

Trafficking of Women

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Women's human right violation has another face in Nepal: trafficking. Traffickers commonly target young women and girls from rural areas to take advantage of their innocence and illiteracy. According to the 2000-2001 annual report of the Attorney General's Office, 463 antitrafficking cases have been filed of which 132 resulted in convictions and 95 in acquittals, while 236 remain undecided.

Majority of trafficked women and girls find themselves in sexually exploitative professions. A few may end up as bonded laborers as well. A 2001 study by ILO-IPEC found that 30 percent of sex workers in Kathmandu were below 18 years of age. Sadly, Nepal has been one of the primary source countries in South Asia for women traffickers. Women are traded and transited mostly via metropolitan cities like Mumbai, Kolkata, Delhi and Chennai of India to Middle Eastern countries like Saudi Arabia, United Arab Emirates and Qatar and South East Asian hubs like Hong Kong and Malaysia. Many of the trafficked women's journey ends right next door in India at one of its brothels. An NGO working towards combating trafficking estimated that 5,000 to 12,000 Nepali women and girls are trafficked annually into India and subsequently forced into prostitution. These women are lured with a promise of good foreign job. A few are forcefully kidnapped. The NGO report estimates that about 10 percent of trafficked women are forcefully kidnapped.

A number of Nepalese youth have been migrating mainly to India for manual works. Cross-border marriage is also very common in the border towns of Nepal and India. This fact has been a golden opportunity for women traffickers to bring women for prostitution in India in the name of so-called marriage. Hundreds of girls and women have been rescued and brought back to Nepal country annually after having worked as prostitutes in India. According to some estimates, 50 percent of those returned are HIV-positive.

Under the Article 20 (1) of the Constitution of the Kingdom of Nepal 1991, the right against exploitation is guaranteed which explicitly prohibits the trafficking of human beings; slavery and forced labor in any form. Any act contravening this Article is regarded as a heinous crime and is punishable under the existing law. The Human Trafficking Control Act 1986 has been enacted and enforced as a special Act. The Act

provides for strict burden of proof, which falls on the accused in some circumstances. The penalty is up to twenty years of jail.

Nepal has ratified a number of international instruments, such as, Convention on the Elimination of all forms of Discrimination Against women, 1979; Convention on the Suppression of Immoral Trafficking and Protocol, 1949; Convention on the Right of the Child, etc. As a party of international legal instruments, Nepal has a state obligation to adopt necessary measures to meet the objectives of the treaties. However, there have been many social and legal obstacles to successful prosecution and convictions are rare. Border guards commonly accept bribes to allow traffickers to take girls out of the country to neighboring Indian cities.

The Ministry of Women, Children and Social Welfare (MOWCSW) has introduced legislation to toughen penalties against traffickers. The MOWCSW also houses a Documentation and Information Center to coordinate anti-trafficking initiatives. In addition, a National Task Force has also been established at MOWCSW. The Task Force has coordinated programs to train the police and worked closely with local NGOs to rehabilitate and assist victims of trafficking.

Social worker Dr. Jamaika, while speaking with the Telegraph, said, “By disrupting normal economic activity and destroying bases of economic support, armed conflict also puts women at risk for trafficking and at greater risk for having to engage in survival sex or sexual bartering through which many women are becoming infected with HIV. Corrupt leaders, and a profound lack of political will coalesce to guarantee impunity for traffickers and to exacerbate the suffering of their victims. In addition, women face rampant violence and discrimination. Rape and sexual assault against women are all too common in conflict situations.”

According to the United States State Department Trafficking in Persons Report of 2005,

“The government of Nepal fully complies with the minimum standards for the elimination of trafficking. However, these commendable anti-trafficking efforts are hindered by political instability and security problems associated with the Maoist insurgency affecting a large part of the country.”