

INDO-NEPAL DIALOGUE ON TRAFFICKING OF CHILDREN ACROSS BORDERS

December 10, 2020

Introduction

The Indo-Nepal Treaty of Peace and Friendship between the Government of India and the Government of Nepal, was signed in Kathmandu, on 31st July 1950. This Indo-Nepal dialogue aims to take forward the values of the treaty, and bring about renewed attention to the issue of cooperation to combat child trafficking across the borders between India and Nepal.

As per the Sashastra Seema Bal (SSB) report titled “Human Trafficking: A Vision Document”, in South Asia, Nepal remains the country with highest number of children and women being trafficked, followed by India¹. Cross border trafficking is a challenge for the governments and law enforcement agencies². In Nepal, women and children are trafficked internally, as well as to India and neighbouring countries for commercial sexual exploitation or forced marriage³.

In 2007, the South Asian March Against Child Trafficking worked towards spreading awareness against trafficking of children from Bangladesh and Nepal to India, as well as intra-border (within India) trafficking. Bachpan Bachao Andolan (Save The Childhood Movement) in association with its key partners, Global March Against Child Labour, BSAF (a conglomeration of 250 Bangladeshi NGOs), BASE and CWIN from Nepal, and hundreds of civil society partners, organized a 5000km long march starting from Kolkata on 25 February 2007 and culminating in New Delhi on 22 March 2007⁴. 150 core marchers participated, half of them being child victims of trafficking for forced labour along the Indo-Nepal and Indo-Bangladesh borders⁵.

¹ Human Trafficking: A Vision Document (2014), SSB.

² Human Trafficking: A Vision Document (2014), SSB.

³ Human Trafficking: A Vision Document (2014), SSB.

⁴ South Asian March against Child Trafficking primary source document with Foreword by Shri Kailash Satyarthi.

⁵ South Asian March against Child Trafficking primary source document with Foreword by Shri Kailash Satyarthi.

Some of the key observations of the South Asian March Against Child Trafficking included the presence of clear source, transit and destination points for trafficking in persons⁶. The notable points were highlighted as Raxaul, Kishanganj, Siliguri, Malda in India; and Bhairwha, Banbasa in Nepal amongst others⁷. Other points that were highlighted included the lack of law enforcement of trafficking⁸. The agenda set forth at the culmination of the South Asian March Against Child Trafficking needs to be taken forward.

Why is the Indo- Nepal Dialogue important?

The Indo-Nepal dialogue will focus on the grooming and modus operandi of trafficking, as well as the rehabilitation and repatriation of victims of trafficking.

Some of the challenges faced by victims of trafficking include the following:

- Inapplicability of Indian laws in Nepal vice a versa in India
- Challenges in prosecution by Indian and Nepal courts
- Difficulty in transferring the rehabilitation package to the victims
- Inability of government officials to send the victims to shelter homes in Nepal and India

It is hoped that the above problems accompanying trafficking across the Indo-Nepal border will be addressed through this dialogue. With COVID-19, the economic conditions of people around the world have deteriorated. With increasing poverty of households, millions of children are vulnerable to trafficking. It is time to take action to address these challenges.

The National Crime Records Bureau data shows that the total victims of trafficking in India increased by 14.3% from 5788 in 2018⁹ to 6616 in 2019¹⁰, while the total number of child victims of trafficking increased by 2.8% from 2837 to 2914 during the same period. As per the Trafficking In Persons Report 2020, 1830 trafficking cases under the Indian Penal Code were reported¹¹. Prosecution was completed in 545; 332 traffickers in 95 cases were convicted; and 1124 suspects in 450 cases were acquitted¹². The Trafficking in Persons 2020 report further states that traffickers use children to transport drugs across the Indian-Nepali border¹³. The SSB report cites estimates of 10,000 to 15,000 Nepali women and girls being sold annually in India, and between 7000 to 10,000 girls, between the ages of 9 to 16 years, being trafficked each month from Nepal to India¹⁴.

⁶ South Asian March against Child Trafficking primary source document with Foreword by Shri Kailash Satyarthi.

⁷ South Asian March against Child Trafficking primary source document with Foreword by Shri Kailash Satyarthi.

⁸ South Asian March against Child Trafficking primary source document with Foreword by Shri Kailash Satyarthi.

⁹ Crime in India (2018). National Crime Records Bureau, Ministry of Home Affairs.

¹⁰ Crime in India (2019). National Crime Records Bureau, Ministry of Home Affairs.

¹¹ Trafficking in Persons Report 20th Edition (2020), Department of State, United States of America.

¹² Trafficking in Persons Report 20th Edition (2020), Department of State, United States of America.

¹³ Trafficking in Persons Report 20th Edition (2020), Department of State, United States of America.

¹⁴ Human Trafficking: A Vision Document (2014), SSB.

SSB has been deployed by India to guard the open border with Nepal, while the Government of Nepal has deployed the Armed Police Force to watch over its border. However, procedures relating to the interception of victims or suspected traffickers of cross border human trafficking are not institutionalized. Traffickers on both sides of the borders, who go unidentified, exploit this gap.

In the absence of an effective mechanism for identifying the process of grooming and modus operandi of trafficking, as well as handling the issue of cross border trafficking including repatriation and rehabilitation of rescued children, it is important to have a deliberation to develop a victim as well as child-centric process for protection and holistic rehabilitation of victims and vulnerable families.

Objectives

The objective of the Indo-Nepal dialogue is to bring together multiple stakeholders including law enforcement officials, civil society organizations and research institutions. The webinar would provide a common platform to discuss the issue of cross border trafficking, focusing on the adverse effects of the pandemic, while aiming at solutions regarding the next steps.

At present, there is no Memorandum of Understanding (MoU) to deal with the challenges of child trafficking between India and Nepal. This gap needs to be addressed by the governments of both countries through a bilateral agreement, which may be designed in a manner similar to that of the MoU signed between India and Myanmar and India and Bangladesh on bilateral cooperation for Prevention of Trafficking in Persons¹⁵. It is hoped that this issue will be deliberated upon during the webinar.

Additionally, there exists a SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002. This needs to be bolstered with a Protocol to address the specific challenges identified in the previous section, as well as in alignment with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons. This idea also merits discussion during the webinar. Most of the issues related to trafficking across the borders between India and Nepal are also relevant for trafficking across the borders of India with other South Asian Association for Regional Cooperation (SAARC) countries as well. These challenges also need to be dealt with suitably for South Asia to be free of the organized criminal networks who are behind the continued prevalence of child trafficking in the region.

¹⁵ Cabinet approves MoU signed between India and Myanmar on bilateral cooperation for Prevention of Trafficking in Persons, 27 November 2019, PIB Delhi. <https://pib.gov.in/PressReleasePage.aspx?PRID=1593659>. Accessed on 08 December 2020.

Targeted Participants

The webinar is likely to see participation from government authorities working on child protection from both India and Nepal, including the Ministry for Women and Child Development and National Commission for Protection of Child Rights (NCPCR) from India; Ministry of Women, Children and Senior Citizens and *Bal Shram Adhikari* from Nepal as well as intergovernmental bodies such as ILO and IOM will be present in this dialogue.

Other participants from India will include representatives from Anti-Human Trafficking Units, Child Welfare Committees (CWCs) from Indo-Nepal border areas and 30 Civil Society Organisations (CSOs). Representatives from Missing Child Alert of Nepal, National Coordination Committee of Human Trafficking, officials from Nepal Border Police and 30 CSOs from Nepal have also been invited.