



COMBATING HUMAN TRAFFICKING IN SOUTH ASIA: THE ROLE OF MAITI NEPAL

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Introduction

Human trafficking represents a severe violation of human rights and human dignity. Many describe it as a modern form of slavery. Every year millions of persons mainly women and children are trafficked all over the world for the purpose of exploitation. South Asia is one of the most vibrant regions of the world. It has the conglomeration of various nationalities and ethnic groups. The connection and porous borders of the various states of the region is a historical fact. These states of South Asia have engaged themselves throughout history, and have also signed treaties to have lasting peace and prosperity between the two sovereign states. Again, with the onset of globalization, the need of open borders has become imperative.

However, as the fruits of globalization have two aspects to it, the same is true with open borders. On the one hand, it has accelerated the free movement of goods and services both tangible and intangible which is a major requirement for fostering better relationships among nations. The same has in fact led to the illegal movement of goods, services and have given rise to problems like, drugs and arms trade and most recently- Human Trafficking (Aas 2007). This rise in what we call ‘non-traditional security’ threats in the form of illegal smuggling of individuals in South Asia has corroded away the amount of developmental progress that the region has witnessed.

The gradual rise of non-traditional security threats has the capacity to destroy the economic development and relationships among nations of South Asia. Nonetheless, the growth of civil societies have given the region a ray of hope and a reason to celebrate as these non-profit organizations are struggling hard to curb the menace of such crimes against humanity. Maiti Nepal is one such organization which is patrolling the borders of India and Nepal to ensure and curb the illegal transportation of individuals (men, women and children) and have successfully dealt with number of issues related to human trafficking.

Definitions of trafficking have varied according to countries and laws. However, the following UN definition is generally accepted internationally and has been recognized by all respective countries of the world according to which the standard of human trafficking is measured. It states that:

‘Trafficking in persons’- shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs (United Nations Trafficking Protocol, 2000).

This is the first internationally accepted definition on human trafficking. This UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children was adopted by the United Nations General Assembly in 2000 and came into force on 25 December 2003. The most important characteristics of this Protocol is, that it provides protection to prostitutes from prosecution for the acts they are forced into, and talks explicitly over preventive measures, victim compensation, repatriation, etc (Ghosh 2009). Further the Protocol has various articles which effectively address the issue. Article 2 of the Protocol on Trafficking sets three purposes:

- To prevent and combat trafficking in persons paying particular attention to women and children.
- To protect and assist the victims of such trafficking, with full respect for their human rights.
- To promote cooperation among state parties in order to meet the objectives.

Human Trafficking in South Asia: An Overview

In south Asia, human trafficking is often referred to as one of the fastest growing transnational organized crimes. Countries in South Asia serve as prominent origin, transit and destination countries for women, children and men being trafficked. Within South Asia every year human being are trafficked for sex work, labour, forced marriages, organ trade etc. where most of trafficking takes place for commercial sexual exploitation where women and children are more vulnerable (Huda 2006).

According to South Asia representative of the United Nations Office on Drugs and Crime (UNODC)¹, every year in South Asia at least 150,000 people are trafficked across the international borders and of the 150,000, 75% are women. Almost in all

¹ See “India tops in South Asia’s human trafficking: UN”, published by IANS, 27 July, 2014.



South Asian countries, the majority of the victims are from rural areas. South Asia is a very big region having one-sixth of the world's population lives here. Hence, within South Asia many states are origin, transit and destination points for human trafficking.

From the South Asian countries, people are trafficked or sent across the countries and to other parts of the world, but the more prevalent form is the movement of persons within the countries. South Asia has seen as the most vulnerable region for human trafficking because of its huge population, poverty, internal displacement due to civil war in some countries, lack of employment opportunities, gender discrimination, migration and evidently weak enforcement of laws and legal institutions etc. (World Bank 2009).

Within South Asia, the *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*, 2002 is the first regional multilateral anti-trafficking treaty. The purpose of this treaty is “to promote cooperation amongst member states so that they may effectively deal with various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination” (*SAARC Convention on Preventing and Combating Trafficking in Women and Children*, 2002).

Human Trafficking in Nepal

Nepal is one of the least developed countries in South Asia. Wide-spread poverty, illiteracy, lack of awareness, unemployment, corruption, political unrest, civil war and exploitation on the basis of class, caste, gender, region, etc are the root causes of backwardness of Nepal. This is one of the most illiterate countries in the world with a 48.6% of the overall population are still illiterate in which men comprise of 62.7% that is nearly double the literacy rate for women of 34.9% (*Empowering Women in Nepal 2010*). Women's lack of education is one of the most important factors of inequality in the country.

Nepal has a long history of political unrest though it had never been colonized by a foreign country. The history of Nepal is the history of the people who fought against royal absolutism. However, the royal family had never addressed the needs and rights of the majority poor, landless masses. Due to harsh reality of poverty, insecurity at home, the violent political conflicts, weak governance and corruption within the country, the number of people migrate to India in order to seek job have significantly increased over the period.

It is important to note that Nepal is one of the source countries in South Asia where women are trafficked for the purpose of commercial sexual and labour exploitation. In Nepal, trafficking has become a highly profitable and busiest business. It has been estimated that 5,000-7,000 women and girls are trafficked each year alone in or to India (Coomaraswamy 2005). It is estimated that 100,000 to 200,000 Nepali trafficked persons are already there in the brothels of metropolitan cities in India (Maiti Nepal 2014). Nepali women are also trafficked to the Middle Eastern countries, Malaysia and Hong Kong for prostitution, domestic work, factory work, begging, circus perform etc (CATW 2013).

Trafficking of women and girls take place within Nepal also form the rural areas to urban centres in search of better life standards. It is observed that the widening gap between rich and poor, the expansion of the sex market and the increasing new technology and communication system made women and children more vulnerable. One of the important factors of trafficking in Nepal occurs due to open and porous border between India and Nepal.

The driving factors that make victims, particularly women and girls vulnerable are poverty and unemployment, deep-rooted patriarchal norms and values in the society, discrimination of women on the basis of class, caste, gender etc. In Nepal, the failure to create an effective education, training and planning for human resource development has led to low rates of growth and high levels of unemployment and underemployment (Rajbhandari 2008). In the absence of industrialisation and agriculture, the service sector still remains as the major sector of economy in this region.² According to the Nepali Poverty Reduction Strategy Papers (PRSPs), 38% of its population lives below the poverty line and among them women are more susceptible due to patriarchal social structure (Richardson 2009). Gender inequality in Nepal stems from a traditional socio-cultural realm that defines the formal and informal rules for women's participation in relation to opportunities, decision-

² Agriculture remains Nepal's principal economic activity, employing 80% of the population and providing 37% of GDP (World Bank, 2010).



making, access to resources and women's control over them (Human Development Report 2009). Estimates show that Nepal consist of about 80% of violence against women in a form of domestic violence and the main cause behind this are dowry-related hostilities, second marriages by husbands, assaults of women accused of being witches and disputes involving property (Empowering Women in Nepal 2010).

In Nepal, there is a system, called "deukis" where by rich childless families buy girls from poor rural families and offer them to the temples and these girls are forced to go for prostitution³. Caste system among Hinduism and their stratification has been another factor that influences the social inequality in Nepal. 80% of Nepal's population is Hindus in country's wide spread poverty is drawn most distinctly along caste lines. Women of Badi caste⁴ of Western Nepal were traditionally entertainers who offered cultural shows as well as sexual services to local kings, religious leaders and landlords (Subedi 2009). Such kind of patriarchal social norms, values, attitudes and behaviour in Nepal encourage trafficking and make women and girls vulnerable. Despite of no discrimination against girl and boy child, there is a different ways of rearing a girl and boy child. Education for girls is often regarded as a useless investment, as girls will leave the family eventually, since the tradition demand that every girl should be married (Poudel & Carryer 2010).

Open/Porous Border as a Determinant of Human Trafficking

It has been assumed that from the mid-twentieth century, trafficked women started crossing the Nepal-India border after the *Peace and Friendship Treaty*, 1950⁵ between Nepal and India, which established an open border between the two countries. Article 7 of the 1950 Peace and Friendship Treaty states that "the Governments of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement that privileges of a similar nature" (Bhattarai 2007). This 1950 Treaty became one of the important reasons behind no immigration control for Nepalese migrating to Indians and Indians coming in Nepal.

The open border agreement between Nepal and India was designed to facilitate trade and transit between the two countries but now merely enables traffickers to easily transport victims from Nepal to India.⁶ Due to open and porous border, trafficking in women and girls has become one of the easiest and less risky crimes than the drugs and arms trafficking from Nepal to India. A number of women and children are trafficked to Indian brothels because of open and unregulated national border between Nepal and India. There is absence of proper law enforcement mechanism between Nepal and India for border surveillance to prevent trafficking of women and children. It is important to note in this context that, none of the treatise between India and Nepal mentions the procedures for the regulation of the Indo-Nepal border (Deane 2010).

In Nepal and India there exist the problem of differentiation between laws and legal procedures implementation in the strategy to combat trafficking. For instance, some sexual activities that are illegal in Nepal are not illegal in India⁷ (Kara 2009). It has been assumed that there should be a common international law to address this issue. Once the concerned countries all ratify the common international law, they can work together to combat trafficking (Mehta 2001).

The largest volume of trafficking exists in the form of cross-border trafficking of young women and children from Nepal to India. Technology and global cooperation have made world a sense of borderless one, which facilitate migration, both legal

³ It is highlighted in the "Report in trafficking by Special Rapporteur on violence against Women, Its cause and Consequences," submitted in accordance with commission on Human rights resolution 1997/44, E/CN.4/2000/68, 56th session of the commission on Human Rights. The establishment of the Special Rapporteur on Violence against Women (SAVAW) mandate and the appointment of an incumbent in 1994 was part of a series of developments that finally accorded explicit recognition to violence against women (Coomaraswamy 2000).

⁴ Badi are the lowest ranking untouchable caste in western Nepal. The rules of orthodox Hinduism dictate that members of higher castes (Brahmin, Chettri, or Thakiri) cannot allow Badi into their houses, accept water or food from them, and use the same village pump. Despite this, higher caste men are allowed to have sex with Badi prostitutes (Cox, Thomas; 1990).

⁵ It was signed on July 31, 1950 by the then Prime Minister of Nepal Mohan Shamsher Jung Rana and Indian Ambassador to Nepal, Chadreshwar Narayan Singh.

⁶ Due to lack of effective and practical approach, open border has created so many problems and has affected in social and economic aspects for both Nepal and India. For example; More than five thousand Nepalese girls have been sold annually in the Indian brothels. U.N. Women Development Fund, UNICEF Nepal field office mentions that there are near about two hundred thousand Nepalese girls and women in total in India. They are as the consuming commodity in the red-light and prostitution areas of Bombay, Calcutta, Darbhanga, Betia, Siligurhi and some other cities of India (UNICEF.)

⁷ According to The Immoral Traffic Act 1956, prostitutes can practice their trade privately but cannot legally solicit customers in public whereas in Nepal, prostitution or any activity involving women for sexual exploitation is illegal.



and illegal migration and make easy accessible for traffickers. Open and porous border has also created a condition of insecurity or unrest in the country.⁸ Cross-border nexus has made both the country vulnerable for not only human trafficking but also smuggling of drugs and arms from Nepal to India. It has been estimated that around 1,268 unmanned routes along the Indo-Nepal border which facilitate human trafficking (Das 2008: 887).

Legal Mechanisms to Combat Trafficking: Case of Nepal and India

In view of the growing magnitude of the problem and the concern for safeguarding basic human rights of ordinary people in Nepal, many laws and regulations have done both in Nepal and in India. These laws control the trafficking and prostituting of girls and women. Nepal has the legislation against the trafficking of women and girls for sexual exploitation as a social evil such as New Muluki Ain (Code of Law) of 1964, the *Human Trafficking Control Act of 1986*, the *Children Act of 1992* and the *Special Provisions of Human Trafficking Act (1996)* (Paudel & Carryer 2010). The *Muluki Ain (Code of law) of 1963* “prohibits the taking of persons out of the country, by fraud or incitement, for the purpose of selling them, and imposes penalties of 10-20 years” (Deane 2010: 504). This Code lays down provisions against inter-state and domestic trafficking that no one shall take any person through employment of temptation out of the territory of Nepal with the intention of trafficking (Deane 2010).

The *Human Trafficking Control Act of 1986* in Nepal was enacted and enforced as a special Act. This Act provided a number of legal safeguards, including the provision of rehabilitation and integration of victims of trafficking, protection of victims and witnesses, compensation, and others. Section 4 of the Trafficking Act of 1986 provides protection against the explicit buying and selling of human beings for any purpose but does not cover recruitment by deception for the purposes of bonded labor unless it is for prostitution⁹. The *Human Trafficking Control Act, of 2007* was then passed. This Act has extraterritorial jurisdiction with equal penalties for offenses committed within and outside Nepal and deemed to be more comprehensive and incorporates provisions for the protection and rehabilitation of victims of trafficking (US Department of State 2008).

The *Children’s Act of 1992* also contains a number of provisions on child labour, and it has recently been amended to make the Act more abuse-specific, especially in relation to sexual abuse (ILO 2009). The *Child Labour (Prohibition and Control) Act (2000)* prohibits work performed by children under the age of 14 years. Section 4 of the Act further forbids the engagement of a child as a labourer “against his/her will in a way of persuasion, misrepresentation, false promise or fear of undue influence” (Deane 2010: 504).

In India, the *Indian penal Code (1860)* is the substantive law of the country which are relevant to the context of human trafficking including the displacing of a person from her community by coercion or deceit or lure or force, which is tantamount to kidnapping/abduction (Nair 2010). The *Immoral Trafficking Prevention Act 1986* in India, brings out specific offences of sex trafficking and address human trafficking for commercial sexual exploitation. The offence includes procuring, inducing, trafficking or taking persons for the sake of prostitution; even an attempt to procure or take and seduction and soliciting of a person for the purpose of prostitution would constitute the offence (ibid).

The *Juvenile Justice (Care and Protection of Children) Act, 2000* commonly called as JJ Act, also has a few penal provisions. It deals with the legal issues of procurement of a child under the age of 18 years for the purpose of exploitation (Deane 2010). According to this Act, anybody in control of a child who assaults, abandons, exposes or wilfully neglects the child or procures him to be assaulted, abandoned or exposed causing the child unnecessary mental or physical suffering, is liable under Section 23 of JJ Act (Nair 2010).

Despite of various laws and strategies in combating human trafficking, both the governments of Nepal and India could not effectively handle the problem. Nepal and India are currently placed on a Tier 2 Watch List¹⁰ for their failure to combat

⁸ Open border has provided as safe passage to the terrorists. Most recently Nepalese Maoist terrorists are creating chaos and they are making war with the Nepalese army men and policemen killing so many innocent local people. The Maoist fighters use to cross the borderline and are taking shelter in Indian settlements.

⁹ See, “The Trafficking of Persons (Control and Punishment) Act, 1986.” Also, section 3 states that: “an individual performing a crime deserving punishment according to this act while residing outside the Kingdom of Nepal will be treated as if she or he had performed such crime while residing inside Nepal and action will be taken in accord with this law.”

¹⁰ Tier 2 Watch List- Countries whose governments do not fully comply with the Trafficking victims Act’s (TVPA) minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or
b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or



trafficking in persons (US Department of State 2015). A country on the Tier 2 Watch list, also known as the “Special Watch List,” is a country where the quantity of victims of this crime is considerably high or is on the increasing trend (ILO 2001).

Nepal is a party to several international conventions to curb trafficking. These include the *Convention on Suppression of Trafficking* and the *Convention on Exploitation of the Prostitution of Others*, 1949, *Convention on the Elimination of all Form of Discrimination against Women*, 1979, the *Convention of Rights of Child*, 1990 and the *UN Protocol to Prevent Suppress and Punish Trafficking in Persons*, especially Women and Children, 2000 etc. On the regional level, Nepal as a member of the South Asian Association for Regional Cooperation, has strongly supported regional instruments such as the *SAARC Convention on Regional Arrangements on Child Welfare in South Asia*, as well as *Regional convention on Combating the Crime of Trafficking in Women and Children for Prostitution*, 2002 which was signed by all the SAARC member states.

In spite of all such efforts, the rate of trafficking continues in both India and Nepal. The major reason for this is the socio-economic aspects like widespread poverty, lack of education, deep rooted patriarchal norms and values that make them more vulnerable to trafficking. These aspects must be eliminated and this can be done by changing society’s perceptions and by imposing severe punishment on perpetrators of laws and human rights (Deane 2010: 507). The open border between Nepal and India is a major threat where maximum of trafficking occurs. The cross border phenomenon cannot always be dealt effectively as yet there is no effective extradition agreements relating to trafficking between these countries (Human Right Watch and Advocacy Forum 2008).

NGOs and women activists, including governmental agencies, are becoming actively involved to prevent this crime against humanity. It has been argued that if there is no real commitment to implement the laws or no increase of international pressure, then trafficking in women will continue to be on high level¹¹. It is to be understood from the experiences of the region that, the negligence on enforcement of laws and legislation became the major challenge for the rescued victims to be re-trafficked.

Trafficking is primarily viewed as a crime and a threat to national security. In all the initiatives of trafficking, more concerns are given to prosecution and the rescue of the victims as a process of trafficking not on the reasons it occurs. There is a need of law enforcement on secure borders and preventing illegal migration in South Asia. The *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* has major limitation that it does not make a distinction between trafficking and voluntary migration (Dairiam 2011). It also fails to make adequate distinctions between women and children, does not address the needs of women who choose not to repatriate and lacks provisions for victim compensation and adequate monitoring.

While some countries in Asia have passed legislation to prohibit trafficking, governments as a whole have not yet shown the political will to hold the traffickers to the fullest account by imposing sentences commensurate with the severity of the crimes. Some countries focus solely on sex trafficking, but their efforts are misdirected by treating the women as illegal immigrant prostitutes or criminals rather than recognizing them as victims (UNODC 2011)

Disparity in interpretations of what it means to be trafficked is the major problems in the existing laws and legislation in South Asian region. For example, those who believe that all women who are brought to another country to work as prostitutes are trafficked will definitely have much larger numbers of trafficked persons than those countries that accept that woman can consent to work as a prostitute (Deane 2010).

Despite the failure on the enforcement of law and legislation made in South Asian region especially in Nepal and India, major initiatives to prevent human trafficking is made by civil society networks which gave space for NGOs to play an important role.

c) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year. India and Nepal are among 75 countries in an intermediate group called “tier 2”. These countries are considered as demonstrating a “significant” commitment to address their trafficking problems but have not yet achieved international standards. Also see the meaning of tier 2.

¹¹ At http://www.acf.hhs.gov/trafficking/about/fact_sex.pdf.



Civil Society and Human Trafficking

Civil Society is an important actor to address the issue of human trafficking especially in the context of intensification of globalization process. The globalization led to the expansion of global networks, technological advancement, and flexibility to the people to move across the borders. On the other hand, it has also given ample space for civil society organisations to play an increasing role with the various issues related to the rights and freedom of human being. What is more clear today is that civil society groups as an actor, is working more efficiently and effectively in developing countries where the state machinery fails to address the issues of human insecurity such as human trafficking.

Civil society is generally identified as a public space between state and citizens based on collective action and shared interests (Kaviraj and Khilani 2001). It is a secular forum that crosses religious, ethnic and political boundaries and its membership ranges from an independent, conscious and educated people to various non-governmental organizations (ibid). The main objective of such groups is to bring development or enlightenment regarding all aspects of political, social, economic and cultural life. Civil society, state and market are the three components of social or public organization and the relations between these three components ultimately determine the character of a society and its structure (Edward 2004).

From the post- cold war era with the emergence of NGO's, New Social Movements and Non State Actors, civil society became a key player to the construction of a better social and world order and to educate the general public on the issue of human trafficking. Today, in the era of globalisation, it has been working efficiently in various issues with an emancipatory ideal. It is one of the most vital actor working extensively to eradicate such serious crimes against humanity like human trafficking. NGOs as a constituent of civil society is effectively engaged in combating trafficking with a variety of activities including prevention, prosecution, protection, rescue and raids, reintegration, and repatriation. NGOs often work with few resources but it often proves to be the most effective in supporting the activities of governments, or even taking the place of government efforts to address the raised issues. Thus, Maiti Nepal is such internationally acclaimed civil society groups which work extensively against human trafficking in South Asia.

As mentioned, human trafficking is the illegal trade of human being which violates the basic human rights. Human trafficking is a profit making undertaking and it is transnational in its scope (Aronowitz 2009). Basically, two or more parties are involved in it. The observation of Karl Marx, that “the more profit the business generates, the more likely the actor will ignore or break the existing law” (Ebbe and Das ed. 2008, 38) is very much true in the debate of human trafficking. This idea suits well to the criminal economy of human trafficking.

It is indeed saddening to know that the response of the governments of the region to human trafficking has been inadequate. The major anti-trafficking initiative within the region (India-Nepal) mostly has been carried out by civil society organizations, not by governments. This starts from providing health and legal assistance, raising public awareness, providing special training and technical assistance to law enforcement and border control authorities etc and these non-state actors have tried their level best to curtail such appalling crime against humanity.

Here, we would focus and explore upon the role of Maiti Nepal, one of the most prominent civil society group which engage in anti-trafficking activities with a motto “a society free from trafficking of women and children” (Maiti Nepal 2011). Rianne Letschert and Jan Van Dijk in their latest book “*The new Faces of Victimhood: Globalization Transnational Crimes and Victim Rights, 2011*” has beautifully summed up the risk of globalization with increased vulnerability of individuals because of open borders and how it can be curbed to the maximum as the issue of porous border indeed leads to lose securities which are exploited to the fullest by traffickers to their advantage. Thus, Maiti Nepal and its activities against human trafficking cultivate a good will gesture for both India and Nepal with respect to human security.

Role of Maiti Nepal as an NGO¹²

Maiti Nepal was founded in 1993 as a non-profit making, children and women's rights social organization, aimed at fighting sustainable solutions to issues related to the trafficking of women and children. It is affiliated to ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) and to the Nepal chapter of ATSEC

¹²United Nations describes an NGO as “any non-profit, voluntary citizens’ group which is organized on a local, national or international level. Task-oriented and driven by people with a common interests, NGOs perform a variety of services and humanitarian functions, bring citizens’ concerns to Governments, monitor policies and encourage political participation at the community level. NGOs provide analysis and expertise, serve as early warning mechanisms and help monitor and implement international agreements. Some are organized around specific issues such as human rights the environment or health” (Teegen, et al, 2004).



(Action against Trafficking and Sexual Exploitation of Children). Maiti Nepal has its headquarter in Kathmandu and three regional offices located in Kakarvitta, Bharatpur, and Bhairawa in the Eastern, Central and Western regions of the country respectively¹³. So far, Maiti Nepal has rescued more than 12,000 Nepali women and girls from the hands of human traffickers and rehabilitated them. Its special focus has always been on preventing trafficking for forced prostitution, rescuing flesh trade victims and rehabilitating them. Its key activity sectors are prevention, advocacy, rescue, and rehabilitation. This social organisation also actively works to find justice for the victimized lot of girls and women by engaging in criminal investigation and waging legal battles against the criminals (Maiti Nepal 2015). Maiti Nepal has highlighted the trafficking issue with the strong advocacy from the local to national and international levels.

Maiti has no literal translation but it denotes a girl's real family, where as a girl, she receives unconditional love, and where as a woman living in her home or husband's home, she returns to celebrate important festivals and to recover after the birth of her children. *Maiti* is a concept that represents a place of security and comfort, a sanctuary in a world that can be terribly cruel, especially to women (Maiti Nepal 2014). Its vision is 'a society free of the sexual and other forms of exploitation of children and women' and its mission is 'to combat exploitation, violence, and trafficking of children and women through comprehensive prevention and rehabilitation programs promoting education, empowerment, health, and social inclusion' (Maiti Nepal 2015).

Maiti Nepal tries to prevent human trafficking by reaching out to the community, particularly children and women raising awareness level of communities and extending life skills so that children and women are not trafficked into different forms of abuse and exploitation. Maiti Nepal pursue their mission by releasing children and women forced into sexual exploitation; extend support to survivors; protect vulnerable girls by empowering them through personal partition and expression and work with them to enhance livelihood skills (ibid).

Major objectives of Maiti Nepal, as mentioned in the act of the organisation are as follows:

- Advocate, conduct awareness campaigns, seek public support, and create social pressure against trafficking of children and women.
- Provide counselling, support and life skills to children and women at risk of being trafficked.
- Rescue trafficked children and women from exploitative conditions abroad and repatriate them.
- Provide legal services, health counselling, and assistance to destitute women, survivors of girl trafficking and victims of domestic violence.
- Rehabilitate survivors by providing them with education, counselling, and a safe home.
- Shelter orphans and destitute children and support their overall development (Maiti Nepal 2014).

Maiti Nepal has a Legal Aid Section in its central office situated in Kathmandu. It provides legal support to the survivors of trafficking including several issues or cases from missing girls, rescued from brothels, incidents of domestic violence, guardianship, child sexual harassment, abuse and exploitation, rape, polygamy and kinship (ibid). Maiti Nepal first notifies or invites traffickers to the office to discuss the problem or disputes by alternative means. If several attempts have failed, litigation is only way to ensure remedy and the organisation initiates for the same.

The Youth Partnership Project (YPP) for child survivors of commercial sexual exploitation in South Asia is a regional project being implemented in Nepal, India and Bangladesh that aims at empowering child survivors and those at risk of commercial sexual exploitation.¹⁴ In this project, young people are trained to work in shelter homes, schools and communities to support young people affected by or at risk of commercial sexual exploitation. They increase their resilience, confidence, creativity, self esteem and developing their social and life skills (Maiti Nepal 2011). As a result, this scheme promotes the ability and capacity of children to fight against this kind of social evils.

Maiti Nepal runs Safe Migration Programmes with the aim of strengthening community level mechanisms for countering trafficking and exploitation of women and children. It also involves enhancing mechanism with police for the preventive measures. Safe Migration Programmes also focuses on building capacity of adolescent girls so that they are more aware and able to combat trafficking in their neighbouring areas.

¹³ Mrs. Anuradha Koirala is the founder and director of Maiti Nepal. She won the CNN Hero of the year award in 2010.

¹⁴ It is initiated by ECPAT International, Maiti Nepal, SANLAAP India, Aparajeyo Bangladesh and Christian Aid. The YPP is designed to empower and build the capacity of experiential youth to take the lead in the fight against commercial sexual exploitation (YPP, 2005).



Maiti Nepal also runs Women's Empowerment Programme with the view that gender inequality limits women's access to resources and opportunities. The Maiti Nepal assures that, through women's empowerment programmes, social change and success in the fight against trafficking of women and children can be brought. Maiti Nepal seeks to empower women including adolescent girls, students, teachers and Village Development Community (VDC) and simultaneously breaks the vicious circle of trafficking through implementing various interventions designed to put an end to one root cause of trafficking i.e ignorance.

Maiti Nepal is one NGO which has worked extensively on the issue of human trafficking. In Nepal, NGOs are more active and effective than the government agencies in the effort to eradicate the crime against humanity. The NGOs have played the leading role in anti-trafficking initiatives directed towards the prevention of trafficking, protection of post trafficked persons and prosecutions of traffickers (Samarasinghe 2008). Maiti Nepal is one of the most successful Non-Government Organisations in Nepal. Maiti Nepal, as an organisation, has made a big difference in curtailing the number of girls being trafficked to India. It plays important role in raising social awareness about the issues by taking different measures like by organising street play, making advocacy on safe migration programmes etc. It has provided shelters for post trafficked women and girls, it also collaborate with law enforcement agencies, and stops traffickers or victims at border crossing points.

Maiti Nepal also provides programmes on rehabilitation and reintegration to post trafficked victims with the implementation of income generating projects. The organisation stresses that the root cause of trafficking in Nepal are rural poverty, gender inequality in the society, the open/porous border with India, corruption, weak enforcement of law, lack of training to police, bureaucrats and government's policy makers to initiate and implement effective anti-trafficking policy and programmes. Maiti Nepal also runs their school in a view to raise people from poverty and to release the discrimination in gender, class, caste etc. They also conduct awareness campaigning projects within schools and government offices in order to avoid cultural stereotype of women and girls and to promote social mobility.

Maiti Nepal makes it very clear in the objectives of the organisation that it is dedicated to fight against the social evils such as domestic violence, trafficking for flesh trade, child prostitution, child labour and various other forms of exploitation and torture. Maiti Nepal has initiated various programmes and policies in their struggle against human trafficking as a social evil. They conduct advocacy or action programmes at the point of origin, through encouraging communities to build early warning and support systems so that family and girls are less likely to be trapped. Further, they conduct social awareness and advocacy including orientation programmes for Nepalese and Indian government officials stationed on the Indo-Nepal border through joint workshops on trafficking. Such programmes have been launched in seven border districts in India- Nepal border; Jhapa, Morang, Dhansuwa, Sarlahi, Rupandehi and Kanchanpur.¹⁵

Maiti Nepal has set up prevention homes in areas identified as high-risk for human trafficking. There are three such homes at Nuwakot, Makwanpur and Bardaghat districts of Nepal which motivated the rescued victims by giving special care with various self-esteem activities and helped to make use of their child and women's rights. The organization has also build transit homes at major towns in the Nepal-India border where traffickers are most commonly found. In these homes, they provide counselling, help trace parents and guardians, ensure a safe passage home and assist in re-uniting victims with their families. There are currently ten such homes located in Pashupatinagar, Kakarvitta, Biratnagar, Malangwa, Gaur, Birgunj, Bhairahawa, Nepalgaunj, Dhangadhi and Mehendranagar.¹⁶

It has rehabilitation home at Kathmandu to address the significant social constraints that survivors often face on returning to their communities and to society at large. They have primary health care centre or hospice that serves those survivors who have been infected with various diseases. They also have Teresa Academy School to provide formal comprehensive education for development of orphans, underprivileged children, and vulnerable children who could be lured to be abused, exploited and trafficked into sexual slavery (Maiti Nepal 2014).

Maiti Nepal is effectively dealing with the issue of human trafficking with its full fledged dedication to control such clandestine activities. It has been successful thus far; still there are gaps which could be improved to undercut the amount of trafficking taking place in the region. Some of them are:

¹⁵ These are the seven important border districts that connect with Indian states of West Bengal, Bihar, and Uttar Pradesh..

¹⁶ These places are situated at the border of Indian states such as West Bengal, Uttar Pradesh, Bihar where there is a chance of easy accessible for trafficking.



The existing laws of Nepal and India have not been defined comprehensively. Those laws focus only on the portion of trafficking that is for the purpose of sexual exploitation. The development/reviewing of an existing legal framework equivalent with relevant international standard especially UN Trafficking Protocol¹⁷ is required for the prevention or protection of trafficking and related exploitation. Even the SAARC Convention on Combating the Crime of Trafficking in Women and Children for Prostitution should elaborate its purpose by covering all forms of exploitation and not just prostitution making UN Trafficking Protocol as a baseline and framework.

There is an urgent need to equally patrol sub-routes used by the perpetrators to control trafficking. As most of the time individuals are trafficked by taking these sub-routes to enter India. Though, Maiti Nepal has proved to be effective in keeping the border free of such inhumane activities, the sub routes remain unmanned.

There is a need of a special court exclusively to deal with such cases in the nearest possible border area. This can shorten the case hearing duration and curtail the processing fees involved in the cases related to human trafficking. It would be an easy way for the poor people to complain or file their respective cases in the court with minimum expenditure which will further help to control human trafficking from the region. The lengthy legal process should be made short in order to have speedy action towards the traffickers. Human trafficking is one of the busiest crimes in the world affecting many vulnerable therefore if speedy and strict actions are made available against traffickers it would help to cut down the magnitude of human trafficking.

Trafficking is a regional and global phenomenon that cannot always be dealt with effectively at the national level (Gabhani 2006). International, multilateral and bilateral cooperation can play an important role in combating trafficking activities. Such cooperation is significantly needed between India and Nepal in different stages of the trafficking cycle. Hence, there is a need of growing recognition of the importance of well developed bilateral and regional networks for prosecutors and law enforcement authorities that are reinforced through regular meetings and exchanges of information, including discussion on border control measures, safe migration, rehabilitation and reintegration measures of rescued victims etc.

Maiti Nepal as an organization has been generously working with the border issue but there is absence of such NGOs from Indian side which would work in the ground zero areas of human trafficking. NGOs of India should equally mimic the role of Maiti Nepal and guard individuals from being trafficked. NGOs from India are showing their efforts to safeguard individuals from railway stations, bus stations and other public places only, but there is an equal need of surveillance in the border as well. They have already made a ground work for interaction; NGOs of India like Kanchanjunga Uddhar Kendra and Maiti Nepal organised various interaction programmes in combating human trafficking. However, there is a further need of similar kind of border patrol that should be kept in Indian side of the border. Since India is a major centre of destination for traffickers and the trafficked in South Asian region, the government of India should take speedy measures to secure India's border by ensuring strict surveillance.

There is a need to promote cooperation between civil society organisations and national law enforcement agencies of both Nepal and India. Because civil society organizations prove to be more effective than government agencies in exposing human trafficking networks in South Asia. Both the entities should work together to ensure the rehabilitation of the victims in terms of providing them healthcare, education, self-esteem measures and other employment opportunities. The weakness of each of the institutions could be compensated by the other if they work together by sharing information and extending legal jurisdictions whenever and wherever needed.

Conclusion

Nepal is one of the least developed countries in the world and because of its poor socio-economic aspects most of the women and girl child are more vulnerable to trafficking. Nepal has made rigorous efforts to tackle with the issue of trafficking in terms of legal frameworks, consolidation of institutional mechanisms and cross border initiatives to control trafficking. But it is understood that because of social, economic and political problems like political unrest within the region, government is less accountable in tackling with the issue of trafficking. Thus in Nepal many NGOs are actively working to combat with these problems among which Maiti Nepal is one of the successful among them.

Maiti Nepal as a non-governmental organisation is working effectively on eradicating such social evil from the region. It has made significant accomplishment in the rescue, repatriation, rehabilitation and reintegration of the trafficked survivors and to

¹⁷ The UN Trafficking Protocol provides comprehensive definition of human trafficking including all forms of trafficking such as sex trafficking, child trafficking, labour trafficking, organ transplantation etc.



the protection of vulnerable children. It has made government aware to the problems of human trafficking by providing protection and assistance to the victims. It develops strategies to encourage national authorities like police or border personnel by conducting special interaction program on human trafficking at their transit homes. Maiti Nepal is successful to be an organisation dedicated to stamping out human trafficking and cross-border sex trade from the South Asian region in general and between India and Nepal in particular.

Hence, Maiti Nepal, a Non Governmental organisation (NGO) that tries to bring down the ways of trafficking in South Asia by controlling both the push and pull factors that promote human trafficking in the region. The organisation effectively unveil the major issues related to trafficking such as widespread poverty, lack of education, deep rooted patriarchal norms and values exists in societies and discrimination to women. Through its preventive measures, mass awareness programmes, safe migration programmes, youth participatory projects and formal and informal education, the organisation further actively involves in the efforts to curtail the menace. It also tries to bridge the gap between rich and poor through its social awareness programmes. It is evident in the discussion that Maiti Nepal, as an NGO, has worked extensively to eradicate the social evil - human trafficking and has proved that civil society can play a critical role to address the issue of trafficking.

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