**Second Consultative Meeting on Strengthening Partnerships with**

**National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms**

**21-22 May 2014**

**Bangkok, Thailand**

**Briefing to the Session by National Human Rights Commission of Nepal**

Hon’ble Madam Special Rapporteur

Speakers of this Session

Ladies and Gentlemen!

It’s a great privilege and honor to be here with you on behalf of the National Human Rights Commission of Nepal. We would like to express my sincere thanks to the Office of the Special **Rapporteur** on trafficking in persons Special Procedures Branch, OHCHR for providing the opportunity to brief this session and also would like to express my sincere thanks for organizing this 2nd Consultative Meeting.

After a decade long armed conflict, Nepal is now at the stage of realizing human rights in wider spectrum. We are, therefore, in the process of bringing about changes in behaviors, culture, policies and laws for internalizing the dimensions of human rights. In this concern, NHRC-Nepal has been making concerted efforts to help develop the human rights sensitive culture in the Nepalese societies and institutions and in their practices also.

The National Human Rights Commission of Nepal, as a national watchdog for human rights, has been working since May 2000. And after establishing the Office of the Special Rapporteur in Trafficking (OSRT) in 2002 it has been working continuously to ensure the promotion, protection and the implementation of women rights in the country in line with the different national and international standards.

For the purpose of this session few questions were asked to address and also to share the current situation in Nepal. Let me follow those questions:

The main functions of the Special **Rapporteur** in my country is to :

1. To assess the status and emerging trends of trafficking in Nepal
2. To examine the situation of internal migration and vulnerability of the women trafficked into entertainment and other sector
3. To study the situation of foreign labour migration and vulnerability associate with it, including trafficking for any purposes
4. To gauge the level of legal enforcement in prosecuting traffickers
5. Carry out investigation and monitoring mission for fact findings
6. To recommend policies and programs and amendment and enactment of laws for combating trafficking to the government
7. Publishing the National Report and wider dissemination of it

If we talk about the differences and similarities between the National **Rapporteur** on Trafficking in person and Equivalent Mechanism. Its depends on the analysis and interpretation of the mandate. But we believe that either it is National **Rapporteur** or any Equivalent Mechanism the major similarities are objective, goal and *the road map for the work* are always similar to the both mechanisms to provide justice to the victim, legal action to the perpetrator and ending or preventing the trafficking. In this regards we will only find the differences is mandate within this two procedures. And there is always fear of duplication of work within these two mechanisms. In Nepal, Ministry of Social Welfare and Women and Children can be considered as equivalent mechanism but they do not have any system of special rapporteur, similarly Ministry of Labour and Employment and Department of Foreign Employment also have role on it. The National Women Commission also exists but it has limited mandate. The office of the OSRT under the NHRC have a harmonious and professional relation with government agency and we are collaborating our work and conduct with them including with the NGOs who are working in this field for the protection of the rights of the women and minimizing and preventing of trafficking of girl and children.

In Nepal generally, Women and Children Cell of the Nepal Police, Ministry of Social Welfare and Women and Children under the government structure to optimally addressing the trafficking in person. The duty of the trafficking crime investigation and prosecution is under the Nepal police and Ministry has the responsibility of the monitoring and management of rescue and rehabilitation. But as an independent and autonomous mechanism under the NHRC, OSRT is monitoring both of government structure and it is also handling the complaint and carrying out different human rights investigation and monitoring missions which includes the various capacity building programs and workshops also. The OSRT needs to be more strengthen to deliver its mandate. The Office of the Special **Rapporteur** in NHRC have sufficient resources to carry out its mandate, though it is suffering from under staff and limited access to people because of absence of the NHRC offices in most of the parts in Nepal. This issue “Combating Trafficking” has not been prioritized as extreme problem however it has been mentioned in strategic plan. Due to decade long past armed conflict the Commission is still paying attention and its energy on conflict related violation and transitional justice. Since September 2013 the Commission is vacant and the post of the Special Rapporteur is also vacant since the end of 2012. Which is the major challenge to work more professionally with full efforts to prevent the trafficking in absence of the governing body.

The political patronize crime is emerging in Nepal and culture of impunity exists and we all know that the protection of human rights and impunity can’t go parallel. Any equivalent mechanism under government structure cannot be the independent because of its political nature. It is clear that NREMs under independent body is much better than any Government body to work more professionally to ensure the rights and providing the justice to the victim and prosecution for the perpetrator. In this regards, we need to strengthen more to the office of the OSRT within the NHRC’s structure.

Regarding the pros and cons of establishing NREMs under the government or in independent entity? The advantage of independent body is, trust among the people, NGOs and different UN agencies. Similarly, accurate data system gives us clear picture and situation of the trafficking. It will help to build up the network within the national and international level and international and national report, research or study will be the assets for the future action and plan to prevent trafficking can be considered as the major pros. And while talking about the cons, it will really very hard to make dichotomy between two mechanisms because of duplication of work and overlapping the mandate. And lack of transit home rehabilitation and counseling center in Nepal sometimes creates challenging situation after rescue because of jurisdiction. In most of the cases never real trafficker has been bought in to legal action only broker have been punished. So we need effective and resourceful structure of the OSRT in NHRC, which have to make close collaboration and coordination with the government mechanism.

Finally, I would be happy to respond any of your queries.

Thank you !

**Some development for the prevention:**

Though, we need to implement the recommendation effectively made by the UN Committee on CEDAW. But some achievements we gained which are as follows:

**NHRC Initiations :**

* Total 2820 women rescued from different gulf countries in last year. (*Figure available*)
* NHRC has conducted International Conference on the rights of the Migrant and declare Kathmandu Declaration for the mutual cooperation to end the trafficking in south Asia.
* The NHRC recommended to the Government of Nepal to ratify the UN Convention on the Rights of the Migrants 1990.
* Purposed the MoU with Qatar and Malaysia for the protection of the rights of the migrant.
* After the visit of the Malaysia and Korea the NHRC sent recommendation to the Government of Nepal for speedy justice and protection and to give high priority to the severe cases.
* Now preparing the National OSRT Report 2013.

**The Government Initiations :**

* Special programs were launched to affected districts where women trafficked to sell their kidney (removal of organs)
* Developed community based institutional mechanism Village child protection committee, para legal committee, women groups and child club
* Expanding educational opportunities to girl child by providing scholarship
* Vocational training and income generation opportunities the adolescent girls and their families
* The midterm evaluation is going on the National Plan of Action against Trafficking in Children and Women or sexual and labour exploitation (2011-2016). This plan is prioritize the prevention, protection, prosecution and coordination and cooperation.
* National Committee on Combating Human Trafficking under CTIP project formed.
* Focal Officer establish in most of the Government departments and Offices to take care on the issues relating to women.

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