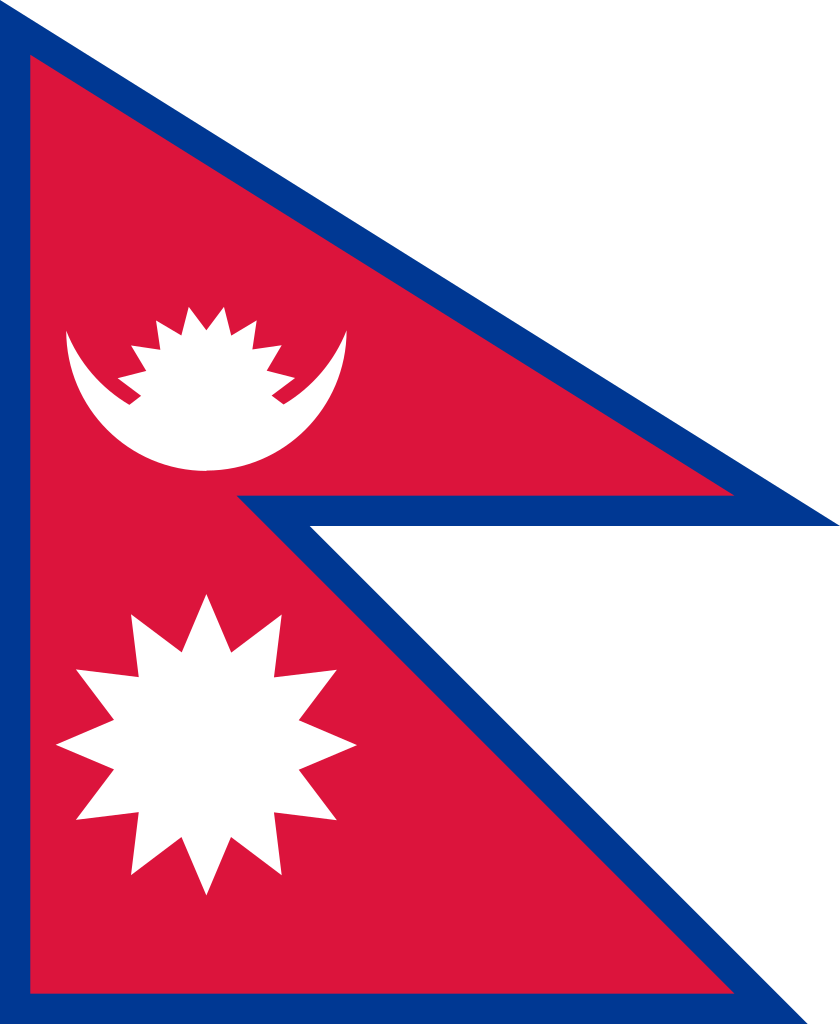
****

**NEPAL**

**Comments on the Draft General Recommendation on Trafficking of Women and Girls in context of Global Migration**

**Submitted by**: **Forum for Women, Law and Development (FWLD)**

**Address: 72, Adarsha Marga, Thapathali, Kathmandu**

**Website: fwld.org**

**Email: fwld2013@gmail.com­­**

****

Forum for Women, Law and Development (FWLD) is an autonomous, non-profit, non-governmental organization established on May 29, 1995 to work for the protection, promotion and enjoyment human rights. In order to eliminate all forms of discrimination, FWLD uses law as an instrument to ensure the rights of women, children, minorities and all other marginalized groups. FWLD has been involved in filing noteworthy Public Interest Litigations (PILs), a tool used for the reform and for the effective enforcement of laws. Through PILs, FWLD has been successful in criminalising marital rape, in ensuring confidentiality to victims and witnesses in many cases of gender-based violence including cases of human trafficking.

FWLD welcomes the draft general recommendations on trafficking of women and girls in context of global migration and praises the CEDAW Committee for the inclusion of wide range of issues related to the trafficking in context of global migration and very minute attention has been given to every details with facts. FWLD has pointed out few comments on the draft GR which are listed as below in line to the issue with its paragraph number.

**Paragraph 29 (d)**

**Comment: Describing contemporary methods of trafficking**

In the present context, there are varied forms of trafficking used by traffickers to trick the government and victims which are often in the form of false job advertisement, foreign labor migration, marriage, education consultancies among others. As state laws always do not recognize these forms of trafficking, this has been proved to be the loose end where the perpetrators escape from the prosecution. Hence, listing the methods of trafficking in the General Recommendation will help states in identifying the various shifting methods of trafficking and make laws and polices accordingly.

**Paragraph 29**

**Comment: Include a point in the paragraph on recognizing the nexus between trafficking and migration and to adopt clear legal provisions to deal with the cases with such interrelation**

The paragraph 29 of the draft discusses about the adoption and implementation of gender sensitive legislation and as the GR is specifically dealing with the trafficking in relation to global migration, there should a point dealing with the nexus between the trafficking and migration and the recommendations should include point on adoption of legal provisions that effectively deals with cases of interrelation between trafficking and foreign labor migration. For instance, in Nepal due to lack of clarity in laws even the case where there are elements of both trafficking and foreign labor migration, the case is prosecuted under only either of the concerned law.

**Paragraph 30 ii**

**Comment: Include private sector members in the interagency coordination mechanism**

There has been lot of discussions going on regarding the social contribution of the private sector members and most of the trafficking issues also relates to the corporate global supply chain in the form of modern day slavery. Most of the times this form of trafficking is overlooked and states do not have effective laws and policies to bring the corporate houses into the radar of investigation and prosecution. Also the private sector is not aware about the issue due to which they are indifferent to the issue of trafficking and hence bringing them in radar as part of the interagency coordination mechanism will help them understand the issue, identify any kinds of forms of trafficking they might be catering knowingly or unknowingly, comply with the government laws and policies and can also contribute to the combating of trafficking in person.

**Paragraph 57 (k)**

**Comment: Include recruitment agencies along with marriage brokers and traffickers.**

The recruitment agencies in source countries have been using the frame of foreign labor migration to traffic women and girls and hence they should be prosecuted by the laws of the country to combat trafficking in person in the form of labor migration.

­

**Paragraph 58 (b)**

**Comment: include workers from entertainment sectors such as dance bars**

Women and girls are also trafficked for working in entertainment sectors such as dance bars, massage parlours, guest houses where there is high chance of sexual and labour exploitation. Many Nepalese women and girls are lured to work in the entertainment industry. Entertainment sector has become both the destination as well as the transit place for trafficking girls, says a report recently released by the National Human Rights Commission. According to National Report on ‘Trafficking in Persons in Nepal, 2018’, 60 per cent female workers reported that they were approached by middlemen to go to India or overseas for dancing in night clubs and restaurants.[[1]](#footnote-1)

**Paragraph 62**

**Comment: Include a point in the paragraph on providing survivor of trafficking a livelihood option by the corporate sector and ensure them with respect and anonymity**

Private sector is important part of the society and without having partnership with the private sector it is impossible to flatten the curve of trafficking of women and girls. Hence in order to make them responsible and also to involve them in the effort to combat trafficking in person, the private sector should be brought to discussions on anti-trafficking issue and should lobby with them to provide livelihood option to the survivors of trafficking ensuring them with respect and anonymity.

**Paragraph 84 (c)**

**Comment: Include protection from threat, sexual abuse and torture by administrative officials and introduce accountability and strict punishment provisions to the officials if such incident occurs**

The draft GR has also acknowledged that women and girls often do not report violations of their rights to the authorities for fear that they will be humiliated, stigmatized, arrested, deported, tortured or have other forms of violence inflicted upon them, including by law enforcement officials.[[2]](#footnote-2) For instance few years back in Nepal, ‘The airport earned notoriety when [a young Nepali woman returning from Saudi Arabia](http://nepalitimes.com/news.php?id=19895#.UjI_sdLTxuY) was detained for having a false passport, extorted by immigration officials, and raped by a policeman.’[[3]](#footnote-3)

**Paragraph 88 (c)**

**Comment: The capacity building should also include orientation on various methods and shifting trends of trafficking**

The judges, prosecutors and police officers should also be provided capacity building workshop on shifting trends of human trafficking and the various method the trafficker use to lure victims into trafficking along with the ways to deal with such myriad forms of trafficking.

1. <https://thehimalayantimes.com/kathmandu/entertainment-sector-emerging-as-destination-for-trafficking-girls-nhrc/> [↑](#footnote-ref-1)
2. Pargraphy 81 of the Draft GR on trafficking of women and girls in the context of global migration. [↑](#footnote-ref-2)
3. <https://archive.nepalitimes.com/article/nation/nepal-corruption-airport-immigration,758> [↑](#footnote-ref-3)