

Economic, Social and Cultural Rights

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4.1 Human Trafficking from Nepal's Eastern Borders

Introduction

INSEC has documented that Rani-Biratnagar-Jogbani border checkpoint in Morang, and Kakarbhitta-Panitanki border in Koshi Province have been used as the main transit points for human trafficking. Pashupatinagar in Ilam, Bhadrapur in Jhapa, and the Koshi checkpoint in Sunsari are other points, traffickers commonly use. INSEC documented 16 cases of human trafficking in 2022 (See: Nepal Human Rights Yearbook 2023).

Human trafficking groups focus primarily on the eastern borders of Nepal, according to data from organizations like the National Human Rights Commission, Koshi Province Police Office, INSEC, and Maiti Nepal.

According to INSEC's documentation, this year, 25 underage girls and 26 women were identified as victims of trafficking while 13 women of attempted trafficking. Udayapur, Jhapa, Morang, Sunsari, Khotang, and Ilam had most number of trafficking cases according to the Police's records. Koshi Provincial Police Office registered 177 cases against human trafficking in court during the period of 2017/18 and 2022/23, of which 166 had received decision. During this period, 175 women, 48 girl child, and two boy child, had been the victims of trafficking. During that period, 215 men and 88 women were arrested on the charge of trafficking while 60 men and 13 women are still not arrested.

Three women of Udayapur filed a complaint alleging an attempted traffick-

ing to India on 12 February. According to the charge sheet, the accused had tried to take them to India on 11 February pursuing with an offer of NPR 100,000. The police had registered a case against the accused Kumari Pariyar of Chaudandigarhi Municipality and Mohammad Nazir of Kanchanrup Municipality, Saptari on 5 March. The District Court by the bench of Judge Krishna Prasad Subedi sent the accused for judicial custody on 6 March.

Analysis of complaints filed in police against human trafficking has highlighted, the victims were often deceived through false promises and threatened as part of the trafficking process. Police arrested Kaji Tamang and Prem Bahadur Magar of Biratnagar Metropolitan-16 on accusation of attempted trafficking of two women of 21 and 31 years. The Court found the accused guilty and sentenced them six years of imprisonment each.

The Office of the United Nations High Commission for Human Rights has clearly defined human trafficking as the recruitment, transportation, transfer, harboring or receipt of persons—by force, coercion, fraud or some other form of deception—mainly for the purpose of sexual activities. The legislation of Nepal has further clarified it. Section 4 sub-section (1) of Human Trafficking and Transportation (Control) Act, 2007 defines human trafficking as acts including selling or purchasing a person for any purpose; using someone for prostitution, with or without any benefit; extracting human organ except otherwise determined by law; engaging in prostitution.

Nepal has always faced the risks of human trafficking. It has been found to specially upsurge during natural disasters or other crises. For example, after the earthquake of 25 April 2015, people from many rural Districts migrated to the cities in search of work among which many went abroad. This trend increased after the government imposed a nationwide lockdown on 24 March 2020 to respond to the Covid-19 pandemic. Till the mid of fiscal year 2019/2020, 237,961 people went abroad according to the records of Department of Foreign Employment. At present hundreds of Nepalese go to India in search of work every day (Policy, programs and budgets of fiscal year 2021/22, Department of Foreign Employment, Ministry of Labour, Employment and Social Security).

Further, the methods used for human trafficking have also changed after the 2015 earthquake and the COVID-19 pandemic. There has been a steady uptick in traffickers using social media platforms for communicating with potential victims. This has replaced traffickers physically meeting potential victims and accompanying them to the border crossings. Nepal Police and various non-governmental organizations have mobilized human resource for border observation to prevent and reduce human trafficking. However, this study has shown that the problem has become increasingly complex due to the changing nature of trafficking.

Human trafficking is a serious social issue wherein people are trafficked for economic gain, labor and sexual exploitation, and for harvesting and selling human organs according to Human Trafficking and Transportation Control Act, 2007 A.D.

Human Trafficking in Nepal

Human trafficking is an organized crime which has gained notice in Nepal from four decades. News started be-

ing published regarding the trafficking of Nepalese girls in India for sex labour during 1980s and 90s. At the time, Nepali women were often trafficked and taken to Mumbai (Bhandari, 2003). They were kept like prisoners there. According to the Office of International Labor Organization (ILO) in Kathmandu around 12,000 women and children were trafficked annually at that time.

Analyzing the data on human trafficking and transportation at the Koshi Provincial Police Office in six fiscal years (2017/2018 to 2022/2023), a total of 225 persons were trafficked from different borders in Eastern Nepal. The statistics shows the concentration of victims of trafficking from Udaypur, Jhapa, Morang, Sunsari, Khotang and Ilam Districts.

The Changing Nature of Human Trafficking

The nature of human trafficking has changed with recent changes in information technology (IT). Previously, victims used to be trafficked with the presence of traffickers physically. At present, the victims or affected people cross the border on their own. This has made it more difficult for organizations working on prevention at the borders. The representatives of organizations involved in the prevention of human trafficking said traffickers organize planned outreach using social networks such as Facebook, IMO, Viber, Messenger and Tik Tok, with those who join up being recruited and eventually trafficked. The use of social media for communication and information exchange between human traffickers and potential victims has made it challenging for law enforcement and NGOs working on its prevention to directly intervene.

Mainly Kakarvitta in Jhapa and Rani-Jogbani in Morang have become the main centers of human trafficking in Koshi province. Victims are trafficked to third countries through India via these

two borders. The Traffickers use Kakarvitta border and Rani Jogwani border checkpoint to reach third world countries via India (Pokharel, 2023). This study has found that human trafficking is done for sexual exploitation, labor exploitation, bonded labor, child labor, in the name of religion, for the purpose of adoption, employment and foreign employment, marital relationship, of study or business.

The study shows sexual enterprises, labour works, persuasion of foreign employment and marriage as the main factors for trafficking.

Around the world, trafficked men, women, and children are sold into prostitution, labor exploitation, used for armed conflicts, production of pornography, exploitative employment in circuses, drug trafficking, arms trade, and other illegal activities. Human trafficking is also done for the trade of human organs. This study suggests that women who have been victims of domestic violence are more likely to be trafficked. People who have strained relationships with their families and spouses, individuals who have suffered physical abuse, and those compelled to live apart from their children are at a

higher risk of becoming victims of human trafficking. According to representatives of organizations working in trafficking prevention, people who are victims of violence are always looking for better opportunities, making them easy targets for traffickers. Although poverty and unemployment are among the major reasons, the risk of trafficking among women and children is further exacerbated by their desire to enjoy modern facilities, to earn money, or to travel abroad, to all of which they are now increasingly exposed to from social media. Furthermore, many end up being trafficked after being promised to be sent to other international destinations from India. The lack of awareness among potential victims, the inability of detection, and the low rates at which the accused are sanctioned also contributed to the ongoing prevalence of human trafficking.

Kakarvitta in Jhapa and Rani-Jogbani in Morang are used by human traffickers in different ways. People traveling for employment are taken to India through Rani-Jogbani crossing by human traffickers. As soon as they cross into Jogbani, they directly get a train to Delhi.

Table 4.1.1: Statistics on Human Trafficking through the Eastern Boarder

S.N	Districts	Registered Number	Decided	Pending	Arrested		Absconding		Victim		
					Male	Female	Male	Female	Female	Boy Child	Girl Child
1	Udaypur	7	7		6	7			6	1	5
2	Jhapa	65	60	5	64	39	12	2	78		21
3	Morang	40	37	3	57	9	11	1	25		15
4	Sankhuwasabha	2	2		2	2		0	0		3
5	Sunsari	49	47	2	69	26	33	4	55		9
6	Khotang	2	2		4			6	2		
7	Ilam	8	8		7	2	1		6		2
8	Panchthar	2	1	1	4	2	1		2		
9	Tehrathum	1	1		1					1	
10	Solukhumbu	1	1			1			1		
Total		177	166	11	214	88	58	13	175	2	55

Source: Koshi Province Police Office, Biratnagar, 2023

Human traffickers, thus, bring women and children to India in the name of shopping. Due to the open border crossing between Nepal and India, Indian markets can directly be accessed attributing to which the traffickers use the Rani-Jogbani border.

Traffickers are using Kakarvitta border for transporting victims in the name of visits and business. This study has shown that due to Nepali settlements in Kakarvitta and border town of Panitanki human traffickers use this border to reach India. There is a red light area in Khalpada, 45 kilometers east of Kakarvitta, to which Kakarvitta crossing is used for human trafficking. (Ghimire, 2023).

Preventive Efforts

All three tiers of government in Nepal have committed to stop human trafficking with very less success. This problem cannot be controlled with the initiatives of a person or an organization. Several organizations must work in unison for this. For instances, awareness can be spread, syllabus can be updated, children can be taught from school and trainings can be dissipated to the people opting foreign employment.

Other ways to reduce this problem is to spread awareness among family members at the community level, and to keep watch on both suspicious people and people at risk in the village, providing them with counseling and support, and coordinating such efforts with relevant law enforcement agencies.

It is necessary to provide support and counseling to victims affected by trafficking, facilitating an environment where victims of violence can live with self-respect, and assisting towards their rehabilitation in society. Similarly, there is a need of technology and trainings to enhance the capacity of organizations working to enforce laws.

The Government of Nepal has coordinated with Interpol to rescue Nepalese known to have been at risk of human trafficking abroad and has also maintained vigilance at border in districts with high migration for employment. It has also been carrying out awareness programs on the risks of human trafficking. For example, audio-visual materials against human trafficking are screened at international airports, border guards are stationed at bus parks at border, digital information boards are also displayed at the border crossings.

Human trafficking in Koshi province is higher in Jhapa and Morang than Pashupatinagar in Ilam. The police have been working to set up a separate bureau to control human trafficking.

Most of the people trafficked across the border give statements like they are visiting relatives and family, or that they are visiting for medical treatment. Efforts have been made to control this crime by coordinating with the Indian police to make the monitoring of such trafficking more efficient. The NGOs working against human trafficking also coordinate their efforts with the police while also spreading awareness locally.

Maiti Nepal has been training auto- and rickshaw drivers from time to time on human trafficking. During this training, they are taught how to report to Maiti Nepal and the police if they come across any suspicious situations. Such arrangements have been made at Kakarvitta and Jogbani borders. Similarly border watchers ask those heading to India for their reason to visit India and ask for company or firm documents if they claim it is for employment.

Conclusion

Nepal has a number of policies and legislation for the purpose of controlling human trafficking.

The legal framework addressing human trafficking consists of over 44 policies and laws spread across different government branches and institutions. This includes three policy provisions, two legal provisions, 14 laws focused on protecting children, legislature under institutional structure, one policy under it, 18 under executive, and three policies under judiciary. There are also international human rights treaties against human trafficking to which Nepal is a party. The weaknesses, however, lie in the ineffective implementation of the policies and instruments designed to control trafficking. The two major reasons why people seek to go to India or abroad are economic and social, which the state has largely been unable to address. Therefore, increased attention is needed towards assisting people fulfill their social and economic needs, if migration and trafficking are to be effectively controlled.

Recommendation

- ▶ Local-level awareness initiatives on human trafficking to prevent and reduce its occurrence should be conducted.

- ▶ Meticulous management of records at border crossings by all levels of government to enhance surveillance and prevent trafficking should be prioritized.
- ▶ Comprehensive support for trafficking victims' expenses during legal proceedings until the case is resolved should be provided.
- ▶ A mechanism for the state to promptly provide compensation received from legal judgments to victims should be established.
- ▶ Financial support for trafficking survivors' livelihoods during rehabilitation should be offered.
- ▶ A mechanism to expedite the adjudication process for human trafficking cases should be developed.
- ▶ Provincial and local governments to rescue trafficked individuals should be empowered.
- ▶ Strengthen the judicial system to enable the Nepal Police to locate missing women and children immediately through phone tracking.

References

- Bhandari, L. (2003). *Child trafficking: challenges against human pride*. Prachi, 10-12, INSEC
- Chimoriya, N. (2023). Informal communication with Superintendent of Police, Province Police, Koshi Province
- Ghimire, G. (2023, December). Based on informal communication with regional head, Maiti Nepal.
- Pokharel, B. (2023). Based on informal communication with Morang Coordinator, Maiti Nepal.
- Rijal, K.P. (2023) Based on informal communication with Deputy Superintendent Police, District Police Office, Jhapa
- Setopati (2020, October). Increasing use of Tiktok for human trafficking. <https://www.setopati.com/social/313044>
- Setopatra (2023, January). *Control of human trafficking: need of monitoring and awareness at the borders*. <https://www.setopatra.com/detail/3737>