

# TRAFFICKING OF CHILDREN AND WOMEN IN NEPAL

## Q&A

### **What is human trafficking?**

One of the most used definition of **Trafficking in Persons** is in the Protocol to prevent, suppress, and punish trafficking in persons, especially women and children, supplementing the **United Nations Convention against Transnational Organised Crime**:

*“the recruitment, transportation, transfer, harbouring 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs”*

"Child" means any person under eighteen years of age.

**The Nepali Human Trafficking and Transportation (Control) Act, 2064** considers as Human Trafficking and 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.*

### **What is the legal framework to protect children and women from trafficking in Nepal?**

#### **International legal framework**

Nepal has ratified several international instruments including the UN Convention against Transnational Organised Crime, ILO Convention No. 182 on the Worst Forms of Child Labour, ILO Forced Labour Convention No.29 to combat trafficking and forced labour and CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. However, the country has not ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

#### **South Asian Association for Regional Cooperation (SAARC) legal framework**

SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

#### **Domestic legal framework**

In domestic legislation, the key legislation includes the Human Trafficking and Transportation Control Act (HTTCA), the Human Trafficking and Transportation (Control) Regulation and National Plan of

## ***Why are children in Nepal particularly vulnerable to trafficking after the earthquake?***

In a less secure environment, such as after an earthquake, there is a risk that trafficking of children and women will increase. Specifically, children who have been separated from their families—either as a direct result of the earthquake, or because families feel they can no longer care for their children—are particularly vulnerable to trafficking and exploitation. Furthermore, due to increased difficulties in livelihood in Nepal, many women and men seek employment opportunities abroad. Some of them might end of being trafficked at some point (before or after going abroad).

## ***What are the causes of trafficking?***

Child trafficking is a complex issue and some of the key determinants of trafficking include poverty, loss of parents, lack of awareness among the most vulnerable segments of the population, low levels of education, gender discrimination, rapid urbanization, false promises and beliefs and lack of employment opportunities.

## ***Where Nepalese children and women are mostly trafficked to?***

Nepalese children and women are trafficked both inside the country mostly from rural to urban areas as well as outside the country, mainly to India and increasingly to Gulf countries.

## ***For what purpose are Nepalese children and women trafficked?***

According to different sources of information, children are trafficked mainly for the purposes of commercial sexual exploitation, bonded labour, worst forms of child labour (working in mines, domestic servants, working in circus), forced marriage and organ removal. Over the past few years, the expansion of the local sex industry has resulted in a rapid growth in the trafficking of women and children for commercial sexual exploitation.

## **Has there been an increase in the cases of trafficking since the earthquake?**

It is very difficult to get data on the cases of trafficking (before or after the earthquake). Many cases remain unreported and there is no comprehensive system in place to record the cases. Therefore it is not possible to say whether there have been increase of trafficking cases after the earthquake in Nepal.

## ***What are the recent studies and statistics on trafficking in Nepal?***

There is a lack of recent and reliable statistical information on the magnitude of trafficking in Nepal. It is believed that the existing data does not represent well the magnitude of the problem and that numbers are likely to be much higher. Research suggests for example that, annually, approximately **12,000** children are trafficked to India, mainly for the purpose of sexual exploitation (ILO/CWIN, 2001). Furthermore, an estimated **11,000-13,000** girls and women are working in the “night entertainment industry” in Kathmandu Valley alone. The majority are children, some as young as 8 or 9 years of age (TdH, 2010).

According to the National Human Rights Commission report, the estimated number of people trafficked or attempted to be trafficked in 2012/13, was **29,000** (NHRC, 2014). The UNODC suggests that in Nepal during 2007-2009, out of detected victims of trafficking, 36 % were children (33 % girls, 3 % boys) and respectively 64 % adults (women 53 %, men 11%) (UNODC, Global Report on Trafficking in Persons, 2012).

## ***What is the Government of Nepal doing to prevent and respond to trafficking?***

The key Government agencies to combat trafficking include Secretariat to combat trafficking under the Ministry of Women, Children and Social Welfare, Women and Children Offices established in all 75 districts, District Committees on anti-trafficking in all 75 districts and other local committees, Nepal Police, Court, Attorney General's Office and Embassies in other countries.

The main programmes and services supported by the Government to prevent and combat trafficking include awareness raising in the communities, expansion of the local committees and funding eight rehabilitation centres (Kathmandu, Sindhupalchowk, Jhapa, Parsa, Rupandehi, Chitwan, Banke and Kailali) for the victims of trafficking.

After the earthquake, the Government of Nepal has increased its efforts to combat trafficking.

UNICEF is supporting the establishment and/or strengthening of 84 police stations and checkpoints around the country, including the borders with India and China. This means that the police are for example checking the buses for suspicious passengers and are alert throughout the country.

The Department of immigration is training all immigration officials (200 people) to equip them with skills and knowledge on trafficking (with UNICEF support). This training is expected to make the officials more alert and aware of the trafficking issues.

The Government has launched various awareness programmes on trafficking at national and local level through mass media.

The Government has increased its coordination mechanisms and efforts and organizing regular meetings among relevant stakeholders (including cluster system at national and local level, NGOs etc).

After the earthquake for five months, the Government suspended inter-country adoption.

The Government has issued many directives to the local government authorities alerting them on trafficking, for example children cannot be taken from one district to another, without proper legal documents or guardian.

## ***What are UNICEF and partners doing to protect children from trafficking?***

In order to prevent and respond to all forms of abuse, neglect and exploitation of children including trafficking, UNICEF Child Protection has been supporting the Government to develop, strengthen and implement a comprehensive child protection system. The main activities have included legal and policy reform, formulation of multi-sector plans, institutional capacity building and strengthening of data and case records. Furthermore, with our partners we have provided quality social services for prevention, rescue and reintegration of children in labour, at risk or victims of trafficking through establishment of telephone helplines, temporary shelters, psychosocial counselling and referral to legal, health, livelihood and non-formal, formal or vocational education services.

It is important to understand that child trafficking, family separation and the unnecessary institutionalization of children are all inter-related. After the earthquake, UNICEF Nepal Child Protection has been scaling up programmes to tackle these issues from all angles. In terms of border trafficking, UNICEF is supporting the Ministry of Home Affairs, the Nepal Police and Immigration authorities. In all affected districts, the police and immigration authorities are coordinating with UNICEF's child protection staff, CROs, WCOs, other DCWB representatives as well as with UNICEF's NGO partners.

In addition to working with government institutions, 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 centres for victims of trafficking in as many districts. Shakti Samuha, another local organization, is being 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 through radio messages and IEC materials.