

On a cloudy day in October 2018, Nirmala Tamang, 24, was working in a field near Ghyangfedi, a village 80 km northwest of Kathmandu, gathering food for her family's cattle. She cut the green leaves with her sickle, expertly bundling them together. In the background, one could hear the murmur of the river that flowed through her village and the faint gush of a waterfall. It seemed like a pastoral idyll, but there was fear raging in Nirmala's heart. She was afraid for herself and her two children.

Nirmala's suffering began more than a decade ago, when her first husband sold her to a trafficker, forcing her into years of prostitution in neighbouring India. In 2008, Sun Bahadur Tamang, an influential local politician, was convicted of trafficking Nirmala and charged with trafficking two other Nepali women. Activists say Sun Bahadur may have trafficked more than 200 women from Nuwakot district and other parts of Nepal. But on April 19, 2018, the Supreme Court of Nepal cleared him of all charges and ordered his release on the grounds that his accusers must have mistaken his identity.

His release came as a shock to Nirmala. "I am scared," she says. "But I want justice." With poverty and earthquakes crippling an already fragile economy, Nepal, in recent years, has become a major hub of human trafficking. More dangerous than the earthquakes, however, is the fact that powerful people behind trafficking networks enjoy impunity. The traffickers get away, say activists, because of their strong ties to politicians, corruption in the police force, and their skill at exploiting loopholes in the system. Arrests are rare and largely limited to low-level operatives.

Sold by her 'husband'

Nirmala is the youngest of the five children in her family. She was never sent to school and spent her days mostly doing household chores. The village was her playground, and the cattle her friends. But her life changed abruptly when she turned 12. "We have this strange system of marriage in our community," Nirmala says. "If a boy likes a girl, he can take her forcefully and the girl is considered to be his wife. I was forced into such a 'marriage' in 2007, when I was 12."

Months later, her 'husband' Tikaram Tamang, 18, told Nirmala that he was sending her away to work. In February 2008, Nirmala was trafficked from her home in Ghyangfedi to agents who worked for Sun Bahadur. Promising her a good job and a better future, they took her to Kathmandu, and then to Bhandup in Mumbai.

"I don't know for how much I was sold," says Nirmala, holding her one-and-a-half-year-old son. Her captors forced Nirmala into the sex trade in Mumbai. Subsequently, they sent her to a brothel in Delhi, run by a woman who the police later identified as Sun Bahadur's third wife, Radha Tamang. "It was terrible," Nirmala says. "I don't want to think of those days again."

In the Delhi brothel, she found nearly a hundred other Nepali girls, including two from her own village. She met her 'husband' Tikaram twice in the brothel. On both occasions, he had come to collect the money that she had earned. "I pleaded with him to rescue me, but he ignored me," she recalls.

Police records show that Tikaram went to the brothel six months after Nirmala started working there, and was paid \$5,000 by Radha. He returned a second time for more money six months later, but was not paid, and returned home empty-handed.

Tikaram, currently in Nuwakot prison, claims that he had fallen in love with Nirmala. He denies selling her into the sex trade. "We have appealed our case in the high court," he says. "I am innocent." However, in a statement to the police given in September 2015, Tikaram had confessed to taking Nirmala as his wife by force and then selling her.

Social workers from Prabashi Nepali Manch, a local NGO, rescued Nirmala from the brothel in July 2013. By then, she had worked in the sex trade for five years and four months. One of the rescuers was the man to whom she is now married, and with whom she has two children.

After returning to Nepal, Nirmala initially stayed at a shelter run by Shakti-Samuha, an NGO run by victims of human trafficking. She filed a case against Sun Bahadur, charging him with luring her with the promise of work and forcing her into sexual slavery.

An open secret

In Nuwakot, Sun Bahadur's alleged involvement in human trafficking is treated as an open secret. "Our elders, teachers, and those working in the social sector say that Sun Bahadur used to sell girls. They say that he has multiple wives who are running brothels in India," says Ashmita Thapa, an activist from Nuwakot.

Sun Bahadur allegedly sent scores of girls from Nuwakot to brothels in India, according to a police official involved in the investigation. The investigator says that Sun Bahadur was close to the region's power brokers and was insulated from any action by law enforcement agencies. Ashmita says that police and administrative officials visiting Ghyangfedi would often stay at Sun Bahadur's home as there weren't any good hotels in the area.

Thanks to his powerful political al-



"In Nepal, the traffickers get away because of their strong ties to politicians, corruption in the police force, and their skill at exploiting loopholes in the system, say activists. The victims of trafficking remain silent, fearing retribution." ■ RAJNEESH BHANDARI

A Himalayan travesty

Survivors of sex trafficking in Nepal were shocked when a local politician convicted of selling young Nepali girls to brothels in India was released by the Supreme Court of Nepal last year. **Rajneesh Bhandari** reports on the victims' fight for justice



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ASHMITA THAPA

An activist from Nuwakot

lies, Sun Bahadur could operate freely, activists say. The victims, on the other hand, remain silent, fearing retribution. "They don't want to come forward because they don't feel secure," says Sunita Danuwar, co-founder and Executive Director of Shakti-Samuha. "Our society doesn't support these girls. Many are still in brothels in India. Even after several years of forced labour in the sex trade, they don't want to come back because they don't think there is a better life awaiting them outside."

Activists say that Sun Bahadur made five copies of his citizenship documents. They believe that in the process, he manipulated the dates on the documents, a move that could have aided his subsequent release on the grounds of mistaken identity.

Interestingly, none of the trafficking charges have impeded his political ascent. In a local election held in May 2017, Sun Bahadur was elected as Ward Chairman of Dugheshwor Rural Municipality-1 despite having been convicted of human trafficking by the Nuwakot District Court.

Yadhunath Khanal, Sun Bahadur's lawyer, denies that his client has done anything wrong. "All the charges are fake, we have a strong case," he says. "It's all political propaganda."

Watching his successful political campaign, Nirmala lost any illusions she may have had about democracy and justice. The man convicted of trafficking her, she says, used money and power to win an election. Activists agree. "He is a key asset for politicians from the Nepali Congress," says Ashmita. She adds that Sun Bahadur's seeming invincibility is one of the reasons many are afraid to speak out against him.

Sun Bahadur's party says it supports the due process of law. But the party is yet to take any action against the politician. "We support the investigations and the legal procedures connected to the case," says Bishwo Prakash Sharma, a spokesperson of the Nepali Congress. "People like him get support from the Nepali Congress or other parties because of election politics, and the need

for local support. This phenomenon is not related to one party; it is seen in other political parties too."

Conviction and release

The Nuwakot District Court convicted Sun Bahadur in two separate cases, in 2011 and 2018, sentencing him to six years in one case and to 37 years in the second. But Sun Bahadur continued to remain at large even after being sentenced in the first case. It was only after the Central Investigation Bureau (CIB) of Nepal took charge of the case that he was arrested in December 2017.

Following his conviction, other victims cautiously came forward, filing complaints against him with the police. As they took up these new investigations, the police began getting phone calls from politicians, asking them to tread carefully.

Sun Bahadur's lawyers then approached the Supreme Court, arguing that the politician was a victim of mistaken identity. The Supreme Court quashed the District Court's order and ordered that he be released. Justices Purushottam Bhandari and Om Prakash Mishra ruled that there was insufficient evidence to establish that the person charged in the case was Sun Bahadur.

Activists viewed the ruling with suspicion. "There was political influence in the case. That's why the trafficker was freed," says Sunita. "We want the Supreme Court to be independent, free from political influence, and deliver justice."

But in Nepal, the ties between the judiciary and politicians run deep, as parties play a crucial role in the selection of judges. Judges are picked on the basis of party recommendations. "There is a high degree of politicisation and party politics in the Supreme Court. Party members are selected as judges. How can we expect independence and impartiality from our judiciary?" says Narayan Prasad Panthee, joint registrar with the Supreme Court

of Nepal.

Former Chief Justice of Nepal's Supreme Court Sushila Karki, in her autobiography, *Nyaya*, talks about her own experience of dealing with pressure from the ruling party. Political leaders, she writes, "came to my residence regarding the appointment of judges. I was called by different political leaders recommending their choices as judges. Political leaders even gave me a list of names of who should be appointed. I didn't select those who were listed, but this shows what the current situation is."

A review of the police case file shows that trafficking victims had positively identified Sun Bahadur, who is well-known in his district through his political involvement. Narayan Prasad, however, says that he cannot comment on a specific case related to Sun Bahadur since the judges have delivered their verdict.

Activists and the police who were investigating the case are shocked that the courts have accepted the argument that the politician was prosecuted in error. A senior police officer in Nepal, who requested anonymity, describes the Supreme Court's ruling as a textbook example of granting impunity.

"There are immense loopholes in our system," says Assistant Inspector General Pushkar Karki, who has headed many human trafficking investigations. "The perpetrators are experts in evading the law, and the victims pay the price."

Pushkar says that the country lacks a central, computerised identification system. As a result, traffickers can easily alter dates and addresses and create false alibis. The multiple copies of identification documents that Sun Bahadur

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YADHUNATH KHANAL

Sun Bahadur's lawyer



is reported to have secured ahead of his trial have heightened suspicion among advocates and the police that he had done some skulduggery to get rid of the serious charges against him.

Nuwakot, a trafficking hub

Though there is no information on when exactly human trafficking began in Nuwakot, activists say that the rulers of the Rana dynasty, which controlled Nepal from 1846 to 1951, used to visit the villages of Nuwakot to take girls back to Kathmandu and exploit them. Later, they took the girls to India as well, says Ashmita. The victims were then forced to procure more girls and women to be trafficked.

Trafficking remains rampant in Nuwakot and in other districts outside Kathmandu, including Sindhupalchowk and Dhading. Official records show a high number of girls from Nuwakot being trafficked to brothels in different Indian cities – so much so that there is a dearth of women for marriage in the district.

According to a report published by Nepal's Ministry of Women, Children and Senior Citizen, 678 human trafficking victims were rescued from 26 countries in 2016-2017. But the government figures bear little relation to the scale of the problem in Nepal, especially after the April 2015 earthquake. According to government records, 311 adults were trafficked between July 2016 and July 2017. Of these, 95% were female and three in four victims had no education. Alarming as these figures are, they do not represent the full magnitude of the problem, as most of the trafficking goes unreported.

Another report by Nepal's National Human Rights Commission estimated that 23,200 people fell victim to traffickers in 2015-2016, of which 6,100 were trafficked and 13,600 escaped attempts of being trafficked. Some 3,900 victims remained missing. Nearly all of them were women or young girls.

"We have the Human Trafficking and Transportation (Control) Act, 2007, but there are challenges," says Roshani Devi Karki, who monitors human trafficking at the Ministry of Women, Children and Senior Citizen. The principal challenge? "Effective implementation of the law by the concerned authorities."

The nature of trafficking is also changing. Though it started with sex trafficking, it has now grown to include the trafficking of labourers to West Asia. Children who were orphaned due to the 2015 earthquake have also become vulnerable to trafficking. The open border between Nepal and India has allowed traffickers to easily transport victims from Nepal to Indian cities. To fight all these problems, Nepal has created a 'transportation control bureau' to monitor trafficking. But many are wary. Will the powerful and politically protected

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NIRMALA TAMANG

Victim of sex trafficking

perpetrators ever be brought to book?

Fear of the future

In February 2018, Shakti-Samuha and other organisations wrote a joint letter to government agencies and commissions, alleging that Sun Bahadur had been involved in trafficking for 20 years and that he has four brothels in India. "Releasing a culprit who is involved in organised crime has increased the challenges for victims' security, protection and justice," the letter read. They also questioned Nepal's Election Commission: "How could a trafficker win an election?"

Nepal's CIB also filed two other cases against Sun Bahadur in the court. Following the Supreme Court's release of Sun Bahadur on April 19, 2018, the police re-arrested him the following day on the charge of human trafficking in another case in connection with Nirmala's abduction. Sun Bahadur, who is currently in jail in Kathmandu, has gone to court against his re-arrest. The case is ongoing at the Patna High Court.

Nirmala fears that if the politician is released again, he could come after her. "Some traffickers are freed and some are released on bail because of political power," Sunita says. "If this keeps happening, the survivors will find it tough to keep their hopes of justice alive."

Nirmala lives just an hour's walk from Sun Bahadur's home in Nuwakot. "Three years ago, I was on my way to collect relief supplies for my children when I was kidnapped by Sun Bahadur's men and forced to sign some documents," she says. She has no idea what documents she was forced to sign. Ever since she was attacked, she has avoided taking the road by his village.

Narayan Prasad says that a big problem for the victims is the lack of a policy or infrastructure to protect them. "There is no witness protection and resettlement policy for the victims in Nepal. That leaves many of the survivors vulnerable to further victimisation."

After a day of toil in the fields, as Nirmala walks home, her thoughts are all about her children's future. "I want them to study," she says. "But I am not sure if I can protect them and give them a good future."

This story is a collaboration between Journalists for Transparency and 100Reporters, a non-profit news organisation. The name of the trafficking survivor has been changed to protect her identity