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Human Security Concerns of the Trafficked Persons of Nepal

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ABBREVIATIONS

AIDS- Acquired Immunodeficiency Syndrome

CeLRRd- Centre for Legal Research and Resource Development

HIV- Humane Immunodeficiency Virus

IIDS- Institute of Integrated Development Studies

ILO- International Labour Organisation

INGO- International Non Governmental Organisation

MWCSW- Ministry of Women, Children and Social Welfare

NIDS- Nepal Institute of Development Studies

NGO- Non Governmental Organisation

UNIFEM- United Nations Development Fund for Women

SAARC- South Asia Association for Regional Cooperation

WOREC- Women Rehabilitation Centre

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Ganesh Gurung
Project Manager

Introduction

Trafficking in women and children persists as a serious problem in Nepal. Efforts at addressing the problem have been constrained for several reasons. There has been no coherent strategy to strike at the root of the problem, and trafficking is largely defined in the context of prostitution. Apart from the conceptual ambiguity, current efforts are largely focused on the areas of prevention, lobbying and advocacy, and rescue, rehabilitation and reintegration. Such a welfare-based approach is contrary to a broad consensus among the government and NGOs on the need for a rights-based approach. Nepal needs to formulate and implement a strategy that seeks to address the problem of trafficking in the larger context of human security.

Objectives

The main objective of the Nepal country paper on Trafficking and Human Security is to look at the nature of trafficking and how they threat human security of women and children. It begins with an introduction to the nature of the problem, followed by an analysis of the relationship between human security and trafficking. The paper will conclude with some key conclusions of the study.

Methodology

The country paper has been prepared on the basis of both primary and secondary sources of data. Primary data was generated at two levels: first, it was generated through interviews of NGOs currently working for trafficked persons, and second, through interviewing 14 trafficked persons willing and available for interviews. NGOs in Nepal are reluctant to allow even researchers meeting with women and children who have been the victims of human trafficking. Secondary sources of data consist of published and unpublished books, reports and monographs.

State of Trafficking

A large number of women and children, including boys, are trafficked from Nepal to India and other countries in the Gulf and South East Asia annually. The most widely quoted figure on the number of trafficked persons in Nepal is between 5,000 and 7,000 women and girls every year and that 200,000 Nepali girls and women are currently working in the sex industry in India. However, these figures

are not based on empirical research. These figures, which are based on guess estimates, continue to be widely cited since they were first quoted in 1986.¹ So far no empirical data is available because there has been no national survey on the problem. Data on the cross border movement is also not available because nationals of both Nepal and India, who share a common but open border, are required to have neither passport nor other travel documents to cross on either side of the international border.

The latest census undertaken in 2001 reported the proportion of female population absent from household at 82,712. Of this population, 40.6 percent were absent for unknown reasons and 14.4 percent for reasons of marriage. The percentage of women absent for unknown reason is very high compared to 9.2 percent men absent for unknown reason. There has been no study so far to study the relationship between the absentee female population and trafficking in women and children. Western Development Region has the highest number of absentee women (47.2 percent), followed by 22.8 in far-western region, 13.1 percent in mid-western, 9.5 percent in central region and 7.3 percent in eastern region.²

Maiti Nepal, which has mobilized volunteers to intercept women and children being trafficked across the Nepal-India border, reports of increasing number of people intercepted. Whether it is the result of improved vigilance or indicates a growing trafficking trend is difficult to say. Although the interception has helped prevent, to some extent at least, trafficking, it does constrict women's mobility for migrant work. It also subjects women to harassment and stigmatization.³

Demographic Characteristics

Age When Trafficked

Case studies as well as reports culled from newspaper reports on trafficked women and children show 72 percent were under 18 years of age at the time they were trafficked. Data on 126 trafficked girls reported in the media and on 31 case studies documented by the NGOs show 52.9 percent aged between 15 and 18, 19.1 percent under 14 years of age, 21.6 percent between 19 and 25 years of age and 6.4 percent above 25 years when trafficked (Table 2).

¹ United Nations Development Fund for Women (1998) *Trade in Human Misery: Trafficking in Women and Children*, New Delhi.

² Institute for Integrated Development Studies and United Nations Development Fund for Women (2004) *Status and Dimensions of Trafficking Within Nepalese Context*, Kathmandu.

³ Elaine Pearson (2004) *Gaps Analysis on Intervention Strategies Against Trafficking in Women in Nepal*, Kathmandu: Oxfam GB Nepal Program.

Table 2: Age of the Trafficked from Print Media and Case Studies

Source/Age	Print Media Number	%	Case Studies Number	%	Total Number	%
0-14	24	19.5	6	19.4	30	19.1
15-18	70	55.0	13	41.9	83	52.9
19-25	24	19.5	10	32.3	34	21.6
Above 25	8	6.0	2	6.4	10	6.4
Total	126	100.00	31	100.00	157	100.00

Source: IIDS/UNIFEM 2004.

An analysis of the data quoted in the previous studies as well as those provided by NGOs also shows the percentage is very high for the age group 11-18 years (75.6 percent) and age group 19-25 years (18.3 percent). This, together with data on the street children in Kathmandu, indicates that girls aged 11-18 years and boys aged 6-12 years are most vulnerable.

Our own sample confirmed that the young women and children were the most vulnerable as shown in Table 3.

Table 3: Age of Trafficked Persons

Age	Number	Percentage
10-14	3	21.42
15-18	5	35.72
19-25	4	28.57
Above 25	2	14.28
Total	14	100.00

Marital Status of Victim (pre and post trafficking)

A survey undertaken by NIDS show that there has been no change in the marital status of the victims of trafficking interview between the pre and post trafficking period. All the respondents were unmarried when they were trafficked and have been living in rehabilitation centers in Kathmandu.

Ethnic/Caste Composition

Analysis of data compiled by Child Workers in Nepal on girls rescued from Indian brothels in Mumbai in 1996, combined with Rapid Assessment by ILO/IPEC (2001) as well as Institute for Integrated Development Studies review of data compiled from print media show hill ethnic groups forming the highest (43.13 percent) among those trafficked, followed by Brahmins and Chhetris (23.8 percent) and occupational castes (22.4 percent).

Our own sample interviews produced identical results. The victims of trafficking are largely from the Hindu religious groups in Nepali hills, as shown in the following table.

Table 4: Caste Composition of Trafficked Persons

Caste	Number	Percentage
Hindu	13	92.85
Buddhist	1	7.15
Total	14	100.00

Educational Level

According to the profile of girls rescued from the Mumbai brothels after the police raid in 1996, only 23 of the 88 rescued girls were literate.⁴ Another study found 100 percent of trafficked girls to be illiterate.⁵ Only 75 percent of the parents of those trafficked were illiterate as were 85 percent of the 40 trafficked boys.⁶ A baseline survey found low school attendance of girls in Sindhupalchowk and Nuwakot, two of the districts with until recently highest reported cases of trafficking.⁷

Table 5: Status of School Enrolment in Sindhupalchowk and Nuwakot

District	Girls going to School	Girls Not Going to School	Total
Sindhupalchowk	4,506 (29.0)	10,819 (71.0)	15,325
Nuwakot	2,548 (32.0)	5,343 (68.0)	7,891

Source: CeLRRd 2000.

⁴ Child Workers in Nepal (1996) *Balika*, Kathmandu.

⁵ Women Rehabilitation Center (1997) *Girl Trafficking: The Hidden Grief in Himalayas*, Kathmandu.

⁶ Women Rehabilitation Center and International Labor Organization (2002) *Cross Border Trafficking of Boys*, Kathmandu.

⁷ Center for Legal Research and Resource Development (2000) *Condemned to Exploitation: Impact of corruption in criminal justice system on women*, Kathmandu.

The trafficked persons interviewed were predominantly illiterate and never completed their school grades as shown in the following table.

Table 6: Educational Status of Trafficked Persons

Status	Number	Percentage
Literate	3	21.42
Primary Level	3	21.42
Secondary	2	14.28
Illiterate	6	42.88
Total	14	100.00

Trafficking Districts

The Ministry of Women, Child and Social Welfare has identified only 26 districts as prone to traffic. However, media have reported trafficking cases from 39 districts.

Table 7: Trafficking Prone Districts

1. Nuwakot	10. Udayapur	19. Lalitpur
2. Dhading	11. Rasuwa	20. Kaski
3. Sindhupalchok	12. Nawalparansi	21. Morang
4. Kailali	13. Jhapa	22. Sunsari
5. Kavre	14. Ramechhap	23. Rupandehi
6. Makawanpur	15. Sarlahi	24. Parsa
7. Gorkha	16. Mahottari	25. Kathmandu
8. Banke	17. Dhanusha	26. Dang
9. Sindhuli	18. Chitwan	

Source: MWCSW

Routes of Trafficking

There are 26 officially approved transit points between Nepal and India, and most of these are used by traffickers. Several of these transit points are unguarded. This is a blessing in disguise to criminals, traffickers included, in both the countries. Traffickers change routes swiftly to surprise police or security patrol. The number of districts where the recruitment takes place and used for trafficking has also increased over the years.

Modes of Trafficking

The modes of trafficking are mainly false promises for lucrative jobs, fraudulent marriages or love affairs, and kidnapping. Destination for traffickers is both national and international. Traffic victims are first introduced to garment or carpet factories, private homes, hotels or other places before they continue to journey to hell in brothels in India and other countries.

Profile of Traffickers

A number of actors are involved, beginning with the identification of the potential target to their final destination. These include politicians, businessmen, government officials, customs and immigration officials, criminals and their agents, and overseas recruiters. But the most important is the agents that identify the targets at the villages and play critical part in the process of recruitment of women and children for trafficking. Helping them are their parents, husbands, close or distant family relatives, acquaintances, brothers or step brother, step sister, uncle or aunt, pimps or procurers. It just could be anybody.

Traffickers are both men and women but a review of the data from print media revealed that traffickers were predominantly men. A majority of them were aged over 25. They came from different ethnic or caste groups like Tamang (17 percent), followed by Biswokarma and Chhetris (14 percent each), and Magars (12 percent). Makawanpur led other districts in the number of traffickers, followed by Nuwakot, Jhapa, Sindhupalchowk, Chitwan and Morang.

Table 8: Age of Traffickers by Sex

Age	Male	Female	Total	Male %	Female %
16-18	3 (6.1)	1 (9.0)	4 (6.6)	75.0	25.0
19-25	21 (42.8)	3 (27.27)	24 (40.0)	87.5	12.5
Above 25	25 (51.02)	7 (63.63)	32 (53.33)	78.1	31.9
Total	49 (100.00)	11 (100.00)	60 (100.00)	81.7	18.3

Source: Review of compiled print media 1994-2001, IIDS 2002.

Purpose of Trafficking

Women and children are trafficked for being forced into prostitution. This may be the overwhelming reason but not the only one. Other purposes of trafficking are: (a) forced labor in carpet or garment factories, embroidery, farming, construction works, brick factory, stone quarries, mines and other exploitative forms of labor in organized and unorganized sectors; (b) domestic labor; (c) entertainment industry; (d) message parlors; (e) forced marriage; (f) forced begging; (g) recruitment in circus; (h) drug trafficking; (i) adoption; and (j) trade in human organ.

Other purposes are the supplying of brides, and employment of young boys as camel jockeys in Gulf countries. The boys work in hazardous, congested and exploitative environment. Women and girls are victims of kidnapping, rape, illegal confinement and sexual exploitation.

I'm 19 years old unmarried girl. I witnessed the trafficking when I was only 17 years old. The personal that I had accompanied was known to me. We had decided to run away and marry.

One day, we slipped away and entered India through eastern Nepal kakadbhitta border. I was relax and happy of his marriage propose. The police in border had inquired us though that was not a big trouble.

The person I was accompanying was good to me. Though I sometimes felt insecure. I was upset, but the man used to show his love and assured me so many sweet dreams. When I reached Delhi, I found myself in a brothel. I didn't know when the man had left me already. I was helpless and waited to be rescued. It was around six month when police personals entered our room and took us to the police station. I got some salary and medical facilities but no other facilities for anything. They treated us inhumane and kept us in unhealthy room locked from outside. Later on I came to know that we were rescued in support of I/NGOs.

I was scared and happy to return home. The time I spent in Delhi was my darkest period of life. I never forget the incident and the shame I feel today.

Factors for Trafficking

Case studies and news reports show the following factors responsible for trafficking in women and children: absolute poverty, absence of income and employment opportunities, victims of rape and other sexual abuses, social and economic discrimination against girl child, illiteracy, broken homes and families, victims of or displaced by natural disasters like landslides or floods, migration, armed conflict, and child marriage and polygamy.

NIDS survey confirmed the above findings on family income/occupation both in case of pre and post trafficking. Of the total respondents, 11 (78.57 percent) were engaged in farming while 2 (14.28 percent) were students before being trafficked. There was no response from one. In the post trafficking situation, 2

(14.28 percent) were students, 10 (71.42 percent) were employed, 2 (14.28 percent) were doing business. This shows none was engaged anymore in farming.

During pre-trafficking, two persons reported that their earning level was higher than Rs. 14,000 per annum, while the remaining 12 respondents said they had either nothing or no earning. In the post-trafficking period, eight respondents (57.14 percent) said their annual income level went up to Rs. 28,855 (on an average they said they make between Rs. 2,500 and Rs. 7,500 per month). Two of the respondents said they had no earning while the remaining four did not respond.

Table 9: Main Reasons for Trafficking

Reasons	Number	Percentage
Economic	9	64.28
Illiteracy	8	57.14
Hypnotism	1	7.14
Social Discrimination	1	7.14
Total	14	100.00

Home conditions

Half the respondents during the NIDS survey said their economic status in terms of income had improved in the post trafficking period compared to pre trafficking period, while the remaining half said the condition was the same for them in both pre and post trafficking situations.

Among the reasons why it was better in the post trafficked situation, one respondent said it was better because the family help, 2 said it was because they had business now and four said they were enjoying a good standard of life than during pre-trafficking situation.

Human Security and Trafficking

Nepali laws define the concept of trafficking in the context of prostitution. The Bill on Trafficking in Human Beings (Control) drafted in 2001 is an attempt to integrate a number of legislations governing human trafficking. However, it seeks to define trafficking only in terms of prostitution. The Bill has not been enacted yet as the national parliament remains dissolved since 2002 and new elections have not yet been announced.

Even regional cooperation frameworks such as the SAARC Convention for Preventing and Combating Trafficking in Women and Children for Prostitution define trafficking only for the purposes of prostitution as its very title suggests. In effect, the SAARC Convention excludes a large number of people, including girls and boys, trafficked for purposes other than prostitution.

This conceptual framework is reflected in most anti-trafficking plans and programs that are inspired by moral values and judgments instead of basic human rights. All citizens, including women and children, are legally protected from exploitation, abuse, neglect and detention under the provisions of the Constitution of the Kingdom of Nepal 1990. Nepal is also signatory to international conventions like the United Nations Universal Declaration of Human Rights.

Yet the victims of trafficking – not their perpetrators who violated the victim's freedom and human dignity beyond condemnation – are under the glare of the public and media. The survivors are not criminals but victims of the crime. They thus need to be treated with dignity. The survivors should be subjected to neither sexual abuse nor physical or mental torture. They should be entitled to psychological counseling as a matter of right. The legal procedures should be not just quick and simple but also victim-friendly. There is also a growing consensus among the stakeholders working for the victims of trafficking for a rights-based approach instead of the welfare-based approach currently in practice by empowering the victims or potential victims in protecting their basic human rights.

Threats to Human Security

Such legalistic approach to the problem of trafficking has its own limitations. It gives importance to legal counseling and litigation without taking into consideration the more important political, economic and social aspects which have a direct bearing on the status of human security of the community at risk. For example, the most significant threat to human security is poverty. Nepal is a Least Developed Country with nearly half the population living below the poverty line. Food security is a direct threat to human security. Women and children are often the first victims of food insecurity. Half of Nepal's children under five years of age are either moderately or severely underweight. Such an economic situation puts women and girls at high risk for trafficking.

The second threat to human security is the product of discriminatory caste system and cultural biases against women and girls. Women produce and prepare food for the entire family, care for the family farmland and often head the household while their male members are away as migrant workers. In the rural areas, women and girls help grow, process, store and cook food; collect water,

fodder and fuelwood; and attend to other domestic chores. Yet women and girls are subject to social and cultural discrimination, especially in the far-western Nepal. Their heavy domestic work burden and divisions between families and castes intensifies their isolation from the mainstream. This makes them highly vulnerable in terms of human insecurity.

The third threat to human security for women is lack of adequate property right. Nepal is a patriarchic society although there are some communities like Gurungs, Kirantis and Sherpas with a more egalitarian and gender-friendly practices. Ownership of land and other asset is with the male member of the family and is inherited only by sons or unmarried daughters. Women's property laws were revised in 2003 to provide equal right to women to parental property. Yet, married women cannot inherit parental property. The separation of children leaves the land holdings highly fragmented and the farm plots too small to support a family. This has rendered capital and technological investments in land unattractive and unproductive. Many farmers are switching over to cash crops like vegetables instead of growing rice, the main staple food.

Lack of educational opportunities is yet another barrier to human security. Official literacy figure for 15-24 years age group has jumped from 48 percent in 1990 to 62 percent in 2002. Despite efforts at improving access to basic and primary education in Nepal, there has been only a very small increase in both enrolment and completion at the primary grades. Nearly 30 percent of children, mostly from poor households or disadvantaged groups and regions, have no access to basic and primary education. Girls fare worse, including the repetition and drop out rates, which are very high at primary level. This is despite increased expenditure on education and sufficient schools are available to bring the school-age children within a 30-minute walking distance for most children.⁸

Limited access to basic health care is yet another challenge to human security. Nepal has managed to halve its rate of under five child mortality from 145 per 1,000 live births in 1990 to 91 in 2001. If the trend continues, Nepal will be in a position to bring it down to 22 in another 10 years. This is a remarkable achievement. However, Nepal has also a very high maternal mortality. Child births kill 830 in every 100,000 Nepali mothers. Tuberculosis, malaria, diarrhea and HIV/AIDS continue to take a heavy toll. Poor and the disadvantaged groups in the society have very limited access to basic health services.

Women are underrepresented in the national political process. This is in sharp contrast to at the community level where women actively participate in decision-making. Women play a dominant role in resource management, and their active involvement is credited for the success of community forestry and micro-credit programs.

⁸ World Bank (2002) *World Development Indicators*, Washington D.C.: Oxford University Press.

The following table shows the main reasons why women and children risk of trafficking without any knowledge or information about the consequences. An overwhelming number of respondents related the reasons on economic factors while the desire to tour cities and unsuspecting fraud were other reasons.

Table 10: Reasons for leaving the family and villages

Reasons	Respondents	Percentage
Economic	6	42.85
Employment	3	21.42
Social	1	7.14
Tour Cities	2	14.28
Fraud	2	14.28
Total	14	100.00

Threats at Individual Level

Individuals with problems of broken marriages, divorce or rape are at high risk of being trafficked. In such a situation, rescued trafficked women and children are often forced to return to their previous position when they were trafficked.

The security threat at the individual level is exploited by agents and pimps for trafficking. But why do the potential victims trust the agents and pimps? The following table shows their friends, relatives and others turn out to be pimps.

Table 11: Reasons for trusting agents/pimps

Reasons	Respondents	Percentage
Friends	6	42.85
Business/Employment	4	28.57
Aunt	2	14.28
Fraud	2	14.28
Total	14	100.00

The following table indicates that most women and children have no knowledge that they are being trafficked.

Table 12: Knowledge about trafficking before being trafficked

Knowledge	Number	Percentage
Yes	5	35.71
No	9	64.29

Total	14	100.00
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Threats at Family Level

Family divisions and separation, loss of income and employment opportunities, forced migration as a result of landslides or floods, social rejection of the family, economic hardship and the problems posed by armed conflict – including the diktat of the armed insurgents to contribute one member to join the ‘people’s army’ and another for political purposes from each families/households.

Threats at Societal Level

There is little awareness and information on the trafficking at the societal level. The agents and pimps work in an unsuspecting ways. The insurgency has precipitated the growing displacement of women and children. This situation is likely to worsen the threat to human security and enhance the prospects of trafficking. The police have not been able to go to the areas under the control of the armed insurgents to comprehend traffickers and pimps.

My name is **Kanti** from Okhaldhunga Singadevi. I'm 25 years old. I was simple and active girl in the village. I never thought of going abroad. The life is radical thing that turns as a story of drama. The truth unveiled when a young gentleman lulled me with the marriage proposal. I even told to my friends but kept secret with my family. I completely believed the man I went with. I was not educated. I think I believed him easily.

I was very happy during the travel to Mumbai. He behaved me well. We finally reached Mumbai. It was late night I came to know that the man had already sold me to the lady of that brothel. I was sure of danger of prostitute. I was helpless. I wanted to search him, but lady didn't let me go out. I could do nothing and cried waiting the fate ahead.

The owner of the brothel finally kept forceful sexual relation with me. This was continued with so many customers. I was not safe in the place. The silent sexual exploitation continued within the locked room.

One day, suddenly a troop of police personals entered the room and arrested us accusing of socially prohibited activity. We were taken to the police custody where we were punished and we had to face verbal abuses. Couple of days later, we were sent back to Nepal.

State and Non-State Actors

Actors who create insecurity are both state and non-state actors. Non-state actors are pimps and procurers, relatives and friends, local woman recruiters, criminal syndicates, school teachers, village headman, trafficking gangs, brothel owners, pedophiles, parents, customers and sex clients. State actors include corrupt local government officials, police officials, border policemen, customs officials, some of whom are also customers and sex clients.

The following table shows the actors involved in trafficking those interviewed for the preparation of the country report.

Table 13: Persons Who Sold Them in India

Actors	Respondents	Percentage
Friends	4	28.57
Villager	2	14.28
Aunt	1	7.14
Second Husband	1	7.14
Journalist	1	7.14
Sister	1	7.14
Don't Know	2	14.28
No Response	2	14.28
Total	14	100.00

Security Concerns at Transit

The victims of trafficking are divided on whether they can trust the border security police on either side. This could be mainly because of the suspicion that they may be hands-on-gloves with the trafficking agents or pimps. The following table shows whether they trust the border police.

Table 14: Trust on Border Security Police

Trust of Police	Respondents	Percentage
Yes	6	42.85
No	6	42.85
Don't Know	2	14.30
Total	14	100.00

Table 15: Reasons for Not Trusting

Reasons	Respondents	Percentage
Corruption	3	21.42
Not Serious	3	21.42
No Trust	6	42.85
Total	14	100.00

There was a consensus among all the respondents that if the border security was tight and strict, trafficking will be controlled effectively. Asked whether the border checking was effective, an overwhelming number of respondents replied in the negative, as shown in the following table.

Table 16: Effectiveness of the Border Checking

Effectiveness	Respondents	Percentage
Yes	2	14.28
No	8	57.14
Don't Know	4	28.58
Total	14	100.00

The victims knew they should have informed the police in India after learning that they have already been trafficked and most probably sold in brothels. They did not do so because in their judgment it would be of little consequence, as the following tables show.

Table 17: Knowledge on Informing the Police in India

Information	Respondents	Percentage
Yes	10	71.42
No	3	21.42
Don't Know	1	7.42
Total	14	100.00

Table 18: Reasons for Not Informing

Reasons	Respondents	Percentage
Police are corrupt	2	14.28
Never Got a Chance	2	14.28
Threatened	3	21.42
Informed Police	2	14.28
No Idea	3	21.42
No Answer	2	14.28
Total	14	100.00

The victims of trafficking suffer social, psychological, physical problems. Their basic human rights are grossly violated. The trafficked persons underwent torture, humiliation and violence. The women and young girls are forcibly exposed to mental torture by a torrent of nude male bodies, sexual and verbal abuses, forced to work against will, forced to perform sexual acts, forced to drink alcohol or drugs, undergo abortion against will and so on. The humiliation and torture has brought depression, shock, anger and fear.

The physical impact of trafficking is enormous. Analysis of the case studies of trafficked persons indicates a variety of physical torture a victims has to undergo. These include rape from the beginning of the recruitment to the final destination, suffering from the burning of private parts from cigarette butts, beating and gang rape, and wage exploitation. Women and girls forced into prostitution have to sleep with as many as 20 clients in one night. Many of them suffer from sexually transmitted diseases, including HIV-positive and AIDS.

Threat After Being Trafficked

The victims of trafficking were sold to Indian brothels, as the following table shows. The victims said all those who sold them to Indian brothels returned back to the country with impunity.

Table 19: Sold After Trafficked

Consequence	Respondents	Percentage
Sold	10	71.43
No Answer	3	21.43
Caught while being sold	1	7.14
Total	14	100.00

The trafficked persons face threat to their security after being trafficked. They are physically and mentally tortured to adopt the new life and purpose for which they have been trafficked. Most women and girls are held in bondage in brothels and are abused, beaten and gang-raped if they resist from doing what they are forced to do or perform. The main threat comes from gharwalis (brothel-keepers), their agents, employers, unscrupulous police officials and pimps.

The brothels where the Nepali women and girls are sold are run either by Nepali didi or Indian didi, as the following table indicates. All respondents said they were beaten and threatened to do the assigned tasks.

100 percent said they were not ever arrested in place of detention.

Table 20: Whom They Were Handed Over To

Responsibility	Respondent	Percentage
So-called Diddi	5	35.71
Nepali Didi	9	64.29
Total	14	100.00

The earnings of the trafficked persons depend on the will of the employer. The earnings are often withheld by either traffickers or employers. They face threat to their emotional wellbeing in the face of constant fear of arrest, isolation, deprivation of family life, and social support system.

The women and girls are kept in complete isolation. They are denied any basic human freedom and dignity. They are not allowed to have close or confidential relations with anyone nor are they allowed to leave the brothel let's they escape the life of hardship and humiliation. They are not only unaware of their fundamental human rights to be free from torture and bondage under national and international laws but have also no information on the process or the system whereby they could seek a redress.

Economic Security of Victims

100 percent of the respondents reported that they were never paid on time during post trafficked period. 100 percent also reported that the salary they were getting was far below than what they had expected. 100 of the respondents said they were never paid salary for the overtime they had worked. 100 percent said they were not entitled to any bonus during festivities during post trafficking situation. They had no income during the pre-trafficking period because they were either students or working in their own family farms.

100 percent of the respondents reported that they had nothing to remit because of irregular payments and small amounts.

Nelarika lives in Kathmandu district. She is 32 years old now. She was only fifteen years old when she was trafficked by the local agent. She is illiterate even today. 'I was sold' she remembers. She was proposed of good job in India. She had consulted with friends of working abroad. She remembers, "We crossed the border through Raxaul". She was surprised when she discovered that she has to work in a brothel in the name of no job in other places. " Just guess, I didn't know language, place, no friends and I had to stay within a dark room and I felt no safety" she pinches hard of her past experience. "They forced me for sex. I was exploited just like some goods."

She remembers that agent is the key person to bring such situation for women.

"I never thought of such situation. I heard good stories but I was not very much aware of anything deeply. We had no contract paper, no salary and no holidays. We were to lay golden eggs for our masters. I was very much depressed. There is no leisure or fixed time for food. We had to serve for no return. It was hell where I had spent of couple of years. Once I was beaten shiver accusing of mistake" Nelarika retrospects.

One day they were arrested by the police personals for socially restrict job, which was first step of her rescue.

"I was happy to return home country. But I came to know that I was socially discriminated. There was no limit of tragedy. I helped crying myself. I came to the rehabilitation center. I lived and worked over there. Slowly I gained confidence and started my own business. I have gained economic freedom too".

Societal Concerns

100 percent of the respondents said they were never given even weekly holidays. Six (42.85 percent) of the respondents said they got medical facilities while seven respondents (50 percent) said they did not get any medical facilities. There was no response from one respondent.

Six of the respondents (42.85%) said they got medical facilities in terms of services of the medical doctors, while three (21.41%) got medicine. There was no response from five respondents. In case the medical facilities were not available, an overwhelming majority (eight or 57.14%) said they would seek the help of friends.

Eleven respondents (78.57%) said they received no compensation for physical injuries they had to suffer while at work in the post trafficking situation. There was no response from the rest of the respondents.

12 respondents (85.71%) said they were punished for making mistakes. 11 (78.57%) of respondents said the punishment was physical while four (28.57%) said it was verbal abuse.

Security Concerns After Returning

Nine of the respondents (64.24%) reported that trafficking had increased their social status while four (28.57%) responded that trafficking had not increased their social status. There was no response from one respondent.

Among those who said trafficking had increased their social status, eight (57.14%) said it has given them self confidence while three others (21.42%) said it was so because it gave them economic independence. There was no response from the remaining three.

Those who said trafficking has not increased their social status, two respondents (14.28%) said it had brought shame to the family while one respondent admitted that it had led to her social isolation. The remaining 11 respondents did not respond.

I (Nuwakot, 16) wanted to be rich and economical independence. To be frank I was ambitious and clever since childhood. I knew the person I accompanied for city life. He was good to me. I didn't tell anybody of my going. Today, I understand, he had promised me so many fake dreams.

It was in Mumbai I could discover the truth in a brothel. I was very upset. He left me behind. The day started with forced sex and all dream ruined. I felt insecure everywhere. I wanted to run away, but I was locked within a room locked from outside. I was no way except curse and lay down on the bed. you're unknown and far from your friends and family. Mental torture and physical punishment is common. I couldn't escape of it.

One-day police personals entered into the room and rescued us. They treated us well. But it was big shame when I had returned home. My family didn't accept me accusing of my own decision. Finally I decided to stay in rehabilitation center. I feel shame of it. I hardly go out of this place. My mistake led my dream ruined. I often regret it.

When asked to make recommendations to curb trafficking of women and children, nine respondents (64.28%) recommended social awareness campaign about trafficking, four respondents (28.57%) suggested measures to promote economic interdependence, three (21.42%) wanted strict rule of law, one recommended goodwill and faithful relationship and another recommended strong government step to fight trafficking.

Anti-Trafficking Initiatives

The current government response to the problem of trafficking, taken in cooperation from a number of NGOs and donor partners, primarily aims at supply reduction through awareness among vulnerable groups, advocacy and awareness-raising aimed at stakeholders, skill development for alternative employment and income opportunities for women and girls, rescue and rehabilitation of the victims, capacity building of various stakeholders, networking of government agencies and NGOs, and prosecution of traffickers.

The strategy has a moral-welfare oriented approach. Efforts at rights-based approach are under discussion as an alternative. The current approach focusing on awareness campaigns and programs, training and capacity building, skill

development and economic support, rescue, rehabilitation and reintegration, community surveillance system, cross-border collaboration, research and study, media monitoring, coordination and networking and human resource development cover 49 districts.

Most programs have been launched without even a baseline study of the area. The programs are based on personal judgment. Even NGOs working exclusively for anti-trafficking activities have neither developed working definitions nor collected baseline data. This adversely affects the anti-trafficking programming and planning. Many of the agencies work without the necessary technical inputs and skills.

Information on resources being spent on anti-trafficking activities is difficult to find. This is mainly because some international donors fund the activities directly to the local NGOs or agencies. The United States Agency for International Development, which is the largest source of fund for anti-trafficking activities, has multi-layered disbursement system. The United Nations is another major donor. One estimate, based on information provided by 10 major funding agencies, puts the amount at US\$2.5 million during 1999-2001.⁹ There is no information on how much of this fund actually reaches the targeted groups or activities.

National Initiatives

The national initiatives against trafficking in women and children can be divided into three parts: the initiatives taken by His Majesty's Government of Nepal, those taken by the NGOs and those by the multilateral and bilateral donor agencies. However, little attention is given to integrate anti-trafficking activities with other development activities related to human security in terms of food, social services, health and education.

His Majesty's Government has newly placed emphasis on the welfare of women and children in its policies and programs. The major policy shift was reflected with the creation in 1995 of the Ministry of Women, Children and Social Welfare (MWCSW) for improving the status of women and children. The Ministry has also the responsibility of formulating policies and programs for fighting trafficking and coordinating anti-trafficking activities with other government and non-governmental agencies. The MWCSW coordinates with the Ministry of Home, Ministry of Education, Ministry of Health, Ministry of Labor, and the Ministry of Agriculture.

The Tenth Plan (2002-07) outlines policies aimed at promoting gender equality by (a) proposing to amend relevant laws to outlaw the traditional violence against

⁹ Institute for Integrated Development Studies and United Nations Development Fund for Women (2004) *Status and Dimensions of Trafficking Within Nepalese Context*, Kathmandu.

women, including the system of witch, jhuma, deuki and badi; (b) raising awareness about women's rights; and (c) providing for a package program including compensation, consultancy, health care, legal support, and community-based rehabilitation and reintegration of women affected by violence, including trafficking.

The Ninth Plan (1997-2002), on the other hand, recognized trafficking as a growing problem but outlined no specific anti-trafficking plans and programs. It did mention the need for drafting and implementing legislation aimed at sexual exploitation and sale and theft of children.

The Nepal government approved the National Plan of Action Against Trafficking in Women and Children for Commercial Sexual Exploitation in July 1999. It has eight areas of intervention: (a) policy, research and institutional development, (b) legislation and enforcement; (c) awareness, advocacy, networking and social mobilization; (d) health and education; (e) income and employment generation; (f) rescue and reintegration; (g) trans-border, regional and international issues; and (h) monitoring and evaluation.

A 19-member coordination committee headed by the Minister for Women, Children and Social Welfare has been formed at the national level to coordinate the anti-trafficking activities. A 16-member task force has also been constituted under the chairmanship of the secretary at the MWCSW. At the district level, an 18-member task force headed by the chairman of the District Development Committees has been constituted in each of the 26 districts identified as traffic prone for coordinating anti-traffic activities. The district level committees are also responsible for forming village-level task force committees.

A number of activities have been launched. A pilot program was launched with support from ILO/IPEC in four districts – Jhapa, Parsa, Rupandehi and Banke – to develop action plan for combating trafficking. The MWCSW has provided Rs. 100,000 to each of the district task force committees for instituted revolving emergency funds in Jhapa, Parsa, Rupandehi and Banke. In 1998, the MWCSW established a Women Self-Reliance and Rehabilitation Home with the objective of rescuing, rehabilitation and reintegration of the victims of trafficking into the society. It conducts residential training for vulnerable girls and women and trafficked persons, who go back to their communities to conduct awareness training to vulnerable women and children.

The MWCSW houses a documentation and information center being developed as a central source of information on trafficking issues in Nepal. The Ministry is also being developed into a national focal point for coordinating and monitoring anti-trafficking activities and for facilitating information sharing among government agencies, NGOs, donors and other stakeholders.

The MWCSW is the sole agency responsible for addressing the issues relating to trafficking. However, there is poor coordination between the Ministry and other government agencies involved in the implementation of the anti-trafficking programs. There is also an absence of serious political commitment in dealing with the issues of trafficking. Pimps and recruiting agents are protected by local politicians, who are protected by central level politicians and government and police officials.

Legal Framework

The Constitution of 1990 outlaws trafficking in human beings, slavery, serfdom and forced labor by making the offenses punishable. In fact, anti-trafficking legislation in Nepal is traced to King Rana Bahadur Shah in 1693 followed by the Civil Code (Muluki Ain) of 1797, the first codified law that banned slavery, human trafficking and sale of human beings. The Civil Code was amended in 1963 to include a chapter on Trafficking in Human Beings, reinforced by the Human Trafficking (Control) Act 1986.

The 1986 Act defines trafficking an act of selling human beings with any motive, to take away any person abroad with the intent to sell, to force woman into prostitution through allurements or enticement, deceit, threat, intimidation, pressure or otherwise, and to attempt or assist in or abet any of such acts. The trafficker gets 10 to 20 years of imprisonment, while the one who takes person outside the country for the intent of selling them is liable for 5-10 years imprisonment. A person forcing women to prostitution is liable for 10 to 15 years in prison while the one attempting to do so gets up to five years in prison. The punishment applies to crimes committed in foreign countries. But most important, the burden of proof lies with the accused in case of cross-border trafficking.

Following criticism that the legislation does not adequately address the problems of trafficking, an attempt was made at a “comprehensive, effective and human rights-sensitive” legislation. The MWCSW proposed the Trafficking in Human Beings (Control) Bill in 2001 but remains in limbo as Parliament has been dissolved since 2002. It is a single piece of legislation dealing with all aspects of trafficking. It guarantees the right to privacy of the victims, and protects them from harassment at the court of law by rejecting the need for reconfirmation of the victim’s original statement. The proposed bill enjoins the victim with the right to self-defense and provides for the creation of rehabilitation funds and centers for the victims.

The 1985 Foreign Employment Act outlaws employment of women and children without the consent of their guardians and formal approval of the government agencies. Although the provision was designed to protect women from exploitation and violence, the restriction has been lifted for women going to the

Gulf countries in the organized sector. Another is the 1991 Labor Act, which applies only to industries or business with more than 10 employees. This has implications for the welfare of employees, including women. The 1991 Child Act outlaws use of children “in an immoral profession or take photographs of a child for an immoral purpose.” Similarly, the 1995 District Court Regulation providing for in-camera hearings is victim-friendly.

As for the effective implementation of the legal provisions, much remains to be desired. Only a fraction of the cases of trafficking is reported to the police. One reason is the reluctance of the police offices to register such cases for lack of evidence or credibility of the information. The number of trafficking cases reported to the police nationwide never exceeds 150 in a year, as the following table suggests.

Table 21: Number of Cases Registered with the Police

Year	Cases Registered
1993-94	102
1994-95	150
1995-96	133
1996-97	117
1997-98	130
1998-99	110
1999-2000	125
2000-01	92
2001-02	40
2002-03	54

Source: Nepal Police

There are a number of reasons why the cases are not even reported to the police. First, in many villages, the heads of the family have accepted the practice of their daughters going to India to work and bring home income. In some villages, employment of women in India is seen as a social status with better maintained houses and plenty of food and cloths. Needless to say, most of these households are headed by men.

Second, there seems to be a lack of trust of the police among the villagers because nothing or very little happens to the criminals who entice young girls for trafficking. The entire system of investigating the allegation of trafficking is outdated and obscure. Even if the case is registered, the police have the statement of the victim. The accused is rarely to be found. The statement of the accused forms the main basis of the dispensation of justice. The collection of evidence other than the statement of the accused – such as collection of independent evidence – is rudimentary and it leads to nowhere. Weak evidences weaken the cases against criminals that perpetrate trafficking.

Third, the policemen deployed in the villages are not trained to handle the cases of trafficking. Neither have the government attorneys any training regarding the handling of the trafficking cases. Neither of them is trained in human rights issues. The government attorneys, who rarely interact with the victims whom they are supposed to represent, not only face political and social pressures to weaken the case on trafficking but do not prepare their cases properly. Fourth, the victims and witnesses are vulnerable without protection because they face a hostile environment and intimidation, enhancing the prospects of criminals with 'no guilty' verdict.

Last but not the least, there is no coordination between the police and the government attorneys regarding the cases on trafficking. Government attorneys have no access to the investigation done by the police. This weakens the legal standing of the victims. There are a number of other factors that also seem not to favor the victims. The Nepali judicial system is cumbersome and time consuming. It takes several years before a case is finalized.

Bilateral Initiatives

A number of workshops have been organized with the participation of the government officials, civil societies, NGO workers, police officials of both Nepal and India to discuss further improvement and collaboration. This has resulted in evolving a mechanism at the district level to address problems of trafficking such as sharing information to prevent trafficking in vulnerable women and children, facilitate safe migration of women, share information on traffickers on both sides so that they could be apprehended, and ensure that human rights standards are met in treating trafficked persons during the process of their rescue, repatriation and safe return.

Maiti Nepal has also established eight transit homes at Nepal-India border points to intercept women and children being lured and trafficked by pimps.¹⁰ A border surveillance team of girls identifies, in cooperation with police, pimps and prevents trafficking from taking place. The intercepted person is returned home with the help of police, local administration, business community, political party workers, and representatives of the civil society. They also help identify pimps and agents and hand them over to the police. WOREC and ABC Nepal have also set up transit homes.

However, there is very little coordination among the NGOs involved in anti-trafficking activities. Even bilateral and multilateral donors program their funding on the basis of personal contacts rather than as part of the national strategy for donor-level coordination. Since most NGOs focus on all aspects of trafficking,

¹⁰ The border points are Pasupatinagar, Kakarvitta, Jogbani, Janakpur, Birgunj, Sunauli, Nepalgunj, and Dhangadhi.

there is no specialization that allows the NGOs to concentrate on one particular area. Interventions are not based on proper planning or baseline surveys. Most interventions are event based. Most NGOs involved in anti-trafficking activities are run and operated by strong personalities that enjoy strong political backing without the necessary required institutional strength.

Regional Initiatives

The seven members of the South Asian Association for Regional Cooperation (SAARC) at their Eleventh Summit in Kathmandu in January 2002 adopted the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. The implementation of the Convention, which was ready for the approval at the Ninth Summit in 1997, is fraught with problems because of the bureaucratic red tape across the region. All the seven members of the group – Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka – suffer from the problem.

The Convention defines trafficking as the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking. It therefore criminalizes all attempts at – as well as assisting – trafficking.

It provides for the punishment on the basis of the gravity of the offense. The act of trafficking becomes a grave offense when organized criminal group is involved, the offender is involved in other international organized criminal activities, uses violence or arms, and offense committed by a government official in abuse of his authority, and the victim is child.

The offense also becomes grave when it is committed in a custodial institution or educational institution, social institution or in their immediate vicinity or in other places to which children and students visit for educational, sports, social or cultural activities or in the case of previous convictions, particularly for similar offenses, in the territory of a member state or any other country.

The Convention provides for the protection of the privacy of the victim, who is also provided access to translators, legal assistance, counseling and support. Trafficking is an extraditable offense, but in states which do not provide extradition, the offender is prosecuted and punished by the national court.

The document also provides for mutual legal assistance in the form of sharing of evidences, statements of witnesses, documents and records, statement and records of suspects, location and identification of persons or objects, and other matters. It also makes it mandatory for states to develop modalities for repatriation through mutual understanding. The signatory states are also required

to provide suitable care and maintenance during the repatriation of the victim as well as legal aids and healthcare facilities.

The signatory states are also required to set up, through encouragement of NGOs, protective homes or shelters for the rehabilitation of the victims, guarantee legal advice, counseling, job training and healthcare facilities for the victims. It encourages NGOs to work in the areas of prevention, intervention and rehabilitation, and assist victims in getting justice.

The Convention calls on the member states to conclude bilateral agreements for cooperation to interdict traffickers in women and children and exchange information on the agencies, institutions and individuals involved in trafficking, information to identify methods and routes used by traffickers, information on offenders, finger prints, photographs, methods of operation, police records etc.

A Regional Task Force has been proposed to be set up to facilitate state parties in the effective implementation of the Convention. Among other things, the Regional Task Force will also periodically review the implementation of the Convention. The Convention calls upon the member states to (a) push economic development in traffic-prone areas and (b) build awareness against trafficking through the use of media.

How effective the SAARC Convention would be effective, if implemented at all, is questionable because it defines trafficking in relation to forced prostitution, which is one of the several purposes of trafficking. For example, the Convention does not cover trafficking done for other purposes like forced labor, camel jockeying and domestic servitude.

Second, the Convention also does not differentiate between trafficking and voluntary migration for economic or other reasons. By making the victims of trafficking liable for arrest and punishment, the Convention in fact denies the right to freedom and dignity. This also means that the victims of trafficking, for no fault of them, are liable for forced repatriation against their will.

Third, the Convention does not offer any financial or other benefits to the victims of trafficking. Once they are repatriated to their home country, all they have is physical, psychological and financial damages with little help to begin a new life. Criminal prosecution and penalties are not enough to compensate the victims and their families. Such a situation makes them doubly vulnerable and puts them into graver risks.

Are Traffickers Security Threats?

There has been no study to analyze whether traffickers and their associates pose a security threat to the states. Nepal and India share a common and open border, which is a boon in disguise to traffickers, criminals and other groups to operate in one country and evade the legal arms in another.

With the outbreak of the armed insurgency in Nepal since 1996, the state security forces have been fighting the armed insurgents who get their bulk supply of arms from India. The border security forces of both the countries have been discussing measures to fight insurgency.

There has been no study done on the relationship between the trafficking and the insurgency. The Nepali security forces are keeping a closer watch on the border transit points, which are avoided by both traffickers and insurgents. A system of effective registration of people crossing on either direction would be a good beginning to monitor the movements and to control trafficking.

Since a number of countries are involved, the problem of trafficking can best be addressed with a regional approach. Such an approach is effective if countries in the region exchange information and intelligence, boost cooperation among the customs and border police officials, and galvanize, if necessary, the local civil society including the NGOs working in the areas of eliminating trafficking.

6. Main Conclusions

1. **Conceptual Clarity:** There is no conceptual clarity on trafficking. In Nepali language, the term “chelibetiko osar pasar” (trafficking of women and children) is used interchangeably with the term “chelibetiko bech bikhan” (sale of women and children). The trade in human beings is used synonymously with trafficking. While prostitution is the primary reason for trafficking, it is certainly not the only reason. Thus the on-going interventions mainly focus victims forced into prostitution.
2. **Human Security Approach:** There is a need for a more broad-based approach of human security to replace the current welfare-based approach. Unless there is a concerted effort to provide a minimum condition for human security in terms of food security, right to basic and primary education, right to primary health care and the right to income and employment opportunities, addressing the root causes of trafficking is going to be an uphill task. This calls for a major review of the present and proposed approach in terms of their effectiveness and rationale, and build on the experience to formulate a comprehensive national strategy that integrates the anti-trafficking initiatives with efforts at providing the basic human security in the countryside.

3. **National Data:** There is no national authentic data on the size of population affected, directly and indirectly, by trafficking. There is no authentic data on the number of women and children trafficked both inside and outside the country. There is no data on how many people cross the Nepal-India border, and how many of them ultimately land as victims of trafficking. A national survey to determine the precise extent and nature of the problem of trafficking is long overdue. A good beginning could be made by a number of NGOs if only they allocate a part of their research budget for launching an authoritative, scientific and comprehensive data base through baseline surveys. The data thus generated would go a long way in effectively addressing the problems of trafficking.
4. **Reviewing Interventions:** The absence of conceptual clarity and national data base on the scope and extent of trafficking calls for a major review of the governmental and non-governmental interventions in terms of their effectiveness as well as whether the key problems identified have been successfully addressed. This is also because at least 59 NGOs are concentrated in seven districts, raising questions on the prospects of field-level and central level duplications and coordination among NGOs and funding agencies. The monitoring and evaluation of the anti-trafficking activities are weak, to say the least. In the absence of a strategic planning to address the issues relating to human trafficking, there is no long-term commitment on the part of funding partners or donors. This is also the case regarding the rehabilitation and reintegration of the victims of trafficking.
5. **Absence of National Policy:** There is no national policy that spells out the processes, mechanisms and institutional arrangements on rehabilitation and reintegration of the victims of trafficking with emphasis on human security. Rehabilitation is largely seen as providing only food and shelter instead of also other activities such as psychological counseling, health care, legal support, skill training, income and employment opportunities. There is already a debate whether the NGOs involved in the rehabilitation process should move from a welfare approach to empowerment approach. There is also lack of adequate trained psychological counselors to provide the required counseling.
6. **Responsibility for withdrawing:** Nepal not only guarantees fundamental human rights to its citizens but has also signed a number of relevant international conventions. As such, Nepal has the primary responsibility in not only preventing but also withdrawing trafficked Nepali citizens. This could be done by improving the information on Nepali women and children trafficked in India and other countries, facilitating the parents of the victims to get involved in the process of withdrawing the victims of trafficking, seeking support of police in raiding brothels and

other places where the trafficked persons are forced to work, and initiate proper judicial trail of criminals involved in violating the anti-trafficking laws.

7. **Role of Host Countries:** Many countries where the Nepali women and children are trafficked are also signatories of international human rights conventions and other treaty documents such as the United Nations Convention on the Rights of the Child, United Nations Convention on Elimination of All Forms of Discrimination Against Women and Children, and International Labor Organization covenants. They are obliged under these treaty obligations to help Nepal protect the victims of trafficking.

3. Bibliography

- ABC – Nepal (no dates mentioned but study done in 1991) Nepal Girls Trafficking in Sindhupalchowk: A Situation Analysis of Mahankal and Ichok Village Development Committees, Kathmandu: Agroforestry, Basic Health and Cooperatives (ABC) Nepal.
- ABC – Nepal (1998) Life in Hell: The True Stories of Girls Rescued from Indian Brothels, Kathmandu: ABC Nepal.
- ABC – Nepal (1996) Red Light Traffic: The Trade in Nepali Girls, Kathmandu: ABC Nepal.
- Asian Development Bank (2003) Combating Trafficking of Women and Children in South Asia, Regional Synthesis Paper for Bangladesh, India and Nepal. Manila.
- Asian Development Bank (2002) Combating Trafficking of Women and Children in South Asia: Nepal Country Report, Manila.
- Gyawali, Bimala (2000) Chori (The Daughter) HimRights/INHURED and Plan Nepal, Kathmandu
- CeLRRd (2002) Analysis of Laws and Policies on Labor Migration and Trafficking, Kathmandu: Center for Legal Research and Resource Development and the Asia Foundation.
- CeLRRd (2000) Condemned to Exploitation: Impact of corruption in criminal justice system on women, Kathmandu: Center for Legal Research and Resource Development and the Asia Foundation.
- Ghimire, Durga (1997) Sexual Exploitation of Nepalese Girls: With Special Reference to Girls Trafficking, Kathmandu: ABC Nepal.
- His Majesty's Government of Nepal (1963) Mulki Ain, Kathmandu: Ministry of Law and Justice.
- Institute for Integrated Development Studies and United Nations Development Fund for Women (2004) Status and Dimensions of Trafficking Within Nepalese Context, Kathmandu.
- K.C., Bal Kumar, et al (2001) Trafficking in Girls with Special Reference to Prostitution: A Rapid Assessment, Geneva: International Labor Organization.
- Maiti Nepal (2001) Maiti Nepal: 1993 to 2001: Crusading for Eight Years, Kathmandu: Maiti Nepal.
- National Planning Commission (1998) The Ninth Plan (1997-2002) Kathmandu: His Majesty's Government of Nepal.
- New ERA (1998) A Situation Analysis of Sex Work and Trafficking in Nepal with Reference to Children, Kathmandu: New ERA and United Nations Children's Fund.
- National Network Against Girl Trafficking (1999) Migrant Labour and Trafficking of Women: Workshop Report, Kathmandu.
- National Network Against Girl Trafficking (2001) Regional Workshop on Strengthening Cross Border Network to Combat Trafficking of Women and Girls: Proceedings of Workshop, Kathmandu.

Pearson, Elaine (2004) Gaps Analysis on Intervention Strategies Against Trafficking in Women in Nepal, Kathmandu: Oxfam GB Nepal Program.

Rajbhandari, Renu (1999) Trafficking in Women in Nepal: Country Report presented at South Asia Dialogue on Trafficking in Women and Children towards the adoption of the SAARC Convention 11-12 February, Colombo, Sri Lanka.

Sangraula, Yuvaraj (2001) Trafficking of Girls and Women in Nepal: Building a Community Surveillance System for Prevention, Kathmandu: Kathmandu School of Law.

United Nations Children's Fund (2001) Commercial Sexual Exploitation and Sexual Abuse of Children in South Asia, Kathmandu: Second World Congress against Commercial Sexual Exploitation of Children.

United Nations Development Program (2002) Nepal Human Development Report 2001: Poverty Reduction and Governance, Kathmandu.

Watchlist on Children and Armed Conflict (2004) Caught in the Middle: Mounting Violations Against Children in Nepal's Armed Conflict, New York.

Online References:

www.stopchildtrafficking.inf
www.nnagt.org