

10. Developing a rights-based approach for anti-trafficking actions in South Asia

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Implemented by: In Nepal:
Kathmandu School of Law (KSL)
Center for Legal Research and Resource Development (CeLRRd)

According to several publications of various organizations working on trafficking-related issues, in South Asia the number of women, boys and girls being trafficked every year for forced labour or slavery-like practice is alarming. Despite some achievements in the development of anti-trafficking measures, the Government of Bangladesh, India and Nepal do not fully comply with the minimum standards for the elimination of trafficking.



South Asian Governments continue to face huge trafficking problem, which is compounded by chronic poverty, weak government structures, generalized corruption, lack of coordination and bilateral agreements on anti-trafficking strategies. The quality and magnitude of India, Nepal and Bangladesh anti-trafficking responses, particularly in the law enforcement area, are seriously insufficient from preventing women and children from deception, violence, forced labour and slavery-like practices. Absence of effective uniform legislation and programmes, poor law enforcement such as low level of trafficking-related prosecutions and convictions, corruption, and exclusion of vulnerable groups from economic and social assets, bring about that women, boys and girls are easy prey for smugglers, traffickers and relatives who try to earn by their exploitation.

Moreover, the different national legal frameworks against trafficking in persons lack of a human rights perspective since they are often enforced as a tool for further victimization of the trafficked persons. In Bangladesh for instance the Suppression of Violence against Women and Children Act 2000 authorizes the special tribunals provided with jurisdiction to place women or boys and girls in custodial arrangements during the trial of a trafficking-related offence, including government shelters, which are often source of further abuse. In India, the Immoral Traffic (Prevention) Act of 1956 criminalizes the act of solicitation for prostitution, which has been used in the past to arrest and punish women and girls who are victims of trafficking.



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The regional project is implemented by a consortium of different *Terre des hommes* organizations, namely *Terre des hommes* Foundation (Lausanne) implementing in Nepal, *Terre des hommes* Italy and *Terre des hommes* Netherlands implementing in Bangladesh, *Terre des hommes* Suisse and *Terre des hommes* Germany implementing in India. The consortium is technically lead by *Terre des hommes* Italy.

It aims at developing at national as well as regional level good governance on the issue of trafficking in women and children throughout South Asia (India, Nepal and Bangladesh). A human rights-based approach in the development of legal and social measures will be promoted through the mobilization of 24 Law Schools of South Asia, national and regional stakeholders and local communities. 1500 law teachers and students will be involved in the development of a human rights-based curriculum on trafficking-related issues. Anti-Trafficking Units will be motivated at local level and 1800 persons belonging to law enforcement agencies, border security personnel and judicial authorities will be selected and trained to develop a human rights-based approach for counter trafficking actions; a Human Rights Defenders' System involving civil society and community representatives will be set up at local level and around 2400 persons will be trained and mobilized on how to apply human rights to trafficking prevention and to the protection of trafficked victims.

Project area in Nepal:

