

For the 150,000 people estimated to be trafficked into forced labour and prostitution in South Asia each year, leaving such situations is only the first step towards regaining their lives. Returning home brings about new challenges, especially for women trafficked from Nepal, where discriminatory citizenship laws may make them aliens in their own country. Now researchers at Newcastle University and a Nepali NGO run by survivors of trafficking are lobbying to change the country's constitution.

Life after trafficking: FIGHTING FOR IDENTITY IN NEPAL

Although the prevention of trafficking is a priority issue for many governments, little attention is paid to the plight of returnee women, who arrive home seeking a sense of social acceptance. In Nepal, one of the source countries for trafficking in South Asia and the Middle East, reintegration into society is all but impossible due to stigmatization and rules on citizenship that are biased against women.

'Citizenship is the only way returnee trafficked women can construct their identities, regain the support of their families, explore desirable livelihoods and bring their traffickers to justice,' says Dr Meena Poudel (PhD 2009) of Newcastle University's 'Post Trafficking in Nepal' research project, herself from Nepal.

The two-and-a-half-year project, which began in 2009 with funding from the Economic and Social Research Council (ESRC), is in collaboration with the International Organization for Migration (IOM) Mission in Nepal, and Shakti Samuha, a Nepali NGO set up and managed by women who have experienced trafficking. The Newcastle research team is led by Professor Diane Richardson, Professor Nina Laurie (BA Geography 1986) and Dr Janet Townsend.

At present, the children of returnee women who are born through sex trafficking are unable to gain citizenship of Nepal.



Shakti is Nepali for 'power' – wishful thinking, perhaps, for the many trafficked women it represents. The organisation provides a political voice for trafficked women; runs anti-trafficking campaigns in areas with the highest incidence, such as slums and around factories and dance bars; offers new skills to help formerly trafficked women find work; provides hostel accommodation; and lobbies for citizenship on a case-by-case basis.

Such is the stigma of trafficking in Nepal, that most returnees are labelled as prostitutes and 'HIV carriers', whether or not they have been trafficked for sexual purposes, into the circus, or into other forms of forced labour. Many other migrants who return from working in traditional destinations for trafficking, such as cities like Mumbai in India, are also stigmatised as 'prostitutes'. But the steady increase of Nepali migrant workers into South Asia and the Middle East, along with labour agreements set up between the Nepali government and various countries, mean these stereotypes may soon be blurred.

For those who have experienced trafficking, the Newcastle research team has found that NGOs such as Shakti play an important role in their reintegration – offering training in traditional jobs such as sewing, cooking and carpet making. Shakti also provides business start-up funding for women to enter male-dominated trades such as driving 'tempos' (motorised rickshaws), security and plumbing. But many work spaces still bring a risk of identification and prejudice; and many jobs are unavailable unless a woman can provide a citizenship card.

The citizenship issue sits in contrast with positive developments elsewhere in Nepal. Since civil war and pro-democracy movements led its transition to a federal republic in 2008, Nepal's politics have become increasingly progressive. It was the first country in South Asia to approve same-sex marriage, and one of the few to abolish the death penalty. But progress is hampered by gender inequality, entrenched, in part, by practices rooted in traditional Hindu values.

This inequality is evident in the national disparity in illiteracy, with two thirds of adult females being illiterate compared to a third of males (according to the United Nations Development Programme); and even more damningly by the bias against women in terms of national identity.

At present, Nepalis are required to apply for a citizenship certificate when they reach 16 years of age. The right to citizenship is only passed through the paternal line, and women are unable to apply without support from a male relative, such as her father, or husband.

This has huge implications for the thousands of women who are trafficked from Nepal every year, as many are rejected by their families on their return. 'A trafficked woman is perceived as a 'shame' to her family,' says Dr Poudel. 'They think she would make their god unhappy, and stain the honour of their family.'

'If the family is aware that a woman is returning from a trafficked situation, they will even send a message warning her not to return to their village. It is then very unlikely that male relatives would endorse her application for citizenship.'

This, says Dr Poudel, can drive women into violent marriages, in a bid to secure a man's signature on their papers.

For women who return to Nepal with children born as a result of trafficking, the situation is even more complicated, as a non-citizen mother is unable to confer citizenship on her offspring.

The existing Interim Constitution of Nepal, which was put in place in 2007 as a precursor to the new 2011 draft bill, states that a mother can endorse citizenship applications for her children if the father's identity is unknown. But Dr Poudel says this is toothless without political and social power – which, alone, survivors of trafficking don't have. But with the backing of NGOs like Shakti, the story can be very different.

As *Arches* went to press, Nepal's Constituent Assembly, an inter-party governmental body, was preparing the first draft of the new constitution – set to replace the Interim Constitution which expired at midnight on 28 May 2011.

But Dr Poudel is concerned that the new constitution will not contain adequate provision for returnee trafficked women – especially if the more radical changes proposed by the Constituent Assembly's Fundamental Rights Committee, and championed by Shakti, are ignored. These changes include awarding citizenship to all people born in Nepal, without the need for parental recommendation; and approving citizenship applications for children born into



trafficking based on the mother's nationality, removing the need to search for an absent father. Research by the team shows that in the majority of citizenship debates, the voices of women who have experienced trafficking are marginalised.

'We're hoping for a compromise that will equip both men and women with equal rights to apply for citizenship,' she says. 'These must be universal, and not just granted subject to pressure from NGOs.'

Without such a change, returnee trafficked women will remain excluded from desirable livelihoods and other fundamental rights. A self-fulfilling prophecy which must not be allowed to continue.

The Post Trafficking Nepal research team is heading to Kathmandu in autumn 2011 to present to Nepali policymakers, and will publish their findings in the coming months. You can find out more about the project, and sign up to quarterly bulletins, on its website at: www.posttraffickingnepal.co.uk

Above: Meena Poudel, of the University's 'Post Trafficking Nepal' research team.

Below: Members of Shakti Samuha, an anti-trafficking NGO in Nepal.

