

CHAPTER 1

INTRODUCTION

1.1. Background of Study

Women and girls are the most vulnerable victims of socio-economic, cultural, education and political structure. The crime and exploitation against women and girls is increasing every passing day with changing forms and nature. Despite restoration of human right and democracy, the condition of women and girls has generally remained unchanged. Women continue to be exploited, oppressed and are deprived of fundamental human rights. There are various forms of crime against women currently in practice in the world. However, the trafficking for commercial sex is one heinous crime in existence so far on the earth.

Trafficking of Nepalese women and girls for sex trade is a long time serious problem in Nepal. Trafficking takes places within Nepal from rural to urban and to other countries. Thousands of women and girls have been sold to the brothels of India while there are no reliable data on the magnitude of the trafficking problem in Nepal. About 50 percent of Nepal's female sex workers have previously worked in Mumbai and more than 200,000 Nepalese girls are involved in the Indian sex trade (Sangroula, 2001). On the basis of data available from Non-Governmental Organizations (NGOs) to combat Trafficking in Person (TIP), it has been estimated that 5000 to 6000 girls are trafficked from Nepal to India every year primarily for prostitution (OSRT-NHRC, 2008-09).

Trafficking is illicit and clandestine movement of person/s within and across national borders for buying, selling, recruitment, transportation, transfer, harboring or receipt; by means of threat or the use of violence or other forms of coercion, of abduction, of fraud or deception, of the abuse of authority, or of position of vulnerability, or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any kind of exploitation. The exploitation shall include, at a minimum, non-consensual sex work

or exploitation of the prostitution of others or other forms of sexual exploitation, forced or bonded labor, fraud marriage, camel jockeys, slavery or practices similar to slavery, whether for pay or not, servitude or involuntary servitude (domestic, sexual, or reproductive), or the removal of organs, adoption, or other illegal (NHRC-ONRT, 2006).

In the contemporary times the human rights approach has emerged as a most prominent approach in dealing with the problem of trafficking and sexual exploitation of women and girls by abusive husbands, customers, pimps, procurers and traffickers by means of intimidation, threat based on the immigration status of victim. This approach is also called violence against women approach (JIT, 2002).

Trafficking of women and girls for sexual purpose has emerged as a major social, cultural, educational, economic, political and human rights' problem in Nepal. Not long ago information about this problem came to the knowledge of common people in this height. Some development agencies and Non-Government Organizations (NGOs)/International Non-Governmental Organizations (INGOs) operating in Nepal have been trying to explore the status of girl trafficking without efficient strategies for resolving this problem. There are very few authentic reports or articles published on girl trafficking in Nepal. It was observed that statistical data regarding those aspects of the same place and of the same time differed from the person to person, organization to organization, report to report, study to study, and even media. However, this study was not conducted to enumerate the number but to explore the factors and causes affecting the girl and women trafficking for sexual slavery.

1.2. Statement of Problem

The trafficking has taken an insidious form in our country. The problem was initially confined only within the adjoining districts of Kathmandu like Sindhupalchowk, Nuwakot and Makwanpur targeting Tamang community but now has spread to various districts like Rautahat, Saralahi, Nawalparasi, Rupandehi,

Kapilvastu, Chitwan, Jhapa, Sunsari, Morang, Sindhuli, Udayapur (Asmita, 1998). Trafficking women and girls for sex has multidimensional problems in Nepal. It should view in social, ethno-cultural, political, educational and economic and gender perspectives. It is true that poverty is the root cause but this is not only one of many factors causing this crime.

The causes of trafficking are complex and numerous including the following:(a) economic factor such as poverty, food scarcity, unemployment, market disparities, (b) social and culture factors such as polygamy, bigamy, physical and sexual abuses, gender and ethnic/caste based discrimination, lack of appropriate legislation and undetermined level of official complicity in trafficking (c) historical factors including feudalism, caste, class and ethnic hierarchies militarism and (d) political factors such as inadequate/ inappropriate government policies in regard to development, migration and environment, lack of political commitment are the major factors contributing trafficking(WOREC 2000).

However, the girl trafficking is one of the most critical problem in Nepal as every year thousand of girls are sold by their own close relatives like parents, husbands, brothers, uncles. Some of the traditional practices like *Deuki*, *Jhuma*, *Kumari* and *Badi* are also the encouraging factors for prostitution.

1.3. Objective of Study

The overall objective of the study was to find out the causes and consequences of girls trafficking. This research has tried to document policies and provisions relevant to trafficking issues and their implementation in current situation. This study was conducted only in Shakti Samuha, a pioneer NGO working in the field of trafficking and rehabilitation center run by the organization. So it largely investigates ways and causes of trafficking of women present in the centre. The specific objective of this research is to:

- a. investigate ways, causes of trafficking and current situation of rehabilitated women

b. study the policies and provisions related to trafficking and their implementation

1.4. Rationale of Study

This study is based on field research and has its own merit. It is a sociological study to understand main causes of girls and women trafficking for sex trade. Moreover, there are number of organizations working in the field of anti-trafficking providing them different facilities to the survivors, but there is not qualitative data of their impact. It has tried to find out the situation of survivors living in shelter managed by one such organization, Shakti Samuha. It has also tried to enumerate the recent developments, plans and policies to curb the problem of trafficking in national, regional and international arena. The report will be useful for the future students of the similar field to start another project like this and generate useful information for the project planners, policy makers, administrators and implementers. It will be also beneficial for NGOs, GOs and individual researchers who are working with anti-trafficking projects.

1.5. Limitation of Study

No study can be free from shortcoming because of various constraints. Human social systems are so complex and behaviors are so divergent that is very difficult for one to generalize them. This study was done in Shakti Samuha, an NGO based in Kathmandu established by former survivors of trafficking, so it cannot be generalized to the entire country. This is composed of more complex and diverse population groups, cultural and socio-economic conditions. So the result of this study is not assumed to represent the entire geo-political area of Nepal. The study is also limited in the context of time of space.

CHAPTER 2

DEFINITION OF TRAFFICKING AND THEORITICAL FRAMEWORK OF RESEARCH

2.1. Definition of Trafficking and Prostitution

In earlier times the ‘slave trade’ was common in the world. Human beings were treated as commodities to be bought and sold for forced labour. The slave trade was the oldest and probably, extinct form of trafficking which is now replaced by trafficking. Human trafficking usually occurs in the sex industry but also in the agricultural sector, entertainment sector, in hotels and restaurants. Most identified victims of human trafficking are women and children as they are more vulnerable than men. There is no universal definition of trafficking as it can be defined in terms of issues like prostitution, forced labour, sex work. However, United Nations (2000) definition of trafficking created a common understanding of trafficking among the major stakeholders. According to this definition, trafficking is: *“The recruitment, transportation, transfer, harbouring or receipt of persons by means of 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 minimum, the exploitation of 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”*.

Radhika Coomaraswamy (2000), UN Special Rapporteur on Violence Against Women purposes the definition of trafficking as *‘recruitment, transportation, purchase, sale, transfer, harbouring or receipt of persons: (i) by threat or use of violence, abduction, force, fraud, deception or coercion or debt bondage, for the purpose of: (ii) placing or holding such persons whether for pay or not, in forced labour or slavery –like practices, in a community other than the one in which such person lived at the time of the original act described in (i).*

Different organisations have provided their own definition based on their culture, society and form of trafficking. According to SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution held in Colombo (2002) trafficking means *the moving, selling or buying of women and children for prostitution within and outside country for monetary or other consideration with or without the onset of the person subjected to trafficking.*

Although most of the organizations working to combat trafficking in Nepal emphasize on United Nations definition of trafficking as their starting point and some NGOs believe that the purpose of women's trafficking is solely for prostitution. However, it is practiced for many other purposes like circus, entertainment industry, debt bondage, forced labour (UNIFEM, 2005). This apparently, showed that the UN definition in UN definition is inadequate in explaining the connections among the ideas included in the definitions: 'methods', 'motive', 'content' and 'the consent'. Hence, National Human Rights Commission (NHRC) Nepal proposed definition of trafficking in the Nepalese context is *"Illicit and clandestine movement of person/s within and across national borders for buying, selling, recruitment, transportation, transfer, harboring or receipt; by means of threat or the use of violence or other forms of coercion, of abduction, of fraud or deception, of the abuse of authority, or of a position of vulnerability, of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any kind of exploitation; and exploitation shall include, at a minimum, non consensual sex work or exploitation of the prostitution of others or other forms of sexual exploitation, forced or bonded labour, fraud marriage, camel jockeys, slavery, whether for pay or not, servitude or involuntary servitude (domestic, sexual or reproductive) or the removal or organs adoption, or other illegal"* (NHRC, 2006).

The fate of trafficked people regardless of their age and sex has been hard to determine but the recent researches show that girls and boys of very young age are used as domestic workers, laborers, slaves and also for organ harvesting; the men are used as bonded labors while women and girls of tender age are no doubt end to

prostitution even if they start as domestic helpers and others. Prostitution according to Webster's dictionary is 'the act or practice of engaging in promiscuous sexual relations especially for money'. Besides these facts the prostitution is the second largest trade after arms trade. Prostitution commonly called sex trade or flesh trade has numerous manifestations and there is constant demand and supply.

Even though these organizations' understanding of trafficking was primarily guided by the moral values rather than survivors' rights, efforts have now shifted to right based approach for the survivors' empowerment. The National Human Rights Commission in Nepal (2006) states that, different agencies have built a common consensus on trafficking in persons recently which encourages the agencies to attempt a comprehensive definition of trafficking going beyond the limit of sex work and treating the issue as a 'violation of human rights pertaining to civil, political, economic, social and cultural rights'. However, people living in different places have different perceptions of trafficking. They explain trafficking in different ways. Some people view it as a greatest human crime that is seen as the violation of human right (see Zimmerman & Watts, 2004), and others perceive it as a form of violence against women. People's diverse understanding of trafficking complicates the effective implementation of anti-trafficking programmes whereas the official definition of trafficking is seen as an important base for the formulation of plans and policies to combat trafficking. This study therefore tries to analyse how trafficking is understood among survivors of trafficking and people from three trafficking prone communities.

2.2. Theoretical Framework of Research: Gender Based Violence (GBV)

One in every two women in south Asia faces violence in their daily life. Many girls and women endure daily beatings, harassment for dowry, verbal abuse and acid attacks for refusing to comply with male demands. Other women become targets of

extreme forms of violence like incest, rape, public humiliation, trafficking, honour killing and dowry deaths (ISST, 2007).

Nepal is one among South Asian countries where women are often treated as second class citizens making them more prone to trafficking than men. Women trafficking is recognized as the result of socio-cultural structures, gender roles and in particular gendered power differentials, poverty and lack of economic opportunities (Mahendra *et al.*, 2001). Generally, economic status and gender inequality are the underlying factors of trafficking in Nepal (NHRC, 2008). Gender inequality exists in economic activities, labour force, education, public participation, socio-cultural values, norms and practices as well as legal structures of the state. There are inequalities in policies, institutions and legislations as well as society's functions and practices resulting in exclusion of women, disadvantaged groups and minorities (DFID, 2005).

Trafficking in South Asia (including Nepal) is deeply rooted in social, economic, political and religious aspects of the society. It is found that gender discrimination starts from birth of a child in a family. A man's role in his society is perceived as respectable and independent whereas a woman is restricted in the household and her role is always linked to her family's identity: 'first with her father (as somebody's daughter), then with her husband (as someone's wife) and later with her son (as someone's mother)'. Women are commoditized through illiteracy and marriage because dowry determines their level of marriage on one hand and on the other hand, girls are being exchanged for the marriage. Invariably, Brown found that women who have sexual relationships with multiple partners are considered as characterless women and are perceived as polluted women whereas males having sexual relation with multiple partners do not disrupt social harmony and order (Brown, 2006).

Women are perceived as economically, religiously and socially inferior. Similarly, a recent study shows that increased numbers of trafficking impacted on women's social role and further reduced their status in society (UNIFEM, 2005).

Trafficking is thus, a form of gender based violence against women that results into physical, psychological and sexual abuses. Following from the above, it is reasonable to argue that not only does inequalities exist between men and women in Nepalese society, but it is institutionalized form of gender based violence. The situation does become more serious when women who are already in vulnerable position are trafficked to other countries for prostitution. A behaviour that is culturally unacceptable in Nepal. This study therefore analyses how the trafficked women are treated in Nepalese society and whether there exist the possibility of a successful reintegration in their respective communities.

CHAPTER 3

LITERATURE REVIEW

3.1. History of Girls Trafficking in Nepal

Nepal has a long history of trafficking of girls and adult women. Trafficking in Nepalese girls and women for sexual exploitation began as early as the Rana regime (1846-1951). The Ranas drew many young girls from the hills surrounding the Kathmandu Valley to their palaces as servants and objects of sexual exploitation. After the overthrow of the Rana regime, the Rana class could no longer support hundreds of women servants and with the downfall of the Rana, the market for hill girls decreased in Kathmandu. The traders involved in supplying young girls to Rana palaces subsequently established connections with brothels in Indian cities. Indian brothels have a high demand for Nepalese girls for many reasons. Firstly, there have long been many Nepalese workers in India, providing a source of 'buyers of sex'. Secondly, the fairer complexion of the Nepalese girls is attractive to most Indian native 'buyers'. Thirdly, importing Nepalese girls has been safer than selling local Indian girls into prostitution. Ignorance of local customs, procedures and languages make Nepalese girls less likely to complain to the police. Trafficking in Nepalese girls and women to the Indian brothels became fully established in the 1960s, and increased tremendously in the 1980s. By the 1970s, criminal links between Indian sex traders and the Nepalese pimps were well established (Sangraula, 2001). Some of the trafficked girls even ran brothels and started to recruit women from their areas of origins (Asmita, 1998).

Probably, the downfall of Ranas in 1950s was the start of women trafficking from Nepal and those who reached there in India as kept women and concubines, who started selling sex and ran brothels, were the pioneers in the field of sex trade in India. However, the sex trade is regarded as one of the ancient form of trade. However, leading oriental scriptures like Manusmriti also mentioned the existence of Ganikas, the prostitutes.

The number of women and girls that are trafficked in Nepal mainly with the purpose of their force entry into the sex market or prostitution in India has always been ambiguous. According to Gauri Pradhan (1996) the estimated number of girls in Indian brothels from mountain and hills of Nepal was 153,000 (Pradhan, 1996). It is a threat to the social justice and gender equality. The other aspect is that the trafficking is possible in conspirators even machinated by the so called guardians and household members reaching their roots to the unidentified and innumerable factors. However, many of the studies have focused on only economic cause. Almost all studies have established a relationship between trafficking and prostitution. It seems justified, because without mentioning prostitution perhaps of the root cause of trafficking could not be revealed. Prostitution has a long history one of the leading oriental scriptures describing the state rule “Manusmriti” has also mentioned the existence of Ganikas, the prostitutes. It was not uncommon to keep young and beautiful girls for sexual pleasure in the palaces. The Malla king in the historic period exploited the resource poor hills girls (Rajbhandari and Rajbhandari 1997).

The trafficking of women and girls, now, has become an illegal global business crossing regional and international boundaries. It is continuously in the move in different forms. Dance restaurants, *dohari* restaurants, massage parlors and guest houses nearby bus parks of cities are acting hubs of trafficking and prostitution. Women are being trafficked to different Arabian countries in the form of domestic workers. Recent developments show the demand of Nepali girls in cities of Lahsa and Khasa of neighboring country China (Terres des Hommes, 2009).

3.2. Causes of Girls Trafficking and Sexual Exploitation

The incident of women and child trafficking has a negative correlation with per-capita income, infrastructural development, school enrollment ratio, the position of women in society and female participation in non-agricultural work. It has a positive correlation with poverty, illiterate, under development, unemployment and the percentage of labour force in agriculture (NHRC-ONRT (2009)).

Apart from the household size, trafficking is significantly affected by the size of landholding. A research conducted by STOP (Stop Trafficking Oppression and Prostitution of Children and Women) in 2001 shows that 90% of the children and women who have been trafficked from families who are either landless or have marginal landholding (STOP, 2001).

The causes of trafficking are complex and numerous including economic factor such as poverty, food scarcity, unemployment, market disparities; social and culture factors such as polygamy, bigamy, physical and sexual abuses, gender and caste based discrimination, lack of appropriate legislation and undetermined level of official complicity in trafficking; historical factors including feudalism, caste, class and ethnic hierarchies and political factors such as inadequate government policies in regard to development, migration and environment, lack of political commitment are the major factors contributing trafficking (WOREC, 2002) .

In certain cases, the shame of rape and trauma of incest make women and girls children more vulnerable of trafficking. After being raped prostitution becomes the natural next step. Trafficked by marriage is also another important social component. Young men (traffickers) go to source area to ask for young girls to marry them. They pay cash to the family, rather than demanding dowry (New ERA, 1998).

A research conducted by The Asia Foundation (2001) revealed that falling in love makes the young women and girls vulnerable of being trafficked. The affection even from a stranger, immediately leads to a bonding with the person and immediate trust building. This particular emotion is easily exploited both by local as well as organized professional traffickers who pose as lovers and lure young women and girls easily into the trafficking net.

One of the causes of girls/women trafficking to India is considered the open national state borders. Nepali people can freely visit India without any documents, hence making or creating easy access to the brokers. Some of the major exit points of Nepal have police check posts and some organizations' vigilance cells but these are not sufficient to check the exits. Moreover, traffickers have changed the actual roots

frequently for the fear of being intercepted (Ali, 2005). Additionally, large numbers of women have migrated to Arab and Gulf countries like Saudi Arabia, Malaysia, the United Arab Emirates and Hong Kong for foreign employment. They are lured by being offered work to be domestic servants, work in households and business companies but are ultimately forced into prostitution (Huda, 2006).

Similarly, a recent study shows that increased numbers of trafficking impacted on women's social role and further reduced their status in society. Trafficking is thus, a form of violence against women that results into physical, psychological and sexual abuses and combating trafficking of women and children directly addresses the strategic goals of poverty reduction and promotion of gender equality. It also argues that analysis of demand and supply side of trafficking could reduce trafficking vulnerability of women (Shigekane, 2007).

3.3. Social Condition of Trafficked Girls

The gender stereotyping put women in inferior level, less representation in political and administrative level weaken their agendas in policy making process, gender disparity in education leads to high unemployment rate along with discrimination in pay. They constitute 66 percentage of total agricultural work force and enjoy poor health status. In general, the condition of women and children of Nepal is not at all satisfactory.

This leads us to conclude that the condition of trafficked women and girls is more serious violating fundamental human rights. A report on the trafficking on women and girls showed that the culprits have reached to all 26 states on India with 86,000 Nepali women from every district of Nepal who were in sorrowful condition in Indian brothels. The trafficked girl were caught in a raid and rescued by an order of an Indian Court in 1996. This could be the first ever rescue at government initiative but some girls denied being back to Nepal. Society has traditional values that degrade brothel returnees, but brothel returnees have also a psychological stigma that makes them hesitate to face common people. But, this should not be conceived that the

brothel girls do not want to go back home. However, the social norms and possible reaction of the people have become the obstacles to restore a normal life for them (Thapa, 1990).

A collection of the event by CWIN in 1995/96 revealed that there were 171 victims of trafficking and 167 victims of rape, out of which a majority of 54.5% were girls under the age of 16. The CWIN's finding concludes that there is an increasing tendency of trafficking and rape. The 71.9% cases of trafficking and victims aged 16 and over, and 28.1% had minor girls' under the age of 16. The ratio of girls able to escape from brothel to per hundred victims was seven. A significant proportion (55.45%) of the culprits were reported to be under the custody, but no information about the sanctions is available. Policemen also took advantage of prostitution (CWIN, 1996).

The economic condition is accepted as the main reason for trafficking; the efforts to control trafficking should be initiated through education. Civic consciousness is to be enhanced. Roll of socio-political workers, writers, lecturers, journalists all are to be mobilized. There should be the provision of income generating programs. Common people should be well informed about the provisions of income generating programs. Common people should be well informed about the provisions of legal sanction to the culprits. Increased social status of the girl children would help protect them from this trafficking epidemic. Coherent and adequate nation plan and policies are essential. There must be both term and long term plans. Protectors of the culprits should be sanctioned with heavy punishment. There is a need to work together with rescue organizations in India. A prompt health check up of the rescued women is necessary. A change in social and family perspective is also to be urged, in both situation, the status of girl to prevent trafficking, and to rehabilitate after she is rescued (Ghimire, 1997).

CHAPTER 4

METHODOLOGY

This study has been undertaken using very limited and specific tools as per the need of the subject. However, there is established notion that a research needs to be equipped with set of methods that guide the study to result. The study is descriptive as well as exploratory in nature. The study has attempted to describe the policy, provisions related to women and child trafficking in context of Nepal, its regional and international commitments to different conventions; and implementation mechanisms and efforts till date by the state. It also explores the influencing factors and conditions of girls who had been trafficked. The following methods were used to accomplish the objectives of the study.

4.1. Selection of Study Area

Shakti Shamuha, a non-government organization established by trafficking survivors in 1996 was found to be ideal for the study of different aspect of trafficked girls. It has been working for the rights of trafficking survivors and against trafficking of women and girls. Shakti Kendra, a shelter cum rehabilitation centre established by Shakti Samuha which has capacity to provide shelter to 70 SOTs and rescued girls each year. The research was about past and present conditions of SOTs living in Shakti Kendra (Annex I).

4.2. Nature and Source of Data

The study has used both primary and secondary source of information. The primary information were taken through interview and observation of 14 self-selected girls and women between 16-40 age groups who were rescued from Indian brothels and are now sheltering in Shakti Kendra. Though the number of sheltered SOTs was more, only 14 of them were positive about the study of such kind. Others denied of sharing their personal information, sufferings and their struggle saying that this kind of study is not going to help them in any way.

The information provided by 14 of them played a vital role to find out necessary information likewise the secondary data on trafficking, situation of women and girls and binding policies, plans of national, regional and international level were taken from published and unpublished literature such as books, journals articles and research reports.

4.3. Method of Data Collection

All the data regarding conventions, policy and provisions were taken from different literatures national reports, content analysis, strategic plans of different women and children related national and international organizations. The utmost care has been given to produce recent data and findings as far as possible.

4.3.1. Observation

Observation will be used to collect the observable information such as girl trafficked in day to day activities. During the course of research, the researcher has employed these techniques, combining it with other techniques to observe setting, behavior of victims and socio-economic, cultural condition and position in their society.

4.3.2. Interview

In this study, both structured and unstructured interviews were conducted in order to obtain essential information. In this regard structure interview were used to collect quantitative data i.e., demographic, information source of income employment, similarly unstructured interview were made with key information and other related person to obtain qualitative information.

4.3.3. Questionnaire

Questionnaire (Annex-II) is also an important tool of data collection so I have prepared the questionnaire schedule before going to the field to collect information about the main causes of girls trafficking, condition and position of girls in their society and measures to reduce the problem of girls trafficking.

4.3.4. Case studies

Five different respondents were chosen for the case study. The case study is very helpful to understand the background of trafficking and details of their life in brothels. These cases describe the struggle, aspiration, positive attitude towards life and their current position in the society.

Different methods like observation, structured and unstructured interviews, questionnaire (Annex-II) were used to obtain the necessary data for research. The case studies of selected respondents were taken which have been very helpful to understand the background of trafficking and details of their life in brothels. The cases describe the struggle, aspiration, positive attitude towards life and current position in the society.

4.4. Data Processing and Analysis

After the completion of data collection, collected data have been processed and tabulated manually. Data have been interpreted on the basis of percentage distribution using simple statistical tools like frequency and percentage.

Regarding the chapter trafficking and policy provisions, different national reports, policy reviews, strategic plans of different women and children related national and international organizations were studied, compared and analyzed on the basis of which recommendation was made.

4.5. Ethical Consideration

The research topic was sensitive as it was related to trafficked girls and victims of violence against women being rehabilitated in Shakti Kendra, the rehabilitation established by Shakti Samuha. Before the initiation of research work, brief introduction of study including objectives, scope and process of study and possible benefits to them was explained and assurance of anonymity and confidentiality of information was provided to them which helped to create an environment of trust. The *pseudonyms* were used for anonymity of informants. Verbal consent for their participation and the publication of the information they provided was obtained. Electronic device like tape recorder, camera were not used keeping in mind the security and privacy of informants' identity. The language was made victim friendly to interview the survivors.

CHAPTER 5

SURVIVORS OF THE TRAFFICKING

5.1. Social Demographics

This section explores the socio-economic conditions of 14 selected survivors of trafficking SOT living in Shakti Kendra. The victims of domestic violence residing in the centre were not considered for the study. It has enumerated social factors like ethnic, religious composition, age, marital status and educational background of survivors.

5.1.1. Ethnic Composition

Some ethnic and cultural groups of certain geographic area are more exposed to the risk of trafficking than others. The reason of this may have number of complex and integrated factors. In the study caste/ethnic composition is found heterogeneous. Respondents with different caste and ethnic background like Brahamin, Rai, Sarki, Magar, Newar, Tamang, Chhetri and Damai are found.

Table 1: Distribution of Respondents by Caste/Ethnic Composition

Caste/Ethnicity	Frequency	Percentage
Sarki	1	7.14
Shrestha	1	7.14
Damai	1	7.14
Rai	1	7.14
Brahamin	2	14.28
Chhetri	2	14.28
Magar	2	14.28
Tamang	4	28.57
Total	14	100

Source: Field Survey, 2010

Majority of the Respondents 28.57% are found to be Tamang. Similarly, 14.28% of respondents of Brahamin, 14.28% of respondents are found to be

Chhetry and 14.28% respondents are found to be Magar ethnic group. The respondents from Rai, Newar and so called low caste Damai and Sarki were 7.14% each.

5.1.2. Religious Composition

Though it is less important to identify the religion of SOTs, most of the literatures have inadvertently mixed the religious background of Hindu and Buddhist women victims. The trafficking has become a widespread phenomenon and has affected people of all religions. This study shows mixed religions like Hindu, Buddhist and Kirant.

Table 2: Distribution of Respondents by Religion

Religion	Frequency	Percentage
Hindu	6	42.86
Buddhist	7	50
Kirant	1	7.14
Total	14	100

Source: Field Survey, 2010

The Table 2 shows that majority of the respondents were Buddhist i.e., 50% of respondents and 42.86% of the respondents were Hindu by religion. Similarly, 7.14% of the respondents were Kirant by religion. Majority of victims were from Newar, Tamang and Magar ethnic groups and they were Buddhist.

5.1.3. Age of SOTs at the time of Trafficking

The age of girl or woman makes a significant difference in prostitution. Younger women and girls are easy to lure and brothels pay them hefty sums as they can attract more customers. So the traffickers prey teenage girls with different social and economic problems. The survivors from Shakti Kendra showed the following age distribution.

Table 3: Distribution of age of Respondents at the time of Trafficking

Age Group (Years)	Frequency	Percentage
15-20	3	21.43
21-25	6	42.86
26-30	3	21.43
30-35	2	14.28
Total	14	100

Source: Field Survey, 2010

Table 3 shows that mostly women/girls of 21-25 groups were trafficked at that age. The study reveals that 42.86% of total respondents had been trafficked in 21-25 years. The victims belonging to both age groups of 15-20 and 26 -30 years were represented by 21.43% each while 14. 28% of respondents were trafficked in age group of 31-35 years.

5.1.4. Marital Status at the time of Trafficking

Many researches claimed that the majority of the trafficked girls were found to be unmarried. The demand of virgin girls is very high in sex market. A total of 50% of respondents were found to be unmarried at the time of trafficking. Similarly, married, divorced and separated respondents were 14.28% each. The table shows that 7.14% of table respondents are widowed.

Table 4: Distribution of Respondants by Marital Status

Marital Status	Frequency	Percentage
Married	2	14.28
Unmarried	7	50
Divorced	2	14.28
Widowed	1	7.14
Sepereted	2	14.28
Total	14	100

Source: Field Survey, 2010

This result shows the majority of SOTs who were trafficked unmarried. It may be because of the religious superstition rooted in Indian subcontinent that if a man with venereal disease has sexual intercourse with a virgin, he gets well. With that hope, several men get in line for the competition each trying to outbid the other for the opportunity to have sex with a virgin girl. Besides this, the brothels ask for virgin unmarried girls as they can attract more costumers per day.

5.1.5. Educational Background

Literacy is one of them major indicators of development of the nation. It reflects the status of women/men in the society. In Nepal, literacy rate of female is very low as compared to male. In the year 1999, female literacy in female of 15-24 years of age and above was 75% as against 86% among the male population. Even in primary school enrollment, disparity persists to this day: enrollment rate among girls is 64% as compared to nearly 78% among boys (UNICEF, 2009). Gender disparity in the education sector is still a problem in Nepal. Lack of education opportunities is another pulling factor of trafficking. Education develops common sense and makes the communication understandable. Education enhances the knowledge and helps to increase self-respect and avoid possibility of being indulged to trafficking and prostitution. The messages for prevention would be futile for the illiterates whatever effectively they are presented.

It was founded that 35.72% of respondents studied up to School Leaving Certificate level while 28.57% total respondents studied in primary level. Similarly, 14.28% girls attended up to Lower Secondary Level and 7.14% attended Intermediate Level of studies at the time of trafficking and they were all at least literate.

Figure 5: Distribution of Respondents by Educational Backgrounds

Educational Background	Frequency	Percentage
Literate	2	14.28
Primary	4	28.57
Lower Secondary	2	14.28
School Leaving	5	35.72
Intermediate	1	7.14
Total	14	100

Source: Field Survey, 2010

5.2. Causes of Trafficking

Different researches have shown that poverty and unemployment are the main causes of girls trafficking. The economic status, land, migration, traffickers, educational background, and demand for commercial sex all the supporting causes of girls trafficking.

The main causes of trafficking vary in different setting. There are strong invisible market force on both the demand and supply side that drive trafficking process. On the supply side poverty, illiteracy, social exclusion and migration and gender discrimination are common 'push' factors (ILO-IPEC, 1996). On the demand side 'pull' factors include consumer demand for inexpensive services or products and young prostitution, urbanization, social norms and practices (which may overlooks labors exploitation of certain age groups and multiple sexual partnership for man). Women and girls are at greatest risk because of their unequal social and economic positions in relation to men, which leave them more valuable to violence and exploitation. Gender discrimination is the major factor, trafficking of girls and women are particularly common and are closely related to the construction to female's roles, gendered labor migration. Girls and women often have reduced autonomy in their families and communities, and poor entrance to educational and training opportunities. In many setting, women are regulated to the informal, unprotected and

often illegal labor sectors, where poor or lack of legislation and labor standard create the conditions for abusive recruitment practices and exploitative working conditions.

This chapter analyzes the causes of pushing and pulling factors of SOTs living in Shakti Kendra. The observation is based on 14 SOTs, even though the result that is observed here is not applicable to the National scenario, they represent all pushing and pulling factors towards trafficking.

5.2.1. Land Type

The unequal distribution of agricultural land to the families of remote places has been creating a vast difference among the families. Land has been a landmark of prosperity and affluence. The land type on the basis of its use is divided into Khet (Paddy Fields), Bari (small piece of land or kitchen garden for growing vegetables), Pakho (unregistered piece of land for growing crops) and Jungle. The lack of any of these and lack of production of food for the family leads to search of other jobs for livelihood which may end to trafficking.

Table 6: Distribution of Respondents on the basis of Land Ownership

Land Type	Frequency	Percent
Khet	3	21.42
Bari	7	50
Pakho	3	21.42
Jungle	1	7.14
Total	14	100

Source: Field Survey, 2010

The result shows that among total respondents 50% have Bari Similarly, the percentage of respondents with Khet and Pakho were 21.42% each. A very few people 7.14% were totally dependent upon Jungle for everything.

5.2.2. Crop Production

The economic status of a family plays vital role to fulfill all the basic needs of its members. Unfortunately, large population of rural Nepal still lives under poverty lines which suggests us that they earn less and have to depend upon limited resources.

Table 7: Distribution of Respondents by the Crop Production

Crop Production	Frequency	Percentage
Just enough for food	6	42.86
Not enough for food	8	57.14
Total	14	100

Source: Field Survey, 2010

Table 7 shows that among total respondents 57.14% of victims were in below poverty live. They did not have sufficient food in order to survive. Among the total victims 57.14% were belonging to lower class. They did not have enough food production to solve their daily basic needs. Some 42.86% of respondents have relatively good economic condition. Therefore, this result explore that poverty is one of the many influential factor.

5.2.3. Migration

Lack of opportunities and poverty displace the families to cities. The family members, young members of the family suffer the most due to this kind of displacement. Majority of girls and women of lower class family who did not have enough food to run daily life are easily lured to city life and trafficked. The following shows the reasons of migration of SOTs living in Shakti Kendra.

Majority of girls and women i.e., 50% migrated to cities to for employment and better opportunities, and out of total respondents 21.43% migrated to different places to support their family to maintain their economic status. Similarly, 7.14% women migrated as a result of false marriage and followed the trails of their

husbands expecting bright future. And 21.43% of respondents migrated to cities to earn good money.

Table 8: Distribution of Respondents by the Cause of Migration

Causes of Migration	Frequency	Percentage
To earn	3	21.43
Employment	7	50
To maintain	3	21.43
False marriage	1	7.14
Total	14	100

Source: Field Survey, 2010

5.2.4. Traffickers

Traffickers are the agents who lure innocent girls/women giving them false hope of bright future, career, easy money and luxury of the cities and ultimately sell them to brothels. The traffickers appear to victims as agents with nice attractive appearance with kind heart, close friends and shockingly family member like own parents, uncle and aunts, husbands.

Table 9: Distribution of Respondents Trafficked by

Trafficker	Frequency	Percentage
Family	6	42.85
Friends	3	21.43
Agents	5	35.71
Total	14	100

Source: Field Survey, 2010

From the above table 9 it is revealed that 35.71% were trafficked by agents, 42.85% of respondents were trafficked by family members. It has been found that family members sell their girl children to fulfill minor needs of the family. Similarly, 21.43% of respondents were trafficking in by their friend or agents masked as friends.

5.3. Current Situation of SOTs in Shelter

The chapter puts forward data on current situation of SOTs on the basis of the information provided by them living in Shakti Kendra. The chapter has mainly focused on condition and position of SOTs in their society. It has included the present living condition of the respondents as well.

5.3.1. Quality of Relation with Family

The life in brothel has never been better but the life back home for those returned from home is far more difficult as most of them are not accepted by the family as well as the society. The victims of trafficking go through a series of social and mental traumas due to this rejection. The girls who are accepted even after their trafficking and have convivial relationship, here, in this research is regarded as good and “.....I returned home,.....my father had come to receive me and till I had some money with me, he treated me very well. But as my money finished, his color changed.....Every time I spoke, they would call me a ‘Mumbai returnee’. I used to feel very bad every time they used to call me so” as bad.

Table 10: Distribution of Respondents and their Relation with Family

Quality of Relation with Family	Frequency	Percentage
Good or Moderate	5	64.29
Not so Good	2	14.28
Bad	3	21.43
Total	14	100

Source: Field Survey, 2010

The table shows that among the total victims 64.29% had good or moderate relation with their family and 21.43% had not so good relation with their family. Similarly, 14.28% had bad relation with their families.

Finally, the result shows that majority of the respondents were having good relations with their families. So, relations with families do not demote the rate the trafficking. Here are some others factors which encourage trafficking for sexual exploitation.

5.3.2. Change in Social Life

This study tried to access the change in quality of life of SOTs living in Shakti Kendra. It has compared the past and present situations of those respondents. Shakti Kendra is home for SOTs and victims of domestic violence where they live together in harmony. It provides shelter, empowers them, and provides counseling, health care facilities and legal support as well.

A series of question were asked to measures the situation of the SOTs, the majority of them said that they were really happy to be away from the hell, the brothels. They were happy and 64.29% of respondents were living a normal life. Similarly, 35.71% of respondents still could not accept the fact that they were actually out of the brothel. They said they were not fully accepted by the society. Hence, the respondents were not living a normal life.

5.3.3. Occupation of Victims

It is very difficult to rehabilitate the victims of any social evils back to normal life. It is one of the greatest challenges to revitalize their physical, mental and emotional state and provide them a constant long term means to support their livelihood.

Table 11: Distribution of Respondents by Occupation after Rehabilitation

Occupation	Frequency	Percentage
Training	7	50
Social	5	35.71
Income generating activities	2	14.28
Total	14	100

Source: Field Survey, 2010

Table 11 shows that the major types of work include training. 50% of the total respondents from the center had been running tailoring centers after receiving training whereas 35.71% of respondents were involved in anti-trafficking NGOs

as volunteers and other social activities. They said that they had insignificant remuneration for whatever they did. Many respondents were involved in organization where they worked as officer levels and they worked on crimes against women. Similarly, 14.28% of them were involved in income generating activities.

5.3.4. Financial Satisfaction

Financial satisfaction of the SOTs is the key of successful rehabilitation. They are, hence, provided different types of vocational trainings as well as other trainings in different training institutes depending upon their educational background and understanding.

A substantial number of respondents 78.57% did not receive any remuneration from the work except food and lodging and they are not satisfied with whatever they are earning. 21.43% said they are getting good amount from work they are doing. One respondent said that they are earning 6-7 thousand rupees per month whereas other two respondents reported that their earnings ranged from 3000 to 4500 rupees.

The study showed that maximum number of the respondents was involved in some kind of work but very few were involved in income generating activities. Others were either involved in vocational training or doing some sort of social work.

5.3.5. Social Stigmatization

The SOTs are stigmatized and victimized for their past deeds done in captivity. The people use to abuse verbally as well as physically. The abuse in brothels and abuse by fellow men back home attack their dignity so deeply that it's too hard to reclaim.

The respondents were asked if they heard verbal abuse from the people in the society. Majority of the respondents replied that still fear of such remark and

71.43% of the respondents replied that they still had to hear the verbal abuse use for them; some respondents said that they still hear words like ‘mumbai returnee’, ‘prostitute’ which are unbearable. They reported that such remarks discourage their self-esteem and make them feel alien to this society. One of the respondents replied that she had bitterly cried out in public when once such words were used for her. Most of them said that the abuse on them made remember their past and make them feel cheap.

The remaining 28.57% of respondents said that they had got used to such remarks and were in such a position where they could fight back. The respondents said that the abuse had no such impact on them anymore.

5.3.6. Social Acceptance

The brothels are not for empowerment and trainings for livelihood, instead they force the victims of trafficking to sell sex until they are not affected by AIDS and other venereal diseases. They do not follow social norms and discipline there. The only work they are conditioned is to wear flashy make up and attract more men per day.

The socialization and social acceptance of SOTs, for this reason, is too difficult though not impossible. Shakti Samuha has been playing a role of facilitator and moderator to reclaim social acceptance of SOTs.

When the respondents were asked their relationship with the society 71.43% of the respondents reported that they were not accepted as normal beings from the society as their parents harass them saying ‘In so many years, you have not earned a penny so you cannot stay here’ while 28.57% of respondents reported that they had received good response from their society and even got married and happily enjoying their lives as normal beings. They said that they could not forget the event in their life as they had never felt so humiliated ever. They reported that event had helped to do something in life and show it to the world.

5.4. Case Studies

This section illustrates case studies of SOT's that would help to imbibe the trafficking as one of deeply rooted reason of violation of women rights. These representative cases indicate the poor construction of society in economic, social and political term as the major causes of women trafficking. These case studies are not just storytelling but also documentation of their struggle, frustrations, hope, aspiration which could be inspiration for others too.

CASE 1: IN SEARCH OF SELF-RELIANCE

My name is *Preeti Roka* (Pseudo name). I was born to a well-off family in Lalitpur district in 1976. My family consisted of my father, mother, one younger brother and four daughters, including myself. I am the second daughter of my parents. During my childhood, we did not need to worry about our basic needs and all of us studied in a private English school. Unfortunately, we lost our mother in our childhood. I was just 13 years old. After the death my mother, nothing remained the same.

My father used to get drunk everyday and beat all of us and he did not do any work. In search of our elder sister we reached Patan where a man told us that he had seen her place and brought us some biscuits. After eating some biscuits we felt so drowsy and we did not feel like getting up. When we woke up we noticed that there were seven others in another room. Those girls said that they were going Butwal to work in a garment factory. Later, the man who had brought us there, pointed to the girls, and said, 'Why do you have to go your sister now? All these girls are going to work in a garment factory in Butwal, why don't you come along with us?'

Next day, nine of us along with two more boys left for Butwal. However, we had no idea how far Butwal was and where we were going to work. At a place called Sunauli we boarded another bus. Later, we came to know that we were taken to Delhi, where all of us were kept in the same room for one week saying that there is a curfew in the market area and we will have to stay here for about a week. We totally believed

what the man said and obeyed him quietly. Then a dark, fat woman was introduced to us as a merchant selling cloth. She told us that her garment factory was a little farther and we would have to go there by train.

Later, I came to know that we were in Mumbai and had been taken to separate brothels. After getting down from the taxi, I was led into a room where there were small cubicles with small beds and curtains in between. Outside I saw naked girls taking bath, I was surprised and embarrassed. It was only after I saw men taking those girls to the small cubicles that it finally dawned on me as to what kind place I was in the earth moved beneath my feet. I went to the women who had brought us there and asked her about the whereabouts of the man with whom we had come from Katmandu. She informed us that after selling us they had already left and cruelly asked us to start working like the rest of the girls. We cried and screamed for help, but all in vain. One of the girls who were sold with us escaped so we were quickly sold and transferred to another brothel for fear that we might run away too. The second brothel owner chose to keep me in her brothel because the other girl was not so beautiful. I spend only two days in the first brothel. As soon as I reached the second, I was forced to do sex work. For eleven days I resisted crying and waiting hoping that they might change their mind. But eventually, I was forced to comply with their demands. I did not have any option. After four months, I was again sold off to another brothel, which was also owned by a Nepali woman. Thus, being sold from one brothel to another again and again, I spent almost two and half year in dark and dingy rooms.

Most of the customers were Indians and sometimes Arabs and Pakistanis. We tried to find happiness ever in that hell. We prayed everyday to get better clients. I don't know how many girls there were in first brothel but in the second and third, there were 35 and 40 girls respectively and most of them were of Nepalese origin like me. The owners of the first two brothels were very cruel. It was normal for the, to call us names. They would even go to the extent of beating us if things did not turn out as they desired. However, the owner of the third brothel was relatively better. As she had no parents and she was very sad about it. She never scolded me, nor did she ever beat

me. She must have been kind to us, because she had underwent the same experiences that we were going through. I still believe that if somebody had released her from this hell she would have seen a different person.

In 1996, when the girls of Kamathipura of Mumbai were rescued, I was also rescued. We were rescued as a result of surprise raids in the brothels of Mumbai. Some non-government organization took the responsibility to bring us to Kathmandu. As soon as we reached Nepal, we had to go through a health check-up in which some of my friends tested HIV/AIDS positive. I was extremely nervous about result. I felt extremely lucky to be tested negative.

After three months, when I returned home, I found my brother and sisters had already grown up. My father had come to receive me and till I had some money with me, he treated me very well. But as my money finished, his color changed. My brother was small. The younger sister who had grown up did not treat me well. Every time I spoke to them, they would call me a 'Mumbai returnee'. I used to feel very bad every time they used to call me so. I had taken so much trouble in raising these sisters and brothel and used to be worried about them all those years when I was in Mumbai.

I sometimes feel that I should have never returned Nepal to see their faces. Though my brother did not treat me badly, he did not do anything good to me either. When I could not tolerate all these misbehavior from my family I decided to go back to the same organization that I belonged to. In fact when I returned from the brothel I was looking for a strong family support. I wanted someone to take care of me and share my pain. But instead I got more pain. Some of the survivors did get family support though.

I realized that I should do something for my living. Since I was educated, the chairperson of the organization encouraged me saying that I should do whatever I think I could do. With the aim of fighting against this crime, we, some survivors of trafficking and violence against women formed a group as 'Shakti Samuha' at the end of 1997. Once a foreigner, probably a Thai lady, listened to grievances and gave us assurance that she would collect some money for us to work against this crime. Her

words were very motivating. I have represented the organization and country different national, regional and international meetings, seminars and conferences related to trafficking and violence against women. I got opportunities to travel to many countries like Sri Lanka, Switzerland, the Philippines, Thailand and America to attend various meetings and seminars to raise the voice of the survivors of trafficking.

I have noticed that several organizations or associations, which are working for rehabilitation of the survivors, do violate the rights of the victims. I strongly believe that people working in such organizations should not expect normal behavior from the survivors of trafficking keeping in mind their past experience. It will definitely take some time for these women and girls to improve their language and their behavior. All of us working in these areas should deal with patiently by understanding their mental state. It is true that since we have personally gone through such experience, we understand things better than others.

Today I feel that I have a new life. I am still in the first phase of my career and I have more to do for the prevention of women and girls from being trafficked and ensure that the rights of the survivors are not violated. I wish to continue what I have started. Till yesterday I was struggling for mere existence and today I work for others with dignity.

CASE 2: PEOPLE NOW CALL ME A “DOCTOR”

My name is *Reema* (Pseudo name). I was born in a Brahmin family in hilly region of Udayapur district. We were ten siblings-seven daughters and three sons. I am Kainli, meaning the fourth daughter. We had only a small land holding for our living. Thus, it was very difficult for our parents even to meet our basic requirements like fooding and clothing. I must say that our life was better than in the hills.

It was one unfortunate day, when a flash flood in Triyuga River swept away all our land and nothing left. We came to another district Morang, where we built a small hut in a public land. However, after one year of struggle we did manage to join

school but we had to continue working as agricultural laborers. All of us could not go to school on the same day as we used to take turns go to school. I was in class nine. I continued to go to school and I was very good in my studies. The villagers would repeatedly say that there is no use educating daughters as it will create problems in finding suitable grooms for them or they will need lots of dowry to be married off. My father got carried away by their saying, so he decided to marry me off as well. I cried, argued, fought and did everything I could to resist marriage but all in vain. So my marriage was arranged with a man in a village in Morang district.

After marriage, I went to my husband's house. He was one among ten brothers and sisters. My husband had studied only up to class three. Thus the whole days I used to work in the field apart from cooking for the entire family in the morning and the evening. After I was done with the household chores, I would oil massage my mother-in-law's feet before she went to sleep. Thus it would be midnight by the time I would go to bed. Then my husband would force me to have sex with him. I would be half dead by then and the forced sex would virtually kill me every night. As if this was not enough-after two months of our marriage; my husband's family started harassing me for not bringing enough dowries. So I had to bear both physical and mental torture. The misbehavior was way above I could tolerate so one day I decided to run away from his house forever. I made plans to go Katmandu. I left the village with a girl, who though younger to me was a good friend of mine.

The journey to Katmandu by night bus was far from comfortable. There were boys in the bus who harassed us throughout the night. They offered us some biscuits but we did not take anything from them. Every minute in the night bus felt like hours. My brother came to collect us at the bus park. When we reached our brother's place, I told my brother everything about running away from my husband's house. He sent us to my sister's house saying that he did not want to see my face ever again. Luckily I found a job in a school. My job was to take care of the children the school, cook food and wash dishes. There also it would almost be midnight by the time I finished all my

work. I had been there for eight months and one day the peon who used to work there proposed to have sex with him. I had to leave the place though I enjoyed my work there as children loved me. After I left the school, I again started looking for a job.

One day introduced to a policeman who was supposed to find me a job. I did accordingly and rented a room in Dilli Bazar. One day the policeman took me on his motorbike to a hotel in Durbarmarg and introduced me to the manager. The manager said that will have to work as a hostess and will also have to clean rooms. Sometime I might be required to provide massage to guests. I agreed as I needed a job desperately. He warned me that in the hotels, they make young girls do different kinds of work and I should be careful. I did not believe and thought they would not do such in big hotels like this one. One day when the manager said that he would come to my room to teach me massage, I sensed foul play. I did not let him come to my place. However, after a few days, the policeman came to my room and made advances. I warned him but he took no heed and continued to come close to me. I wanted to scream and tell the truth about the policeman to the people but at the same time I was scared that people might think negative about me instead and throw me out of the house. However, I warned him that if he moved any nearer towards me, I would scream. He backed out after that and I deserted the idea of working in a hotel.

Then I started working in noodles in a factory. I worked as much as men. They appreciated my work but did not get enough money to make two ends meet. The money I got was barely enough to pay for the rent. Then again, I started working as a domestic help in a house at Ratopool. I worked there for a couple of months but the house owner, too, tried to sexually exploit me. The man was about 60 years old. He started calling me to his room just two or three days after I took up the job. But I refused to go there. Then he threatened to throw me out if I did not comply. So I left the house. Wherever I went, I had to face sexual harassment. I felt that all men were the same; they only looked different. By saying this I know I am doing injustice to many other men but bitter experience in life made me feel that way. And I am not the

only one to go through those kinds of experiences- there are many who are still trapped in such circumstances.

In September 1995, I happened to come in contact with a shelter run by a non-government organization Shakti Samuha. The shelter contained many illiterate women. I started staying there. I would do all kinds of works like teaching those women and doing other works like cooking, washing. I had a lot of bitter experience in that organization as well. They were cheating in the name of the innocent women staying there. They use to give old clothes but they charged the funding agencies for new clothes. While I was working there, I studied till class ten. Then one day another NGO sent me to take six month training in Udaypur. After the training I returned to the same NGO for the same work. Since I had learned on this issue during the training, I gladly accepted it. I went there and after working for some time. I got confident and felt happy working as a health worker. Now I am in Udayapur and taking care of three villages Development Committees (VDC) as a health worker. Here many people call me 'doctor'. The biggest problem the women are facing in this area is uterine prolapse. The main cause of the disease is lack of proper rest after delivery and other physical weaknesses. People respect me and many of them come from far off places to see me if they have any health related problem. I have been working here for the last four and a half years. And I also go to other VDCs if need arises.

Now there has been a sea of change in the attitude of my family members and the way they look at me. It has taught me an important lesson about life that there is a vast difference between being able to support yourself and having to rely upon others. Today I stay alone and even walk through jungles all alone, yet people do not dare to say anything bad. I meet different kinds of people but none of them look at me in bad way, instead they love me and respect my work.

CASE 3: WHEN SELF DIGNITY IS HURT

My name is *Uma Tamang* (Pseudo name), born in Dhankuta district of Nepal in 1985. I grew up in a small and simple family with enough means to earn a living. I grew up in small and simple family with mother, father, grandparents, phupu (father's sister) and we four sisters. I spent my first seven years of my life in a modest but good family atmosphere. We had a small piece of land of our own that produced enough to sustain ourselves the whole year. But it was one unfortunate day when some people filed a case against my father on the same piece of land. A stay order was issued and we were prohibited from cultivating anything. It brought a real crisis as we were dependent on that land for our living. A mere sustenance became a question mark. My mother was unable to bear the crisis and due to some other reasons as well she eloped with another man. Our happy family was shattered. As children, it was a very confusing phase for us I was in grade three. I used to be good student and secure good results. However, I had to drop studies as my grandmother found me a job as a helper in somebody's house. I had dreams of higher education and having a great career but our economic conditions compelled me to work to support my family. The landlady was not very kind. She would not even give enough to eat, forget about paying me regularly. I used to be beaten up and which would be accompanied by verbal abuse. So one fine day I ran away from the house and went to my grandmother's place. A few days went by and again a new job was found for me. This time I was promised I would be sent to school. However, this time too it was only hard work.

One day my grandfather took me to Kathmandu. I could not understand why he took me to Kathmandu. He wanted to find me a job as domestic helper perhaps. Anyway, we had a few relatives in Kathmandu and he left me with one of the sisters, who had a small tea shop in New Bus Park, Balaju. I started helping her out in her business. In the bus park I had to deal with many boys and men who would harass me and sometime even touch different parts of my body. However, my sister would never say anything to them. Moreover, she would say I should please them as they were our client. I had to carry tea to drivers and conductors sleeping inside the buses that would

freely pinch my cheeks. It was becoming unbearable. Just because I happen to be a girl and poor does not mean that anybody can misbehave. I felt that I was looked upon as a commodity. All of their activities toward women are sexually oriented and motivated. Time went by but I could not get used to the atmosphere. In the meantime, I met two boys who used to sell watches at the bus park. They were Tritha Rai and Kamal Chhetri from Nuwakot. They were kind to me. I saw some respect in them for me that I deserved. They would fight with the people who used to harass me. Naturally I got closer to them and started feeling like were my own brothers. We used to share our woes and sorrows. One day they proposed that we all should go to India as they had heard that there were better chances of making more money. I had so much faith in them that I accepted immediately.

An unfortunate day I got on the bus with them headed for India. During the journey if anybody asked. I was supposed to say that one of them was my husband and the other one was my husband's friend. Not knowing what fate awaited me I crossed Bhairahawa to Sunauli with my pseudo husband Tirtha Rai and his friend Kamal Chhetri. My aspiration for better job and good money came crumbled down when I realizes I was in a brothel in Calcutta. After two days, I came to know that the culprits had sod me for Rs 20,000 and gone back. There were many little girls like me, but full of heavy make-up, who had been there for some time. Initially I did not even know what kind of place that was, only when I was forced to do sex work, I understood everything. I was sold to a brothel called "*Pilahouse*" in Calcutta. There were many Nepalese girls. I must say it was my fate that I did not have to stay there for long. From the very first day I had tried to run way, but had been unsuccessful. However, one day, about a month later, I managed to do so. I did not even have money to pay the taxi fare, but the police was very helpful. They paid the fare and helped in sending me back to Nepal.

The first thing I wanted to do upon my return was to find those traffickers and punish them but it was not possible. At present, I am taking part in skill-oriented

trainings at Shakti Sahuma. Once I complete the training, I wish to become independent and also work against girl trafficking. I don't want to go back to my family, as they don't really care about me. Though my father lives in Kathmandu, he hasn't been of any help to me. When I visit him sometime, he does not even want to talk to me. Once I start earning I wish to help my family though.

I am one of those lucky ones who have been able to come out of a living hell. There are so many girls getting exploited day after day. And there are so many little girls selling teas at the bus stops and getting harassed for no reason. It is time that we should all work against the sexual harassment and reduce vulnerability to trafficking.

CASE 4: TURNING THE PAGES OF MY LIFE

My name is *Asmita Puri* (Pseudo name). I was born in a simple family in August 1977 in Dailekh district. Including me, we were three daughters and one son in the family. My father was active in local politics. After the birth of three successive daughters, my parents were really frustrated. A son was finally born after the third daughter. When I was old enough to understand things, I found out that my sister was already married off in Bardiya district. From listening to the regular conversation between my parents I made out that since the two sons previously born to my parents had died at an early age, my mother feared that the newborn son would not survive if we stayed back in Dailekh district.

One day my mother went to visit my married sister in Bardiya district. My elder brother and I went along with her. After staying at our sister's place for a few days, my mother thought that if she could stay there in Bardiya so her son would survive. Soon afterwards, my father came to my sister's house to take us back home. However, my mother refused to return to Dailekh. Later, my parents decided to move to Surkhet and open a small hotel. The hotel helped us to earn a good income.

In 1983 we moved to Jammu and Kashmir of India. In Jammu, my father started farming potatoes. We started to spend our days happily. After a decade, we too left Jammu and Kashmir and migrate down to Himanchal Pradesh. By the time we reached Simla, all the money that my father had was finished. Then my father started to work as carpenter. My mother and I would assist my father in his job. In the course of time, a tractor driver, who used to live nearby become very close to us. He told us that he was also a Nepali and had gone through tremendous hardships in his life. As we also had undergone a lot of hardship, we thought we had similar background and thus became very fond of him. He used to visit our family quite regularly. As we became closer, he started saying that I should find a job and should not be a burden on my parents. I requested him to find a job for me. However, he said that since there were not much employment opportunities in that place he would find me something in another town. I did not accept the proposal to go to another town. But he continued to persuade me and I continued to refuse. One day he brought some sweets for me, thought I did not take them initially, he lured me into taking them. After that I became unconsciousness. I only have a faint recollection of getting into a train in Delhi. I was feeling very drowsy and could hardly remember what happened. When I regained me consciousness I found myself in an unfamiliar room. I asked the people in the room about the person who had brought me there. To my surprise, I was informed that the man who used to call me his 'sister' had sold me there and had left. I realized that this big city was Mumbai and I was in a brothel. My heart was broken when I came to know about it. I was so helpless and I felt that all my dreams were shattered into smithereens.

After sometime, one man told me to start working as a prostitute, but I refused. The man approached me with a Khukuri (a traditional Nepali knife) and slashed me and beat me up. But I continued to put up a resistance and refused to obey his commands. He got so tired with me that he sold me to another brothel. The first brothel owner was a Nepali and belonged to the Sherpa community, while the second

was also a Nepali woman, who came from the Tamang community. The women did not let me speak or express myself. Instead she would scold me using all kinds of possible filthy and vulgar words. For nearly three weeks, I refused to work as a prostitute in that brothel as well. Consequently they stopped giving me food. However, in order to survive I had to comply with their commands and thus started my life as a prostitute at a young age of sixteen. We were not allowed to wear decent clothes in the brothel; we were compelled to wear skimpy clothes, and heavy make-up. We were not given good food to eat. However, those of us who could sleep with 20-25 clients would be given a good meal. Nepalese customers were not allowed to enter the brothel. Some of them would pretend to be Indian by speaking Hindi. I still remember very clearly that some would treat us very roughly some would force us to drink alcohol and some would burn sensitive parts of our body with cigarette butts.

Once I beat one customer who tried to force me to take cigarette and alcohol. However, other women at the brothel were very submissive and tolerated all kinds of ill treatment. At that time many organization working against trafficking were pressuring the government of India to raid the brothel and rescue the trafficked girls and women, who were willing to come back to Nepal. As a result the Mumbai police made a sudden raid in the brothels but some brothel operators got some clue from their allies about the raid. That was why they had tried to keep us away from the brothel and send us to movie. Some of my friends and I were lucky to be rescued by the police. We were then kept at a shelter home in a place called Chimpur.

Our return to Kathmandu was delayed because of some kind of bilateral negotiation that had to be done between India and Nepal and as a result we spent seven months at the shelter. Finally, when we return to Kathmandu Shakti Sahuma took us to their shelter home. I was happy to be at Shakti Sahuma. The moment we arrived in Kathmandu, we were subjected to a medical test for HIV/AIDS. I was extremely nervous till we got the result. Once the report came, I was relieved to know that I was tested negative.

Later, I received various training through the same organization increased my self-confidence. After the training, I stopped blaming myself for everything that happened to me in my life. As a result, my willingness and enthusiasm to do productive in life has revived once again. Along with some other friends, we have opened a social institution for creating awareness to prevent women and girls from being trafficked. People require a citizenship in order to work in an organization. Since I did not have a citizenship certificate I faced many problems. Around the same time I got married and went with my husband to get the citizenship. Now I am engaged in social service with a dogged determination to fulfill my childhood dreams. I aspire to become good social worker in the future.

CASE 5: OPPORTUNITIES ARE WHAT WE NEED NOW

My name is *Sujata* (Pseudo name) and in 22years old. My home is in Chitwan district of Nepal. But I don't know where exactly in Chitwan district is my home. Since the time I can remember, I have lived with my father, step mother and her children in the family. Unfortunately, I don't remember my mother. My father used to work in a rice mill in the village. Later he found me a job at the mill and I used to help with household chores. Apart from that I collected fodder and firewood, took the cattle for grazing.

The mill owner had a twenty year old son who used to come in to the room where I slept every night. He had threatened to kill me if I told anybody about it I was so scared that I bore the pain every night silently, I was only eleven years old then. One day I left house with about three sets of clothes. I was very hungry by the time I reached Narayangadh. One woman who owned a hotel came and asked me about myself. I told her everything. After that she took me to her house and gave me food. She said I could work in her hotel. Her husband had a bad character. She hadn't told me anything about it. One night her husband came to me and tried to have intimate relations with me. She came to know about it so the next morning she said to me that I

should be careful of him. The nights were not easy for me as he made many such attempts. I used to hide in different place to save myself from him. It was getting too much. There was a couple who used to come regularly to eat in her hotel. They used to show some concern over my hard life. I had to bear lot of hardship as I had to go to fetch water far away. There were other boys who used to come regularly to eat there and used to sexually harass me, despite the hotel owner and her son's scolding. She used to send me to fetch water, whenever they came. I left them without telling anybody. Then I worked in the doctor's house.

One day I remember getting on bus and eating ice-cream but do not remember anything after that. When I regained my consciousness I was in somebody's house. It was a Nepali woman who was married to an Indian. I asked them where I was and where the couple was who had bought me there. The next day, their son took me to big house. There were about three of four hundred girls in the house. There were many small rooms that had one bed and two chairs. I was convinced that I was sold. I refused to go inside. Then somebody and ragged me inside. In the evening the brothel owner came in and said that I was sold for forty thousand rupees so I should work till I was young and I could leave the place only when I became old. They explained that I had to do sex work, I was shattered. When I said 'I have already gone through such experience and I cannot sleep with men', the women beat me saying 'I had thought that no one had touched you but somebody else has already tasted you!' She also burnt my body with cigarette butts. Just for the purpose of beating, they had a thing like a wooden ladle. I was beaten black and blue. My back was all bruised. I spent the whole night crying.

After one week a Japanese man came looking for a girl. They had made an arrangement for me with the Japanese man for sixty thousand rupees. Four days after the Japanese had gone, another customer came. I was still bleeding. While I was there a girl aged 11-12 was brought in. There was a hefty man named Munna. We called him Munnabhai. He would collect money every week. When he saw the girl, he himself bought her for Rs 40,000. He went inside the room to the girl but after few

moments he came out saying the girl was dead. There was blood oozing out from her mouth and nose. It did not look like he had beaten the girl to death but she died the same day she was brought to the brothel. They threw away her body. Who cares about the death of a girl in a place where out of three or four hundred girls many are 'dying' everyday? There was no way of keeping track of death of such girls. I entertained up to 25 customers a day. We used to be given medicines so that we would not faint out of pain. We would be exhausted but we had to sleep with the customers at any cost. I was lucky; I never got pregnant and had babies.

The government of India decided to rescue the under-age girls. When the police started the raids, we were all hidden inside. We were locked inside but when the police raided the building I banged on the door from inside. The police ordered to open the door and found me. After rescue, we were kept in a place called Asha Sadan for seven months. We were treated well and were given good food. After two months, the people there told us that they had corresponded with the government to Nepal and would be taken back. At the initiative of non- government organization, we returned to the country. Sometimes we would be taken out to temples where people continued to mistreat us calling us prostitutes brought from Mumbai. They felt that they would contract AIDS by even touching us.

I went back home to Chitwan. My father said that I should forget the past and stay there with him. But my step-mother said, 'In so many years, you have not earned a penny so you cannot stay here.' I wanted to stay together with my parents but my mother's words did not allow me to stay there. Then I returned to the Shakti Samuha. The others staying there were already rehabilitated. The Shakti Samuha sent me to Pokhara on three years training in coordination with Jyoti Vocational Training Centre. They had organized training on plumbing, computer, electricity and beautician training. I felt I have got a new life. Today, it feels like I should live not only myself but others as well. Now I am working at Shakti Samuha as a warden of safe shelter home (which Shakti Samuha recently opened). I wish to remain and work in Shakti Samuha till I can. The girls and women who have been rescued from the brothels

want to be self-reliant and rehabilitated with dignity in society. And self-reliance presupposes income generation. Therefore, it is urgently necessary for government, non-government agencies and all concerned stakeholders to pay attention towards this.

5.5. Discussion

This chapter has tried to describe the scenario of trafficking, rehabilitation and reintegration of SOTs from Shakti Samuha. The sample size was small, hence, cannot be generalized, but the result has depicted national level scenario of trafficking. The research has been done to identify the social demographics of SOTs, causes of trafficking, current situation of SOTs in shelter.

The socio-demographics showed that the demand has been fulfilled by innocent remote rural girls from all casts and religion. The trafficking prefers uneducated unmarried young girls and women unaware of their rights and economically challenged who are easily lured and exploited. Most of the respondents were from Tamang (28.57%), Brahmin, Chhetry, Magar, Rai, Shrestha, Damai and Sarki. The SOTs represented Buddhist (50%), Hindu (42.6%) and Kirant (7.14%) religion. Most of the SOTs were trafficked at their tender age of 15 to 25 (64.29%) and majority of them were either unmarried (50%) or divorced and separated. Traffickers focus on uneducated or less educated girls and women. The research showed 92.68% of SOTs were literate or just attended school.

The research has tried to access the root causes of trafficking and come up with finding that livelihood, economic opportunities and migration associated with trafficking. The women and girls from low economic background (57.14%) and without enough family land (76.36%) were forced to migrate for employment, earning and maintenance of economic status (92.68%) while some others are migrated due to false marriage (7.14%) reasons by Brokers (35.71%), kin members (28.57%), friends (21.43%) and family (14.28%).

The trafficked women suffered physically, mentally, emotionally before their rescue and repatriation back home. This research has tried to find out their current situation of SOTs living in a rescue home, Shakti Kendra which has been providing them shelter along with skills for employment, legal aid and health facilities to regain their self-respect in the society. The condition of SOTs is not ready for their reintegration as they do not have established sound relation with family (64.28%), they are still stigmatized for their past (71.43%) and moreover, though they are engaged in trainings (50%), Social work (35.71%) and income generation programs (14.28%) they are not satisfied (78.57%) with whatever they are earning at present. Majority of SOTs (71.43%) feel they are not accepted by the society.

This empirical data and the case studies of five SOTs show a serious condition of girls and women. The lack of education, awareness and employment opportunities are forcing them to false promises of agents and brokers. The girls and women of all cast, creed, religion and geography have been found to be trafficked. Traffickers have given preferences to young tender aged girls suffering from economic as well as family crisis. Even the rescued SOTs are not satisfied at all with their present situation. They lack skills, have low income, still they do not feel the change in their life, have low esteem due to discrimination, very few have reestablished their relation with family and moreover they do not feel ready for socially reintegration and they do not feel like the society will accept them.

CHAPTER 6
TRAFFICKING AND POLICY PROVISIONS: IMPLICATIONS IN
CURRENT SITUATION

12.1. International System

Nepal government has accepted that trafficking in person is the violence of human rights and shows its commitment to combat trafficking through international and national efforts. It has ratified 19 Human Rights treaties and covenants including Convention on Civil and Political Rights (ICCPR), the Convention on Economic, Social and Cultural Rights (ICESCR), 11 ILO Conventions and four International Humanitarian Laws as of April 2009 (NHRC, 2009). Nepal is a party to three anti trafficking conventions: the 1926 Slavery Convention, the 1956 Supplementary Convention on the Abolition of Slavery, and the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

The government ratified the CEDAW and CRC Optional Protocols in 2002. It also ratified Forced Labour Convention (No. 29) in 2002, Abolition of Forced Labour Convention (No. 105) in 2007, Minimum Age Convention (No. 138) in 1997 and Worst Forms of Child Labour (No. 182) in 2002. In 2002, the government signed but has yet to ratify the UN Convention against Transnational Organized Crime. The GoN has signed the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption of 29 May 1993 in 28 April 2009. This Convention is vital for the regulation of adoption of children in Nepal. However, Nepal has not ratified UN 2000 Trafficking in Persons Protocol (OSRT-NHRC, 2008-2009). It has not ratified the only specific UN instrument that addresses girl trafficking-the 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (Aengst, 2001).

12.1.1. International Convention on Civil and Political Rights (ICCPR)

The Convention on Civil and Political Rights (ICCPR) clearly defined civil and political rights of an individual under the aegis of signatory State and strongly enforced by the Human Rights Committee. The practice of girls trafficking is in violation of girl's rights articles 8 and 24. Article 8 states, 'No one shall be held in slavery; slavery and slave trade in all their forms shall be prohibited..... no one shall be required to perform forced or compulsory labor.' Article 24 outlines the rights of children. 'Every child shall have, without any discrimination as to race color, sex, language, religion, national, or social origin, property or birth, the right to such measures of protection as are required by his states as a minor, on the part of his family, society, and the state' (Aengst, 2001).

The ICCPR has no specific modus-operandi for the treatment of individual complaints and issues laid out in the treaty. To eliminate these problems UN created the optional protocol to ICCPR .It is the mechanism that allows the Human Rights Committee to review individual complaints. Optional protocols allow individual victims the right to challenge human rights violations by a state party. As a result, isolated incidences of human rights violations, which could easily be overlooked, are addressed. However, this protocol is limited to those civil and political rights which are laid out in the treaty. Furthermore, all possible remedies must have been already exhausted for the Human Rights Committee to even consider individual complaint.

Nepal has ratified both the ICCPR and its Optional Protocol on May 14, 1991. This mechanism has been used to confront girl trafficking with support of NHRC and other GOs/INGO in Nepal.

12.1.2. International Convention on Economic, Social and Cultural Rights (ICESCR)

Recognizing that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political

rights UN International Convention on Economic, Social and Cultural Rights (ICESCR) emphasizes on those rights of an individual. Article 10 stipulates that States are responsible for protecting children from exploitation. 'Children and young person should be protected from economic and social exploitation. Their employment in work harmful to their moral or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labor should be prohibited and punishable by law.'

Nepal ratified the International convention on Economic, Social, and Culture Rights on May 14, 1991 but uncurbed girl trafficking industry between Nepal and India is clearly in violation of the ICESCR (NHRC, 2006-7).

12.1.3. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Convention on the Elimination of all forms of Discrimination against Women (CEDAW) is the central and most comprehensive document prepared by UN Commission on the Status of Women which has been instrumental in bringing to light all the areas in which women are denied equality with men. This Convention especially gives emphasis on adoption of appropriate legislative measures and embodies the principle of the equity of men and women in their national constitution (Article 2), and elimination of discrimination in the field of education (Article 10), employment (Article 11), health care (Article 12), marriage and family relation (Article 16). Article 6 is the only article within CEDWA which specially addresses the trafficking of women. It states 'State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.'

Nepal ratified CEDAW on February 5, 1991. The enforcement mechanism for CEDAW is the Committee on the Elimination of Discrimination against Women which monitors the implementation of the Convention by states that have

ratified it. Nepal has had three reports due to the Committee but has submitted its initial report in 1997, its addendum in 1999 and another report in 2002. There are no specific reports within the Committee on the Elimination of Discrimination against Women about recent status of women/girl trafficking in Nepal. There is an optional protocol with CEDAW which was ratified in 2002 (NHRC, 2008-2009).

12.1.4. Convention on the Rights of Child (CRC)

The Convention on the Rights of the Child is designed to clarify what is and is not in the 'best interests on the rights of the child'. The trafficking of girls and women is a violation of articles 11, 32, 34, 35 and 37.

Article 11 asserts that State Parties must prevent the illicit transfer and 'non return of children abroad.' Article 32 stipulates 'state parties recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be the child's health or physical, mental, spiritual, moral or social development.' Trafficking is certainly exploitative and harmful to children's welfare.

Article 34 mentions the states are responsible for protecting children from sexual exploitation and sexual abuse. Article 35 regards the sale and trafficking of children. Article 37 states that torture, inhumane, and degrading treatment is a violation of the CRC treaty.

Nepal ratified the Convention on the Rights of Child on January 26, 1990. The trafficking of young Nepali girls violates all five articles of the CRC: the illicit transfer of children abroad (11), economic exploitation (32), sexual exploitation (34), sale and trafficking of children (35), and the torture, inhumane and degrading treatment (37). The enforcement of CRC is based upon reporting mechanism. Nepal has submitted one report since it ratified CRC. The GoN has signed the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption of 29 May 1993 in 28 April 2009. This Convention is vital for the regulation of adoption of children in Nepal. Nepal has

drafted a report in response to child prostitution in Nepal (1993) which has shown a serious situation of children. Lately there is no new report.

12.1.5. Beijing Declaration and Platform of Action

UN has been organizing international conference to address different women related issues. The first World Conference of the International Women's year was organized in Mexico City (1975) followed by second in Copenhagen (1980), third in Nairobi (1985) and the fourth in Beijing (1995). Of these four, the Beijing Conference had been most successful with overwhelming participation of States and successfully come up with 38 point Beijing Declaration and Platform of Action which was endorsed in fiftieth session of UN General Assembly.

The Platform for Action upholds the Convention on the Elimination of All Forms of Discrimination against Women and builds upon the Nairobi Forward looking Strategies for the Advancement of Women, as well as relevant resolutions adopted by the Economic and Social Council and the General Assembly. The objective of the Platform of Action, which is in full conformity with the purpose and principles of the Charter of United Nations and international law, is the empowerment of all women. The formulation of the Platform for Action is aimed at establishing a basic group priority action that should be carried out during the next five years.

The Platform for Action has several strategic objectives and actions with specific guidelines for governments, regional organizations, the United Nations, other international organization, research institutions, women's and youth organizations and non-governmental organizations under the headings of women and poverty, women and health, violence against women, human rights of women, institutional mechanism for the advancement of women, the girl child and others. The Strategic objective of Violence against Women has three subheadings D.1, D.2 and D.3 which focuses on effective measures to be taken for elimination of violence against women while D.3 clearly lay down specific

plans to be taken by the stakeholders to eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.

Beijing declaration and Plan of Action has been a milestone in terms of effort to uplift overall prevailing situation of women of the world. Government of Nepal has been implementing the plans through MoWCSW, National Women's Council (NWC) and other NGOs and reporting the situation of women to the UN Commission on the status of Women of Nepal. From 1-12 March 2010, the Commission on the Status of Women undertook a fifteen-year review of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly. Emphasis was placed on the sharing of experiences and good practices, with a view to overcoming remaining obstacles and new challenges, including those related to the Millennium Development Goals (MDGs).

12.1.6. International Labour Organization (ILO)

GoN has ratified the ILO Minimum Age Convention (No.138), ILO Convention on the prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No.182), Abolition of Forced Labor (105) and ILO Forced Labour Convention on Forced or Compulsory Labour (No.29). GoN repeatedly expressed its commitment to eliminate the worst form of Child labour that includes sexual exploitation and trafficking by forming different instruments like Children Act (1992), Children's Rule (1995), Child Labour (Prohibition and Regulation) Act (2000), Bonded Labour (Prohibition) Act(2002), Human Trafficking and Transportation(Control) Act (2007).

ILO has conducted a rapid assessment titled 'Nepal Trafficking in Girls with Special Reference to Prostitution (2001)' which showed the then condition of girls trafficking condition of Nepal (ILO, 2001). At present, it has not come up with recent researches and findings in this issue.

12.2. Regional System

Since third South Asian Association for Regional Cooperation (SAARC) Ministerial meeting on Children held in Rawal Pindi of Pakistan (1996), SAARC, an eight nation (after entry of Afghanistan in 2007) regional organization has started to give emphasis and expressed commitment in to combat inter and intra-country trafficking in children and assist victims of violence due to prostitution and sexual exploitation by evolving administrative, legal rehabilitees structures both within and between member states.

In 1997, 9th SAARC summit of the heads of states of government held in Male similarly expressed great concern over the trafficking of women and children within and between countries and pledged to co-ordinate their efforts and take effective measures to addresses this problem. This resolution pointed out that the exiting legislation in member states be streamlined and strictly enforced for simplification of repatriation procedures for the victims trafficking.

In 1998, the 10th SAARC summit of the heads of the state of government held in Colombo adopted a draft Convention for Preventing and Combating Trafficking in Women and Children. All the member states adopted the convention in 11th SAARC summit held in Kathmandu and ratified by all the member states in 13th SAARC summit held in Dhaka. The same summit recognized positive role of civil society organizations and the media in raising awareness regarding the issue.

In 2007, the 14th SAARC summit head of the states agreed to work on efficient modalities to implement the provisions of the existing SAARC Conventions to combat trafficking in women and children and also expressed their commitment to take every possible measure to prevent and suppress those acts.

At present, significant number of like minded cross-boundary NGOs, civil society organizations and media are working together along with the government to control trafficking of women and children. However, the act of trafficking in this new century has come up with new manifestations and hence, both the 15th

and 16th SAARC summits emphasized the linkage between terrorism, illegal trafficking in drugs and psychotropic substance, illegal trafficking of persons and firearms all continue to remain a matter of serious concern and reiterated their commitment to address these problems in a comprehensive manner.

12.3. Domestic Laws and Initiatives

12.3.1. The Constitution

The constitution is the fundamental law of Nepal. It provides and protects lawful rights pertaining to people of the nation. The Interim Constitution of Nepal 2063 (2007), made through a political understanding and to be in force until a new constitution is framed by the Constituent Assembly, includes right to freedom, right to equality, right to property, and right of women, right to social justice, rights of the child, right to religion, right against exploitation. Article 29 guarantees all persons the rights against exploitation and prohibits trafficking in human beings, slavery, serfdom and all forms of forced labor. Article 20 on women's rights prohibits discrimination and violence in any form against women and provides that such violence be punishable by law. Article 22 on child rights guarantees children the right to their own identity and the right against exploitation and provides that such exploitation be punishable by law. The Interim Constitution also guarantees numerous other fundamental rights and freedoms including the right to freedom, the right to equality and non-discrimination, the right against untouchability and racial discrimination, education and cultural rights, employment and social security rights, the right to social justice, legal rights and freedom from torture, the right to information, the right to privacy and labor rights. The interim constitution, radical and first of its kind in the contrary to the constitution of Nepal 2047, has specified special provisions for the protection, empowerment or advancement of women, Dalits, indigenous people, Madhesi or farmers, workers, economically, socially or culturally backward classes or

children, the aged and the disabled or those who are physically or mentally incapacitated (OSRT-NHRC, 2008-09).

In terms of its domestic laws, Nepal criminalized human trafficking in its Country Code of 1853 and Civil Code of 1963 but at present there are five domestic laws in place that address Girl Trafficking and Forced Child Labor. These include Labor Act (1992), Children Act (1992), Child Labor (Prohibition and Regulation) Act (2000), Bonded Labor (Prohibition) Act (2002) and Human Trafficking and Transportation (Control) Act (HTT Act) of 2007. The HTT Act of Nepal has defined and criminalized the trafficking of girls and women as per the requirement of UN protocol, incorporated several measures to strengthen the effective investigation and prosecution. It also established proportional penalties and a more stringent penalty structure prescribing from 10-20 years imprisonment combined with fine.

But in the contrary, a study by UNIFEM (2005) highlighted that 79 percent of trafficking cases are pending in the Supreme Court whereas, in Appellate courts the ratio is 24 percent and in District Courts it is 62 percent. Even after a conviction, traffickers often escape severe punishment. The judgment analysis of 10 years shows that in 64 percent of the cases, perpetrators are given minimal punishment. Even the report of Attorney General Office still indicates that in 90 percent of cases, the prosecutor claims maximum punishment or 20 years for traffickers whereas only in 10 percent of cases, the trial court affirms the claim of maximum punishment. Even though the Appellate Court affirms convictions achieved at the trial level, the Supreme Court reversed 26 percent of those convictions. The Court rarely offers principled justification for these reversals suggesting that the court is second-guessing the factual findings of the trial court. This has the effect of demoralizing the trial court, the persecutors, the police and the victims.

12.3.2. Government Initiatives

In pursuance with commitment at the global and regional level, Nepal has taken several initiatives to address the problem of trafficking on a national level. To ensure and monitor the human rights of people of nation as well human rights, especially, of Women GoN created independent national bodies like National Human Rights Commission (NHRC) and National Women Commission (NWC) in addition to MoWCSW.

12.3.2.1. National Human Rights Commission (NHRC)

The NHRC was established to investigate human rights violation within country under NHRC Act 1996. It has been working against trafficking from its beginning. In its objective 3 of the *Strategic Plan 2008-10*, the Commission has outlined two areas of strategic intervention related to combating human trafficking: recommending amending statutory provisions relating to violence against women and human trafficking and developing regional and international cooperation with organizations working to prevent and control human trafficking and for social reintegration of the survivors (NHRC,2008).

The Office of the National Rapporteur on Trafficking (ONRT), which was established under a Memorandum of Understanding (MoU) between the Ministry of Women, Children and Social Welfare (MoWCSW) in NHRC in 2002, is a part of NHRC which was renamed as Office of the Special Rapporteur on Trafficking (OSRT) in 2009. The OSRT is mandated to monitor the incidence of trafficking; coordinate national, regional and international efforts to combat crime of trafficking; generate high level commitment to efforts aimed at improving the human rights situation of women and children; develop indicators and checklist of monitoring for situation of trafficking in persons; determine focal persons in every district to collect the information on trafficking; develop and maintain a comprehensive and up-to-date national database system on trafficking in persons, especially of women and children

and prepare and publish Annual Report of the situation of trafficking in persons (NHRC-OSRT, 2009-2010). It has already published Annual Reports in the year 20005, 2006-2007 and 2008-2009.

12.3.2.2. National Women Commission (NWC)

National Women Commission (NWC) is another national body which was established under NWC Act 2007 with core values like gender equity, social equity, participation, independence and autonomy, integrity and human rights issues of women. The commission has been working based on its annual planning but there was a felt need of five years strategic planning for the visible result of the initiatives. Thus the Commission has developed and adopted the strategic plan 2009-2014 with specific objectives, areas of strategic interventions and activities. All plans are dedicated on behalf of women.

Objective 3 of Strategic Plan of 2009-2014 has mentioned specific areas of interventions like monitor implementation of instruments related to VAW, review and strengthen the monitoring and investigation mechanism for VAW, and develop local, national and international networks to combat VAW. It has already coordinated various NGOs and MoWCSW and come up with robust suggestions and recommendations to ensure the women rights in upcoming Constitution which has already been presented to the CA Members as a part of objective 4.1. It has stressed on advocacy and lobbying with CA members on constitution writing with gender equality perspectives (MoWCSW, 2009).

12.3.2.3. Ministry of Women, Children and Social Welfare (MoWCSW)

The Ministry of Women, Children and Social Welfare (MoWCSW) is a part of legislative of nation that has responsibility of ensuring the rights of women and children of the country. It was established in the year 1995 has actively been involved in improvement of status of both women and children. In the year 1998, as a result of consultative workshop on trafficking in children

and their commercial sexual exploitation, then HMG Nepal formulated and adopted the National Plan of Action (NPA) against Trafficking in Children and their Commercial Sexual Exploitation. The NPA was sent to the Women Development Offices (WDO) in all the 75 district of the country to implement the activities. This NPA was the first of its kind in the SAARC region, which identified the six areas for actions and fourteen focus areas. The areas of action include policy, research, and institutional development; legislation and enforcement; rescues and reintegration; awareness creation; advocacy, networking and social mobilization; health and education; income and employment generation. To address these areas of actions NPA, in 2000, has identified fourteen different focus areas that had been addressed in National Policy on Trafficking.

1. Carry out public awareness campaigns on trafficking at a large scale.
2. Take action to remove laws that discriminate against women.
3. Mobilize various institutions of the government NGOs, INGOs and private sector to combat the problem of trafficking in women and children.
4. Carry out programs against trafficking by Ministry of Women, Children, and Social Welfare acting as the 'focal point'.
5. HMG Nepal, now Government of Nepal (GoN) opens its door for co-operation with bilateral and multilateral donors to combat the problem of trafficking.
6. Protect the human rights of women and children.
7. Impose heavy fine on the traffickers and exploiters of women and children and utilize it as assistance to the victims.
8. Take steps to control and prevent the spread of sexually transmitted diseases and HIV/AIDS.

9. Take necessary steps to alleviate poverty and provide employment opportunities to women of high- risk communities.
10. Form district level co ordination committees to function as information centers and for collecting data, coordinating local activates and raising awareness to combat trafficking.
11. Establish co-ordination committees at the National, District and Village/Municipality levels to control trafficking.
12. Make provisions for carry out formal and vocational education.
13. Organize rehabilitation program for the rescued women and children in collaboration with NGOs.
14. Take steps to seek the commitment of political parties to combat against trafficking of women and children.

At present, MoWCSW has already established anti–trafficking networks at the national, district, village and municipality levels in the form of task forces in order to implement the National Plan of Action. It has formulated the New Anti-trafficking Bill and has already endorsed by the Parliament in 2002. Besides, it has established a documentation and information centre on women and child trafficking at MoWCSW and also established rescue/emergency fund in Kathmandu, Jhapa, Parsa, Rupandheri and Banke (MoWCSW, 2001).

12.3.3. Anti-trafficking Policies in Plan

The Ninth Plan have expressed seriousness about the growing problem of trafficking of women and children by designing legislative measures to control sexual exploitation, sale and theft of children and other inhuman and heart rendering activities under the women development policy of the plans. For this,

different programmes have been initiated for the improvement of social, economic, educational, political and legal status of the women and girls (NHRC, 2006-2007).

12.3.3.1. The Ninth Plan (1997-2002)

The ninth plan makes special mention to gender equality and women's employment national work plan 1997 in light of CEDAW and Beijing declaration, 1995. As per the Beijing work plan, NPA for gender equality and women employment was prepared. The work plan encompassed 12 sectors for the upliftment of women, which include areas like violence, human rights, poverty, education, armed conflict, and health. Many of the components as mentioned in the work plan were expected to empower women and girls and control then trafficking. There also focus in the plan for formulating laws, rules and regulation to control all forms of violence against women and for their empowerment through employment and different other income generating activities (JIT, 2002).

12.3.3.2. The Tenth Plan(2002-2007)

The tenth plan associates women's plight with their lower socio-economic statuses. It given focus to the implementation of Convention on Elimination of all forms of Discrimination against Women (CEDAW) and Beijing deceleration. Besides, it lays stress on extensive publicity to HIV/AIDS and health services to the victims of this disease. It also mention 11th avengement of the civil code as it was positive on issues related to sexual exploitation of women, abortion and right to property. It not only supports committee working at centre and district levels for the implementation of the SAARC convention on prostitution but also helps in controlling trafficking of women and children.

Major program stated in the plan to control trafficking in women and children include steps to reform the exiting legal system in a way that it proves effective in elimination crimes against Bokshi, Jhuma and Deuki which all arise out of superstitions. Additionally there is emphasis on creating awareness for increased women's right. There also stress to develop and coordinate activities related to counseling, medical treatment, legal advice, and rehabilitation and reintegration of survivors of domestic violence, trafficking and other kinds of atrocities. Beside the focus on programs of providing security to the displaced women, including women and girls victimized by the current conflict rehabilitation and income generating activities need to be launched (NHRC, 2005).

Clear government policies, commitment of the state machinery and effective plan of action are the most important basis for the elimination of the problem of trafficking and sexual exploitation. The detailed intervention areas activities mentioned in the national plan action are as follows.

1. A clear picture of the situation, in other words, there is need for conducting situation analysis and recurrently to updates the analysis.
2. Reiteration of the government and social partners as well as NGOs active roles in the field of welfare of children to productively engage against child trafficking and sexual exploitation.
3. Development and expansion of women's welfare homes and women cell in police at the district and VDC level particularly in the areas heavily affected by the cases by trafficking and sexual exploitation.
4. Development and adoption of universalized political mandates for unhindered action and responsibility of the concerned agencies.

12.3.3.3. Three Years Interim Plan (2007-2010)

The Three Years Interim Plan has focused on the empowerment of socially and economically marginalized groups to have access to employment oriented skills and productive resources and to increase their decision making and organizational capacity, and women groups are active in that program up to the local level. In addition, it has emphasized a wider involvement of NGOs in the program like economically empowering women of rural and poor communities, controlling girls trafficking and raising awareness on reproductive health. It has clearly laid the challenges of present day like agreements insufficient to check cross border human trafficking and manifestations of women exploitation as increased overseas employment opportunities making them vulnerable to the hardship of human trafficking, exposure to HIV, labor and sexual exploitation.

In order to completely end all kinds of violence and gender discrimination against women including human trafficking, the three year interim plan has stressed to undertake and create strong environment, including a legal framework. During the entire Plan period, a total of Rs 28 billion is estimated to be spent in gender equity, women empowerment and gender mainstreaming programs by MoWCSW and other sectorial ministries and departments. The estimated budget under MoWCSW is Rs. 158.7 million (NPC, 2007).

12.4. Discussion

Trafficking, once understood only as the illegal transport and exploitation of girls and women, is now a general and global phenomenon irrespective of age, sex and geography. Nepal has already signed large number of International and Regional Conventions and Bilateral treaties related to trafficking to curb this heinous crime against humanity. The efforts of the State can be seen but cannot be felt as trafficking

is still prominent in different forms. The disparity between men and women in different civil and political arena, no equal economic, social and cultural rights despite being a signatory state of ICCPR and ICESCR, prevalence of discrimination and violence against women and children is against CEDAW, CRC shows the non-compliance of state. GoN has already developed regional system to cope with the problem of trafficking between the member states but there is no effective control measure. Since the beginning, State has criminalized trafficking of women and girls by making it punishable even in the Country code of 1853, Civil code of 1965 and now these codes are supplemented by number of acts but poor implementation of existing laws and regulations, poor mechanisms of monitoring systems, and lack of proper coordination among concerned government bodies can be seen as insufficient political commitment towards issues on trafficking. This has led trafficking in person to change its forms and has been ramified ever than before. It seems like a serious blow to the State, its legal instruments and its international commitments as there is no control of this phenomenon.

The state has gone through 12 years long insurgency putting it into chaos where it had given all its priority to control that insurgency. Even at those hard times, the State instruments like NHRC, NWC, MoWCSW were focusing on developing policies and their effective implementation mechanism. The NHRC has been monitoring trafficking in addition to overall situation of human rights. It has mandate to monitor the incidence of trafficking; coordinate national, regional and international efforts to combat crime of trafficking; generate high level commitment to efforts aimed at improving the human rights situation of women and children; develop indicators and checklist of monitoring for situation of trafficking in persons; determine focal persons in every district to collect the information on trafficking; develop and maintain a comprehensive and up-to-date national database system on trafficking in persons.

NWC and MoWCSW both urged the need of long term strategic planning to cope with the problem. Hordes of INGOs, NGOs and CBOs are working together at

policy implementation level. They do the rescue, repatriation, rehabilitation and reintegration of trafficked women and children back to society. Now, the insurgency has been put to an end, the political parties have come up with the task of writing new constitution. Concerned government and non-government agencies have been putting pressure on the Constituent Assembly to ensure the human rights of women, children and better legal frameworks and vigilance. This gives us rays of hope that the State is en route to create nation where the women and girls do not have to be the victims of trafficking.

CHAPTER 7

CONCLUSION AND RECOMMENDATIONS

This study has attempted to explore and analyze experiences of survivors of trafficking (SOTs) before and after trafficking, their rescue, repatriation, reintegration and efforts for their sustainable livelihood. The empirical data obtained from SOTs living in Shakti Kendra presents multiple dimensions and experiences of trafficked women which has illustrated how trafficking is understood, interpreted, experienced and considered in social and cultural contexts among trafficked women. This study also tried to explore the prevailing national, regional and international instruments to control problems in their reintegration process in their respective communities, current situation of those instruments in implementation level, plans and policies in separate chapters.

The concern with trafficking in women and girls as an international problem is growing. The problem has been addressed in terms of:(a) its human rights dimension, including as discrimination against women and violence against women;(b) migration and its regulation;(c) socio-economic, cultural and political dimensions.

Looking at the present developments on the crimes against women/girls, one should realize that this problem could not be resolved in isolation. Research has revealed that this problem has been interlinked with the socio-economic and political structure in the country. If we are really determined to fight against sexual abuse, exploitation and trafficking, we should seriously review and examine the roots causes of this problem like poverty, sexual harassment, discrimination at work and wage and lack of economic opportunities. Reviewing the Annual Program of GoN, it is understood that GoN has introduced Poverty Alleviation Program, Women Empowerment Program including others to reduce the poverty and increase the income of the poor and disadvantaged groups in the country. Social mobilization has been taken as *means* and *ends* in this direction. The problems of such poverty alleviation/women's empowerment programs are many including no adequate

coverage of the most vulnerable groups such as Dalit, dissertated women, abandoned women, single women and the very poor. Much of the program has focused on the awareness aspect without adequate integration of income generation and employment program (Subedi, 2008). The NPA (2001) aims to increase the economic status of communities, groups and families vulnerable to child trafficking but there is no exact status of NPA provisions on income and employment generation.

Nepal has remained in Tire 2 over the last four years except year of 2005 according to TIP Report 2009 prepared by U.S. Department of State, Office to Monitor and Combat Trafficking. This indicates that Nepal has yet to make a sustained effort to combat trafficking in relation to: i) investigation and prosecution of trafficking crimes; ii) protection of trafficked victims, iii) adoption of preventive measures such as education, iv) cooperation with other Governments in investigation and prosecution of trafficking, v) extraditions of persons charged with trafficking as a serious crime and vi) monitor migration patterns for evidence of trafficking and investigations.

Both Government and concerned NGOs must focus on emerging challenges like weakness of prosecution agencies, amendment of HTT Act to ensure the investigation and prosecution of internal trafficking cases, revise the NPA addressing the emerging dynamics of trafficking and prioritizing the implementation and monitoring of combating TIP.

The country has number of acts, policies and anti-trafficking mechanisms yet the implementation is too feeble. State level compliance with International (ICCPR, ICESCR, CEDAW, CRC, Beijing Declaration and Platform of Action, ILO), Regional (SAARC) Conventions as well as Human Trafficking and Transportation Act 2007, NPA against Trafficking in Children and Women for Sexual and Labor Exploitation 2001 is minimal to moderate improvement. NPA aims of strengthening anti-trafficking efforts at bilateral, regional and international level appears to be minimally to moderately fulfilled (NHRC-OSRT, 2008-2009).

The findings of the research and the case studies showed cases of girls entering prostitution as the ultimate choice due to lack of employment alternatives, much perpetuated by the negative influence of fashion coupled with poverty and joblessness. There are hotels, restaurants, bars and massage parlors and so on breeding prostitution (Shakti Samuha, 2008). Our own people are selling girls and women in the name of money and men's sex gratification. Our own social norms have led to the crime, because women and girls are seen as nothing but sex objects to satiate the male thirst. This problem can be solved by awareness creation, advocacy, networking and social mobilization. Vast numbers of NGOs along with GoN instruments are working together to achieve these goals but a recent report from NHRC-OSRT (2008-2009) confirms these areas to be moderately fulfilled.

This research shows that rescue, rehabilitation is must for reintegration of women and children back to their society. NGOs like Shakti Samuha, ABC Nepal, Maiti Nepal, SAATHI and CWIN-Nepal are actively involved in rescue, interception of women and children. They also provide trainings on different income generation activities so as to make them independent. In addition to these NGO effort, GoN has created national fund for rehabilitation and supported 3 rehab centers, 15 service centers and also preparing national guideline for quality of care for rehab centers. Despite all these efforts NPA aims to rescue and reintegration is, alarmingly, minimally fulfilled.

From the above discussion about the status and presents condition of trafficked women/girls, following conclusion are drawn.

1. Poor economic, larger dependency on subsistence agriculture and farming, which cannot generate sufficient income to fulfill the needs of the whole family.
2. Due to unemployment and illiteracy, many young girls were too false promise of employment and trapped them to traffic into Indian brothels.
3. Traditional and conservative thinking towards sex, male dominated society and desire of sexual intercourse encourage women trafficking.

4. Inequality in education, employment and opportunities for women and children in society encourage women/girl trafficking.
5. Open-Indo Nepal border, lack of punishment provision on prostitution due to weak judicial system is encouraging factors of girls trafficking.
6. One cause of prostitution is poverty. Poverty arises from the failure of the government to protect people and ensure fair policies. We need to look at the real problem. Some women want beautiful houses and clothes. If we visit their villages, it will not take long to understand why want to free them from poverty.
7. Today, trafficking is a billion dollar industry. Trafficking and prostitution are directly related to economic depreciation and underdevelopment. It is difficult to examine the issue of trafficking without an in-depth analysis of the existing social, economic, and political context we are facing today.
8. Illiteracy and lack of social awareness about girl trafficking is responsible for trafficking.
9. Lack of political commitment and political instability, weakness and dishonesty of people and local administration provides golden opportunity for the traffickers.

Global experiences have shown that it is impossible to end the trafficking as it has become the most lucrative business and can change its forms so rapidly that the vigilance of government fails to control this global phenomena. Now is the hour to develop and strictly implement existing laws, policies and international instruments ratified by the government in close association with local CBOs, NGOs and INGOs in addition to creation of equity based society providing education to girls and children, and employment opportunities to women. This will obviously reduce the rate of trafficking in women and girls to the possible minimum leading a prosperous nation.

RECOMMENDATIONS

Based on data available and case study, the following recommendations are made, and hoped that they will be useful for various organization towards preventing trafficking of girls. The recommendation would also be useful for the policy makers.

1. Girls trafficking is multifaceted problem, thus there is a need for a multi-pronged attack to prevent this issue.
2. Legal awareness and literacy program should be conducted nationwide to make people aware about legal provision related to violence against women and girls.
3. There is an urgent need to review existing laws, policies and programs related to girls trafficking. New laws in accordance with international conventions related to the girl trafficking should be formulated and strictly applied.
4. Trafficking being an extraterritorial offence, the extraterritorial application of the law has not been implemented because Nepal/India extradition treaty includes 16 different types of offences as extraditable crimes but trafficking is not mentioned. Trafficking must be include as extraditable offence.
5. Appropriate laws related to domestic violence, girls trafficking and rape should be promulgated and implemented strictly.
6. Nepalese criminal justice system is an adversary legal system with cases filed and prosecuted by the state and accused persons defended by defense counsel. Until a case is filed prepared and prosecuted, criminals escape the justice system and victims are denied justice. The problem pertaining to it must be simplified and resolved.
7. Government should provide employment opportunity for the rural people.
8. The issue of girl trafficking is not only national level but is a regional and now international issue. Thus, bilateral and regional dialogues should be initiated to prevent the problem of girls trafficking.
9. The government should take special measures to eliminate violence against women and girls, particularly those who are in a vulnerable situation such as

young women and girl refugees, displaced women and girl and disable and migrant women and girls.

10. The government should allocate more of the budget for the prevention activities such as awareness campaign and rehabilitation programs for the victims.
11. Intensive counseling and emotional support for the rescued girls are very important. Most of the girls fear being ostracized by their family and the community. So, there is a great need of proper handling of the rescued girls through trained social worker and the counselor. The proper handling and timely emotional support will develop self-confidence among themselves and girls will be able to relieve their fear.
12. All the professionals who deal with the cases of violence against women and girl as lawyers, doctors and investigators need to be trained to be more sensitive to the victim.
13. There is need to provide self-defense training to women and girls so that they can defend themselves in their time of need.
14. There is need to close monitoring of the Indo-Nepal open border to prevent the girls trafficking.

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ANNEXES

Annex-I

SHAKTI SAMUHA: SOLIDARITY OF DESTITUTE WOMEN

13.1. Introduction

Shakti Shamuha is probably the first anti-trafficking organization of its kind in the world established by the survivors of trafficking. Since 1996, it has been actively involved in ensuring human rights to trafficking survivors and providing moral, legal, medical and economic support to them. The organization also works on building awareness on issues of trafficking amongst adolescent girls. It has established a shelter called Shakti Kendra in the year 2004 which provides safe shelter home for survivors, promotes anti-trafficking group formation and offers counseling to HIV positive and also been working for women suffering from domestic violence and sexual exploitation. It has also been actively involved in skill development and income generation training of rescued women. Recently, it has also been involved in advocating for the right of trafficking survivors at the policy level. It has also built up rapport with the local police and judiciary to legally protect the interest of the girls and ensure justice to trafficking survivors by effectively pursuing prosecutions against traffickers.

13.2. Objectives

The organization endeavors to end the global trafficking of women and children through their work and the work of other like minded government and non-government organizations, and penetrate into the larger society through advocacy, outreach programs so as to help women and girls to recognize the human rights of women and children everywhere establishing the progressive society devoid of

trafficking and violence against women. To fulfill this goal the organization has set the following objectives.

1. To work for the right of survivors of trafficking (SOTs).
2. To deliver services to the survivors of trafficking.
3. To generate awareness in the community in favor of survivors right to live the society with dignity and respect.
4. To generate awareness against trafficking in women and to change the attitude of people from the survivors perspective.
5. To organize the survivors to exercise for their basic human rights to lead a life of freedom and dignity.

13.3. Plans and Programs

Shakti Samuha has been working for SOTs since its inception to uplift their social, economic conditions and to take care of their physical and mental traumas of past and to make them capable of continue life with self respect and dignity. It has made significant progress in raising awareness among the targeted population groups and successful in empowering SOTs. The major plans of the organization are:

1. Conduct awareness raising programs among targeted population
2. Empower women and SOTs by providing trainings
3. Provide financial support to income generation program
4. Provide transitional shelter for SOTs and other women
5. Provide legal and counseling support to the SOTs and women facing domestic violence
6. Build networking to different NGOs/INGOs with common objectives
7. Advocacy and lobbying to different NGOs/GOs to bring about women and children friendly policies.

13.4. Programs at Implementation Level

13.4.1. Awareness Program

Taking care of plans and a saying 'prevention is better than cure', it has, now, identified potential areas sensitive to trafficking like carpet factories, massage parlors, cabin and dance restaurants located in Kathmandu valley, adolescent girls of squatter communities of Kathmandu and trafficking prone VDCs of Makawanpur, Bara, Rautahat, Sindhupalchowk and Nuwakot where it has focused its programs. These activities include orientation to the adolescent girl's group (AGG) and school children, street drama and cultural/video show. It has been publishing annual reports, pamphlets, posters, survey reports, research reports for the dissemination of works and information regarding the works done by the organization.

13.4.2. Training and Women Empowerment Program

Shakti Samuha has been providing different types of trainings on different subjects like adolescent health, leadership development, conceptual clarity on trafficking, human right and child rights, street drama, adolescent education, HIV/AIDS to the school children, AGGs and groups of vulnerable girls and women in slum areas.

Shakti Samuha itself is an organization of the survivors of trafficking and different kinds of violence. So it has given first and special priority for the support of trafficking survivors especially the members of Shakti Samuha. The members are provided trainings on capacity building, management, computer and leadership, videography, electrician, office secretary as well as training on anti-trafficking, domestic violence, women health and counseling. The trainings of these kinds empower the members and become able to support the organization as well as provide them better livelihood options.

13.4.3. Financial Support and Income Generation Program

Shakti Samuha supports the members by giving financial support to them so that they can earn their livelihood. Shakti Samuha provided financial support to its members to establish businesses like goat raising, stationary shop, grocery shop, beauty parlor and most of them are making their livelihood out of those businesses successfully.

13.4.4. Transitional Shelter Program

Shakti Samuha has established a shelter cum rehabilitation centre, Shakti Kendra that has capacity to provide shelter to about 70 women each year. The center was established to provide shelter to SOTs and the victims of domestic violence as a transitional shelter where they fulfill their basic needs, get legal aid and counseling in addition to different income generation and empowerment trainings before they integrate themselves back to the society.

13.4.5. Partnership Program

Shakti Shamuha has been actively participating in various movements against trafficking to exhibit solidarity. It strongly believes that trafficking in women and children can be substantially reduced only with the coordinated effort of many non- governmental, governmental and private organizations. In order to translate this understanding into reality it has established relationship and network with different local, national and international organization and alliance like community police, women police cell, Women Rehabilitation Centre, National Human Rights Commission, National Women Commission, Global Alliance Against Traffic in Women (GAATW), Alliance Against Trafficking in Women and Children in Nepal (AATWIN), Child Welfare Scheme(CWS), United Nations Development fund for Women (UNIFEM), Oxford Committee for Famine Relief (OXFAM), Global Fund for Women and Global Alliance Against Trafficking In Women.

13.4.6. Advocacy and Lobbying

It has been felt that without suitable policy and strong implementation and commitment of the government, it is difficult to control the problem of trafficking. Hence, Shakti Samuha in close cooperation with AGGs and other NGOs/GOs has been regularly engaged in bringing about positive changes in relevant policy, social norm and values for substantially reducing trafficking, violence and discrimination against women and children. Members of Shakti Samuha actively participated and put the organization's viewpoint in the national and international conference and workshops.

As a part of advocacy and lobbying after a series of regional conferences of trafficking survivors, it organized the First National Conference of Trafficking Survivors of Nepal marking 97th Women Workers Day in March 2007 which is followed by Second National Conference on September 2008. These National Conferences united SOTs of Nepal, contributed to media sensitization, confidence development process.

13.5. Management and Funding

Shakti Samuha, established as a non government organization registered in the Kathmandu District Office of GoN in 2000, is an independent body with its constitution managed by seven members Board of Directors. The headquarters of the organization is located at Gaurighat, Kathmandu which controls and regulates all central and district level activities.

The Annual Report of 2009 shows sound financial health of the organization. It has developed partnership with organizations like Save the Children Norway, OXFAM Nepal, UNIFEM, GAATW, Global Fund for Women, Action Aid Nepal, Asha-Nepal UK and Free the Slaves. These organizations provide different assistance to the organization for implementing its intervention activities in various targeted areas.

13.6. Constraints

Shakti Samuha has been playing significant role in improving the situation of SOTs and also successful in reintegrating SOTs back to their societies. The world has been changing a lot, so the modes of trafficking. At earlier times the girls and women were trafficked only to Indian Brothels but at present, the trafficking and sex trade has ramified to towns and cities in different forms like cabin restaurants, massage centers, dance restaurants and now to new destinations like border cities of China (Khasa and Lahsa), Malaysia, Arabian Countries in the form of domestic workers. So the organization has to focus on programs on awareness, rescue, repatriation, reintegration and their sustainable livelihood. Weak outreach and awareness programs in comparison to the advancing traffickers, inability to identify new areas and forms of trafficking, less successful rates of reintegration, inability to provide jobs to victims even after successful completion of trainings which hinders their successful reintegration, and focus of programs only to the places once thought to be source of trafficking are the major constraints of the of the organization.

Annex-II

QUESTIONNAIRES FOR ANALYSIS OF TRIFFICKED GIRLS IN NEPAL

PERSON INFORMATION

1. Name:
2. Age group
 - a.15-20 b. 21-25 c. 26-30 d. 30-35
3. Religion:
 - a. Hindu b. Buddhist c. Christian d. Muslim
 - e. Others (Specify).....
4. Marital Status:
 - a. Married b. Unmarried c. Widow d. Divorced e. Single
5. Educational Status:
 - a. Illiterate b. Literate c. Lower Secondary d. SLC
 - e. Others (Specify).....
6. Ethnicity (Specify).....
7. Occupation
 - a. Housewife b. Farming c. Employ d. Business
 - e. Others (Specify).....
8. You were form
 - a. Nuclear b. Joint c. Extended
 - d. Others (Specify).....

CAUSE OF TRAFFICKING

9. Do you have guardians?
 - a. Yes b. No
10. If yes, please give details
 - a. Father b. Mother c. Stepmother d. Stepfather e. Others (Specify).....
11. How much land do you have with your family?
 - a. Khet b. Bari c. Pakho d. Jungle
12. What is your family occupation?
 - a. Agriculture b. Business c. Service d. Wage labor e. Traditional occupation
13. How much did your family earn monthly? Specify.....

14. What was your food situation like from own farm production?
 - a. Sufficient for a year
 - b. Sufficient for 6 months
 - c. Sufficient for 3 months
15. Was your income sufficient to meet your family needs?
 - a. Yes
 - b. No
16. If no, what were other means of support? Specify.....
17. If there anybody off home? Specify.....
18. Is there school in your school?
 - a. Yes
 - b. No
19. Do you used to go to school?
 - a. Yes
 - b. No
20. If no, why? Specify
21. Reason of migration
 - a. To earn
 - b. Employment
 - c. Maintain economic status
 - d. False marriage
22. With whom did you go with?
 - a. Family member
 - b. Friends
 - c. Kin member
 - d. Agents
 - e. Others (specify).....

CONDITION AND POSITION OF TRAFFICKED GRILS

23. When did you returned and how? Specify.....
24. Where were you before returning?
 - a. Brothel
 - b. Private Home
 - c. Police Station
 - d. Others (Specify).....
25. Cause of your return?
 - a. Expiry of contract
 - b. Serious disease
 - c. Rescue
 - d. Others (Specify).....
26. Are you living normal life?
 - a. Yes
 - b. No
27. What type of work are you doing?
 - a. Income generating activities
 - b. Training
 - c. Social work
 - d. Others (Specify)...
28. Do you receive salary?
 - a. Yes
 - b. No
29. If yes, how much? (Specify).....
30. Does your family know about your return?
 - a. Yes
 - b. No
31. Is your family happy with your return?
 - a. Yes
 - b. No

32. What is the reaction of the society after returning from brothel?
a. Accepted b. Not accepted c. Do not care
d. Others (Specify).....
33. If not accepted, what do you think is the cause?
a. Gendered society b. Cultural cause c. Religious cause
d. Others (Specify).....
34. Were you physically tortures?
a. Yes b. No
35. If yes, what type? (Specify).....
36. Do you get verbal abuse from people now?
a. Yes b. No
37. What kind of language they use now? (Specify).....

Thank you for your support.