

Trafficking of Human and 3 year planning framework 2010-2013

A note from the research project team Economic and Social Research Council (ESRC)

UK

Project Res-062-23-1490:

Post Trafficking In Nepal: Sexuality and Citizenship in Livelihood Strategies

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A report on my work with national planners on trafficking in Nepal, September 2010. This was before they published the National Planning Commission's three year interim plan. The relevant section on trafficking showed little impact from our work, except that they did mention trafficking as an issue

Introduction:

Trafficking in person is one of the major concerns for the Government of Nepal (GoN) as it is increasingly being regarded not only as a human rights issue but a major development issue. GoN regards human trafficking as a complex form of human rights violation of individuals' potential when they experience trafficking. GoN believes that violence against women, both as cause and consequence of trafficking, brings serious consequences in the lives of women, in particular, socially (including psychosocial), physically, culturally, economically and politically. Comprehensive research suggests that the major consequences Nepalese women experience from trafficking are social rejection by their families and communities and denial of citizenship by the state¹.

The mandate for the GoN derives from its commitments on international standards set out in relation to human rights in general, a labour rights such as the ILO convention, women's rights, for example CEDAW and BPFA, the UN Protocol on Trafficking, migrants' rights and children's rights. There are a number of projects being undertaken by NGOs, international organizations and IOM through their technical assistance to government of Nepal to realise agreed international standards. Nepal's policies and plans

¹ Poudel, M. (2008) PhD Thesis on Dealing with Hidden Issues: Social Rejection Experienced by Nepalese Trafficked Women, Newcastle University, UK.

to address the issue of human trafficking follow the definition of human trafficking of the United Nations' (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 supplementing the UN Convention against Transnational Organized Crime (here after Palermo Protocol) and the definition provided by the Human Trafficking and Transportation (Control) Act 2007 (HTT Act). A national Report for 2008/09 on Trafficking in Human Beings is being published by the National Rapporteur based in the National Human Rights Commission. It highlights the need for a coordinated and a comprehensive approach to the issue. The Ministry of Women, Children and Social Welfare has been reviewing the National Plan of Action to Combat Trafficking in Women and Children that also suggests a multi-stakeholder response to the problem.

Changing dimension of trafficking:

Drawing on the preceding analysis and the recent study by Shakti Samuha among the trafficking survivors (Case 2.1), trafficking in persons in Nepal can be categorized into i) internal trafficking, ii) cross border trafficking (India) and iii) cross-border trafficking (excluding India) in terms of destination of trafficking. All these types of trafficking in persons have three forms of trafficking i.e. trafficking for commercial sexual exploitation, labour exploitation and trafficking for entertainment and other purposes. Each type and form of trafficking has age and gender dimensions. Children are victims of trafficking both internally as well as cross-border to India for sexual and labor exploitation and other purposes. Women are subject to all three types of trafficking and for all purposes of trafficking especially for sexual exploitation. Men have increasingly been trafficked for labor exploitation to India and beyond India².

Case 1 Situation of Trafficking: a Survey among Women Trafficking Survivors

Shakti Samuha carried out a study among trafficking survivors in 2008. A total of 463 trafficking survivors participated in the research process with 157 from Central Region,

² TiP report 2008/09, National Rapporteur on Trafficking in Human Beings in Nepal, National Human Rights Commission

88 from Eastern, 62 from Western, 77 from Midwestern, and 73 from Far Western. Survivors came from 50 districts, the largest number (59) being from Makwanpur district. The participants even came from the Mountainous districts such as Jumla, Humla, Kalikot and Mugu which are seen as districts free from human trafficking.

The research participants were in the age range of 10 to 85 with a majority in the 23–30 age group (27%). Among the research participants, two-thirds were rescued or returned after being trafficked and 22% were intercepted in the process of trafficking. Nearly two-fifths (39%) were trafficked after 2003, 32% were between 1990 and 2003 and 28% between 1950 and 1990. A survivor aged 85 trafficked at the age of 12 in 1935 also participated in the conference.

33% of the participants were trafficked at the age of 12 to 18 years; 26% at the age of 19 to 22 years and 15 per cent at under 12. This shows that the largest group was of children, at 48%

15% were trafficked at under 12, 33% between 12 and 18 and 26% at 19 to 22.

Fifty six per cent of the trafficked survivors interviewed were trafficked to different cities of India while 31 per cent were trafficked to Gulf Countries and 12 per cent within Nepal. One woman was trafficked to Tibet from Humla district.

About 46 per cent spent 2 to 5 years in a trafficked state.

Thirty two per cent of the trafficked survivors interviewed were trafficked for sexual exploitation, 27 per cent for circus performance, 22 per cent for domestic work and 19 per cent for restaurant work, massage parlor, and factory labor.

The majority of the survivors were illiterate (46%). Almost all (92%) of the survivors said that they had not heard of trafficking before they were trafficked.

Only 9 per cent of the trafficking survivors interviewed filed the cases in the Police.

Source: adopted from Shakti Samuha, 2008

Challenges:

1. Shrinking domestic opportunities for livelihoods has been the greatest challenge to combating trafficking.
2. Another challenge in monitoring the trafficking situation in Nepal is a serious gap in evidence-based information on trafficking.

Objectives:

1. Prevent trafficking through public awareness about risk factors,
2. Protect the rights of potential victims and survivors by regulating recruiting agencies for foreign employment,
3. Create a national data base on trend, magnitude and nature of problem,
4. Eliminate all forms of violence associated with human trafficking for example sexual violence to women and girls vulnerable to and experiencing or having experienced trafficking, forced labour and slavery-like conditions in the work - place for both men and women victims of trafficking,
5. Create an environment for female survivors of trafficking to reintegrate to their families and communities,

Strategies:

1. Allocate resources to implement revised National Plan of Action and recommendations of National Trafficking in Persons (TiP) report and to create national data base on trafficking.
2. Strengthen existing institutional mechanism e.g. national coordination committee under the Ministry of Women, Children and Social Welfare.
3. Review existing legal framework related to trafficking in the line of migration policies, plans and international human rights standards,
4. Mainstream work against human trafficking into the migration management process.

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Post trafficking livelihood
September 2010
Kathmandu