

Human Trafficking in Nepal

*Submission For The UN Universal Periodic Review
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Introduction

1. The Helena Kennedy Centre for international Justice is a human rights centre based at Sheffield Hallam University in the UK.¹ The Centre supports a range of research and scholarship activity including supervised work by our students. This submission is the product of undergraduate students studying with the Human Rights Law Clinic.
2. The issue of human trafficking has been very problematic throughout Nepal, in this report we will be looking into some of the main types of human trafficking and their causes. We will next consider what action's the government has taken regarding the recommendations which were made to them in the last UPR review, especially looking for new legislation that the government has implemented in response. We will be considering if Nepal has made progress in the fight against human trafficking and make personal recommendations on steps that they should take to advance their developments.

Background of Nepal

3. Human trafficking is a significant problem in Nepal. An NGO currently working in Nepal found that '3 Angels' border booths stop an average of 12 girls being trafficked every day². Some other important statistics that highlight the level of the issue of human trafficking in Nepal are that "on average a victim is trafficked every 26.28 seconds in Nepal³" and "over 30,000 women and children are trafficked a year in Nepal⁴". One of the main reasons why the Issue of human trafficking in Nepal is so devastating is due to its extremely widespread border which it shares with India - the border is 1,880 miles long and is only covered by a small amount of border stations and patrol resources available - this makes potential trafficking to India more likely.

¹ See <https://www.shu.ac.uk/about-us/academic-departments/law-and-criminology/the-helena-kennedy-centre-for-international-justice>.

² 3 Angels Nepal, <https://3angelsnepal.com>

³ Free for Life, <https://freeforlifeintl.org/our-solution/>

⁴ Friends of WPC Nepal, How Much Trafficking Happens in Nepal, <https://www.friendsofwpcnepal.org/nepal/>.

4. Trafficking also occurs because of a lack of education leaving people, especially children, in Nepal a target to traffickers as they don't know the harm the traffickers will cause them.

Nepal's Economy

5. Nepal's economy is not one of the most stable in the world. However, there have been significant efforts to improve their financial background in comparison to the situation they were in during 2015 after the 7.8 magnitude earthquake. Currently, Nepal has a GDP growth rate of 6.3 per cent forecast for 2020, which is a slight decrease in comparison to 7.1 per cent in 2019⁵. Furthermore, there have been recent economic developments within the country such as in the service sector accounting for 57 per cent of Nepal's economic growth along with the agriculture sector contributing an additional 24 per cent.
6. Since the 2015 earthquake, Nepal as a country is becoming more economically stable with time. However, there are still further improvements that need to be made to reduce the level of human trafficking in Nepal⁶.

Trafficking of Children

7. One of the most concerning areas of human trafficking that occurs in Nepal is the trafficking of children. This is common as children can be trafficked easily as they are vulnerable and unaware of the danger that traffickers pose: "It is estimated that between 12,000 and 15,000 girls between the ages 6 to 16 are trafficked each year from Nepal to India",⁷ and most of these girls end up working in the sex industry in India.
8. The 2015 Earthquake has left many children orphaned and without work which has forced them to move further away from home to find new work with the idea of great prospects for their futures, so they no longer need to live in poverty. This has left children even more vulnerable to traffickers due to the significant aftermath of the Earthquake. Other reasons consist of children looking for better lives because of the lack of opportunities and resources they are given which can cause them to be taken advantage of by traffickers who sell innocent and defenceless children a lie for their own financial gain.

Sex Trafficking

9. Nepal and India are notorious for being one of the busiest human trafficking gateways in the world. Women and girls from rural areas are promised work and are then trafficked to urban centres where they are forced into prostitution in one of the hundreds of dance bars or massage parlours which function as brothels in Kathmandu. It has been estimated that 11-13,000 girls and women work there and the majority of those are underage.⁸
10. Physical and psychological abuse is common within the sex industry. Trafficking women and girls for sexual exploitation is among the most dangerous for victims, such that extreme measures need to be taken within Nepal to secure the safety of these women.

Organ Trafficking

⁵ Asian Development Bank, Asian Development Outlook 2019 Update (Sept 2019)

⁶ Nepal, <https://www.heritage.org/index/country/nepal>

⁷ Friends of WPC Nepal, How Much Trafficking Happens in Nepal, <https://www.friendsofwpcnepal.org/nepal/>

⁸ Violeta Santos Moura 'Spirit Me Away: The women and girls lost to trafficking in Nepal', <https://www.aljazeera.com/indepth/inpictures/spirit-women-girls-lost-trafficking-nepal-200304180939616.html>.

11. Many forms of trafficking and the issues with trafficking have a strong correlation to the Earthquake which happened in 2015 that led to significant poverty which has created a market for organ trafficking. The medical journal The Lancet reported that 94% of kidney transplants were carried out in India, which is the international hub for the kidney trade. There are strong links between Nepal and India in relation to trafficking issues which could be due to the weakened border controls between the countries that creates opportunity for the illegal market in organs.⁹ In the capital of Nepal, it is no different from other places in the world where ageing populations, poor diets and no form of health insurance systems mean that organ disease is common and is always on the rise. Statistics explore how there are up to 7,000 kidneys obtained illegally every year in Nepal according to the Global Financial Integrity¹⁰. However, the growing issue with organ trafficking is the people who are targeted and become victims to this horrific act as the trafficker's target villagers who live in poverty and are poorly educated.
12. A 2016 survey of the villages of Nepal's Kaure district estimated a figure of 150 kidneys that are sold each year, although that may have been a significant underestimate¹¹. In the village of Hokshe it has been reported that many residents only have one kidney because of organ trafficking in Nepal¹².
13. Organ trafficking can happen several ways. Sometimes victims are kidnapped and organs are harvested by force. Other times, victims are so poor and desperate they attempt to sell their organs, although in many cases they do not receive payment.¹³ Many are left with long term health conditions. Global Financial Integrity (GFI) estimates that 10 percent of all organ transplants including lungs, heart and liver, are done via trafficked organs¹⁴. Each body part can be sold to the recipient for a different price depending on what it is. Many victims are not screened properly to check if they are a healthy donor, and many recipients of the organs are too ill to care. It is reported that 94% of kidney transplantations were done in India¹⁵.
14. In 2019, the UK Guardian newspaper reported cases of organ trafficking in Nepal, such as Sirta's story. Now a guardian for 'Maiti Nepal', her boyfriend sold one of her kidneys and then sold her to traffickers. She reported that she is only alive today because she was rescued¹⁶.
15. Poverty reduction through sustainable development programmes could reverse these vulnerabilities in the long run but strong legal actions are required immediately¹⁷ to decrease the number of victims of organ trafficking.

Progress Nepal has made since the last UPR Review

⁹ [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(16\)30419-6/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(16)30419-6/fulltext).

¹⁰ CNN Freedom Project, Sugam Pokharel, Nepal's Organ Trail: How traffickers steal Kidneys, <https://edition.cnn.com/2014/06/26/world/asia/freedom-project-nepals-organ-trail/index.html>, July 15, 2015.

¹¹ Al Jazeera, Q&A: Organ Trafficking in Nepal, 12 Sep 2016

¹² ACAMSTODAY, Organ Trafficking: The Unseen Form of human trafficking, <https://www.acamstoday.org/organ-trafficking-the-unseen-form-of-human-trafficking/>, date accessed 15th December, 2019.

¹³ Al Jazeera, Q&A: Organ Trafficking in Nepal, 12 Sep 2016

¹⁴ Transnational Crime and the Developing World, "Global Financial Integrity, March 2017, http://www.gfintegrity.org/wp-content/uploads/2017/03/Transnational_Crime-final.pdf.

¹⁵ JNMA J Nepal Med Assoc, 2008; 47:98-103

¹⁶ Ofelia de Pablo and Javier Zurita, 'My boyfriend sold one of my kidneys- then he sold me' (The Guardian 2019), at <https://www.theguardian.com/global-development/2019/feb/08/the-girl-sold-at-11-helps-police-save-nepal-trafficking-victims>, accessed 10th December.

¹⁷ The Lancet, Bipin Adhikari, Organ and human trafficking in Nepal, 07 May, 2016.

16. Nepal has been alerted to past violations which have taken place in Nepal since the previous UPR cycles and accepted recommendations from other countries to make developments in relation to human trafficking.
17. Following the 2015 UPR review, Nepal passed the Children Act 2075 in replacement of the previous children's act of 1992. This new Act developed the rights of children and this response is an important progress made by the Nepalese Government and will help to protect children from being trafficked in Nepal.
18. Despite the recommendation in 2015, Nepal has not yet adopted the Palermo Protocol. Nepal attended a briefing on ratifying the Palermo Protocol and intended to use the United Nations Office on Drugs and Crime to help get stakeholders to support the adoption of the protocol¹⁸. However, no further progress has been reported since August 2017. Ratifying the Protocol would give guidance and support to help protect Nepal from traffickers and to punish those who traffic.
19. A number of NGOs work alongside the Government and play a massive role in the fight against human trafficking. Free for life, an NGO in Nepal, has been reported to have set up border check points in order to intercept traffickers. At the border check point they have specifically trained staff who look out for people who are potentially being trafficked and step in as a last resort or form of defence to rescue the victim. This has been crucial role in catching traffickers in the act which helps when prosecuting them.
20. Another NGO called Maiti Nepal has set up rehabilitation homes in Nepal for victims of trafficking in order to help get their lives back on track and protect them. They currently have over 400 children in their care which they provide with medical attention and education to prevent them being victims of trafficking again. This is a positive movement taken as instead of primarily focusing on stopping trafficking, they are acting for if it does happen in order to reduce its effect on the victim and the victims outlook to the future.

Recommendations for action by the State under Review

21. Following our report, it is recommended that Nepal:

- **Take further steps to ensure they ratify the Palermo Protocol to secure greater punishments for traffickers and provide protection and safe spaces for possible victims.**
- **Raise awareness of organ trafficking, particularly on the implications it can have and the consequences these acts have on trafficking victims. We recommend that Nepal does this nationwide and extends further than just to children in schools. One way this can be done is through workshops put on in local villages where people are encouraged to pass on what they learn to others. This increased knowledge to individuals in Nepal will help to reduce organ trafficking as they learn the reasons why it can be so dangerous and this will ensure individuals acknowledge any specific signs, such as false promises, so they can escape from any potential harm or avoid the scenario completely.**
- **Establish more robust border controls along their border with India and to monitor the use of such crossings to prevent victims being trafficked.**

¹⁸GLO.ACT briefs Nepali authorities on the ratification process for the UN Trafficking and Smuggling Protocols, United Nations, 4th August 2017

<https://www.unodc.org/unodc/en/human-trafficking/glo-act/glo-act-briefs-nepali-authorities-on-the-ratification-process-for-the-un-trafficking-and-smuggling-protocols.html>.

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