

**IMPACT OF SOCIO-ECONOMIC STATUS ON TRAFFICKING:
A Study Based on the Studies Conducted in Nepal
During 1995 to 2005**

**BY
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RECOMMENDATION

The dissertation work entitled “***Impact of Socio-economic Status on Trafficking: A Study Based on the Studies Conducted in Nepal During 1995 to 2005***” is prepared by Ms. Sujana Paudel of Central Department of Population Studies, Tribhuvan University as a partial fulfilment for the degree of Master of Arts in Population Studies. Ms. Paudel has prepared this dissertation under my supervision.

To the best of my knowledge, the study is original, and based on secondary data collected from different organizations in Nepal.

I, forward this dissertation for evaluation to the Dissertation Committee for approval.

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ABSTRACT

If any individual, is taken from one place to another within or across national boundaries for any purpose through use of deceit, force, threat, debt bondage, power, in violation of a contractual agreement, or is exploited and forced into slave like conditions, then this is trafficking.

The objectives of this study include finding socio-economic impact on trafficking in girls and women in Nepal. The specific objectives are:

- a. To identify the social reasons for trafficking.
- b. To examine the economic deterrents of trafficking.
- c. To evaluate existing rules and laws regarding trafficking.
- d. Suggest for better prohibition to cope with the problem of trafficking.

On the basis of the objectives the research question adopted for his study were:

- 1) Does social system affect on trafficking?
- 2) Does education help combat trafficking?
- 3) Does the political system responsible for trafficking?
- 4) Is personal attitude is responsible for trafficking?

Similarly, the findings were:

The determinants of trafficking vary according to different strata's such as religion, culture, socio-economic condition etc. Different persons are involved in trafficking such as family members, relatives, brokers and the individual themselves. Personal factors as the age, education, and level of awareness, exposure to media and desire to modern job play vital roles. Existing legal provisions in anti-trafficking areas in Nepal are not adequate. There is no strong policy in border checking, there is no strong coordination between Government, NGOs and INGOs. The insufficient legal provisions and the weak enforcement of established measures ease the ways of culprits. However, the court of law is unable to reach his interest in this subject matter. The corruption makes the path easy from distant hills of Nepal to the sex markets of Mumbai, and Kolkata in India.

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ABBREVIATIONS AND ACRONYMS

AATWIN	_	Alliance against Trafficking of Women and Children in Nepal
ABC/ Nepal	_	Agro-forestry, Basic Health and Cooperatives
CEDAW	_	the Convention on the Elimination of Discrimination against
CRC	-	Convention on Right of Child
CSWs	_	Commercial Sex Workers
CWIN	_	Child Worker's in Nepal Concerned Center
FWLD	_	Forum for Women Law and Development
GAATW	_	Global Alliance against Trafficking in Women Girls and Women
GOs	_	Government Organizations
HIV	_	Human Immune Virus
HMG/N	_	His Majesty's Government of Nepal
ICCPR	-	International Convention on Civil and Political Rights
ICESCR	-	International Covenant on Economic, Social and Cultural Rights
ILO-IPEC	_	International Labour Organization – International
INGOs	_	International Non-governmental Organizations
JIT	_	Joint Initiative in the Millennium against Trafficking in
MWCSW	_	Ministry of Women Children and Social Welfare
nd.	_	No date (date is not mentioned)
NGOs	_	Non Government Organizations
NNAGT	_	National Network against Girl Trafficking
NPC	_	National Planning Commission On the Elimination of Child Labour Programme on the Elimination-International Programme
SAARC	_	South Asian Association for Regional Cooperation
STDs	_	Sexually Transmitted diseases
TAF	_	The Asia Foundation
UN	-	United Nations
UNICEF	_	United Nations Children's Fund
UNIFEM	_	United Nations Development fund for Women
USAID	_	United States Agency for International Development Women
WOREC	_	Women Rehabilitation Centre

CHAPTER- I: INTRODUCTION

1.1. General Background

The term "trafficking" is somewhat ambiguous and can mean differently by different people and groups. Therefore, the characteristics of trafficking need to be identified and definition of trafficking is also to be evaluated for different study and policy intervention purposes.

The most common use of the term "trafficking" in the past was gradually related to "white slavery". International conventions that referred to human trafficking addressed the movement of girls and women across borders for the purpose of prostitution. There are different views to describe the word "trafficking" and had a long debate to concern with English and what translated in to Nepali. The word "Bechbickhan" means for the selling of human beings and "Osar-posar " refers to the movement (WOREC, ud.)

In the last decade, the word "trafficking" has been variously defined by different national and international agencies, both inter governmental and non governmental sector during some past decades. Unfortunately, no universally accepted definition has been developed so far. In the decade of 1950s, definition of trafficking adopted by the then agencies focused on the purpose of prostitution. It continued until 1990s, including elimination of all forms of discrimination.

In the meantime CEDAW was established to eliminate trafficking and the exploitation of prostitution of women. In 1996 GAATW established and identified that all acts involved in the recruitment and/or transportation of a person within and across national borders for work or services by means of violence or threat of violence, abuse of authority of dominant position, debt bondage, deception or other forms of coercion, as trafficking.

UN special Rapporteur on Violence against Women is widely accepted definitions and it defines as: The recruitment, transportation, purchase, sale, transfer, harboring, or receipt of persons by threat or use of violence, abduction, force, fraud, deception, or coercion (including the abuse of authority or debt bondage; for the purpose of placing or holding such person, whether for pay or not in forced labor or slavery like practices, in a community other than the one in which such person lived at the time of original act described (WOREC, 2000:3).

By review of the above definition the guided movement of the people for any kind of benefit mainly to the person other than the mover is considered as trafficking. Whatever the situation would be, the trafficked person is the victim losing human rights to live in freedom mentally and physically.

There are also the possible modes of happening trafficking. There are usually Procurement, sale and receipt of person: Trafficking involves transportation, sale, transfer, harboring and receipts of person with in and across the national boundary. Coercion /deception: Procurement/transport is done by unlawful means such as fraudulence/deception of marriage, employment and adoption. In the process, other coercive methods such as abduction, kidnapping, violence or threat of violence, abuse of authority or dominant position, debt bondage are also employed (JIT, 2002:8). The first concept was that trafficking for the purpose of prostitution and another concept was migration and trafficking.

In the contemporary times the human rights approach has emerged as a most prominent approach in dealing with the problems of trafficking and sexual exploitation of women and girls by abusive husbands, customers, pimps, procures, and traffickers by means of intimidation, threat based on the immigration status of victim. This approach is also called violence against women approach (JIT, 2002:2).

According to Universal Declaration of Human Rights such types of violence are against human rights and it further recognized the rights of all persons to life, liberty, and the security of person and the right of persons to be free from cruel, inhuman or degrading treatment and or punishment.

According to (CWIN:nd) in the world, 700000 to 2 million people mainly women and children are being trafficked every year. Human trafficking is the third biggest illegal trade which makes annual profit up to USD 5 million to USD 7 billion after drug, smuggling and gun Transactions (Acharya, et.al 2004:1). In Nepal every year 5000 to 7000 women and children are trafficked in to India for forced prostitution (CWIN:nd). Some micro–studies conduct on different district reveled that a high number of girls under 18 years are out of the district and in unknown location. Mostly trafficking involves the use of force as kidnapping and abduction, the use of threats, tricks, deceit, and false promises as well as forms of enticement (ABC /Nepal nd: 1).

Many complex causes such as social, economic, ethical or moral, religious, problem of migration, problem related to employment and under ground organized crime etc plays the major role in trafficking.(Rajbhandari and Rajbhandari 1997). There are a number of factors that are related to this cases and consequences of trafficking. In a study in 1998 Acharya (1998:31) identified. Social factor: Social set up, ethnicity, kin and kinship, religion, illiteracy etc. Economic factors: cure for employment. Development factors: urbanization, industrialization, media including pornography, films, inflation and complicated life style and great desires to achieve all sorts of facilities allure people to take bribes and encourage immoral acts, Political commitment, legal and administrative measures, Psychological and emotional factors.

Social practices in Nepal are largely discriminatory. In hierarchical cast system The so- called elite group of Aryan like Brahmin and Chhatries have occupied the pre dominant position in politics, national economy, ownership of land resources but lower cast people such as Kami, Dami and secondary position in the national economy and ownership of land resources (JIT, 2002:22).Moreover,

Gender discrimination also plays another major role in educational practices. Fewer girls than boys are educate in Nepal because it is assumed that all girls will marry and take on household and child bearing. Widespread thought that girls do not need to be educated to fulfill their reproduction results in many families not spending precious economic resources on girls' education. Consequently girls are easily entrapped to be the prey of traffickers (JIT, 2002:22).

Cultural norms such as polygamy, bigamy, physical, and sexual abuse, as well as gender, ethnic and cast based discrimination play vital role in determining the status of women in a family and community. Patriarchal norms discriminate women in family, community and societies which force them to migrate in search of improving life and status. In attempts of improving their lives the women face to clandestine nature of migration, often leading to exploitive and abusive situation (WOREC: 2000:12).

Furthermore, Feudalism, caste, class, ethnic hierarchies play vital roles in trafficking. Political factors such as inappropriate government policies, lack of national migration policies that affect and lead to coercive migration (WOREC: 2002:12).

Additionally, Globalization creates tantulum for high demand for goods and services. Growth of communication, transportation, technology and other facilities increase movement of people as well as establishment of networks through which people move (JIT, 2002:23). Rural girls are often trafficked to urban areas such as Katmandu, Pokhara, Dharan, Nepalgunj, and Birjunj. They are involved in massage parlors, dance restaurants, bus stands, and bars where they have no choice and hence engage in sex work with local clients (Acharya, 1998:18).

According to Maiti Nepal (2003:7) 10 to 12 thousand Nepali children are trafficked to India every year. Because of open border between India and Nepal it becomes easy for trafficking. The destination is not only limited to India but also expanded to other countries like Kuwait, and Saudi Arabia, Gulf countries, European and other South East Asian destinations are also the centre for the trafficking.

1.2. Statement of the problem

There is no clear definition of trafficking suitable for Nepal and developing countries. So, it brings difficulties in obtaining accurate information and reliable data on trafficking. It may be the result that there is no effective plan and policy in government level. There is lack of appropriate laws, policies, and programmes to tackle with the problem of trafficking in women for prostitution. The question like what is the government attitude towards the problem of trafficking in women and girl?, how much the government has given importance to it?; Are the policies and programs prepared to tackle the problem practical, justifiable, and effective? or not and how far the law is proved effective in doing justice to the victims are still not clearly answered therefore there exists a gap between the reality and policy measures to address the problems. Inadequate intervention at present are failed to reduce trafficking. Lack of coordination between government and NGOs, INGO's leads towards benefiting the pimps. Still, the existing research statistics readings on trafficking of women and girls are inadequate and they are far from reality and sometime contradictory. There is lack of effective and uniform method or system for data collection. Person involved in trafficking and determinants factor of trafficking are largely not well examined. Media person sometimes take risk and publish the name of culprits with proof, but there is no effective steps taken by the administration to take them in to custody and process for sanctions (Acharya 1998:32). The trafficking in women and girls in Nepal should be viewed not only in its social context but also from ethno- cultural, educational, and economic and gender prospective. Perhaps it should be considered most from gender

perspective, because the widely used terminology "Girl's trafficking" itself speaks about the women's and girl's violation of rights and dignity of female as well as gender –based discrimination (WOREC 2002:2). Root causes of trafficking and the most common exploitation for trafficking in children and women for sexual exploitation are largely not examined with their policy and programme implementations. Many policy makers, party activists, or citizens agree that poverty is the main cause of trafficking. However, there are a number of issues that seek answers: there is social acceptance to gender and class based discrimination, patriarchal social structure and values based on cultural, religious, and socio economic discrimination, deprivation of masses from basic rights to food, clothes, shelter, education, health and employment, inequality in political and legal system especially towards women, these all along with poor demographic factors such as high fertility, large family size make women helpless in the total context of above all. The open border between Nepal and India has always suffered from trafficking of girls from Nepal to several destinations in India and other countries. Therefore, there is a need to fulfill the gap in the study of trafficking as well as recommending suitable policy measures to combat the situation.

1.3. Objective of the study

The general objective of the study is to evaluate the understanding of trafficking and examine the existing policy alternatives. However, the followings are the specific objectives.

-) To identify the social causes for trafficking.
-) To examine the economic determinants of trafficking.
-) To evaluate existing rules and laws regarding trafficking.
-) To suggest preventive measures to cope (contact) with the problems of trafficking.

1.4. Significance of the study

This study is intended to benefit all, and specially, it may be important and useful for the students and teachers who are keenly interested to know more about the causes of trafficking and the policy about trafficking. Besides this, it will be helpful for the Government, NGOs/INGOs to launch their programme and bring changes in their policy regarding. It will be useful for all the researchers and learners who are interested to know about this burning problem.

The main significance of the problem is given below;

- The study will be relevant to study the socio-economic factors related to trafficking.
- This will be helpful to evaluate the rules and laws regarding trafficking.
- It will suggest for better prohibition to cope with the problem of trafficking. This study will be helpful to extend the awareness for the grass-root girls and women to recognize their human rights.

1.5. Limitation of the study

The root causes of trafficking are complex and are different for each individual. Education of parents and gender discrimination, unemployment and market disparities, lack of appropriate legislation, physical and sexual abuse, caste based discrimination plays a vital role in trafficking. Although trafficking is connected with various dimensions like migration and trafficking, migration and prostitution, trafficking and remittance, migration and conflict, but in this study the researcher has covered only socio-economic status of women and its impact on trafficking. Therefore considering time and resources, this will cover a limited area. This study is based on the secondary information that was prepared or collected by the various agencies. First limitation is that the study had to confine itself within their objectives. Similarly, it has not included in-depth interviewing or other FGD types of modes to verify the information obtained from those agencies; therefore the validity of information could be questionable. Another limitation of the study is that it has not included many variables to cross-examine the trafficking in Nepal. Besides, no statistical tools or sophisticated methods of analysis have been adopted in this study.

1.6 Organization of the study

This study comprises of seven chapters. The first 'Introduction' includes background of the study, statement of the problem, objective of the study, and significance of the study, limitation of the study and organization of the study. The Second chapter presents review of the relevant literature. Third chapter deals with the methodology. Fourth chapter presents legal provisions related to trafficking. It is divided into three subchapters. First talks about constitution, second talks about National Government initiatives and third talks about the plan and policies of trafficking. Chapter five describes situation of enforcement of law regarding trafficking in Nepal. This chapter includes discussion on media and its role in

trafficking. Chapter six is the presentation of talks about the case studies of trafficked persons and, wretched stories of trafficked girls. Chapter seven is the final chapter which Summaries the study with Conclusion and Recommendation.

CHAPTER II: LITERATURE REVIEW

Trafficking in human being is the third biggest illegal trade that make huge profit up to USD 5 billion to USD 7 billion after drugs smuggling and gun running (CWIN: nd). However, in an era of increasing globalization and the development of transportation and communication technology, there has also been rapid increase in migration, which resulted irregular migration of which trafficking comprises substantial propulsion. Now a day, trafficking has become the international agenda as an issue of great concern (WOREC: 2002).

2.1 The global issue of trafficking

Trafficking in woman and girls is internationally recognized crime that prevails across the national borders of countries. To combat trafficking the first international conference was held in 1895 in Paris. The second conference was held in 1899 in London. International conventions address the movement of girls and women across boarder for the purpose of prostitution as trafficking. The 1910 convention urged that states have to sanction the person involved in fraud, violence threat abuse hire abduction and enticement for the purpose of immoral use of woman. In 1933, international agreement held in Geneva to consolidate the efforts to control the human rights (Acharya, 1998:6).

There was no specific definition of trafficking adopted in 1949 convention .The 1949 convention was concerned to commercial sex work, not protecting human rights. The1949 treaty had no monitoring mechanism, even though reports from state parties were officially required by the working group on contemporary Forms of Slavery. The convention did not oblique governments to provide the same "due process" guarantees in low to person who were in prostitution, whether non-national or national (GAAT1997:2). In 1979 UN convention on Elimination of all Forms of Discrimination on against Women (CEDAW) adopted resolutions to take actions against inhumane trades (Acharya, 1998:6).

In 1992, Dutch Advisory Council proposed that transportation of persons from one place to another in order to abuse by utilizing unlawful power by means of violence or threat of violence or by abusing a person of authority arising from a relationship or by misleading another person should be included in the definition of trafficking. In 1993 Vienna conference on human rights states that the human right of woman and of girl child are in alienable, integral and indivisible part of the

universal human rights. Similarly, international Conference on Population and Development (ICPD, 1994:29) urged government to take measures to prevent trafficking in girl children and use of girl in prostitution and pornography. In 1995, Beijing Conference focused on the discrimination against women including the problems of trafficking, prostitution and pornography (Acharya1998; 6).

In 1996, working definition adopted by GAATW stated that all acts involved in the recruitment and or transportation of a person within and across national borders for work or services by means of violence or threat of violence, abuse of authority of dominant position, debt bondage, deception or other forms of coercion is trafficking .It urges for the need to distinguish between trafficking and prostitution maintaining that the rights of those who choose to engage in sex work must also be protected. It further attempts to distinguish between migration and trafficking. Different forms of trafficking, such as fake marriage, domestic labor and for prostitution can use migration as means for movement of the trafficked ones. Thus the academic as well as policy-related attempts have been made globally to cope with the growing volume and locations of trafficking. Besides these attempts, trafficking in women and girls is existing in its ugly and inhumane forms.

2.2 South Asian context

In Asian region, Cambodia, China, India, Japan, Pakistan and Thailand are the receiving countries while Bangladesh, Cambodia, China, India, Lao PDR, Myanmar, Nepal, Pakistan, Sri Lanka, Thailand, Vietnam are the sending countries .India Lao PDR, Myanmar and Thailand are also transit countries. India has become a transit point to transport Bangladeshi women and girls to Pakistan and Nepalese women/girls to overseas. Myanmar is in transitory position to transport women /girls from its neighboring countries including China (JIT, 2002:1).

Trafficked women and girls from Asia are used for both sexual and other purposes. It is often cited that sex trafficking constitutes the major form of trafficking in Asia. Sex trafficking encompasses pornography, bride trades tourism, and prostitution. Non sex trafficking includes forced labor, domestic labor, organ mutilation, Circus camel jockeys, adoption forced marriage and slavery –like practices. The process of trafficking in women and children in south Asia is mainly due to economic, social, political, religious, cultural and process of globalization(JIT2002:2).While there is no reliable data concerning women and children who have been trafficked from Bangladesh to other countries, according

to estimates by human rights activists in Pakistan, about 200000 young women and girls were trafficked to Pakistan, continuing at the rate of 200-400 women per month, most of whom end up in prostitution. According to most reports, Bangladesh and Nepal provide the highest number of trafficked girl children to other countries in South Asia.

The Bangladesh National Women Lawyers Association (BNWLA), in a study undertaken in 1997, cited the numbers of Children being trafficked from Bangladesh as follows.

-) 300000 Bangladesh children work in the brothels of India 4700 children were rescued from traffickers in the past 5 years
-) 500 women and children are trafficked to Pakistan yearly (SAARC and United Nations Children's fund [UNICEF]).
-) 1000 child Trafficking cases were documented in the Bangladeshi media press during the year 1990 to 1992; and
-) 69 children were reported being rescued at the border during the three month study in 1995.

From 1992 to 1999 almost 1714 girls and 1683 boys were trafficked from Bangladesh (Shamim, 2001) .An observation on annual data presents some decline in the number. The media might not have covered all cases, mostly those that are reported to the police station would have mentioned. Also when including all missing persons cases, this did not take in to account of those who chose to leave their families in elopement were living in insecure family situation.

2.3 Nepalese Scenario

Historical references of trafficking in Nepali women and girls are very scanty and fragmented whatever, the practice of buying and selling girls started during Rana period 1850 – 1950. A Rana Prime-minister or prince could have thousands of maids, hundreds of concubines and a dozen "queens". Reports have mention that the girls were used as objects of recreation and sexual pleasure. The district of Sindhupalchowk, a remote hilly region north of Katmandu, was renowned for its supply of young Tamng girl's. History supports that in 1951 after the downfall of the Rana regime many Ranas migrated to India taking their household and staff with them. The decline in Wealth status resulted in their inability to keep women. Many women left the Rana's families and entered in to brothel owners. They were

selling sex in Rana's households for livelihood and afterwards started doing so on the street. There was no considerable change in their lives. But, afterwards they played a role in trafficking the girls to brothels (VSO, 1999:3). Later many of them were found romming brothels. The trafficking speeded when they become owners.

Tibetan merchants are believed to have been the earliest girl-traffickers in route to India they acted as procurers of women construction workers to British India who paved roads in hilly terrain (VSO, 1999:3).

Traditional practices of sale and migration, along with prevalence of in *Deuki* system¹ In the west an accepted profession of the Badi caste in the Rapti, Bheri and Seti zones trafficking found a fertile land to develop. Contemporary girls trafficking has the history of the legacy of Second World War with the growth of military barracks when the flesh trade is said to have been carried out by British and Gorkha soldiers .However, there is no clear information available to establish how widespread the practice was (VSO,1999:3).

Beside that tradition, the social attitude towards women in communities treated as second grade citizen. There are evident of cases that parent or close relatives had sold their daughters in Indian brothels for their livelihood.

Nepal is one of the nations whose social structure is male dominated .Special attention is given to male child right from his birth. While the girl face apartheid of gender and the girl child is seen as an economic burden. Though the situation is somewhat improving in urban areas, it still remains the same among the majority of the rural population. Girls have less excess to basic necessities, such as health care, education and mortality rate of children under the age of fifteen is still higher among girls than boys. Therefore these norms and values have inspired trafficking among girls (ILO, 2005:22). In source areas in Nepal, some Micro studies have been carried out in small areas. For example, the centre for Legal Research and Resource Development (CeLRRD) in 1998 carried out a field-based study that compared the number of girl's under18 years who were out of the district at known and unknown destinations. The proportions whose destinations were unknown were high in 24 village development committees (VDCs) of Sindhupalchowk in which 1713 were out of the districts. However this assessment did not take in to

¹ "Deuki" is a system of offering a girl to the temple of Godden. The girl is not supposed to marry with any particular person and live in the family. They are, afterwards, found to have accepted prostitution for livelihood.

account that some of these girls might have migrated willingly .Additionally those who might have escaped difficult circumstances they might had not informed their families of their whereabouts.

There are also no detailed studies on, all the micro village level. It is noted in the Community Action Centre Nepal 2001 Stock Taking Study that in the Sindhupalchowk area where the above field based study was carried out; local community members interviewed felt that trafficking of girls has in fact been reduced because of the efforts of their communities, the police, and other government agencies. Unfortunately prevention programmes underway did not monitor such trends systematically. Therefore even the project reports and evaluations did not reveal additional useful information.

The traditional practice of ruling classes in Nepal favored keeping Tamang girls from the areas surrounding Kathmandu as servants and entertainers. It gave impetus to the practice of taking Nepalese girls into Indian Brothels. This practice continued to the extent that until it is now estimated that more than 300000 Nepalese women and girls were sold to the sex market globally.

According to (CWIN: nd) in the world about 700000 to 2 million people mainly women and children are being trafficked every year. It estimated that about 10 million trafficked people, specially woman and children, are surviving and working at risk. Also, the present rate of trafficking in children is already ten times higher than the trans- Atlantic slave trade at its peak, in the history.

Despite many international protocols against trafficking for slave trade, millions of children are still being trapped by this heinous crime of forced labor, domestic servitude, forced beggary, illegal adoption, forced marriage, criminal activity, and to become soldiers, camel jockeys and for labor exploitation. (CWIN: nd)

The number of Victims of commercial sexual exploitation and commercial sex workers is about 2500 in the brothels of G.B. road .In that population the number of Nepali women/girls are not more than 300.Thirteen NGOs are working in that area. Some of them are joint women's programme (JWP), stop, Savera, Shaktivahini, Butterflies etc. There are 106 brothels at G.B. Road; there are only 5 brothels that have kept maximum number of Nepali women/girls (25-30) (Asmita, 2006).

Sonagachi is the biggest red light area in Kolkata. Sometimes flying sex workers also come and stand in the streets of Sonagachi. However, no Nepali women /girl

is found to be practicing sex work in such a way as reports say, there are many young and new comer workers in Sonagachi.

Table-1: Different Red Light Areas Of Kolkotta, and Estimated Number of Nepal's Girls, 2006

<i>Place</i>	<i>Total sex worker</i>	<i>Nepali sex worker</i>	<i>Percentage</i>
<i>Sonaghachi</i>	9000	1000	11.11
<i>Bahubazar</i>	2500	2	0.08
<i>Khidprpur</i>	1500	150	10.00
<i>Kalighat</i>	1000	150	15.00
<i>Total</i>	14000	1302	9.30

Source: Status and dimension of trafficking in Nepal 2006,Asmita

Likewise, according to a survey conducted by NGOs, named as Center for Studies in Sexual Health, and Sarathi, there were 20000 sex workers in Kolkatta city, in which about 14000 reside in the brothels of red light areas. Kamathipura and Falkland Road are very old and large red light areas of Mumbai.

Table-2: Estimated number and percentage of Nepali sex worker in different Red light Areas.

<i>Place</i>	<i>Total sex workers</i>	<i>Nepali sex worker</i>	<i>Percent</i>
Kamathipura	15,000	6,000	40
Falkland Road	7,000	3,000	42
Bhasi(New mumbai)	3,000	1500	50
Bhiwandi	3000	1500	50
Grant Road	500	200	40
Warli	500	0	0
JomunaManision	500	0	0
Total	29,500	12,200	40.8

Source: Status and dimension of trafficking in Nepal 2006.

Some 12200 Nepali girls are estimated to have been involved in flesh trade. According to a study Kamathipura had the largest number (6000) of Nepali sex workers followed by Falkland Road (3000), Bhasi (1500), Bhiwandi (1500) and lowest in Grant Road (200).

Table 3: Estimated number and percentage of Nepali sex worker in different Red light Areas.

Place	Total sex workers	Nepali sex worker	Percent
Kolkata	14,000	1,302	9.3
Delhi	2,500	300	12.7
Mumbai	30,000	12,250	40.83
Pune	3,500	500	14.28
Total	50,000	14,352	28.7

Source: Status and dimension of trafficking in Nepal 2006.

A glimpse of the total Nepali girls as sex workers in Indian brothels shows that in 2006, some (14352) girls of total sex workers (28.7) were in flesh trade. It can simply be assumed that almost all of these girls might have been trafficked and forced to the flesh trade (Table3).

Speculating that some women/girl might not have been included in the statistics, the total number of Nepali women/girls residing in the above mentioned four cities does not exceed 15000. Apart from these four cities, the other cities where Nepali women /girls have supposedly been trafficked for commercial sex work are Surat, Nagpur, Meerut, Ujjain, Varanasi, Ajamgadh, Lucknow, and Gorakhpur. The number of all Nepali women/girl residing in the Red light areas of these cities can be estimated to be 10000 in maximum, considering the proportion of Nepali women or girl in the Red Light area of each of the four big cities. Asmita in a study in 2006 concluded that there are no more than 25000 Nepali commercial sex worker and victims of commercial sex exploitation in the red light area of India in total (Asmita, 2006:18).

2.3.1. Socio Economic Characteristics of the Commercial Sex Workers

A study by CWIN observed that the proportion of children (<=18years) among commercial sex workers in Katmandu is quite high (30%) as compared to other cities. The proportion of children working in restaurants is significantly high. Of the total sample of commercial sex workers, 43 percent being to hill ethnic group (Gurung, Magar, Rai, Limbu, Lama and Sherpa) followed by Chhetri (33%) and Brahmins (9.8%). This finding challenges earlier perceptions that higher casts (Chhetris and Brahmins) were not among the commercial sex workers. Almost more than half of the commercial sex workers were literate (59%), but a good proportion of them (35.4%) were the drop outs of schools. Parents or guardian's

disagreement and other family problems (54%) as well as economic difficulties were the major reasons for school non- attendance among girls engaged in prostitution. Besides prostitution, both girls as well as adult commercial sex workers in Katmandu undertake a variety of jobs such as working age waitresses (58%) of child victims and (50%) of adults. Masseurs (16%) of child victims, and (25%) of adults and in petty shop, (2.8%) of child victims and (4%) of adults to supplements their income. In some cases husbands' silent comment in the trafficking /sexual exploitation of their wives has been identified. More than half of female commercial sex workers in Katmandu are married and there –fourth of them are mothers .One fifth of the children's engaged in prostitution were married and (30%) of these became mother before the age of 18 years. It's very difficult to accept that their involvement in sex- trade is not at all known to their family. Prostitution with family's courante could have preened an ugly face of society and economy of the country.

2.3.2. Demographic Characteristics of Trafficked Person

2.3.2.1. Age at Trafficking

The analysis of information from the print media and case studies on trafficked girls and women showed that most of (72%) of them to be below 18 years when trafficked. Of the 126 trafficked girls reported in media and 31 case studies documented by NGO's, (52.9%) were between 15 and 18 years of age , (19.1%) were below 14 years of age (21.6%) were between 19 and 25 years of age , and only (6.4%) were above 25 years of age when trafficked. This information indicates that the focus of pimps and traffickers are the young girls and minor children (Table9).

Table-4 Information of case studies in different print media:

Age	Print Media		Case studies		Total	
	Number	%	Number	%	Number	%
0-14	24	19.0%	6	19.4%	30	19.11%
15-18	70	55.6%	13	41.9%	83	52.87%
19-25	24	19.0%	10	32.3%	34	21.66%
Above 25	8	6.3%	2	6.5%	10	6.37%
Total	126	100.0%	31	100.0%	157	100.00%

Source: Review of print media from 1994-2001 and documented case studies IIDS, 2002.

Table-5 NGOs Working for Rehabilitation:

Source	<11 Years	11-18 years	19-25years	>=26years	Total	Remarks
CWIN	0	2	0	0	2	CWIN balika
ABC Nepal	3	47	16	1	67	Rehabilitation data
Nava Jyoti	0	8	6	0	14	Rehabilitation data
PRC	0	12	7	1	20	Rehabilitation data
shtrii shakti	0	3	4	3	10	Rehabilitation data
ILO/IPEC	3	64	0	0	67	Rapid Assessmnt
Total	6	136	33	5	180	
Percentage	3.33%	75.56%	18.33%	2.78%	100.00%	

Source: CWIN,ABC Nepal, Nava Jyoti, PRC, Shtrii Shakti, ILO, IPEC.

The above table mentioned that the majority of trafficked were between the age of 11 and 18 years of age (75.56%) (Table5) .Similarly, the ages of trafficked boy, too, are very alarming. A study on trafficking in boys, conducted by ILO/WOREC (2002), found that, of 30 trafficked boys studied, (80%) were between 6 and 12 years old and 20 percent were in between 12 and 18 years old. The boys were trafficked mostly to work in embroidery workshops and hotel and as wage laborers drivers.

Still another study on trafficking and sexual abuse of street children in Katmandu (2002) showed that, out of 100 street children, more then a half belonged to the age group 11-18 years old. The children in age category either are already trafficked or are vulnerable to trafficking. Thus, the more vulnerable age groups are 11-18 years for girls and 6-12 years for boys (IIDS, 2002).

2.3.2.2. Ethnicity /caste composition

Trafficking by 'caste/ethnicity is too little available. However, the information appeared in print media, reviewed by IIDS; data compiled by CWIN on girls rescued from brothels by police in a 1996 raid in Mumbai, India and Rapid Assessment (RA) by ILO/IPEC (2001)are some prominent sources. The study on trafficking and sexual abuse of street children in Katmandu by ILO/IPEC, TICSA (2002) was also taking into account for this analysis, assuming that these children were either already trafficked or were vulnerable to trafficking. Among the trafficked, the Hill Janjati/Adivasi from the highest (43.13%) proportion, followed by Brahmin and Chhetri (23.8%) and occupational castes (22.4%) (Table6).

Table-6. Trafficked number of girls by cast and ethnicity

Ethnic/caste groups	CWIN Balika1996	RA(ILO/IPEC)2001	Media report1994-2001,IIDS	Total
Brahmin/chhetri	17(19.3)	20(23.5)	48(26.1)	85(23.8)
Hill ethnic group	47(53.4)	39(45.9)	68(36.9)	154(43.1)
Tharu and chaudhari	4(4.5)	2(2.4)	6(3.3)	12(3.3)
Occupational cast	20(22.8)	16(18.8)	44(23.9)	80(22.4)
Terai and others	0(0)	8(9.4)	18(9.8)	26(7.2)
Total	88(100.0)	85(100.0)	184(100.0)	357(100.0)

Source: CWIN Balika, RA (ILO/IPEC),Media report

Note: Figures in parenthesis indicate percentages.

The analysis of the data on trafficking and sexual abuse of street children in Katmandu (2002) showed that the highest percentage of children were from hill ethnic groups .Of the 99 street children, the highest number (52) came from hill ethnic groups, followed by Brahmin and Chhetry (19) and occupational castes (13).

2.3.2.3. Education and trafficking

There are great variations in the data on the educational level of trafficked persons. According to a profile of the girls rescued from brothels in India (CWIN: Balika, 1996). Among the 88 rescued girls, only 23 were literate. A study by WOREC, in 1997, showed that a 100 percent of trafficked girls were illiterate (WOREC, 1997).

A study conducted by WOREC and ILO (2002) on trafficking in boys' analyzed the educational level of the parents of trafficked persons. The study reported that 75 percent of the parents were illiterate, 10 percent were educated up to the primary level and the remaining 15 percent had completed secondary level education. The report also noted that, of the total trafficked boys, 85 percent were illiterate, 10 percent had completed primary education and the remaining 5 percent had completed secondary education.

The rapid assessment report by ILO/IPEC observed an overwhelming majority of parents, especially the mothers, of trafficked girls were illiterate. Only 8 percent of the mothers in Sindhupalchowk and only 10.8 percent of the mothers in Nuwakot were literate. Similarly, a base line survey conducted by CeLRRd reported low school attendance of girls in Sindhupalchowk and Nuwakot districts, the two districts where the incidence of trafficking were highest. Of all the women

respondents in Sindhupalchowk district, 71 per cent did not attend school. All women respondents were below 18 years of age.

Table-7: School enrollment in two districts is shown in table.

District	Girls going to school	Girls not going to school	Total
Sindhupalchowk	4506(29.0)	10819(71.0)	15325
Nuwakot	2548(32.0)	5343(68.0)	7891

Source: CeIRRD, condemned to exploitation, impact of corruption in criminal justice system on women 2002.

A study, conducted in two VDCs of Sindhupalchowk district by ABC Nepal, reported that more than half of the 64 respondents were illiterate. Sindhupalchowk was previously noted as one of the district leading in trafficking in girls and children. In Ichowk VDC, of the total respondents, 85.5 per cent were illiterate and 2 percent were SLC pass whereas 4.8 percent did not respond. A slightly different situation was reported in Mahankal VDC, where 61 per cent of the responds were illiterate and 39 percent were literate. This indicated that the districts are prone to trafficking in women and girl and have very low levels of female literacy. This can be considered as one of the major reasons why girls fall prey in the trap of traffickers.

2.3.3. Determinants of trafficking

There are a number of determinants of trafficking in Nepal which are as.

2.3.3.1 Social discrimination

Nepali society is composed of diverse ethnic groups. Social practices are largely discriminatory. The so-called elite ethnic groups of Aryan race like Brahmin, and Chhetri have occupied the predominant position in politics, national economy, administration, and ownership of land resources. These groups own most of the fertile land with irrigation facilities. The Dalits ethnic groups such as Kami, Damai, Sarki etc have a negligible share in the ownership of land resources. They have no position in national politics, and economy. They are humiliated and exploited in society and are vulnerable to sexual exploitation, abuse and trafficking in to prostitution (Rajbhandari and Rajbhandari, 1997:34).

The ethnic groups of the Tibeto-Mongolied race such as Tamang, Magar and Sherpa, etc hold a secondary position in the national economy and ownership of land resources. Usually most of them reside in Mountain and Hill area and own

marginal lands with lower fertile without irrigation facilities. Trafficking of girls from these ethnic groups is very high (JIT, 2002:22).

2.3.3.2. The socio-cultural arguments

There are the arguments that low level of female education and ignorance/lack of knowledge are social factors contributing to trafficking in Nepal. A hundred percent of the girls were reported as illiterate in a survey of Nepali prostitutes in Mumbai (Rajbhandari, 1997:13).The defective social value systems such as gender discrimination, early marriage, capitalist patriarchy that regard women as sex objects are the major cultural factors contributing to trafficking in women and girls in Nepal (JIT, 2002:22).

2.3.3.3. Dysfunctional families

The CDPS (2001:23) found one of the fundamental root causes of trafficking was the dysfunctional families. Some of the respondents reported that they were maltreated in their maternal households, and a large proportion of them had migrated to urban area due to step-parents physical torture, domestic violence, sexual abuse, beating or alcoholism. More than three- fifth of the respondents had experienced at least one type of maltreatment from their original family members. The major forms of maltreatment included mental torture, (30.6%), physical abuse and beating (20.0%), failure to provide food (2.4%), and failure to send to school (12%).

2.3.3.4. Demography factors

High fertility and large family size among the poverty ridden household is the normal phenomenon. The argument is that large family gives pressure on the limited land resources and survival of the family members. Consequently a difficult situation is created for their livelihood and their future life. Hence they are ready to do everything and easily persuaded by others (JIT, 2002:23).

2.3.3.5. Political Situation

Trafficking in girls can not prevented completely through advocacy, awareness- rising campaigns and optional income generation activities, does not carried by government prospective. Weak political commitment, ambiguity and inadequacies of legal provision, limited intervention programme, and lack of ineffectiveness of the intervention programm are also the reason of contributing trafficking (JIT, 2002:23).

2.3.3.6. Psychological Factor

The victims of trafficking like children, widows, young ladies, pregnant with their, marriage women facing misbehavior of co-wives; husbands and other family members; victims of rape, women with their husbands in abroad and young women engaged in fuel and fodder are enumerated as vulnerable ones. A numbers of parents in the village like Ichok in Sindhupalchowk, send their daughters to Mumbai to earn money for social and economic prosperity. They do not care how the money is earned .The prevailing norms and values related to sex in some communities has helped involvement of Nepali women in prostitution in India, which help trafficker to trafficked the girls in Mumbai (Acharya ,1998:21).

2.3.3.7. Globalizing and Consumerism

Capitalism and globalization have enhanced consumerism, and has in turn accumulation of wealth, even among the middle classes. In these processes, women, children are easily exploited for sex ,to earn more money therefore trafficking is considered as indicator of inequality between third world countries and industrialized countries (JIT, 2002:23).

2.3.3.8. Household Poverty, Labour Migration and Trafficking

The CDPS (2001:34) found household poverty, labors migration are also some of the root causes of trafficking. Some of the respondents noted that seasonal migration was common form of rural trafficking. Due to the lack of enough food for the entire family and lack of alternative means of survival in off –farm sector women and girls are persuaded to more out of the home but in extreme situation, adult and children both sexes are likely to migrate in search of employment of in urban areas. The data revealed that more than half of the trafficked girls came from agriculture families where the sources of income were extremely limited. Similarly, a substantial proportion of respondents came from families solely involved in off- farm activities which were generally associated with low daily wages in agricultural and non – agricultural sectors. About a third of the house holds of Nepal own no land. The comparable figure for the families of traffic girls was 28 percent .This suggested that poverty alone is not the leading reason for trafficking in children for sexual exploitation in Nepal (ILO:2001).

2.3.3.9. Culture and Trafficking

The CDPS (2001:36) stated that culture is one of the factors of trafficking .Some of the respondent highlighted role of unmatched marries in which a Tamang bride

groom is often youngest than his bride .This is because with in the framework if a cross –cousin mastiff system, marrying the younger son to an older girl means bringing in a daughter _in _law for cheap labor. In some cases, this increases the girls vulnerability on terms of her access to education and in terms of potential intolerable condition in her new household. In such a regime traffickers may approach the girl more easily (CDPS ,2001:36).

Apart from unmatched marriage practices prevailing in Tamang communities there are other factors such as patriarchy and child marriage. This latter phenomenon is not only a violation of human rights, also has an adverse impact on children's health and life.

Excessive spending related to feasts festivals and funeral ceremonies is another cultural factor that key informants used to explain trafficking. Some households from Tamang communities spend one hundreds to two hundreds thousands rupee on these events .Even in settling in a new house, they need a large amount of grain to make alcohol. In view of the lack of source of income, such expenditure is bound to strain most Nepalese households.

2.3.3.10. Gender and social Discrimination

The CDPS (2001:37) stated that gender discrimination starts in early childhood and particularly affects girls. They are prevented from achieving basic education and, after marriage the daughter _in _law has the least power and status in the household.

Gender discrimination is widely cited as the cause of trafficking in girl children. In some countries the phenomena of perceiving marriage as a way to either increase the family labor force or to send a girl off to work and send back money has been means co modification of girl children. In case if soft trafficking for sexual exploitation, this seems to be an accurate term, as it is the commercial market value of a girl, which makes the family consent to the transaction (CDPS,2001:37).

2.3.3.11. Open Border

Open border between Nepal and India makes easy for trafficking. In Nepal there is no any border regulation provision, and there are so many un official transit points. It does not need any passport and visa therefore many people enter in Nepal every day. Nepal and India have very old friendship and religious /cultural similarities. However, open border has caused a lot of social economic and security problem. Various criminal gangs make use of the openness of the boarder; those in

the boarder area of commit crimes in adjacent Indian villages while the Indian criminal gangs commit crimes in adjacent in Nepali villages (Rajbhandari and Rajbhandari, 1997:45). It is worth while to mention that the case of Bangladesh where the border to India is closed and regulated, thousands of girls is still reportedly trafficked. Similarly, girls from Burma are being trafficked to Thailand. However, border regulation is prerequisite to initiate action against trafficking. It has been rouged that if only passport system was introduced, the problem of trafficking would be limited to a greater extent (JIT, 2002:24).

2.3.4. Procedure of trafficking

Existing literatures and documents recorded that the broker / criminals used the following procedure for trafficking.

- 1) By direct contact
- 2) By agent (broker)

1) By Direct Contact

The open attachment between the two countries (espically Nepal and India) most of the cities, Nepalese have conducted brothel. Brothels owners and people who are involved in prostitution, while returning back to their village they bring a lot of money and different things. Observing these all activities villagers' people were easily fascinated mostly girls and women, and then they are ready to go with them not only their own motive but force by their family also. After returning to the urban areas, also they force to involve taking women and girls in same profession especially in the great festivals and gathering ceremonies.

3) By Agent (Broker)

For easier to take them to abroad they uses following procedure.

a) Fake Marriage

Most of the parts of Nepal large group of people are illiterate. They told different voices to persuade the girl's parents to get marriage with them. After that it is the easiest way for them to take the girls in their destination. In some factories also they used fake love and affiliation with girls to persuade.

b) Attraction of gaining handsome income

Broker mostly possesses the villages about their large income. By expressing different method of gaining good salary, they easily persuade the Vic timers telling them to earn more money if they are ready to go with him or her.

c) Pretending to Meet her Relatives

Some women's relatives are outside their country, esp. India, the broker pretends that they were called by their relatives and if they are ready to go they help her. Innocent and illiterate girls are easily convinced and trafficked and sold them to brothels.

d) Pretending to work in Circus

Broker tells the victims that you are so beautiful and attractive, so that you are able to work and good perform in circuses that you earn lot of money. The girl who is beautiful in circus can be also work in film as a heroine by telling such words they persuade and trafficked.

e) Using drug and Medicine

Most of the cases we found the broker use drug medicine (sleeping tablets and other medicine) for crossing the boarder showing emergency patience for emergency treatment.

2.4. Variable identification of Study Variables

On the basis of above definition the following variables are identified for consideration in cross-examination in this study.

Social

- Kith/kingship relation
- Lack of education
- Unawareness
- Unemployment
- Marriage
- Dysfunctional family
- Polygamy
- Migration

Economic

- Inequality
- Lucrative business
- Dowry system
- Not being self dependent
- Landlessness

Personal

- Copying from others
- Lack of adult education
- Laziness
- Lure

Cultural

- Deauki system
- Badi and Badini system
- Jari system, Jhara system

Political

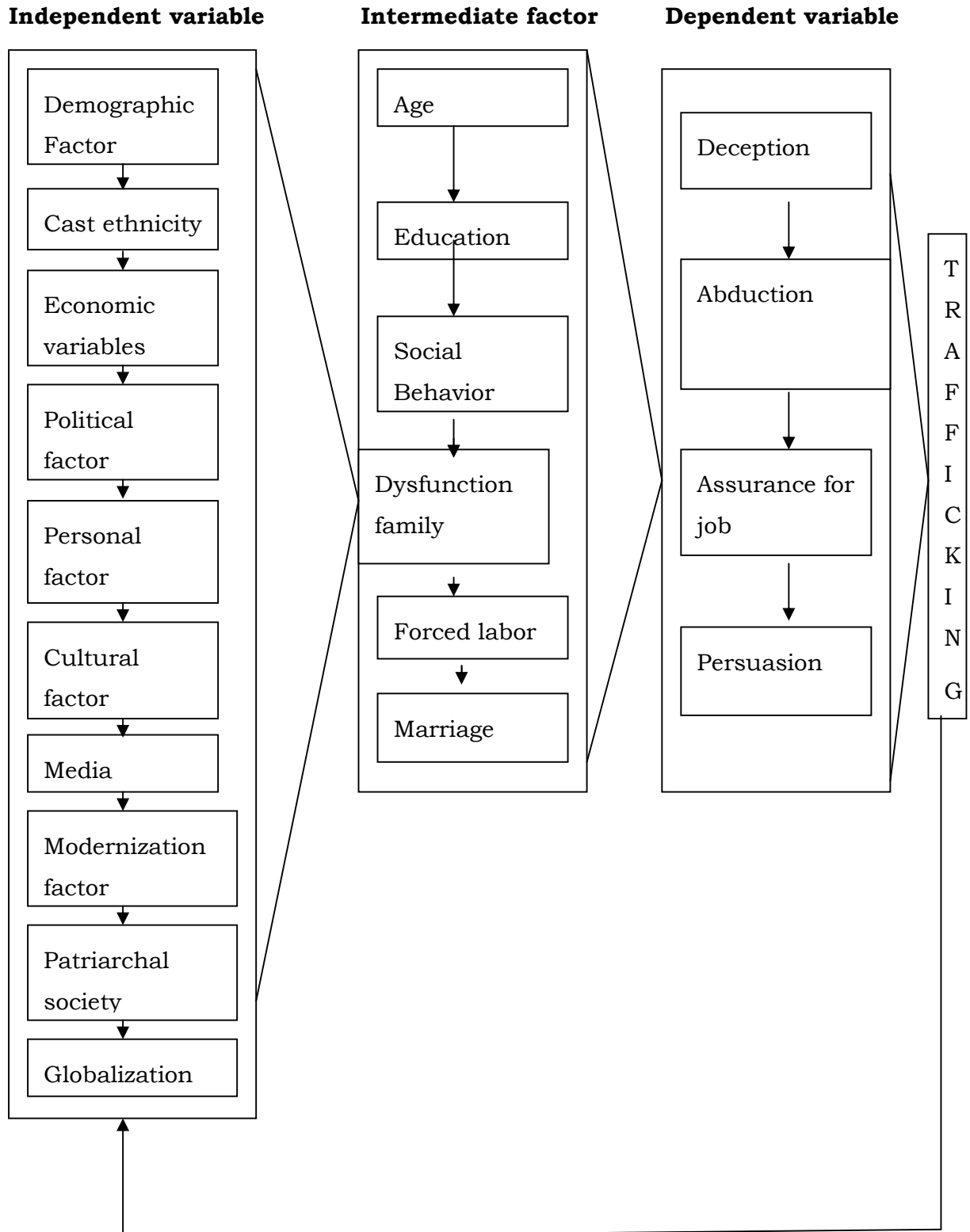
- Conflict
- Globalization
- Lack of trans- border and regional initiatives
- Laws and policies of prostitution
- Corruption of authorities
- Involvement or organized crime
- Refugee

Others

- Lack of legal education
- Sex discrimination
- Treating women as co
- No freedom for women

2.5. CONCEPTUAL FRAMEWORK

On the basis of the following conceptual framework has been formulated to carry on this study.



2.6. Research Questions

- 1) Does social system affect on trafficking?
- 2) Does education help combat trafficking?
- 3) Is the political system responsible for trafficking?
- 4) Is personal attitude is responsible for trafficking?

CHAPTER-III: METHODOLOGY

3.1. SECONDARY INFORMATION SOURCES

The study attempts to analyze the determinants of trafficking in Nepal with the help of secondary data. Information collected from different NGOs, / INGOs, which are working in the field of trafficking. Different organization had published different research report, document, and information were gathered for the purpose of research.

Table-8.Total review does and major findings

Document and Organization	Objectives	Findings	Remarks
CDPS,2001	<ol style="list-style-type: none"> 1) To assess the nature and process of trafficking in children especially with reference to prostitution. 2) To identify the root causes of trafficking. 3) To examine the impact of trafficking on trafficked children's lives. 	<ol style="list-style-type: none"> 1) Education of parents and gender discrimination. 2) Dysfunctional families. 3) Traditional values and discrimination. 4) Gender and social discrimination. 	Sample size was 100 taken from 10 districts.
WOREC,2000	<ol style="list-style-type: none"> 1) To identify the root causes of trafficking. 2) To identify the level of education of girls and trafficking 	<ol style="list-style-type: none"> 1) Lack of education. 2) Poverty. 3) Culture and education. 	Sample size was 47 taken from Morang and Sunsari districts
Asian Foundation And Horizons Projects of population council,2001	<ol style="list-style-type: none"> 1) To analysis intervention models of for the prevention of trafficking. 2) To assess the features and determination of girl and women trafficking. 	<ol style="list-style-type: none"> 1) Most of the adolescent girls found to be trafficked. 2) Social and economic hardship. 3) Family and community members involved rather than strangers. 	428 sample size in Jhapa district and 427 sample size in Parsa district were taken.

3.2. Popular information given in the reports

The WOREC report in Morang and Sunsari, from Focus Group Discussion revealed that most of the targeted population group had some knowledge about trafficking. According to respondents views ,nature and reasons of trafficking are as follows:

-) Lure for employment,
-) Fake marriage
-) Lack of education
-) Copying from other
-) Poverty
-) For better living
-) Impression of movies
-) Innocence and ignorant of outside news.
-) Due to old culture and Tradition
-) Dowry system

Baseline survey conducted by ABC/ NEPAL in Morang district showed that the luring of the job is the prime cause of trafficking. Where as at Sunsari most of the respondents pointed out that fake marriage is the prime cause of trafficking.

CHAPTER IV: LEGAL PROVISIONS RELATED TO TRAFFICKING

4.1. The Constitution

The constitution is the fundamental law of Nepal. It includes right to equality, right to freedom, right to property, and right to religion. The Right against Exploitation (Article 20) specially prohibits any trafficking in persons: "Traffic in human beings, slavery, serfdom, or forced labour in any form is prohibited. Any contravention of this provision shall be punishable by law" (AengstJeenifer, 2001).

4.1.1. Domestic Laws

There are three domestic laws in place that address girl trafficking and forced child labour Act of 1992, the human trafficking Control Act of Nepal (1986), and the National Human Rights Commission Act. The Human Trafficking Act of Nepal was passed in 1986, which prohibits the trafficking of girls and woman .Trafficking is defined as "an Act of threat, incitement, and sale of woman for the purpose of prostitution". Those found guilty of trafficking should face 5-20 years imprisonment.

In 1996, the parliament made the National Human Rights Commission Act. This commission was established to investigate human rights violation within Nepal. So far, the commission was established to investigate human rights violation within Nepal. The commission has not come together to address girl trafficking.

A major problem with Nepal's domestic laws is lack of enforcement. Corruption in the legal system is prevalent. Despite the formal recognition of girl trafficking as a major problem and the existence of laws to curtail it, trafficking continues (Jeenifer Aengst, 2001:11).

4.1.2. Regional System

In 1996, the third SAARC Ministerial meeting on children held in Rawalpandi expressed commitment to combat inter and intra -country trafficking in children and assist victims of violence due to prostitution and sexual exploitation. By evolving administrative, legal and rehabilitees structures both within and between member states.

In 1997, the 9th SAARC Summit of the Heads of State or 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 address this problem. This resolution pointed out that the

existing legislation in member states should be streamlined and strictly enforced for simplification of repatriation procedures for the victims of trafficking.

In 1998, the 10th SAARC Summit of the Heads of the state or Government held in Colombo adopted a draft Convention for preventing and combating Trafficking in women and children. The approval of the draft convention is expected to be passed at the 11th SAARC Summit.

On January 5, 2002, at the Eleventh South Asian Association of Regional Countries (SAARC) summit held in Katmandu, the SAARC Convention on preventing and combating Trafficking in women and children for prostitution was adopted by the seven member state. It is an important step forward in the fight to prevent and combat trafficking (WOREC: nd).

4.1.3. International System

Nepal Government has accepted that trafficking in person is the violation of human rights and has shown its commitment to combat trafficking through international and National efforts. Nepal government is a participant signatory to conventions like ICCPR, ICESCR, CEDAW, CRC, Beijing Plan of Action and other human rights instruments.

Of enforcement of Nepal's laws leads us to use the international system. There is only one 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 that Nepal has not ratified. Other UN conventions (ICCPR, ICESCR, the rights of the child, CEDAW, and working groups special reporters) are all additional avenues that can be utilized on an international level (Jeenifer Aengst: 2001).

The main difficulty with anti-trafficking legislation is no clear definition of trafficking. The 1994 General Assembly Resolution on the trafficking in women and Girls defines trafficking as the illicit and clandestine movement of persons across national and international border slavery from developing countries and some countries with economics in transition, with the end goal of forcing women and children in to sexually or economically oppressive and exploitative situation for the profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labour, false marriages, clandestine employment and false adoption.

This definition is incomplete because it overlooks two basic aspects of trafficking. First men can be trafficking as well as women. Second, sometimes there is no coercion at the time of trafficking (Jeenifer Aengst: 2001).

4.1.4. The Convention on Civil and Political Rights (ICCPR)

Nepal signed the Convention on Civil and Political Rights (ICCPR) on May 14, 1991 the advantages of the ICCPR is that civil / political rights are clearly defined as well as being strongly enforced by the Human Rights Committee. The practice of girl trafficking is in violation of girl's right. Articles 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 labour." 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 is required by his status as a minor, on the part of his family, society, and the State." (Jeenifer Aengst:2001).

4.1.5. First Optional Protocol for the ICCPR

The optional protocol 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. There are currently three conventions that have optional protocols: the ICCPR (International Covenant on Civil and Political Rights), the ICESCR (International convenient on Economic, Social and cultural Rights), and CEDAW (Convention on the elimination of Discriminations Against women). The UN is currently in the process of creating additional Optional protocols for the convention on the Rights of the child.

The optional Protocol to the ICCPR enables individuals to have access to the human rights Committee. As result, isolated incidences of human rights violations, which could easily be over looked, are addressed. However, the optional protocols of the ICCPR are 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. As a result, isolated incidences of human rights isolation, which could easily be overlooked, are addressed. However it will not enter in to force until three month after ten states have either ratified or acceded to it (Jeenifer Aengst: 2001).

4.1.6. The Convention on Economic, Social, and Cultural Rights (ICESCR)

Nepal ratified the Convention on Economic, Social, and Cultural Rights on May 14, 1991, 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 morals 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 labour should be prohibited and punishable by law”. Clearly, the girl trafficking industry between Nepal and India is in violation of the ICESCR (NHRC: 68).

4.1.7. Convention on the Rights of Child

Nepal ratified the convention on the Rights of the Child on January 26, 1990. 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, 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 CEDAW on February 5, 1991. Article 6 is the only article with in CEDAW 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” 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 (in ’92, ’96, and ’00) but has only submitted one report in 1998. There are no specific reports with in the committee on the Elimination of Discrimination against Women about

the status of women/ girl trafficking in Nepal. Although there is an optional protocol with CEDAW, Nepal has not ratified it (NHRC:69).

4.2. National Government initiatives

In pursuance with commitment at the global and regional levels HMG, Nepal has taken several initiatives to address the problem of trafficking on a national level.

The MWCSW (1998:5) adopted 13 focus areas for its National policy on trafficking:

-) Public awareness campaigns on trafficking will be carried out at a large scale.
-) Action will be taken to remove laws that discriminate against women.
-) Various institutions of the Government, NGOs, INGOs, and private sector will be mobilized to combat the problem of trafficking in women and children.
-) The Ministry of women, children, and social welfare will act at the “focal point” for carrying out programmes against trafficking.
-) HMG Nepal will open its door for co-operation with the bilateral and multilateral donors to combat the problem of trafficking.
-) HMG Nepal will protect the human rights of women and children.
-) Heavy fines will be imposed on the traffickers and exploiters of women and children. The fines collected will be utilized to provide financial assistance to the victims.
-) Steps will be taken to control and prevent the spread of sexually transmitted diseases and HIV/AIDS.
-) HMG Nepal will take necessary steps to alleviate poverty and provide employment opportunities to women of high- risk communities
-) District level co-ordination committees will be formed to function as information centers and for collecting data, coordinating local level activities and raising awareness to combat trafficking.
-) HMG Nepal will establish co-ordination committees at the National, District, and village/municipality levels to control trafficking.
-) Provisions will be made for carrying out formal and vocational education.

J Rehabilitation programme for the rescued women and children will be organized in collaboration with NGOs.

J Step will be taken to seek the commitment of political parties to combat against trafficking of women and children.

In 1998, as a result of consultative workshop on trafficking in children and their commercial sexual exploitation, HMG Nepal formulated and adopted The National Plan of Action against Trafficking in Children and their Commercial sexual exploitation. A National consultative workshop was organized on 23-24 July, 2001 and the strengths, weakness and gaps of the National Plan of Action were reviewed and formulated National Plan of Action against trafficking in Children and women for sexual and Labor 1 exploitation 2001. The NPA was sent to the WODs in all the 75 districts of the country to implement the activities. This NPA was the first of its kind in the SAARC region, which identified the 8 areas for actions.

- i. Policy, research, and institutional development.
- ii. Legislation and enforcement
- iii. Iii. Awareness creation, advocacy, networking, and social mobilization.
- iv. Health and education.
- v. Income and employment generation.
- vi. Rescue and reintegration.
- vii. Trans-border, regional and international issues and
- viii. Monitoring and evaluation.

Anti- trafficking networks were established at the national, district, village and municipality levels in the form of task forces in order to implement the National plan of Action (MWCSW, 1998:5).

The detailed intervention areas activities mentioned in the National plan of action are as follows:

4.2.1. Policy and implementing mechanism

Clear government policies, commitment of the state machinery and effective plan of actions are the most important basis for the elimination of the problems of trafficking and sexual exploitation. For this there is a need for

) A clear picture of the situation, in other words, there is need for conducting situation analysis and recurrently to update the analysis.

) 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.

) An approach of co-ordination at the ministerial side and partnership with other agencies such as NGOs and academic and research organizations.

) 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.

) Development and adoption of universalized political mandate for unhindered action and responsibility of the concerned agencies.

4.3. Trafficking Policies in the plan

The ninth plan (1997-2002) and the tenth plan (2002-2007) 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 programme has been initiated for the improvement of social, economic, educational, political and legal status of the women and girls (NHRC, 2005:42).

4.3.1. The Ninth plan

The ninth plan makes special mention to Gender Equality and Women's Empowerment National Work Plan 1997 in light of CEDAW and BEJING Declaration, 1995. As per the Beijing Work Plan, NPA for gender equality and women empowerment 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 their trafficking. There also focus in the plan for formulating laws, rules and regulations to control all forms of violence against women and for their empowerment through employment and different other income generating activities (JIT, 2002:35).

4.3.2. The tenth plan

The tenth plan associates women's plight with their lower socio-economic status. It gives focus to the implementation of Convention on Elimination of all forms of Discrimination against Women (CEDAW) and Beijing Declaration. Besides, it lays stress on extensive publicity to HIV/AIDS and health services to the victims of this disease. It also mentions 11th amendment of the civil code as it was positive on issues related to sexual exploitation of women, abortion, right to property, etc. It not only supports committees working at centre and district levels to control trading and trafficking of women and girls. But also advocates for the implementation of the SAARC Convention on Prostitution for its role in controlling trafficking of women and children.

Major programme stated in the plan to control trafficking in women and children include steps to reform the existing legal system in a way that it proves effective in elimination crimes against Bokshi, Jhuma, and Deauki 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. Besides there focus on programmed at providing security to the displaced women, including women and girls victimized by the current conflict for which rehabilitation and income generating activities need to be launched (NHRC,2005:42).

CHAPTER V: SITUATION OF ENFORCEMENT OF LAW REGARDING TRAFFICKING IN NEPAL

National plan of action against trafficking in children and their commercial sexual exploitation had the aimed to create awareness, advocacy, networking and social mobilization in 1998, which are given below. This POA found that

There is a need for more effective and continuous mobilization of the mass media such as radio, TV, newspaper and other traditional modes of mass communications to make the awareness raising a national campaign. The awareness rising campaigns should bring to light the problems of child trafficking and their sexual exploitation as well as the legal provisions.

It also raised issue on about advocacy and networking that there was need for institutionalization of advocacy and consolidating advocacy activities through effective networking. The Networking should include GOs, NGOs, INGOs, and other social organizations.

5.1: Awareness Messages

Media plays crucial and proactive roles in social, economic and political transformation by providing information based on research, opinion, events and other activities. Media is an effective mechanism for creating mass awareness. If exercised properly it may even generates public opinion and bring about behavioral change among the target population. It may work for people's right to correct and help promote human rights. The constitution of any democratic country normally guarantees people of their rights to information and freedom of expression. The constitution of kingdom of Nepal, 1990, under the fundamental rights, part 3 guarantees the right to freedom of opinion and expression, the right to press and publication and the right to demand and receive information on any matter of public importance (NHRC: 84).

Trafficking has become a grave concern for everyday news paper, television and radio programme in the country. Media generally cover news of trafficked girls, circus children, punishment to traffickers, workshop/seminar and training programme of GOs and NGOs, editorials, columns, feature articles, tele-serials, documentaries and legal issues to combat trafficking (NHRC:84).

The print media like newspapers, journals and electronic media such as Radio/FM broadcast news, case stories information, interaction with related stakeholders

which helps to provide information on the gravity of the situation of trafficking, challenges and efforts made to resolve the problems.

Similarly, the TV programmes in addition to news and events even show the documents and serials on trafficking issues. Such coverage made by print and electronic media provides access to information, helps to enhance the awareness of the people in general and works as advice tool to sensitize the policy makers on the depth of the trafficking in person's issues (NHRC, 2005:84).

5.1.1. Coverage in Print Media

National Report of NHRC (2005:85) reported that of the 12 critical areas identified in the print media, violence against women constituted almost one fourth (24.3%) coverage, while the coverage of news on trafficking in women and girls included only 1.5 percent. Mostly published in Nepali language, Nepali print media, broadly cover issues like open border and trafficking, trade in women and awareness programmed, like street drama (NHRC:85).

In 1997-98, ASMITA conducted survey by selecting 100 Newspapers, magazines, and journals published in Nepal and a few from foreign countries covering the period 1987 to 1997 to identify the extent to which they were able to address TIP issues. Of these print media, 85 were in Nepali and the remaining 15 in English. Analyses of the 1,264 materials from these print media revealed that 68 percent of them were in the forms of News, while 9 percent were field reporting. The Nepalese media had greater coverage on trafficking in women and children than in other cases, apart from prostitution. Foreign media overwhelmingly (77% of 186 materials) focused on prostitution. And child prostitution (NHRC, 2005:85).

5.1.2. Coverage in Electronic Media

The electronic media including Radio, TV, and Cinema are popular means of entertainment and information to the people of Nepal. With 52 percent of literacy rate, different geographical terrain, gender discrimination, and prevailing socio – cultural norms in Nepal, electronic media create an environment to fight against trafficking in person at the grass- roots level. Increasing involvement of private sector in establishing FM Radios and TV channels has intensified access to information even in the remote district of Nepal. In terms of coverage, the Radio/ FM provide access to general population through short waves and FM. The services have been rendered with the establishment of 11 sub-centers in different part of the country. More than 44 percent of the Nepalese population from Mechi

in the east to Mahakali in the west has access to Nepal Television. Radio Nepal broadcast programme namely Sabdhanima, Sathsath, Nari Sansar, Sachetsna, Chelibeti, and other issue based packages related to trafficking in person. Radio Sagarmatha FM has been broadcasting weekly radio programme (Saha Astito) since 2002 onwards with the support of OXFAM. The programme covers 60 percent districts of the country through its networking with local FM radios. The objective of the programme is to focus on the issues of gender equality, social justice and women's rights. The programme covers different issues on trafficking especially of women and children with reference to news, case studies, experience of women activists for combating trafficking, and decision of the supreme courts on trafficking. The programme also broadcasts analytical themes in changing structure of trafficking, folk songs related to trafficking and activities implemented by NGO/GO to combat trafficking. Nepal TV has prepared and broadcasted tele-series like Nirdosh Kaidi, Jivan Yatra, Thuldhungaki chemali, Gagriti and Aekaapa. Similarly Kantipur TV Channel broadcast issue based documentary on returnees of circus children can be cited as an example in this respect (NHRC: 85).

Some example of Audio –Visuals are Nepali police: Kathibara, Pahad Sakiyepachhi, Chhileko Aawaj, ByathaCheliko, Beshyabritti, Jhapa Cheli, Aansu Yarsako; Rastriya Seva Kendra: Habigat, WOREC: Bedana Ra Mukti; Unicef:Devi, UNDP: Raat, and Canadian Broadcasting Corporation: Selling of Innocents. Different agencies such as ABC Nepal, WOREC Him Rights/INHURD and Action Aid tried to create awareness in the society by developing cassettes and CDs with the collection of songs on issues related to domestic violence against women, human rights and also trafficking related issues. Name of some of Cassettes are: Abjiyan/ABC Nepal, Cheliko Aawaj/ABC Nepal Shakti? ABC Nepal, Chetana/Action Aid, Dhoka/Him Rights/INHURED, Hamro Nepal/Lila Nepal, Sanu Mul, Abhiyan/WOREC, Ukali Orali Sunne Patrika, Bhag 11, and feature film Chameli (NHRC, 2005:85).

5.1.3. Script and Information

Most of the telifilms have some similarity and uniformity in the aspects of economically poor family structure, uneducated society and domestic violence against women. Similarly, higher expectation and inclination of poor girls towards so-called prosperous urban life, their irritation, tediousness and difficulty in rural life are the factors easing to allure uneducated and native village girls. In contrast, the counterpart culprits are shown as fearless and working with a huge network

who adopts the method of alluring, manipulation, fake marriage and high sounding assurances. These telifilms have also mentioned trafficking as a source of earning easy money. The rich and Pseudo benevolent persons of the society and even the close relatives and guardians as well as close friend are also as the traffickers of the women and girls. Thus the scripts are developed around these similar features. This fact clearly states that all these telifilms have been produced from the inspiration of the real problem of trafficking with the goals of raising mass consciousness against this inhuman flesh trade. In all the scripts, victim women are presented to have been severely shocked when they knew that they were sold in brothels for prostitution. Thus, each and every victim is shown compelled to follow the order of brothels keeper. These all telifilms state a clear fact that all trafficked women are taken to brothels by temptation and deception, and known of them is trafficked with coercion. Innocence of village girls as well as educated urban girls is tactfully exploited to traffic them (NHRC: 85).

Another important aspect depicted in the telifilms is the roots and border of trafficking from village to brothels in India. Generally, roots are founds very similar in all telifilms. The brokers allure girls in the villages and bring them in different urban areas where the victims are offered to consume various types of modern commodities and to visit interesting places for a few days that tantalize them to acquire more facilities in future. The rescue part is not given due to importance and space in these telifilms. Only two telifilms namely Bedana Ra Mukti and Nirdosh Kaidi have incorporated the rescue operation in the plots. Trafficked women are shown returned back to their families and country only after getting infected by HIV virus or developed AIDS. The attitude of the society or common people towards brothel returned victims have not been properly presented in telifilms. However, social workers are very sympathetic, co-operative and positive towards these victims. Nirdosha Kaidi is a film-telecast produced by Nepal Television per se. The main them of this serial is also trafficking. The other serials have presented rural areas as the origin of trafficking. But in contrast to others this serials have presented the urban social surrounding as also a place of origin of trafficking (NHRC, 2005:85).

5.2. Rehabilitation

The NGOs in Nepal have been playing imperative role in combating trafficking. They have contributed significantly in the areas of prevention, rescue, repatriation,

rehabilitation, reintegration, and in the legal sector by launching different activities up to the grass root levels.

5.2.1. Prevention

There are number methods that could be adopted for prevention. Among them, those which are found more relative to this study were presented below:

5.2.1.1. Awareness

-) Seminars, workshops and Interactions
-) Advocacy Materials like posters,/Pamphlets, information Tool Kit, Audio cassette and Resource Directory
-) Hording Board
-) Role Play
-) Street Drama
-) Video Film
-) Rally
-) Door to door visit
-) Distribution of IEC materials
-) Media Campaign and mass information
-) Talk programme at schools
-) Mobilization of students and teachers
-) Booklet prepared by local level on local issues
-) Radio/ TV programme
-) Safe migration, counseling and
-) Working with Men and boys to address the issue of violence against women

5.2.1.2. Capacity Building

-) Informal education
-) Legal, Para-legal and Vigilance training
-) Leadership trainings for high risk groups
-) Instruction and Education
-) Skill and employment oriented training to the trafficked survivors
-) Income generating activities
-) Empowerment Efforts
-) Exposure visits
-) Counseling Centers

-) Computer Network and Database
-) Urban Child education.
-) National, Regional and International exposure
-) Information centre
-) Establishment of community safety Net in district and VDC level
-) Trainings, Consultation for Task Forces-National, district and VDC level
-) Training to Judiciary, police, VDC Secretary

5.2.1.3. Institutional Development

-) Paralegal committee
-) Pressure Groups at VDC and district levels
-) Networking
-) Gender Mainstreaming
-) Research and studies
-) Formation of Community groups and its Mobilization-women, child, Youth, students, and teachers
-) Establishment of Indo-Nepal Committee to coordinate cross border issues (NHRC, 2005:48).

5.2.2. Rehabilitation/Reintegration

Rehabilitation and reintegration of trafficked persons are inherent parts of an activity addressing the issue of trafficking. In Nepal, the issue of rehabilitation of trafficked persons came in to surface when Indian police rescued girls from different brothels in Mumbai India, In May 1996. The rescued girls were kept in remand homes. Altogether 128 Nepalese girls were brought to Kathmandu from these homes with the efforts of Nepalese NGOs and the Government of Maharashtra, India and a group of NGOs, made intensive efforts to rehabilitate them. The seven organizations, ABC Nepal for 28, Maiti Nepal for 28, CWIN for 24, Navajyoti for 14, WOREC for 12, and PRC for 12 and Stri Shakti for 10 girls provided accommodation for them (UNIFEM and IIDS,2004:44).

Currently, six organizations are working for the rehabilitation and reintegration of trafficked survives. Maiti Nepal has the largest number of survivors. Other NGOs involved in this kind of Work are ABC Nepal, CWIN, WOREC and Child Protection Centre (UNIFEM and IIDS, 2004:44).

5.2.2.1. Rescue process

The rescue and repatriation process is facilitated in two ways. In some cases

The victims are withdrawn by the NGOs based on the information they receive from certain source while in other cases the partner organizations, the police and the stakeholders rescue the trafficked survivors and hand over them over to the NGOs. Apart from sex workers, children and women working in circus had been rescued and repatriated. In 2004, Bachpan Bachao Andolan (BBA), an Indian unit of Global March against Child Labor rescued some Nepalese circus girls from the Roman circus. Besides, NHRC, India, Parvasi Nepali Maitri Manch and other Nepalese organizations like CWIN rescued circus girl. CWIN rescued 48 children from circus and provided them residential as well as healing and emotional care at CWIN Balika. Of these children, 43 were either reintegrated with their families or were self reliant after receiving vocational and skilled training (UNIFEM and IIDS, 2004:45).

Table-9: Number of trafficked Survivors Rehabilitated or reintegrated till 2001

Name	Rehabilitation	Reintegration	Dead	Current at the centre	Remarks
ABC Nepal	67	58	4	4	1 referred to Karuna
CPC	NA	NA	-	2	-
CWIN	152*	115	NA	2 in CWIN35 referred to other centers	CWIN also refers children to other related centers
Maiti Nepal	334	263	6	65	48 in training/rehab. Home training and 17 in Hospice
Navajyoti**	14	12	1	NA	
PRC	126	106	NA	20	
Shtrii Shakti**	10	10	NA	-	
WOREC	67	64	3	NA	
TOTAL	770	628	14	128	

Source: Field Survey 2002, MWCSW/CWIN 1999 study.

*The data collected from the report MWCSW, 1999 till 1998 and CWIN Balika from 1998-2002 and data includes boy children too.

**Navajyoti and Shakti are not involved in rehabilitation at present.

Cited in Status and Dimension of trafficking with in Nepalese context

5.2.2.2. Service Provided by the NGOs under Rehabilitation Programme

Under the Rehabilitation and reintegration programmes, various services are provided and activities conducted to help survivors. Such activities include providing survivors with immediate shelter, health support, counseling and care animation, skill training, leadership training, education classes, income generating activities, income support and legal assistance. No single organization performs all these activities.

Table-10: Types of services for rehabilitation Reintegration provided by NGOs

Type of service	NGOs involved
Shelter for survivors	Maiti Nepal, ABC Nepal, CWIN, PRC, WOREC
Health services/support	Maiti Nepal, ABC Nepal, CWIN PRC,WOREC
Counseling and care	Maiti Nepal, ABC Nepal, CWIN, PRC, WOREC
Animation	Maiti Nepal, ABC Nepal, WOREC, Navajyoti
Education classes	Maiti Nepal, ABC Nepal, CWIN, PRC, WOREC
Skill training	Maiti Nepal, ABC Nepal, CWIN, WOREC, PRC, Navajyoti
Economic Support	Maiti Nepal, ABC Nepal
Leadership training	Maiti Nepal, ABC Nepal, PRC, WOREC, Navajyoti
Legal assistance	Maiti Nepal, CWIN, PRC

CHAPTER VI: CASE STUDIES ON TRAFFICKING

6.1 Social Issues Related Cases (Case-I)

This section illustrates some case studies of trafficking that would help to imbibe the trafficking as one of the deeply rooted region for violation against women. These situations indicate the poor construction of society in economic, social, and political terms.

6.1.1. In search of self reliance

My name is Prerana Roka born in 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. When I was 13, my mother dead and my father used to get drunk every day and beat all of us. In search of our elder sister we reached Patan. The man who told that he had seen the elder sister brought some biscuits. After eating some biscuits we felt so drowsy and we did not feel like getting up. We had noticed that there were seven others girls in another room .These girls said that they were going to Butwal to work in a garment factory. Later, the man who had brought us here pointed to the girls and said, “Why do you have to go to your sister now? All these girls are going to work in a garment factory in Butwal. We have to bring garments from there and start a business, why don’t you come along with us?” In the next day nine of us along with two more boys left for Butwal. We have no idea how far Butwal was and where we are going to work. Later we came to know that we were taken to Delhi, where all of us were kept in the same room for one week. 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. I saw men taking those girls to the small cubicles that it finally dawned on me as to what kind of place I was in. One of the girls who were sold with us escaped so we were quickly sold to another brothel for fear that we might run away too. The second brothels owner chooses to keep me in her brothels because the other girl was not so beautiful. As soon as I reached the second, I was forced to do sex work. After four

months, I was again sold of other brothels, which was also owned by Nepali women. I spent almost two and a half years in dark and dingy rooms. Most of the customers were Indians and sometimes Arabs and Pakistanis. We tried to find happiness even in that hell. We prayed everyday to get better clients. I don't know how many girls there were in the first brothel but in the second and third, there were 35 and 40 girls respectively and all of them were Nepalese like me. When we were new we used to share our happiness, sadness and our experiences with each other. But as competition grew, friends became enemies. Several girls became pregnant, but they were forced to undergo abortion immediately. Some would be ill for a long time. All of us were forced to take contraceptive pills, but only some took it regularly. The customers would rarely use condoms except for a few conscious men. There was a rule that the customers should not be compelled to use condoms. In 1996, when the girls of Kamathipura of Mumbai were rescued, I was also rescued. Some of non governmental organizations took the responsibility to bring us back to Kathmandu. My father had come to receive me and till 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 now grown up did not treat me well. Every time I spoke to them, they would call me a "Mumbai returnee". When I could not tolerate all these misbehavior from my family I decided to go back to the same organization that I belonged to. 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.

I have noticed that several organizations or organizations or associations, which are working for rehabilitation of the survivors, do violence the rights of the people. I strongly believed that people working in such organizations should not expect normal behaviors from the survivors of trafficking keeping in mind their experiences. 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 them very patiently by understanding their mental state. It is true that since we have personally gone through such experiences, we understand things better than others (UNIFEM: 2005).

6.1.2. Social Discrimination

My name is Resma; I was born in a Brahmin family in a hilly region of Udayapur district. We were ten siblings-seven daughters and three sons. I am the fourth daughter. Since we were having financial difficulties my parents decided to migrate

to the Terai hopping for better livelihood options. After we migrated to a small village in the Terai, all of us were enrolled in a school, collected fodder, and firewood and helped our mother in household chores. 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. The whole day 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. One day I decided to run away from his house forever. I made plan to go to Kathmandu to visit brother and sister. My sister found me a job in somebody's house. After some time the owner of the house approached me with bad intention. I left the job and engaged in school. The peon misbehave compelled me to leave school also. Then I left school and engaged in Marbadie's house as domestic servants. An old man about the age of my father, also working in the same house and approached me with bad intention. Then I started thinking about getting out of the house. Another man who used to come there often suggested that I would rent a room and stay outside and he would help me find a job. After a few days, the policemen come to my room and made advances. I warned him but he took no heed and continues 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 bad 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 hotel. In September 1995, I happened to come in contact with a shelter run by a non government organization. The NGO that provided me with the training asked me if I wanted to go to Salyan or Nuwakot district as a community health worker. Since I had learned on this issue during the training, I gladly accepted it. Now I am in udayapur and taking care of three village Development Committees as a health worker. Here many people call me as Doctor. The biggest problem the women are facing in this area is prolapsed of uterus. The main cause of the diseases is lack of proper rest after delivery and other physical weakness. Now there has been a sea

of change in the attitude of my family members and the way they look at me (UNIFEM: 2005).

6.2 Economic Issues Related Cases (Case-II)

6.2.1. Poverty

I am Sabina Tamang .The economic condition of our family was very weak. My family consisted of my parents, two brothers and four sisters including me. My father and other sisters used to work as farmhands. Mother used to fall sick frequently. I don't know how old my mother was. Her hair was all grey. But she becomes pregnant once again. During her pregnancy her health started deteriorating and she gave birth to a boy after a long labor pain. She never recovered after the delivery. Within seven months she died. I was only 11 years old but I was in charge of the newborn baby. One day, a friend of mine who used to work at a carpet factory in Katmandu came to see me and asked to go to Katmandu. I left my village in April 1996 in torn clothes and bare footed. She took me to a carpet factory in Chabahil. There I saw many girls from our villages well some children. I was only 13 when I started working in the carpet factory. I used to work from 4 o'clock in the morning till 11 at night. I fell ill due to hard work. However, for three months, I didn't get even a single penny. After working for three months, I started getting a salary Rs 300 per month. After three months we shifted to Dalku , two new boys Ashok and Bijaya came to work in the same factory. They said that their aunt had a big garment factory in Butwal and we could make two thousand Rs a month if we worked there. Therefore my friend and I decided to run away from the carpet factory. After a long journey by train we reached a place called Kamathipura in Mumbai. After three days, we were forced to cut our hair and put heavy makeup on our face. Our routine was to entertain as many customers would pick up the girls of their choice and take them in to the rooms. We came across all kinds of people who come to buy sex. There were customers who wanted young new girls every time they came. They would pay high price for them. In 1996, when the Indian police raided the brothels in Kamathipura, I was also rescued. I joined an Organization Named Shakti Samuha (UNIFEM: 2005).

6.2.2. The Lure of Money

Ruby was a waitress at a Katmandu restaurant, where she made Rs.2000 a month but her friend, Nabina had a better idea .Together they set out to export diamonds to India. At the border Ruby took a packet that looked like a diamonds and

crossed into India. Within 5 days, she was forced into prostitution at a brothel in Pune. Now, 20, she is a rehabilitee (ILO: 2001).

6.2.3. Better Employment

Ritu's Aunt, a brothel owner, took her to India for "employment" when she was just fourteen. Not knowing what the "employment" would be, her parents paid her transport expenses. Now Ritu, 29, re-established in her community (ILO: 2001).

6.3. Political Issues Related Cases (Case-III)

There is a network at village and country level. The administrators who come to this district, like the Chief District Officer and DSP are transferred elsewhere within around three months if they are against trafficking. Political parties support this. People from all parties are involved. If only two (trafficking) brokers suffer, the vote will be ruined," says a social activist (ILO2001).

6.3.1. Community Conflict

It is not their people who are trafficked and die due to HIV/AIDS. It is our own relatives, daughters, daughters-in-laws and sisters who die. The VDC chairman's not cooperating with us in controlling trafficking. We ask him for money but he never hears us" says a social worker (ILO: 2001).

6.3.2. Culture and Trafficking

Sawana, from a Muslim family, was just seven when she married and thirteen when she gave birth to her first child. When the baby was only a month old, her husband divorced her. With the help of friends, she engaged in prostitution to earn enough to survive. Now 18, Sawana remains in prostitution of Nepalgunj. Her wages support her sixty years old mother and five years old son (ILO: 2001).

CHAPTER VII: SUMMARY, CONCLUSION AND RECOMMENDATIONS

7.1 Summary of Findings

This chapter presents the findings the situation and gaps related to concerned areas of the above chapters. The concern for accepted definition of trafficking , effectiveness of legal provisions, plan, policies and program and emerging contribution of media for creating awareness and sensitivity have been addressed strategically as finding of report. The prone areas of trafficking, areas of destination, causes of trafficking, the roles of GOs, NGOs, to combat trafficking are also included in this chapter.

1. There is lack of conceptual clarity on trafficking and has become the major concern .Trafficking is not done only for sexual purposes but also for slavery, serfdom, child adoption, organ transplantation, violence, abduction, deception or coercion etc. In spite of the UN definition of trafficking and other international definition, the country specific definition on trafficking has yet to be accepted. The lack of definition has created confusion of scope in dealing with trafficking in the formulation of acts, plans and policies in combating trafficking.
2. The Civil code is enacted in 1853 and recognized as the first written law of the country, prohibited the slave trade, human trafficking and separation of children from there mothers and selling them. The national laws that directly govern trafficking issues include a chapter on Trafficking in Human Beings of Country Code, 1963 and Human Trafficking (control) Act, 1986. The Act was a specific law to combat trafficking in human beings. The trafficking in human beings (Control) ACT was enacted because of provisions that prevailing laws were inadequate to deal with the rise in offences. Trafficking in Human Beings (control) Bill, 2001 was formulated but failed to be an Act due to dissolving of the House of Reprehensive 2002. There are also other laws that directly or indirectly affect victims of trafficking. Nepal has ratified or acceded to 16 international human Rights instruments and signed three international human right instruments ratified by Nepal which serve as the legal basis to fight against trafficking.

3. Media plays crucial and proactive roles to protect women's trafficking from social, cultural, economic related causes through awareness messages. Both electronic and print media in the country have established trafficking as a social issue and concern for women empowerment. National News Agency like Gorkhapatra, The Kathmandu post, Serials and documentation on Air programme of different programme of different Television channels have contributed to enhance awareness of the general people as well as of decision makers in combating trafficking.
4. In earlier time , the traffickers had to take the trouble of going to the rural and remote areas in their bid to tap the women and girls for trafficking. But now due to mushroom growth of the cabin restaurants, massage centres, and hotels in the urban areas and district headquarters, the deal of trafficking of girls is carried out right at these places.
5. Mumbai, Calcutta, and Delhi used to absorb most of women and girls trafficked from Nepal. But now a days Bangladesh, Malaysia, Kuwait, Quatar, Dubai, Korea, Thailand and Hongkong have become the destination of trafficking.
6. In the past only the few districts around the Kathmandu district like Nuwakot and Sindhupalchowk were known as district of origin centres for the trafficking of women and girls but now there is hardly, any district is in themountain, Hill or Terai region from where the women and girls are not trafficked. However the government has declard 26 districts as trafficking prone districts.
7. The determinants of trafficking vary according to different strata's such as religion, culture, socio-economic, condition etc. so, there are various determant of trafficking and no single reason can hardly explain them. From the case study we concluded that social, political economic and cultural values play the vital role in trafficking.
8. Different persons such as family members, relatives, brokers, brother in laws, father in laws and themselves are involved in trafficking.
9. Rescuing of the trafficked women and children from Indian Brothels started in early 1980s, by NGOs, in India and in Nepal. Some NGOs, like ABC-Nepal, Maiti Nepal, and Sathi-CWIN have rehabilitation homes as well. However, there is no rehabilitation and reintegration policy of the

Government, Even though it is the primary policy need in dealing with trafficking issues.

10. Lack of adequate programme coverage, lack of coordination, among implementing partners including GOs/INGOs, lack of trained human resources, and lack of management capacity, ineffective monitoring and evaluation, low reporting of cases are identified as major shortcomings of the programme.

7.2 Conclusions

Social, economic, Political factors of an individual and family should be considered in understanding trafficking. There are so many factors contributed to the problems of trafficking and different actors are involved in trafficking. Trafficking is also associated with power relation in society, distrust of the political system and the trend of globalization accelerating exploitative labour relations.

It is not single reasons which determine trafficking. Not all poor household or all dysfunctional families are affected by trafficking. It was observed that affluent families also affected by the phenomena. The study by different GOs, NGOs revealed some of the push and pull factors for trafficking. Cultural values, and gender discriminatory practices prevail, the position of girls will remain precarious, as long as families are broken or dysfunctional and they have nowhere to turn, they may send their children away or the children themselves may want to leave their homes.

There are various legal provisions in Nepal related to trafficking in Nepal. These provisions are not adequate to control trafficking. There is lack of database research and lack of scientific investigation process. There is no sanction for the culprits; law has become silent in these cases.

Inadequate programme coverage, lack of coordination among implementing partners including GOs, /NGOs, lack of human resources and lack of management capacity, low reporting of the cases are identified as major shortcomings of the programme.

There is no rehabilitation and reintegration policy of the Government. Though it is the primary policy need in dealing with trafficking issues. Some NGos like ABC-Nepal, WOREC, CWIN, MAITI-NEPAL etc have rehabilitation homes.

The role of media in dealing with trafficking issues has yet to be appreciated in terms of its impact on the society at large. The sector lacks trained journalists and actors in the field. The media coverage is event based and also there is lack of research based publication and documentary. The coverage is more on supply side is still not covered to the extent of its need.

7.3 Recommendations

1. Understanding trafficking

There is a need for conceptual clarity at all levels. There is lack of conceptual clarity among stakeholders both at policy and intervention level and in also the understanding of the meaning and process of trafficking. Every organization needs to develop conceptual clarity on trafficking.

2. Social system

The low reporting of the cases of trafficked person is one of the causes of social system. There are some reasons that the parents pride of money by sending their daughters to earn money in brothels.

3. Adopt a right based strategy

A good mechanism needs to be developed for better coordination among the NGOs/INGOs, UN and other agencies working for combating trafficking. If a mechanism were in place, resources could be diverted to other districts, duplication of work avoided and coverage expanded. A number of NGOs, work within the same districts on the same issues for example, eight in Morang, seven in Chitwan, five in Nuwakot and Sindhupalchowk and four in Sunsari.

4. Strengthen monitoring and evaluation

The gaps in follow-up, monitoring and evaluation systems need to be urgently addressed by developing process and impact indicators of both quantitative and qualitative nature. The support and funding organization also need to take it as a part of the complete programme and provide support to establish monitoring and evaluation system nicely.

5. Provide a long term commitment

Long term commitment of support for implementing organization is needed for those programmes that demand the adoption of a long term strategy and enhance the capacity of target groups, such as such as rehabilitation and reintegration.

6. Build Organizational culture in maintaining transparency

Organizations need to be transparent about the operation of their programme resources and information. The government and donors should compulsorily require such transparency.

7. Awareness programme in grass-root level

It is necessary to aware the grass-root girls about the deception by the pimps.

8. Poverty alleviation programme

Job opportunities are necessary for the rural girls to struggle with hunger.

9. Strengthen and replicate best practices

-) Involve trafficking survivors and mobilize them in the prevention of trafficking.
-) Mobilize children and youth forums in anti-trafficking initiatives.
-) Create women's forum as a pressure group so that it can take action in the event of any problems and provide support and shelter for those facing the problem. Such group can be used as forums for creating awareness at community level.
-) Strengthen the NGOs formed by trafficked survivors.
-) Institute a community surveillance system against trafficking, ensuring that women's rights are not hindered.
-) Disseminate information on safe migration at border points and in supply areas.

7.3.1. Recommendation for Policy Formulation

1. The National policy on trafficking should make clear to provide clear definition. There are many instances of trafficking that are done for other purposes rather than sex work. The policy should cover all those possible sights where trafficking takes place.
2. The concept of migration, trafficking and sex work are interrelated and need to be clearly defined in the National policy document. There is a need to draw a clear distinction between voluntary prostitution and forced prostitution. Without a clear definition, sometimes voluntary migration for prostitution may become a trafficking offence.

3. Government in the regional level should desist from using the Convention to justify unreasonable restrictions on the movement of women from one country to another country. The convention must recognize that dire economic circumstances force women to migrate to find work. No provision for combating trafficking should interfere with women's right to travel freely.
4. For better implementation of the action plan in a holistic manner, there is a need for coordination among various sectoral ministries. It should be the responsibility of all to take anti-trafficking initiatives, not leaving it as the sole responsibility of the MWCSW.
5. Domestic laws, policies, and programme should incorporate relevant provisions of ratified international conventions .For example, General recommendation 19 of CEDAW Committee identifies new forms of sexual exploitation such as sex tourism, importing of people from developing countries for sexual exploitation under the pretext of employment as domestic help, and forced marriages between women from developing countries and foreign nationals.
6. Extra- Territorial application should be made effective with proper laws and extradition treaty should be done for the extradition of the culprits.
7. Although Nepal adopted an Anti-trafficking Act in 1986, the law has been ineffective because of several weaknesses. The act treats trafficking as a failure of moral values rather than as an egregious violation of women's human rights. The law focuses on crime prevention but ignores the victim's perspective and omits provisions for rehabilitation or reintegration. A new act that effectively addresses the complex crime of trafficking and recognizes the impact on the rights of women should be passed.
8. The definition of trafficking in the proposed anti- trafficking bill is not comprehensive. Even the definition in the protocol of the UN convention against transnational organized crimes does not incorporate acts that are fundamental to the organized crime of trafficking. For example, the definition in the protocol does not include knowingly financing an act of trafficking as a crime particularly the crucial act of purchasing the victim.
9. Laws should not criminalize voluntary prostitution. Criminalizing prostitution victimizes a trafficked woman twice; she is victimized by the trafficker and again by the state. This inevitably reduces a victim's

willingness to report a trafficking crime. Law enforcement's harassment and stigmatization of sex workers ultimately interfere with efforts to control trafficking.

10. As the law does not provide adequate compensation for victims, it should be aimed to provide victim's compensation. State compensation should cover rehabilitation and incentive for the victim to assist in the prosecution of cases.
11. Punishment should be given equally either he /she is the government officials or the normal person.
12. Though some provisions are provided by existing laws, but the implementation is very weak. So existing laws should be implemented effectively for combating such serious issues.

7.3.2. Recommendation for Future Studies

-) Analyze an emerging issue of the demand side of internal as well as external trafficking with reference to urbanization, and globalization of the market economy leading to increasing demand of women and children in entertainment sector (Cabin restaurant, massage parlor and sauna centers), small scale industries (embroideries, carpet and garment industries) and domestic works. Time bound strategic policy, programme, and laws need to be worked out to ensure the right to employment and also the right to protection from exploitation and abuse to discourage the vulnerability of trafficking prone population in general and women and children in particular.
-) Develop data base information and reporting system at national, district and at grassroots level as a tool to monitor, and evaluate the impact from the policies and programme to combat trafficking of women and children and formulate prevention policy including strategy and programme like social -cultural, exploitative norms and practice, public awareness, economic and social empowerment of the vulnerable women and children. Intervention at cross border also needs to be taken care as an effective strategy to prevent trafficking from both aspect of supply and demand.
-) There is no working definition and National policy development for the processes and requirements of rescue, rehabilitation and reintegration. The state lacks the mechanism to ensure whether the rights of the survivors are

protected and respected during rescue, rehabilitation, and reintegration processes. There is no proper mechanism to make organizations working for the rescue, recovery, and reintegration accountable for maintaining the minimum human rights standards for the treatment for the trafficked persons. Also there is a lack of database system of survivors at national level.

) IN the Nepalese context, trafficking for prostitution has been discussed extensively and interventions are designed focusing on controlling prostitution. No study has been done to provide information on trafficked victims by countries of destination other than India, and types of work other than prostitution. Large scale of trafficking takes place for purposes other than commercial sex also. Many boys are being trafficked for the worst forms of labour and slavery- like practices. Many cases of adult (both men and women) trafficking are also reported. Overseas recruiting companies and agencies are also suspected to be involved in trafficking. Also, a new form of trafficking may be emerging in the guise of child adoption through orphanage centers. All these called for in- depth research to identify the magnitude and various dimensions of the problem.

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