friends if Maiti Nepal (FOMN), Nepal. | 2,290,590 | | 2,290,590 | 1 July 2014 to 30 June 2015 | Women |
| | Maiti Nepal, Pingalasthan, Kathmandu. | Hope for Children, Australia. | 20,517,540 | | 20,517,540 | July 2014 to 1 Dec. 2018 | Child |

Contd. Appendix 5.2

| SN | Name & Address of NGO | Donor Agency | External Resource | Internal Contribution | Total | Project Duration | Sector |
|----|---|--|-------------------|-----------------------|-----------|-----------------------------|----------------------------------|
| 20 | New Light Nepal, Haripur 9, Sarlahi. | Lori Miterko, USA, Christina & Donald Gardner, Singapore., Heights Cumberland Church, USA., Frank Zanuscheskie, USA., 4 the 1, USA. | 2,058,000 | 1,074,000 | 3,132,000 | Sept. 2014 to July 2015 | Child/ Women |
| 21 | Raksha Nepal, Lainchour 32, Kathmandu. | DKA/KFB Australia. | 3,710,029 | 896,000 | 4,606,029 | 1 Jun. 2014 to 31 May 2015 | Women |
| | Raksha Nepal, Lainchour 32, Kathmandu. Wwww. rakshanepal.org, info@rakshnepal.org | DKA/KFB, Austria, | 3,225,375 | 668,000 | 3,893,375 | 1 June 2013 to 30 May 2014 | Women |
| 22 | Rural Women Creative Forum, Lamusangu, Sindhupalchok. | Free The Slave USA. | 3,396,250 | | 3,396,250 | 1 Jan. 2014 to 31 Dec. 2014 | Women/ Children/ Education |
| 23 | Samrakshak Samuha Nepal (SASANE), Dillibazar 32, Kathmandu. | The World Justice Challenge and VGIF, USA. | 1,785,595 | | 1,785,595 | Aug. 2014 to July 2015 | Women |
| 24 | Shakti Samuha, Chabahil, Kathmandu. | Free The Slaves, USA. | 1,907,410 | | 1,907,410 | July 2014 to Dec. 2014 | Human rights/ Women |
| | Shakti Samuha, Chabahil, Kathmandu. | The United Nations (UNODC). | 2,300,000 | | 2,300,000 | July 2014 to Dec. 2014 | Human rights/ Women |
| | Shakti Samuha, Chabahil, Kathmandu. | 1. UFER Participants, 2. Masako Japan. 3. Australian Survivors Group. 4. Caritas Nepal. 5. Plan Nepal. 6. Childreach. 7. World Childhood Foundation. 8. Planate Infants.9. UNICEF. | 1,551,161 | | 1,551,161 | 1 Jun. 2014 to 15 Jun. 2014 | Women |
| | Shakti Samuha, Chabahil, Kathmandu. | Geneva Global, USA. | 5,415,179 | | 5,415,179 | May 2014 to April 2015 | Human rights |
| | Shakti Samuha, Chabahil, Kathmandu. | Free The Slave, USA. | 1,892,590 | | 1,892,590 | July 2014 to Dec. 2014 | Women |
| | Shakti Samuha, Chabahil, Kathmandu. | World Childhood Foundation, Sweden. | 2,471,140 | | 2,471,140 | July 2014 to June 2015 | Women |
| | Shakti Samuha, Chabahil, Kathmandu. | Global Fund for Women, USA. | 1,350,000 | | 1,350,000 | July 2014 to Dec. 2014 | Women |
| | Shakti Samuha, Chabahil, Kathmandu. | Child Welfare Scheme Hong Kong. | 5,520,024 | 2,471,140 | 7,991,164 | July 2014 to Dec. 2014 | Women |
| 25 | Women Skill Creation Centre Nepal (WOSCC), Mitra Nagar, Hetauda, Makwanpur. | Free The Slave, USA. | 3,681,365 | | 3,681,365 | 1 Jan. 2014 to 31 Dec. 2014 | Human trafficking |

Contd. Appendix 5.2

| SN | Name & Address of NGO | Donor Agency | External Resource | Internal Contribution | Total | Project Duration | Sector |
|-----------|--|---|--------------------------|------------------------------|--------------|-----------------------------|--------------------------|
| 26 | Women's Rehabilitation Centre (WOREC) Nepal Kathmandu. | Global Fund for Women | 1,960,000 | | 1,960,000 | 1 Jan. 2014 to 31 Dec. 2016 | Women |
| | Women's Rehabilitation Centre (WOREC) Nepal Kathmandu. | MISEREOR, Kze | 38,647,130 | 1,177,000 | 39,824,130 | 1 Jan. 2014 to 31 Dec. 2015 | Women |
| | Women's Rehabilitation Center (WOREC) Nepal, Gaurighat, Kathmandu. | Embassy of Switzerland in Nepal. | 4,450,000 | | 4,450,000 | 1 Jan. 2014 to 31 Dec. 2014 | Babu Ram Gautam, 5006373 |
| 27 | World League for Freedom and Democracy, Kathmandu 13. | 1. Headquarters of World League for Freedom and Democracy (WLFDD), Taiwan. 2. Madam Susan Tung, Chin. | 17,640,000 | | 17,640,000 | 1 May 2014 to 20 Apr. 2015 | Education |

Source: Social Welfare Council, 2015 cited in MoWCSW 2015.

Annex-1

Participants Name List of Different Programmes

Programme Title: Effectiveness of Interception point to reduce the vulnerability of trafficking after earthquake and role of National Human Rights Commission to reduce the vulnerability

Date: Sept 5, 2015 (2072 Bhadra 20)

Venue: NHRC Hall

| S.No. | Name | Designation | Name of Organization |
|-------|-------------------------|--------------------------------------|---|
| 1 | Mohna Ansari | Hon. Member | National Human Rights Commission, Nepal |
| 2 | Bed Prasad Bhattarai | Acting Secretary | National Human Rights Commission, Nepal |
| 3 | Kedar Neupane | Director General | Department of Immigration |
| 4 | Sunita Nepal | Under Secretary | Ministry of Women Children and Social Welfare, Sighadurbar |
| 5 | Pramesh Poudel | | Change Nepal |
| 6 | Writu Bhatta Rai | | Swatantrata Abhiyan, Nepal |
| 7 | Ujir Karki | | Ujjyalo Network |
| 8 | Hari Prasad Ghale | | Ujjyalo Network |
| 9 | Anisha Luitel | | Women forum for Women in Nepal |
| 10 | Dilip Ghimire | Deputy Superintendent of Police | Nepal Police- Women and Children Service Directorate, Naxal |
| 11 | Radha Pandey | | Child Workers Concern Nepal |
| 12 | Arjun Pokharel | | Ujjyalo Network |
| 13 | Radhika Giri | | Kingdom Investment Nepal (KI) |
| 14 | Bala Bhattarai | | Shakti Samuha, Chabahil |
| 15 | Hari Priya Pandey | | National Network Against Girls Trafficking |
| 16 | Kopila Rijal | Freelancer | |
| 17 | Bhagawati Nepal | | Mahila Atma Nirvar Kendra (MANK) |
| 18 | Sancha Maya Syangbo | | Mahila Atma Nirvar Kendra (MANK) |
| 19 | Benu Maya Gurung | Programme Coordinator | Alliance Against Trafficking in Women and Children |
| 20 | Surya Bahadru Deuaj | Deputy Director | National Human Rights Commission, Nepal |
| 21 | Tikaram Pokharel | Deputy Director | |
| 22 | Kamal Thapa Kshetri | Human Rights Officer | National Human Rights Commission, Nepal |
| 23 | Yesoda Banjade | Human Rights Officer | National Human Rights Commission, Nepal |
| 24 | Basudev Bajgain | Human Rights Officer | National Human Rights Commission, Nepal |
| 25 | Arati Bista | Acting Programme Manager | Strengthening the Capacity of National Human Rights Commission (SCNHRC) |
| 26 | Madhav Regmi | | Strengthening the Capacity of National Human Rights Commission (SCNHRC) |
| 27 | Kailash Kumar Shiwakoti | Human Rights Officer, Report Writing | National Human Rights Commission, Nepal |
| 28 | Pradhyumna | Security Officer | National Human Rights Commission, Nepal |

| | | | |
|----|-------------------------|----------------------|---|
| | Kattel | | |
| 29 | Bir Bahadur Budha Magar | Human Rights Officer | National Human Rights Commission, Nepal |
| 30 | Sarita Gyawali | Human Rights Officer | National Human Rights Commission, Nepal |
| 31 | Lok Nath Bastola | Human Rights Officer | National Human Rights Commission, Nepal |
| 32 | Maya Devi Sharma | Human Rights Officer | National Human Rights Commission, Nepal |
| 33 | Janak Raj Bhatta | Assistant First | National Human Rights Commission, Nepal |
| 34 | Kiran Ghimire | Assistant First | National Human Rights Commission, Nepal |
| 35 | Jitendra Karki | Assistant First | National Human Rights Commission, Nepal |
| 36 | Mithila Biahri Hujjedar | Assistant First | National Human Rights Commission, Nepal |
| 37 | Anij Pariyar | Assistant First | National Human Rights Commission, Nepal |
| 38 | Nilam Pariyar | Assistant First | National Human Rights Commission, Nepal |
| 39 | Radha Dahal | Office Assistant | National Human Rights Commission, Nepal |

Programme Title: Consultation Programme with NGOs representative in different issues of trafficking

Date: 2071/08/15 BS (Dec 1, 2014 AD)

Discussion Agenda:

- Effective coordination between NGOs and NHRC
- Priority issues for the NHRC TIP report
- New trends of trafficking
- Existing problems and challenges towards the rescue and repatriation
- Problems and challenges of Interception points in boarder
- Priority areas for the research study
- Problems and challenges in entertainment industries(Dance bar, cabin and massage parlor)

| S.No. | Name | Designation | Name of Organization |
|-------|----------------------------|-----------------------|---|
| 1 | Hon. Anup Raj Sharma | Chairperson | National Human Rights Commission, Nepal |
| 2 | Hon. Sudip Pathak | Member | National Human Rights Commission, Nepal |
| 3 | Hon. Mohna Ansari | Member | National Human Rights Commission, Nepal |
| 4 | Hon. Govinda Sharma Poudel | Member | National Human Rights Commission, Nepal |
| 5 | Bed Prasad Bhattarai | Acting Secretary | National Human Rights Commission, Nepal |
| 6 | Shyam Pokharel | | Samrakshak Samuha Nepal (SASANE) |
| 7 | Shanti Sapkota | | Samrakshak Samuha Nepal (SASANE) |
| 8 | Radha Sharma | | ABC Nepal |
| 9 | Bhagwati Nepal | | Mahila Atma Nirvar Kendra (MANK) |
| 10 | Bhim Khatri | | Three Angels, Pokhara |
| 11 | Rajendra Gautam | | Three Angels, Pokhara |
| 12 | Ramesh Pandey | | Three Angels, Pokhara |
| 13 | Madan Thapa | | Three Angels, Pokhara |
| 14 | Satish Sharma | Advocate | PPR, Nepal |
| 15 | Tikaram Pokharel | Advocate | PPR, Nepal |
| 16 | Bharat Adhikari | | CWIN Nepal |
| 17 | Buddhi Kumar Shrestha | Programme Coordinator | Kingdom Investment Nepal (KI) |

| | | | |
|----|----------------------|--------------------------------|--|
| 18 | Surendra Bajracharya | | Tiny Hands, Nepal |
| 19 | Indira Phuyal | | SAATHI |
| 20 | Hari Priya Pandey | Programme Coordinator | National Network Against Girls Trafficking |
| 21 | Sandhya Sitoula | | CeLLRD |
| 22 | Barsha Luitel | | Change Nepal |
| 23 | Garima Shrestha | | Change Nepal |
| 24 | Nira Kandel | | LACC |
| 25 | Biswo Khadka | Executive Director | Maiti Nepal |
| 26 | Hira Dahal | | CAP, Nepal |
| 27 | Gopi Luitel | | Shakti Samuha |
| 28 | Dilip Koirala | Legal and Training Coordinator | Shakti Samuha |
| 29 | Amrit Dhakal | | Peace Rehabilitation Centre |
| 30 | Dr. Narayan Ghimire | Advocate | Supreme Court Bar |
| 31 | Subarna Karmacharya | Director | National Human Rights Commission, Nepal |
| 32 | Pradhyumna Kattel | Security Officer | National Human Rights Commission, Nepal |
| 33 | Madhu Gurung | | Biswas Nepal |
| 34 | Pramesh Pradhan | | Change Nepal |
| 35 | Palita Thapa | | FWLD |
| 36 | Benu Maya Gurung | Prg. Coordinator | AATWIN |

Programme Title: National Consultation on Trafficking in Person National Report 2013/2014-2014/2015

Date: Dec 15, 2015

Venue: NHRC Hall

| S.No. | Name | Designation | Office |
|-------|------------------------|------------------|--|
| 1 | Hon'Mohana Ansari | Hon. Member | National Human Rights Commission, Nepal |
| 2 | Bed prasad bhattarai | Acting Secretary | National Human Rights Commission, Nepal |
| 3 | Dr.Gobinda Subedi | Consultant | National Human Rights Commission, Nepal |
| 4 | Birbalkaji Rai | Advocate | Peoples forum |
| 5 | Som p. Lamichhane | | Pravasi Nepali Smanbaya Samiti (PNCC)/NNSM |
| 6 | Ashok Rana | | Youth ActionNepal/NNSM |
| 7 | Krishna Shona suwal | | PNCC |
| 8 | Kul Prasad Karki | | PNCC |
| 9 | Harishchandra Ghimire | | Department of Foreign Employment |
| 10 | Lal Bahadur Kunuwar | | Supreme court |
| 11 | Chandra Kumar Pokharel | | Attorney General |
| 12 | Bhadra B.Bista | Legal Officer | WOFOWON |
| 13 | Kimat Adhikari | | Saath Saath Project ,FHI360 |
| 14 | Hira Dahal | | Chhori |
| 15 | Panchu Ram Chaudhary | | SAATHI |
| 16 | Sudha Khatiwada | | PPR Nepal |
| 17 | Kushum Sharma | | Nepal Good Weave Foundation |
| 18 | Amrit Ratna Shakya | | CWIN-Nepal |

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|----|------------------------|---------------------|---|
| 19 | Sarita Adhikari | | Teka Samuha |
| 20 | Rashmi Bharati | | Teka Samuha |
| 21 | Prakriti Kafle | | Teka Samuha |
| 22 | Nilambar Badal | | Migrants Center Asain forum National Network for muslimom |
| 23 | Manju Gorung | Chairperson | Pourakhi Nepal |
| 24 | Uma Subedi | | AATWIN |
| 25 | Prem Prasad Poudel | | Foreign Employment Tribunal |
| 26 | Yagya Adhikari | Deputy Director | National Human Rights Commission, Nepal |
| 27 | Maya Devi Shrama | Human Right Officer | National Human Rights Commission, Nepal |
| 28 | Gita Kumari Dahal | Human Right Officer | National Human Rights Commission, Nepal |
| 29 | Shyam Babu Kafle | Human Right Officer | National Human Rights Commission, Nepal |
| 30 | Kailas Kumar Shiwakoti | Human Right Officer | National Human Rights Commission, Nepal |
| 31 | Regem Maharjan | Human Right Officer | National Human Rights Commission, Nepal |
| 32 | Shrijana Dahal | | ChangeNepal |
| 33 | Bal Kumari Rana | | Shaktisamuha |
| 34 | Badri Pun | | Inclusive forum Nepal |
| 35 | Ganga Thapa | | WOREC Nepal |
| 37 | Uma Joshi | Human Right Officer | National Human Rights Commission, Nepal |
| 38 | Rashmi Lama | Human Right Officer | Biswas Nepal |
| 39 | Tara Bhandari | Human Right Officer | „ |
| 40 | Nisha Baniya | Human Right Officer | Gefont Trade Union |
| 41 | Bhupal Dhakal | Human Right Officer | Centre for Awareness promotion CAP Nepal |
| 42 | Kamal Thapa Kshetri | Human Right Officer | National Human Rights Commission, Nepal |

Programme Title: Consultation Meeting on Implementation Status of Human Trafficking and Transportation Act 2007 and its Review

Date: Dec 17, 2014

Venue: Kapilvastu

| S.No. | Name | Designation | Name of Organization |
|-------|-----------------------------|--------------------------|---|
| 1 | Hon. Mohna Ansari | Hon. Member | National Human Rights Commission, Nepal |
| 2 | Hon. Tek Narayan Kunwar | Hon. Judge | District Court, Lalitpur |
| 3 | Hon. Achyut Prasad Bhandari | Hon. Judge | District Court, Kapilvastu |
| 4 | Binod Prakash Singh | Chief District Officer | District Administration Office, Kapilvastu |
| 5 | Bikram Gurung | Superintendent of Police | District Police Office, Kapilvastu |
| 6 | Radha Krishna Gartuala | | Armed Police Force, Kapilvastu |
| | Deepak Jung Dhoj Karki | Deputy Director | National Human Rights Commission Sub Regional Office, Butwal, Rupandehi |
| 7 | Sangita Kunwar | | Kingdom Investment (KI), Nepal |
| 8 | Saraswoti Kunwar | | CeLLRD |
| 9 | Urbara Luitel | Under Secretary | Women and Children Office, Nawalparasi |
| 10 | Chet Prasad Sharma | Chairperson | District Bar Association, Nawalparasi |
| 11 | Nawaraj Kunwar | | Butwal Today |
| 12 | Khaga Prasad Chapagain | | H.T. V. |
| 13 | Lila Bahadur Tamang | | Tiny Hands, Nawalparasi |
| 14 | Madahv Prasad Bista | | A.B.C. Nepal |
| 15 | Pushpa Regmi | | D.P.L.C., Kapilvastu |
| 16 | Banarasi Barma | Journalist | Journalist |
| 17 | Ram Dayal Thakur | | Mahuri Home, Kapilvastu |
| 18 | Surendra Raj Lamsal | | Independent Journalist Association, Kapilvastu |
| 19 | Kalawati Ojha | | Women and Children Office, Kapilvastu |
| 20 | Bel Kumari Pariyar | | Women and Children Office, Arghakhanci |
| 21 | Usha Rawal | | Women and Children Office, Rupandehi |
| 22 | Gyanu Poudel | | Model Integrated Development Council |
| 23 | Prabha Khanal | | Maiti Nepal Rupandehi |
| 24 | Rajeswor Aryal | | District Attorney |
| 25 | Krishna Raj Panta | | District Attorney |
| 26 | Roji Gauchan | | Women and Children Office, Palpa |
| 27 | Gita Sharma | | Women Human Rights Defender Alliance, Palpa |
| 28 | Lal Gobinda Shrestha | Police Inspector | Area Police Office, Lumbini, Rupandehi |
| 29 | Dal Bahadur Mall | Police Inspector | Area Police Office, Krishnanagar, Kapilvastu |
| 30 | Bhumi Raj Sapkota | | Peace Reahilitation Centre |
| 31 | Kamal Thapa Kshetri | Human Rights Officer | National Human Rights Commission, Nepal |
| 32 | Chandra Kanta Chapagain | Human Rights Officer | National Human Rights Commission Sub Regional Office, Butwal, Rupandehi |
| 33 | Madhav Regmi | | Strengthening the Capacity of National Human Rights Commission, Nepal |