

A Summary Conference Report

Making Livelihoods Post Trafficking: Sexuality, Citizenship and Stigma

Research Seminar

**04 November, 2011
Hotel Himalaya, Kathmandu, Nepal**

Background:

Post Trafficking Livelihoods in Nepal

Newcastle University UK, in partnership with the Non -Government Organisation 'Shakti Samuha' and the International Organization for Migration Mission in Nepal (IOM), is undertaking research (2009-2012) funded by the Economic and Social Research Council (ESRC), UK.

This research project investigates the opportunities for livelihoods of choice for trafficked women on their return to Nepal. Qualitative methods, specifically one-to-one, face-to-face interviews in Nepalese languages, were used to examine the intersections of sexuality, gender and citizenship in returnees' livelihood strategies. New democratic processes, supported by national and transnational communities, are unfolding. In Nepal anti-trafficking advocacy is highly visible and through the country's new Constituent Assembly (CA), fresh debates have arisen that are impinging upon returnee trafficked women. By bringing sexuality and citizenship into dialogue with debates on livelihoods this project is helping to generate a new research and policy paradigm for understanding the relationship between sexuality, gender and development.

A range of scholars, policy makers and anti-trafficking campaigners benefit from the research, which aims to inform national policies and approaches that go beyond the immediate 'rescue' of returnee trafficked women and combine a focus on livelihoods and dignity with the need to address the issues related to their right to citizenship.

The project called for a national-level policy seminar in Kathmandu at this stage, with the objective of:

- Sharing the findings of the research with anti-trafficking stakeholders who are primarily working at policy level.

The Minister for Women, Children and Social Welfare of the Government of Nepal was the chief guest at the event, which was presided over by the chairperson of Shakti Samuha. The Principal Investigator of the project and the chief of IOM Nepal were among the guests speaking at the event. The Project Team, led by Professor Diane Richardson, the Principal Investigator (PI), jointly presented the findings. The Minister's speech is attached as an annex to this Report.

In total, 108 participants from different government, non-government, national, international, research and other organizations registered and 126 workshop packs were distributed.

The program began with a welcome from **Ms. Pooja Mahato**, Treasurer of Shakti Samuha. **Professor Diane Richardson**, Principal Investigator of the Research Project, from Newcastle University, then introduced the Seminar. She thanked delegates present for their participation, explaining that the Seminar was an opportunity for the researchers to share their findings, and said that they expected inputs from the participants. She introduced the other members of the research team, Professor Nina Laurie and Dr Meena Poudel (unfortunately Dr. Janet Townsend was unable to attend), and explained the contents of the workshop packs. Professor Richardson then informed the participants that this is a feminist project, linked to earlier research carried out by Dr. Poudel in her doctoral research at Newcastle University. She pointed out that the research was highly relevant to the political process in Nepal and the UK.

Hon. Dan Bahadur Chaudhary (Kurmi), Minister, Ministry of Women, Children and Social Welfare and Chief Guest of the Seminar opened the Seminar with a speech in which he highlighted that the legal provisions in Nepal against trafficking were the strongest among the countries in the South Asian Region, although implementation is not as effective as hoped. Coordination between the Government of Nepal and non-government organizations (NGOs) is, he said, very strong. He emphasized economic rehabilitation of the survivors as indispensable for the reduction of trafficking and for addressing the problem of livelihoods for women in post trafficking situations.

Mr. Sarat Dash, Chief of the IOM Mission in Nepal, began by explaining that IOM is a comparatively new entity in Nepal. IOM, he said, manages migration in different ways. In Nepal, it is working with the Ministry of Women, Children and Social Welfare, Ministry of Labour and Transport Management and Ministry of Peace and Reconstruction on various projects. Among these, the 'Trafficking Risk Reduction in Nepal (TRRIN)' project is a joint initiative of Government of Nepal and IOM. Mr. Dash remarked that the collaboration of Newcastle University with Shakti Samuha and IOM Nepal has offered both survivors' perspectives and academic insights. Although Nepal is leading in the region in anti-trafficking laws, the issue of trafficking is governed by socio-economic factors. The strategies that will best suit the survivors' requirements should be incorporated into policy. This is the area on which the research project has focused.

Sharing of Findings by the Research Team:

The introductory session was followed by a presentation of the findings of the research by three members of the team who were present: Professor Diane Richardson, Professor Nina Laurie and Dr. Meena Poudel.

Professor Nina Laurie introduced herself and her international experience, and compared the current political situation of Nepal and the process of the Constituent

Assembly (CA), including the dimensions of power politics and gender, to those in Bolivia, where she has long worked.

Dr. Poudel also reported on her past work (of great importance to this project) and emphasized that the role of female Constituent Assembly members in endorsing the issues of citizenship of trafficked women in particular and women in general in the CA process is crucially important.

Professor Laurie highlighted links between the findings of the research and **geography**. For instance, the border with India is 'open', in that passports are not required to cross it; restrictions on crossing are very limited. The research shows that this has led to the construction of acceptable and unacceptable femininities through geographies and hierarchies of stigma for trafficked women. A woman or girl who manages to escape before crossing the border can say "I did not cross the border so I was not trafficked." Similarly geography can: mark difference between women, make Nepali bodies out-of-place in their own country, particularly due to language problems (e.g. returned trafficked women who are not fluent in Nepali may be labeled as non-Nepalese and denied a passport or citizenship), shape potential sites for activist work for women who have experienced trafficking, or 'out' women (lead to them being exposed as trafficked, when their identity is exposed by NGOs, media etc).

Professor Diane Richardson repeated that the objective of the research is to find out how women can rebuild livelihoods in the context of post trafficking rejection and citizenship issues. Nepal, she said, was selected as the country for study because it is one of the few countries in the world where women have faced trafficking by organizing themselves, as in Shakti Samuha, and are constantly fighting for their citizenship rights. The project focuses on post-trafficking as research in this area was lacking and difficulty in accessing citizenship rights due to family stigma makes livelihoods of women in post-trafficking situation even more difficult. Also, the citizenship claims of survivors focused on a right to livelihoods. Professor Richardson also shared the methods followed for the research.

Dr. Poudel restated that NGOs should be careful so that geography does not 'out' women because of them. She mentioned that **training** has become a core area of work for NGOs and related stakeholders and even training is contributing to stigmatization; for example traditional trainings for women and men are differentiated. Though male-oriented and short-term trainings have not helped many women to get jobs, long term trainings such as those organized by Navajyoti have had positive impacts. Likewise, some women have shared this training which has boosted their confidence levels significantly.

Similarly, **Dr. Poudel** highlighted how the research showed that possessing citizenship is linked to shame and honour in the Hindu traditional way of looking at women. Citizenship, she said, is first an identity issue, and only then a livelihoods issue. In some cases, women are forced to get married in order to get citizenship and have become

subject to post-marriage violence and harassment. Acquiring citizenship, she said, creates trust and respect for survivor women since citizenship is seen as a mark of being 'good' women. Dr. Poudel further highlighted the various effects of stigma on citizenship, and illustrated the links between sexuality, citizenship and marriage.

The research team's presentation concluded with suggestions that citizenship for both men and women should be based on birth, and that citizenship for children born abroad to mothers who were sexually exploited abroad and who are now living in Nepal, should be granted based on state endorsement.

Reflection of Journey from Trafficking Survivor to Social Researcher:

A presentation followed by Shakti Samuha, sharing their experience of research training (also part of the research project).

Laxmi Puri, an executive member of Shakti Samuha and participant in the seminar gave a presentation on 'Trafficking Survivor to Social Researcher: A Reflection of the Journey'. Shakti Samuha, she said, is the world's first social organization established and managed by trafficking-survivor women. The partnership with Newcastle University started in 2009, under which Shakti Samuha's executive board members have received training on social research. Ms. Puri reported that the training has helped them understand the basics of social research. The Shakti Samuha team are eager to conduct their own research and she argued that research conducted by survivors themselves would be more effective and help to identify the real status of trafficking survivors, identify their needs and make recommendations to stakeholders in order to fulfill their actual needs.

The Seminar continued with remarks from CA Members and other delegates

Hon. Usha Kala Rai, member of women's caucus at the Constituent Assembly, said that equality at the level of the state starts with becoming a citizen. However, even the Interim Constitution is prejudiced against women on the issue of citizenship. For example, when a Nepalese man marries a foreign woman, the latter is granted citizenship immediately but when a Nepalese woman marries a foreign man, it takes 15 years for the latter to acquire citizenship. The Hon. Usha Kala Rai pointed out the necessity to eliminate the provisions that make women dependent on men to acquire citizenship. She rejected the provision of citizenship based on marriage and proposed that citizenship based on birth should be made to incorporate all genders. She concluded the session by saying that the issues of citizenship and discrimination should be resolved in such a way that they need not be addressed again in future.

Hon. Uma Regmi, member of the Constituent Assembly, urged everybody to push the Ministry of Women, Children and Social Welfare to work responsibly in its full capacity

rather than relying on NGOs for addressing issues of women, trafficking and citizenship. She expressed concern over citizenship based on birth for the fear of infiltrations from outside and the question of nationality. She said that several discussions about the citizenship provisions have taken place in the Committee on Fundamental Rights and Directive Principles, but the issue has not yet been resolved. She concluded by saying that if a daughter can get citizenship with endorsement from her mother, the compulsion to marry for obtaining citizenship will come to an end.

Hon. Dama Sharma, member of the Constituent Assembly, expressed concerns that the scope of trafficking is continuously expanding despite new laws and sincere efforts to curb it. In her view, the citizenship issue is not a major issue because even women who have citizenship and passports are being trafficked. Hence, awareness raising and economic independence are more important to address the trafficking problem. The provision of getting citizenship with endorsement from the mother following a simple procedure is, she said, extremely necessary. Lastly, people holding citizenship certificates should have equal rights without any gender discrimination.

Nandita Baruah, of The Asia Foundation and co-chair of the Inter-Agency Co-ordinating Group (IACG), gave priority to the issue of children born from Nepalese women during their employment in foreign countries. She cited the example of countries like Cambodia, Vietnam and Korea where children born of foreign fathers were non-citizens. She pressed for the issue of how, where and when citizenship should be given to be addressed with the utmost urgency.

Dr. Chapala Koirala, member of the National Action Plan against trafficking of Women and Children (NAP) review team mentioned that the NAP was reviewed in 2009 and is yet to get approval from the Ministry of Women, Children and Social Welfare. Eight working areas: education, health, advocacy, policy and law, awareness raising, cross border, repatriation and monitoring and evaluation were included. The focus was more on women and sexual exploitation and less on children. The latest NAP to be formulated was based on national and international trends of human trafficking, definitions of human trafficking by the UN Optional Protocol and the SAARC convention, internal trafficking and migration problems in the global labour market. Based on these, 5 broad sectors were identified: prevention, protection, prosecution, coordination, cooperation and capacity building. Dr. Koirala lastly expressed her hope that comments from concerned stakeholders would help make the NAP review even more effective.

Ms. Padma Mathema, Special Rapporteur, NTIP, expressed her appreciation to the research team for raising major issues in their findings such as citizenship and its link with livelihoods. She reported that after the establishment of the office of the Special Rapporteur in the National Human Rights Commission, from 2005, they have been publishing the 'National Report on Situation of Trafficking' and the Report for 2010 will be published soon. She suggested if citizenship is to be based on birth, strengthening registration of births will be vital. She called on the Constituent Assembly members to

raise the citizenship issue in the upcoming constitution, and emphasized the need to raise awareness from local to decision-making level to remove the social stigma attached to trafficked survivors. She also urged the research team members to take into consideration the changing dimensions of trafficking due to globalization and increased foreign labour migration, and to recommend funding and resources for decision-makers at all levels for programmes necessary to this cause. Commitment from decision-makers will be vital. The team, she said, should recommend targeted programmes in all 75 districts of Nepal and home/agro-based trainings for women. She concluded by wishing that the research continue to contribute to global research and to the livelihoods of women in post-trafficking situations.

Mr. Purna Chandra Bhattarai, Joint Secretary, Ministry of Labour and Transport Management, emphasized the importance of this research in a situation where outdated figures used to be quoted in the context of trafficking. In the face of the rapidly growing trend of foreign labour migration, the official figures of women going legally for overseas employment with GoN's permission is 36,000, but figures given by Non-resident Nepalese organizations estimate this number to be above 200,000. He insisted that in policy and legal aspects the government was strong, however, the work carried out by one stakeholder should be the base for the others and vice-versa. He further said that problems have been highlighted more than solutions, which should be stopped. He concluded his remarks by praising the research project for its contribution to policy-making as well as implementation, and suggested that the causes of trafficking and of the loopholes in government's actions to counter trafficking should be investigated.

Answers to Questions and other concerns shared:

The floor was opened to questions and responses.

Key questions and concerns raised in the Seminar were:

1. Why are women from the hills trafficked more compared to those from the terai region? Is over-ambitiousness the cause for this?
 - The research did not distinguish between the interviewed women as those from hills and terai. (Professor Richardson)
2. Has the age factor had consequences for returnee trafficked women?
 - Yes, age has been responsible for determining the level of impact on trafficked returnee women. The research found that the women belonging to 17-24 age group are more trafficked than those from other age groups. Likewise, women who were trafficked at a young age before acquiring citizenship were facing greater stigma than those who had got citizenship prior to trafficking. The stigma is seen to be high when a returnee woman is rejected by the main person of the family. Yet there have been cases when the father has endorsed the citizenship of

a returnee daughter once she approached him with an increased level of confidence after getting skill training. (Professor Richardson)

3. If citizenship is awarded based on birth, how will the 'third gender' people get citizenship? Should not citizenship be based on gender too?
 - There is an interconnection between the issue of trafficked women, widowed women, women belonging to the Baadi community, transgender, lesbians, gays and others who were seen by society as 'abnormal sexualities' or 'bad persons'. The distinction between what are regarded as appropriate or inappropriate sexualities has implications on the citizenship issue. However, the project is not currently in a position to put forward what these connections and implications are. (Dr. Poudel)
4. What happens to children born to women during foreign employment?
 - They should be provided citizenship based on state endorsement and verified by their mothers.
5. If there is a provision of a woman getting citizenship with endorsement from her husband, there should also be the provision of a man getting citizenship with endorsement from his wife.
6. Citizenship should not be given without first regulating the border.
7. The aspect of family re-integration should be emphasized in addressing the problem of citizenship and trafficking.
8. Is it cross-border trafficking or internal trafficking that is being researched by the project?
 - The project has not formally divided the women based on whether they were externally or internally trafficked, both experiences are represented in the sample. (Dr. Poudel)
9. The project should focus on the livelihood options that have made positive effects in the lives of trafficked returnee women. How many women were studied for the research?
 - There is no blueprint of what really works. However it is important that the women have full information on the available opportunities. 45 women were studied and analyzed in-depth. From a qualitative research point of view, this number is sufficient. (Professor Richardson).

Conclusion:

The workshop was very fruitful in achieving its goals. The presence of more than the expected participants and speakers was overwhelming positive for the organizers. The findings of the research project were disseminated comprehensively to the audience and the research team expressed their willingness to update further findings to interested participants through the project database. Overall, the workshop realized its objective with positive outcomes.

Annex 1:

Schedule

**Making Livelihoods Post-Trafficking: Sexuality, Citizenship and Stigma
Research Seminar**

**Venue: Hotel Himalaya
4 November 2011
Kathmandu, Nepal**

Time	Activities
09- 9.15	Registration/tea/coffee
09.15-10	Commencing the Seminar: Meena Pandey, Shakti Samuha Chair: Sunita Danuwar, chairperson, Shakti Samuha Welcoming the participants: from the chair Introducing the Seminar: Professor Diane Richardson – Newcastle University, UK
	Opening the Seminar: Honorable Dan Bahadur Chaudhary (Kurmi) Minister, Ministry of Women, Children and Social Welfare Remarks: Mr. Sarat Dash, Chief of Mission, IOM Nepal
10-10.45	Presentation of Research Findings: Research Team (Professor Nina Laurie, Dr. Meena Poudel, Professor Diane Richardson)
10. 45 -11.15	Trafficked Survivors to Social Researcher: A reflection on the journey – Ms. Laxmi Puri, Shakti Samuha
11.15-12.15	Remarks: Nandita Baruah, Co-chair, Inter Agency Coordination Group Remarks: Representative, NAP review team Remarks: Mrs. Padma Mathema, Special Rapporteur, Trafficking in Persons, Nepal Remarks: Mr. Purna Chandra Bhattarai, Joint Secretary, Ministry of Labour and Transport Management Remarks: MOWCSW Remarks: Representative, Women's Caucus, Constituent Assembly
12.15-13	Discussion: questions, comments and responses
13.00	Closing and Lunch

Annex 2:

Remarks by Hon. Dan Bahadur Chaudhary; Minister, Ministry of Women, Children and Social Welfare

The Chair of this Seminar, Hon. Members of the Constituent Assembly, representatives from different government, non-government and private organizations, it is my pleasure to have the opportunity of being the Chief Guest of today's Seminar. Thanks to the organizers for their invitation.

Speaking in the context of trafficking, the law against trafficking in Nepal is one of the best in the entire South Asian Region. However, the implementation is not as strong as the law itself. Hence, to minimize the problem of trafficking and to eradicate the problem from its very roots, strengthening the implementation, alongside the presence of strong legal provisions, is a necessity today.

In the present situation, the relationship and coordination between the Government of Nepal and non-government organizations is strong. The government works in the areas of prevention, protection and prosecution. The government has allocated a budget for different programmes, including awareness-raising, as prevention. Likewise, it has, with necessary investment, established rehabilitation centres which are operated by concerned NGOs. In these centres, the survivor women are provided with income-raising and skill development training apart from logistics support. Besides all this, to make the women legally strong, the government also provides them with free legal counseling. Similarly, the National Committee Against Trafficking is working in the centre and various districts.

Economic Rehabilitation has an important role to play when we talk of eradicating the trafficking problem from its roots. For the lack of appropriate economic opportunities for livelihoods, the possibility of women already rehabilitated falling prey to re-trafficking owing to abject financial circumstances remains. I have realized that the organizers of today's Seminar want to share their research experiences/findings regarding long-term and substantial means of livelihoods for the survivors/vulnerable women and the underlying problems in the post-trafficking scenario.

The government of Nepal has joined hands with the International Organization for Migration (IOM) in the 'Trafficking Risk Reduction in Nepal (TRRIN)' project that is being implemented based on the theoretical model of economic rehabilitation as shown by your research project. In addition, participation of NGOs and the private sector is another characteristic feature of the TRRIN project.

We are unanimous in that Human Trafficking is a violation of fundamental human rights. Hence, it is a must that we contribute from our side in the campaign against trafficking. I believe that today's Seminar will show us the way to this direction. Thank You.