



71st Session of the Committee on the Elimination of Discrimination against Women

22 October – 9 November 2018

Excerpts from the Concluding Observations on the 6th periodic report of Nepal: relevant to and potentially impacting sex workers, collated by NSWP.

Trafficking and exploitation of prostitution

25. The Committee draws the attention of the State party to target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and recommends that the State party:

(a) Lift the ban imposed on women workers seeking employment abroad and raise awareness among rural, displaced, indigenous and Dalit women and girls about the risks and criminal nature of trafficking;

(b) Adopt standard operating procedures to ensure the early identification of victims of trafficking and their referral to protective services and integrate its content into the training of judicial and law enforcement officers and service providers;

(c) Expedite the adoption of the bills on witness and victim protection and enhance training, through the Nepal Police Academy and the Judicial Academy, on the national minimum standards for victim protection;

(d) Expedite the revision of the bill to amend the Human Trafficking and Transportation (Control) Act, to bring it into line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the ratification of the Protocol, in line with commitments made in the context of the universal periodic review (A/HRC/31/9, para. 123.12);

(e) Investigate, prosecute and punish cases of trafficking in women and girls, corruption and the complicity of State officials, ensuring that sentences match the seriousness of the offence and that those who are victims of trafficking are exempted from any liability;

(f) Allocate adequate resources to rehabilitation centres to ensure that women and girls who are victims of trafficking are provided with adequate protection and redress, including access to counselling, medical treatment, psychological support, rehabilitation and compensation.

26. The Committee is concerned that the Human Trafficking and Transportation (Control) Act punishes women in prostitution rather than the exploitation of prostitution. It also expresses its concern about the absence of the regulation of work in and the monitoring of the entertainment and hospitality service sector. The Committee is also concerned about reports of harassment and violence against women in prostitution by law enforcement officers, the carrying of condoms being used as evidence of engaging in prostitution and the extortion and arrest of women in prostitution.

27. The Committee recommends that the State party:

(a) Formulate a comprehensive policy, legislative and regulatory framework that ensures the monitoring, and legal protection from exploitation, of women who engage in prostitution and ensure that they are not prosecuted for engaging in such activities;

(b) Investigate, prosecute and punish law enforcement officers for the harassment and extortion of women in prostitution and ensure that victims are provided with protection and support in a gender-sensitive manner;

(c) Strengthen exit programmes for women who wish to leave prostitution.