

# Anti-trafficking challenges in Nepal

by Shiva K Dhungana

*Agencies working to combat trafficking in Nepal need to develop a more coherent and collaborative strategy.*

It is thought that up to seven thousand Nepalese girls are trafficked to India every year, primarily for prostitution, and that 200,000 Nepalese women, mostly aged between ten and twenty, work in Indian brothels.

Reflecting the long relationship between Nepal and India, and designed to facilitate trade and transit between the two countries, the open border agreement enables traffickers to easily transport victims from Nepal to India, where

brothels in Mumbai and other cities are eager to buy them - especially teenage girls believed to be HIV-negative. India's growing sex industry makes young Nepalese women vulnerable to trafficking. Increased Nepalese labour migration through irregular channels to third countries has further exposed women to rights violations by employers. Poverty and conflict-induced displacement in Nepal - Maoist insurgents now control 80% of the country - have driven some two million Nepalese

to work abroad. The rise in the number of people desperate to leave the country has widened opportunities for traffickers.

Nepal's Human Trafficking (Control) Act 1986 made human trafficking punishable by imprisonment of up to twenty years and a penalty equivalent to the amount of money involved in the transaction. It provides protection against buying and selling of human beings but does not cover recruitment by deception or for the purposes of bonded labour within and outside the country. It also ignores the issues of separating a person from their legal guardian for the



March against trafficking.

intention of selling without taking that person out of the country and has no provision for punishment of the person buying the victim. A national task force set up in 2001 to coordinate and implement a national anti-trafficking plan has foundered due to chronic under-funding. Nepal's constitution prohibits "traffic in human beings, slavery and serfdom or forced labour in any form." The government has signed various international accords - including the Beijing Platform for Action,<sup>1</sup> the Convention on the Elimination of All Forms of Discrimination Against Women,<sup>2</sup> the UN Convention on the Rights of the Child<sup>3</sup> and the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.<sup>4</sup>

Both Nepal and India are signatories to regional and international anti-trafficking conventions but have initiated no bilateral discussions to combat trafficking. Suspension of Nepal's parliament in October 2002 and the declaration of a state of emergency by King Gyanendra have stifled discussion of social policy and consideration of a draft law to tighten anti-trafficking mechanisms. Poor law enforcement means that few cases are reported and even fewer resolved. Informants and witnesses are subjected to bureaucratic procedures that often delay police action until too late to save the victim. Many informants fear retaliation from trafficking syndicates and hardly any traffickers are punished. In the extradition treaty between India and Nepal trafficking is not listed as one of

the crimes for which criminals can be extradited.

Nepalese NGOs have been instrumental in raising awareness of the scale of trafficking and supporting victims. They have organised rallies and worked

with Indian NGOs and law enforcement agencies to rescue women trapped in brothels in India. However, some of those who claim to protect the rights of trafficked women may end up further restricting them. There are allegations concerning lack of freedom of movement, violence and lack of right to self-determination in some rehabilitation centres for trafficked women. Efforts to prevent trafficking often limit women's right to voluntary migration. There is also a tendency among NGOs to encourage girls to stay in their villages. However, conflict, lack of economic opportunity and the attraction of urban life often drive young women to migrate to urban areas. Anti-trafficking programmes that focus on encouraging adolescent girls to stay in villages may not be relevant to their needs and aspirations.

NGOs are based in major urban centres and even before the insurgency prevented them from travelling to rural areas were often reluctant to work with community-based organisations. As a result many programmes are top-down and welfare-oriented. There is an urgent need to work with communities on rights-based approaches and to begin the long-term task of combating stigmatisation of trafficking survivors and those with HIV/AIDS.

The three anti-trafficking networks in Nepal have ideological and political differences which give rise to conflicting messages and duplication of activities. The National Network Against Girl Trafficking (NNAGT) and the Alliance Against Trafficking and Sexual

Exploitation of Children (ATSEC) equate trafficking with sex work and migration, and take a welfare approach, including advocating tighter restrictions on women's travel. The Alliance Against Trafficking in Women and Children in Nepal (AATWIN), by contrast, de-links trafficking from sex work, migration and HIV, and is beginning to develop a safe migration emphasis.

It is recommended that:

- anti-trafficking networks in Nepal coordinate their activities and work with regional networks to advocate bilateral and multilateral action against trafficking
- Nepal adopt the Palermo Protocol definition of trafficking, to include those who are trafficked for purposes other than prostitution
- anti-trafficking organisations devise longer-term programmes to change social attitudes and support safe migration
- women and other would-be migrants are informed prior to departure on their foreign employment and immigration rights
- decision makers throughout the judicial and police systems be trained to improve their sensitivity and awareness
- donors work with communities to build local capacity and establish legal procedures for protection and redress
- evaluations be undertaken to assess the effectiveness of trafficking interventions
- more be done to provide care and support to those who return home, those who are unable to return and those who are HIV-positive.

**Shiva K Dhungana is a PhD candidate at the School of Urban and Regional Planning at the University of the Philippines and is currently working as Research Officer at Friends for Peace ([www.friendsforpeace.org.np](http://www.friendsforpeace.org.np)) in Kathmandu. Email: [sdhungana@ffp.org.np](mailto:sdhungana@ffp.org.np)**

1. [www.un.org/womenwatch/daw/beijing/platform/plat1.htm](http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm)  
 2. [www.ohchr.org/english/law/cedaw.htm](http://www.ohchr.org/english/law/cedaw.htm)  
 3. [www.unhcr.ch/html/menu3/b/k2crc.htm](http://www.unhcr.ch/html/menu3/b/k2crc.htm)  
 4. [www.saarc-sec.org/old/freepubs/conv-trafficking.pdf](http://www.saarc-sec.org/old/freepubs/conv-trafficking.pdf)