

Dealing with Hidden Issues:
Social Rejection Experienced by Trafficked
Women in Nepal

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Abstract

The Trafficking of Nepalese women to various parts of India for sexual purposes has a long history and is an extremely sensitive issue. Despite the focus by non governmental organisations and various plans being formulated by the Nepalese government to ameliorate the problem of trafficking of women, the situation of returnee trafficked women is largely unknown.

Analysis of the lived experiences of Nepalese trafficked women shows that trafficking is linked with gender, migration, poverty, work, sex, money, power and violence. Women may be able to escape trafficking physically; however legal and social labelling of women continues to affect all aspects of their lives. These labels are linked with the women's perceived sexuality and build on sexual trauma and violence the women encounter in trafficking. After leaving trafficking settings these processes of social labelling often negatively characterise women as 'bad women', as morally and socially degraded and/or as a criminals responsible for HIV/AIDS transmission. Trafficked women are eventually blamed for bringing 'shame' to their families and society at large. These consequences are not desirable, but are imposed by Nepalese society, and contribute to various forms of *samajik bahiskar* (social rejection) enforced on women on their return disqualifying them from achieving the formal citizenship that they are entitled to. This *samajik bahiskar* sets trafficked women apart from other women and prevents them taking part in religious ceremonies within the family and communities; setting up businesses and cooperatives; accessing services and resources for example health, education, daily wages and legal assistance, and receiving skills training. This study examines the processes and consequences of *samajik bahiskar* experienced by trafficked women in Nepal and how these processes interact with the socio-cultural context of Nepal from the perspectives of trafficked women who have returned from various trafficking settings in Nepal and India. This study also explores the contexts in which women are stigmatised, labels are attributed to them, *samajik bahiskar* is constructed, the consequences are experienced and tactics and strategies employed by trafficked to resist *samajik bahiskar* in the cultural context that women have returned to.

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List of Acronyms

AATWIN	Alliance Against Trafficking in Women and Children in Nepal
ABC/Nepal	Agro forestry, Basic health and Cooperative, Nepal
AIDS	Acquired Immune Deficiency Syndrome
AWHRC	Asian Women Human Rights Council
BPFA	Beijing Platform For Action
BSA	British Sociological Association
CATW	Coalition Against Trafficking in Women
CCATW	Coordination Committee Against Trafficking of Women
CEDAW	Convention on Elimination of All forms of Discrimination Against Women
CGWS	Centre for Gender and Women's Studies
CPU	Cambodia Prostitute Union
CWIN	Child Workers in Nepal Concern Centre
DARN	Developing Areas Research Network
DMSC	Durbar Mahila Samanwaya Committee
EU	European Union
FHI	Family Health International
GAATW	Global Alliance Against Traffic in Women
GMSP	Gramin Mahila Srijanshil Pariwar
GPS	Geography, Politics and Sociology
HaSS	Humanities and Social Sciences
HIV	Human Immunodeficiency Virus
ILO	International Labour Organisation
INGO	International Non-Governmental Organisation
IOM	International Organisation for Migration
MANK	Mahila Atma Nirverta Kendra
MWCSW	Ministry of Women Children and Social Welfare
NGO	Non Governmental Organisation
NNAGT	National Alliance Against Trafficking of Women and Children
PLA	People's Liberation Army
PRSP	Poverty Reduction Strategy Plan
SAARC	South Asian Association for Regional Cooperation

SINN	Sexuality Interdisciplinary Northern Network
SS	Shakti Samuha
TIP	Trafficking in Person
TVPA	Trafficking Victims Protection Act
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
US	United States
WHO	World Health Organisation
WOREC	Women's Rehabilitation Centre

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exceptional in Hindu society in Nepal, for a working class farming couple to allow their eldest daughter to reject the traditional role of a woman, which would have been ideal to their *izzat*, and choose instead to be a single professional working outside the domain of 'home'. My mother, who never had a chance to attend formal education herself, always taught her daughter what society was all about for a woman. My father struggled greatly to pay school fees for their children, but neither he or my mother thought there was an alternative to education. The entire credit of this PhD goes to you both. Predeep Poudel, my youngest brother who has been confronting social stigma within his own social world, it was you inspired me to study stigma. I salute your courage to resist exclusion within our own domain. My grandmother, who always wanted to be with your grand daughter and hear of her success but died before I began this research, I would like to remember you at this moment. My brothers, sisters- in-law, nephews and nieces, you all had no idea why I left a most rewarding job to pursue a PhD, many thanks for your love, patience and support.

Dedication

Chapter Six

To one of the research participants who died due to the psychological and physical violence experienced as a consequence of *samajik bahiskar*, before I completed this thesis

Remaining chapters –

To Shakti Samuha, for their constant effort and courage to resist *samajaik bahiskar*, and all Nepalese women who experienced trafficking

Prologue

Own account: Looking back

In December 1990, I witnessed a group of women being led by a group of men and women to a privately chartered helicopter in the upper Sindhupalchock district where I was going to do my fieldwork for a public health degree. I asked an elderly woman, whose granddaughter was one of the nineteen young women from various castes/ethnicities, where those women were going. Her response was simple: they are being taken to a big city to become rich!

I continued asking villagers and a few days later it became clear to me; these women were 'gathered' from the surrounding villages by a politician from a Rana family that had a close tie with the Royals in Kathmandu. Parents of these women were given the hope during his election that he would create more jobs for his constituents if he was to win the election of the national *panchayat* (parliament under the absolute monarchy), so they would vote for him. People voted for him and that was the time for him to pay back his promises, not to make his voters 'rich' but to sustain himself in power by selling their daughters, wives and sisters.

I began wondering why, how, and since when people of those remote villages had been lured in this way. When and how these women were returning home, and what jobs were available for them in a 'big city'. Why were these families kept misinformed about the social world beyond their geography? Why young women were misled about their future? I returned to Kathmandu two months later with these questions still unanswered and became involved in the historic democratic movement of 1990 that changed the political system from a partyless *panchayat* system to a multiparty democracy. On my return to Kathmandu I put forward these questions publicly through articles to a weekly magazine and spoke about the plight of those women and families in various women's forums and political rallies, challenging those politicians involved. The consequences were not surprising; my head was tagged for fifty thousand Nepalese rupees and a death warrant was issued by the political feudal lord in the area I was assigned. A local woman whom I knew in that

area was ‘ordered’ by the politician and his supporters to bring me back into the district.

Back in Kathmandu the then regime arrested me at a forum I was speaking at for academicians and politicians. I was arguing for a democratic system to solve the problems of women across the country, citing as an example what I had seen previously. Along with two women politician friends, I received a letter for imprisonment on the grounds that I was committing a ‘crime’ against the then regime. We were locked in a women's cell of the central jail in Kathmandu to spend our term where many other women were imprisoned for various charges. Many of these charges were fabricated but socially and culturally significant, for example abortion, prostitution and infidelity among others. I met a woman who had returned from trafficking. She was given an indefinite sentence due to her trafficked identity, prostitute label and the allegation that she had committed a ‘crime’ by bringing HIV into Nepal. I asked her what she thought about her situation. Her response came to me as a surprise. She was there due to the refusal of her brother to take her home because, he thought, she ‘shamed’ him, his family and their 'god'.

Following my observation of the chartering of young women by politicians in remote villages in Sindhupalchok, that prison term was my “primary school” to begin learning the social and political processes of stigmatisation and the construction of *samajik bahiskar* that women experienced after trafficking. Although these two experiences I gained were in two distinct places, they were however governed by the same system of socio-cultural and political rules. Although these experiences helped me to understand what trafficking meant particularly for the family and the state, I was left wondering also what trafficking meant for women who have experienced it.

My journey to this research began in 1992 when I left my job at a university hospital, narrowed down my political works, broadened my feminist activism and began working with women both vulnerable to and with experience of trafficking.

Chapter One

Introduction

Introduction

In recent decades there have been increased awareness and interest on the issue of human trafficking in general, and sexual trafficking of women in particular, within and between governments, NGOs, international agencies, the academy and media. Although the trafficking issue has been a priority of many governments around the world, some of the key consequences of sexual trafficking remain misunderstood. Most importantly, the understanding, causes and consequences of sexual trafficking have been highly disputed among feminists, governmental and non governmental organisations (NGOs) for more than a century.

In the south Asia region, particularly after 1990, governments have put efforts to understand trafficking as a 'growing cross border crime' by placing Nepal, Bangladesh and Sri Lanka as 'countries of origin' and India as a country of destination, and for transit to the middle east, for Nepalese and Bangladeshi women. In addition, it has also been estimated by governments, feminists and NGOs that hundreds of thousands of women are being trafficked across borders and thousands of women within countries annually, and the problem generates annual profits, according to some estimates, parallel to the illegal gains made from the underground trade in arms and narcotics¹.

This study explores the processes and consequences of *samajik bahiskar*, a term which conveys the similar meaning of social rejection, through the analysis of the experiences of twenty eight trafficked women who have returned from various trafficking settings in Nepal and India. This study also examines the contexts in which women are stigmatised, labels are attributed to them, *samajik bahiskar* is

¹ The profits accruing from the international trade of trafficking in persons are estimated to range between US \$ 5-US \$ 7 billion annually. Source: Jonas Widgren, Multinational Cooperation to Combat Trafficking in Migrants and the Role of International Organisations, IOM Seminar on International Responses to Trafficking in Migrants and Safeguarding Migrant Rights, Geneva, October, 1994.

constructed and the consequences are experienced in the cultural context that women have returned from their trafficking settings. It also explores trafficked women's agency in light of the tactics and strategies they employed to resist *samajik bahiskar*.

All of the women included in this study were trafficked, through various processes, into different places in Nepal and India, for various purposes, mainly forced into what has traditionally been called 'prostitution'. A few of the women were trafficked into the circus across the border between Nepal and India, and one woman was trafficked for domestic labour in Kathmandu.

I have used the Nepali phrase *samajik bahiskar* as a key concept throughout this thesis, which conveys a similar meaning to that of social rejection. My choice of using *samajik bahiskar* was informed by the social context within which this study was conducted and the nature of the experiences recounted by trafficked women. Trafficked women used *samajik bahiskar* throughout the interviews to express their situation of 'non acceptance' by families and social sites and organisations, including communities and the government in Nepal, when they return from trafficking. Use of the phrase *samajik bahiskar* in this thesis has also been employed to examine practices of NGOs in relation to the women's need for services. This phrase therefore was used to analyse 'gendered' experiences within the context in which stigma is constructed (Goffman 1963) and *izzat* is articulated within and after leaving trafficking situations.

The emergence and construction of 'trafficking' as an object of international policy concern

The dominant discourses on trafficking within which disputes are grounded have in the main failed to distinguish trafficking from migration, and trafficking from prostitution. This is to say that although these discourses are aiming to define trafficking, migration and prostitution and identifying interconnections between these social phenomena, however, arguments put forward by some feminists and NGOs involved seem to be amalgamating trafficking with migration on one hand and

trafficking with prostitution on the other. More recently, the discourse has been moving towards categorising trafficking and prostitution in two main ways: ‘sexual slavery’ and trafficking and prostitution into sex work. While taking these two clear lines of argument, the discourse has largely been contributing to former line to limit trafficking within the violence against women analytic framework, while the latter attempts to reduce trafficking simply to a product of migration. Such dominant discourse on ‘trafficking’ has encouraged national and international policy makers and also international agencies and NGOs, to devise and implement ‘anti-trafficking’ measures that are increasingly recognised as leading to further violations of women’s human rights, rather than protecting or promoting their rights, and in the Nepali context, policy and practice with regard to the ‘rescue’ and return of ‘trafficked’ women that is insensitive to the cultural and political context into which women are returned, and more particularly, fails to consider the very serious implications of the phenomenon of ‘*samajik bahiskar*’ for the human and citizenship rights of, and livelihood opportunities for, returned women who are identified as trafficked. I will unpack these discourses and further my argument in this thesis by exploring role of these discourses in shaping policies at various levels in general, stigmatising trafficked women I have interviewed, in particular, that contribute families and communities enforcing *samajik bahiskar* when they return from trafficking settings.

There has been a consensus among various writers engaged in debates over trafficking that until recently, before finalisation of the UN Trafficking Protocol 2001, there was no international agreement on a legal definition of trafficking (Gallagher 2001; Pearson 2002; Ditmore and Wijers 2003; Doezema 2004; Koomaraswamy 2004; Miller 2004; Kelly 2005; Kempadoo 2005a; Sanghera 2005; Kangaspunta. 2006; O’ Connell Davidson 2006; Dottridge 2007). However, the emergence of this social phenomenon, and its definition and magnitude, are clearly informed by the positions of the various key groups engaged in the debates (see later in this chapter). Trafficking, as a social phenomena emerged into the public consciousness in the West at the beginning of the twentieth century and has been seen as a *global* policy concern since the mid nineteenth century, often understood in connection with prostitution (Kapur 2005; Kempadoo, Pattanaik and Sanghera 2005). Outshoorn (2005) argues that trafficking came to be linked with prostitution at the

end of the nineteenth century in Europe and North America, along with industrialization and the unequal distribution of resources between the developed and the developing world that fuelled an increase in migration. This view was also shared by many feminists who argue the contemporary trafficking debate is a re-emergence of the idea of the social reform movement of late nineteenth century, which was characterised by the campaigning, by religious groups, for the abolition of state regulation of brothels and for an end to prostitution in the west, where migrants and trafficked women were forced into sexual services (Soderlund 2005; Bernstein 2007).

A considerable amount of literature published in recent years confirms that there are two international feminist NGOs, the Coalition and Against Trafficking in Women (CATW) and the Global Alliance Against Traffic in Women (GAATW), working to prevent trafficking and promote the policies related to trafficking in general and the trafficking of women particularly into prostitution. Central to the contemporary trafficking debate led by feminists is the construction of trafficked women as 'objects' and for CATW, an end their captivity through rescue measures and, for GAATW, the promotion of their freedom to 'choose' their livelihood. Ironically, both lines of arguments are being represented by feminists who claim themselves that they are the champions to suggest policies, domestically and internationally, to tackle trafficking and who advise on programmes for various international organisations and NGOs.

Although feminist debate has intensified in recent years, particularly since the UN Trafficking Protocol 2001 and US policy framework, the Trafficking Victims Protection Act (TVPA) 2000 surfaced, however the debate began much earlier when cross border trafficking in person has been called 'contemporary form of slavery' since the establishment of the United Nations policies in the beginning of twentieth century. For example, Outshoorn (2005), among others, argues that feminist divisions on trafficking and prostitution emerged at the beginning of the twentieth century when the 1904 International Agreement on Suppression of White Slave

Traffic² came into force. Others, such as for example Wijers and Lap-Chew (1999), claim that the inclusion of the exploitation of prostitution in the 1949 Convention for the Suppression of the Trafficking in Persons and Exploitation of the Prostitution of Others, was the key to the creation of feminist divisions³. As my research is limited to exploring the lived experiences of trafficked women, and the experiences of the post-trafficking context, I now examine these debates and explore how they constructed trafficking as an ‘object’ and shaped policies at international level, and subsequently regional and national levels, to tackle problems related to trafficking and migration.

As I indicated earlier, the two feminist groups working to tackle trafficking, migration and prostitution and leading the debate are: i) the Coalition Against Trafficking in Women (CATW), established by North American feminists in 1989, who have been campaigning to end violence against women and end prostitution, and ii) the Global Alliance Against Traffic in Women (GAATW) which began in 1994 as a consequence of an international conference in Thailand⁴ on trafficking and migration organised by Asian and European anti-trafficking feminists and human rights groups. Various writers have clearly identified CATW as abolitionist (Jordon 2002; Agustin 2004; 2007; Doezema 2004; Ditmore 2005; Kempadoo 2005a; Soderlund 2005; Anderson and O’Connell Davidson 2006; O’Connell Davidson 2006; Bernstein 2007; Weitzer 2007) and GAATW as a rights based group (Jordon 2002; Doezema 2004; Ditmore 2005; Kempadoo 2005a; Agustin 2007). By focusing on trafficking primarily for the purpose of prostitution, CATW argues that trafficking should be treated as a form of slavery, or ‘sexual slavery’, that trafficked women

² Preamble of International Agreement for the Suppression of the "White Slave Traffic," 18 May 1904, entered into force 18 July 1905 says “being desirous of securing to women of full age who have suffered abuse or compulsion, as also to women and girls under age, effective protection against the criminal traffic known as the "White Slave Traffic" (source: <http://www1.umn.edu/humanrts/treaties.htm>, accessed in January 2008).

³The United Nations General Assembly adopted the 1949 Convention for the Suppression of the Trafficking in Persons and Exploitation of the Prostitution of Others. In its articles 1 and 2 the 1949 Convention says: ‘any persons who to gratify the passion of another a) procures, entice for the purpose of prostitution another person even with in consent; b) exploit the prostitution of another person even with the consent of that person; c) keeps or manages, or knowingly finance or takes part in the financing brothel; d) knowingly lets or rents the buildings or places or any part of the places for the purpose of prostitution of others.’ (source: <http://www1.umn.edu/humanrts/treaties.htm>, accessed in January 2008).

⁴ I also attended that conference and presented a paper on ‘trafficking of women in Nepal: causes and consequences’ in Chaingmai, Thailand, October 1994.

become involved in as a result of patriarchal subordination and capitalist exploitation that deprives women of other income generation alternatives (Barry 1979; 1995; CATW 2003; Raymond 2003). GAATW argues that prostitution should be treated as a form of legitimate labour, as 'sex work' because it is a rational and practical course of action that supports women who lack other options of earning a livelihood (Agustin 2007; Senghara 2005). CATW calls for an end to trafficking through formulating policies that are criminalising sex work for commercial purposes and encourages rescue and rehabilitation approaches to protect the women who have experienced trafficking, whereas GAATW regards trafficking as a human rights violation within migration processes, opposes rescue measures, and calls for the incorporation of human rights principles in anti-trafficking policy measures. These differing positions are reflected in their philosophy, vision, mission statements and proposed solutions to end trafficking.

Thus, for instance, CATW's proposed solution to end trafficking is illustrated as follows:

'Prostitution affects all women, justifies the sale of any woman, and reduces all women to sex. All prostitution exploits women, regardless of women's consent. Prostitution includes casual, brothel, escort agency or military prostitution, sex tourism, mail order bride selling and trafficking in women. Sexual exploitation includes sexual harassment, rape, incest, battering, pornography and prostitution. The solution to end trafficking and prostitution is to criminalize the men who buy women and children and anyone who promotes sexual exploitation, particularly pimps, procurers and traffickers. CATW supports anti-trafficking measures in areas that few address the links between prostitution and trafficking; challenging the demand for prostitution that promotes sex trafficking; and protecting the women and children who are its victims by working to curb legal acceptance and tolerance of the sex industry' (CATW 2008; <http://www.catwinternational.org/about/index.php>, accessed in January 2008).

GAATW's mission statement in contrast states:

'GAATW advocates for the incorporation of human rights standards in all anti-trafficking initiatives and strives to promote and share good practices of anti-trafficking initiatives but also to critique and stop bad practices and harm caused by existing practices. GAATW promotes women migrant workers' rights and believes that ensuring safe migration and protecting rights of migrant workers should be at the core of all anti-trafficking efforts. GAATW advocates for living and working conditions that provide women with more alternatives in their countries of origin, and to develop and disseminate information to women about migration, working conditions and their rights. GAATW support the self-organisation of trafficked women, migrant workers, ensuring their presence and self-representation in international fora'(GAATW 2008; http://www.gaatw.net/index.php?option=com_content&task=view&id=3&Itemid=59, accessed in January 2008).

However, in recent years, in addition to these two positions, there have been increasing calls from both the women who have experienced trafficking and prostitution and practitioners who worked closely with these women, for a middle ground to be articulated. This, although an emerging and less organised, group argues that prostitution and experiences of being trafficked for various purposes including prostitution should be recognised as based on a specific context, time and place happened (Aoyama 2009). My research aims to explore, by analysing the lived experiences of trafficked women, the process of *samajik bahiskar* which Nepalese trafficked women experienced after leaving trafficking settings and returning to Nepal. The my position I take is that either debate may not address the complexities of the women's situations and fail to acknowledge the stigma attached to women on their post trafficking context. I will follow the argument of the 'middle ground' and offer, in this thesis, a contextual analysis based on accounts of the lived experiences of women who have left trafficking and return to their country of origin. I acknowledge that some of the trafficked women included in this study were not trafficked into prostitution; they were trafficked into circus and most importantly that all of the women considered that they were neither migrants nor the slaves but were trafficked returnees.

The Global Alliance Against Traffic in Women (GAATW) places emphasis on ‘ensuring safe migration and protecting rights of migrant workers...’ as the core principle underpinning all anti-trafficking efforts. This stance suggests that GAATW believes in analysing trafficking within the labour migration framework. This emphasis incorporates the view of some feminists and NGOs who advocate the autonomy of women and argue for self determination as the basic principles of human rights of women involved in the migration process (Agustin 2004; Aradau 2004; Doezema 2004), including trafficking for prostitution to respond to their livelihood options (Lim 1998). Theoretically, the argument made by this group may not be relevant in the context of Nepal where my research was conducted, partly because as economic policies and more importantly socio-cultural practices are more specifically of a local context. Moreover, trafficking of Nepalese women began mainly for the sexual purposes (see later in this chapter) and the force, deception and violence the women experienced during and after the trafficking process, has been of a sexual nature (see chapter five). In addition, although in recent years there have been cases of Nepalese women being trafficked to Middle East and Hong Kong, the problem has largely been limited to cross border trafficking with India. Arguing for a labour migration framework to address the trafficking issue, GAATW believes that trafficking, as defined by the UN Protocol 2001, does not exist and all women leaving home by any means, and regardless of any of violence they experienced in the process, are seen as legal or illegal migrants.

CATW’s view that ‘prostitution affects all women and all prostitution exploits women, regardless of women’s consent’ not only contrasts with the position mentioned above but also seems to be closer to the view that, as Scoular (2004) observes, the exploitative element of labour in prostitution also constitute trafficking and is a therefore form of slavery (Jeffrey 1979; Asia Watch 1993; Brown 2000; Raymond 2003; Bales 2004; 2005; Samarasinghe 2008). For this group, there is no difference between prostitution and trafficking and both are consequences of male dominance and a woman’s ‘free choice’ does not exist. This position essentially claims that women enter into prostitution only after having no other options left to support themselves under the male sexual domination and women’s prostitution to men is always forced by patriarchy and should thus be treated as a form of ‘sexual slavery’. This position is underpinned by the belief that to offer sexual services to

someone else in exchange of money in specific circumstances, for example to survive or to support children, is nothing but the subjugation of the self to a man. This logic undermines those women's decision who, given their circumstances, make to sustain their livelihood and/or support their family selling their sex in globalised market. This group also argues to minimise demands for sexual services in the market and enforce criminal actions and punish men paying for sex (Jeffrey 1979; Raymond 2003). It seems that these debates on naming and defining trafficking have significantly been informing the policy processes at national and global levels, which I will now further in this chapter.

Brown's (2000; 2005) work in south Asia exemplifies CATW's view by examining the narratives of trafficked women of Nepal, India, Bangladesh and Pakistan, what she terms 'victims of evil' and 'sex slaves', and suggests rebuilding their lives through rescue and rehabilitation and income generation measures. My own experience, previous to this study, of working with trafficked women rescued and rehabilitated by NGOs in Nepal, suggests that portraying trafficked women as 'victims of evil', although it may help to generate some sympathy towards the women, may further strengthen trafficked women's social exclusion and 'whore' stigma, as I shall go on to illustrate in chapters four and five.

Current anti-trafficking policy

Once a social phenomenon is accepted by the authorities as a public issue, the process of policy formulation begins. In various historical contexts, trafficking of women for sexual purposes have commanded sufficient public attention that state institutions have mobilised resources to respond to the problem. Anti-trafficking feminists and the advocates of rights of women migrating for various purposes including to sell sexual services to support their lives, appeared to be able to shape, although contentiously, the global policies that are affecting legislative frameworks of individual countries encountering trafficking. This is to say that, after decades of intensive debates between and among concerned groups, and despite the plethora of expression of human rights concerns associated with trafficked persons and migrant women, the war against terrorism, narcotics, and irregular migration has moved the trafficking issue up the international policy agenda by the United Nations and United

States (Adams 2003; Aradau 2004; Bhabha 2005; Soderlund 2005; Bernstein 2007) and some countries in Western Europe (and of course to some extent the European Union itself).

The position taken by both the CATW and GAATW in the definition of trafficking, its causes, and consequences, lead to decidedly different institutional responses to this phenomenon. These policies contributed not only to further the debate but also reshaped the social organization of prostitution (and trafficking to some extent) globally. In terms of policy formulation to define and curb trafficking (and prostitution) CATW seems to be more influential than the GAATW. Before being able to lobby two global policies to respond trafficking globally – the UN Protocol 2001 and the US policy framework 2000 – CATW supported the Swedish approach that criminalises prostitution⁵, while GAATW supported the approach of the Netherlands that legalises prostitution. CATW also holds consultative status with the United Nations Economic and Social Council (ECOSOC), that seems to be placing the Coalition in an influential position to frame new legislation on prostitution and on trafficking both nationally in the US and globally (Raymond 2002). This could also be evidenced by CATW's direct access to the US congress. For example, Leidholdt (2007), a founding member of CATW, while addressing the Committee on the Judiciary of the House of Representatives of the United States described TVPA as an effective mechanism in prosecuting traffickers engaging in the sexual slavery of women and girls both in the United States and elsewhere, and in helping rescued women and girls to reintegrate into the society they came from before trafficking.

The CATW has an influential position to frame policies of US governments that has an impact at a global level (Sharma 2005; GAATW 2006; 2007b) through grant assistance to both governments and NGOs to work to prevent trafficking, placing countries in various tiers based on their efforts to curb prostitution and to offer support to women on their return from what many NGOs in Nepal called 'hell' (ABC/Nepal 1998) trafficking, particularly through rescue and rehabilitation.

⁵ For details of countries around the world and laws are available in Good Practices for Targeting the Demand for Prostitution and Trafficking. Updated in January 2006. A chart prepared by the Coalition Against Trafficking in Women (CATW), summarizing a variety of good practices that have been implemented to target the demand for prostitution and trafficking throughout the world. (source: <http://www.catwinternational.org/>, accessed in March 2008).

However, various writers (for example, Doezema 2004; Miller 2004; Kempadoo 2005a; 2007; Agustin 2007) argue that the approach taken by CATW not only promotes US political interest globally by framing trafficking within foreign policy and grant assistance in the name of solving the problems but also affect rights of migrant women adversely. I will unpack this argument later in this chapter, with the illustration of US anti-trafficking policy which has been influential for several years.

The United Nations, the largest global regulatory institution, declared trafficking for sexual purpose as a violation of women's human rights as defined by the World Conference on Human rights 1993, Vienna⁶ followed by the Fourth World Conference on Women in Beijing 1995⁷. Placing trafficking as a global policy issue seemed to be reaching a height since 1990 after these two world UN conferences in particular. Based on my own experience working with both these groups on various occasions at different times and places including various UN meetings during the mid nineties, I would argue that such controversies may have surfaced due to i) emergence of CATW in 1989 and GAATW 1994 in a more organised way by establishing global networks of their respective alliances and transnationalising their campaigns to inform policy responses at regional and local level, and ii) Shifts in the trafficking and migration landscape with the emergence of Commonwealth of Independent States (CIS) in the former Soviet block. These debates seem to be deepening between the two groups, when both the groups developed their arguments

⁶ Violence against women dominated the campaign for women's rights at such international conferences as the 1993 Vienna World Conference on Human Rights and the 1995 Beijing Conference on Women. In World Human rights Conference in Vienna 1993 trafficking was framed under violence against women. In its declaration number 18 the Vienna conference states: 'The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community. Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support'. (Source: [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En?OpenDocument), accessed: June 2009).

⁷ In Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace, Beijing, 15 September 1995 states in article D. Violence Against women, (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution. (Source: <http://hrlibrary.ngo.ru/instreet/e5dplw.htm#four>, Accessed: June 2009).

on trafficking issues and directed their efforts towards policy responses both at the global level in general and in the US and Europe in particular. Despite their deepening differences and much longer and heated debates among NGOs, feminist groups and government institutions related to the definition, causes and consequences and subsequent approach to trafficking, ultimately, led the United Nations and United States in 1998, to be on the verge of taking a formal position on trafficking and putting the issue over the global and domestic policy agenda (Soderlund 2005). As result of this process at the beginning of this century two parallel policy frameworks appeared to respond to trafficking globally. Although both the policy frameworks aim to tackle trafficking, ironically, their emphasis has largely been with the tendency of, as CATW advocated for and GAATW opposed it, crime control, domestically and internationally. I will explore responses of both the groups who campaigned to make trafficking a policy agenda in the following section.

The Palermo Protocol 2001

UN Convention on Transnational Organized Crime (UN TOC) dealing with trafficking and smuggling respectively. The Trafficking and Smuggling Protocols, more commonly known as the Palermo Protocols,

The UN formulated two new Protocols to the UN Convention on Transnational Organized Crime (UN TOC) dealing with trafficking and smuggling respectively. Both the Protocols, more commonly known as the Palermo Protocols, came into force on December 23, 2003 and January 28, 2004 respectively and offered a ‘universal’ ‘working’ definition that all member states were bound to apply (United Nations 2001). My research was focused on trafficking exclusively so I therefore focus my discussion on the Protocol related to trafficking. In its Article 3, (a) the Trafficking Protocol 2001 defined trafficking as follows.

‘Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation’ (United Nations 2001:

http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf, accessed in September 2006).

In light of taking a formal position and placing UN Protocol to the member states to enforce, the trafficking debates of 1990s, carried out in secular academic and policy contexts, almost seem to be returning to (re)conceptualising early nineteenth century's understanding of the phenomenon, what traditionally had been termed 'slavery'. According to Morse (2003), Hertzke (2004), Soderlund (2005), and also experiences of Carol Leigh⁸ among others, the faith-based social reformers group, for example, Shared Hope International, International Justice Mission and Free the Slaves and some anti prostitution groups in the United States united and lent their support to the US government in formulating a global framework for responding to trafficking and prostitution.

More recently my own observations while conducting this research, and from personal communication with officials of Free the Slaves⁹, confirm this claim. While US policy framework (TVPA 2000) was being drafted, the term 'trafficking', more generally 'human trafficking', has been seen as synonymous with the term 'slavery'¹⁰ which many writers mentioned above argue repeats a re-emergence of faith-based ideology in the United States and Europe that campaigned to abolish prostitution in late nineteenth century. Although this could be seen by the groups advocating this view as part of the anniversary of the abolition of the transatlantic slave trade, the terminology also suggests a shift in the understanding of trafficking by the organisations based in the United States and Western Europe. In addition to Free the Slaves, the US State Department and also Anti-Slavery International are

⁸ Carol Leigh has been working as a prostitute, activist and an artist in the Bay Area for more than twenty years. Leigh is one of the "mothers" of the sex workers' rights movement in the US and internationally- in fact, she coined the term "sex work" in the late seventies (Source: http://www.bayswan.org/Scarlot_Resume.html: accessed in June 2009).

⁹ A number of personal email communications from Free the Slaves in February 2008 regarding the proposed new bill to combat trafficking in Nepal 2007 suggests, Free the Slaves is developing a project with Nepalese legal experts to influence the bill and subsequent legal framework. This initiative might contribute further to bring trafficking policies of Nepal under the slavery framework

¹⁰ This was expressed by a number of participants/delegates representing anti trafficking groups at three conferences I attended in 2006-2007. First was titled 'Twenty-First Century Slavery: Issues and Responses' in November. Second was on 'Slavery: Unfinished Business. An International Interdisciplinary Conference, in May 2007. These two conferences were organised by Wilberforce Institute for the Study of Slavery and Emancipation (WISE), University of Hull. Another was an international conference on 'The European Slave Trade: Character, Causes, Challenges at Trinity College Dublin, July 2007.

involved in this (re)conceptualisation (GAATW 2007b). The complexity arising in this development of (re)conceptualising trafficking within the ‘slavery’ framework suggested by some academics such as, for example, Bales (2004; 2005), conflates experiences of violence against women encounter in the trafficking process and on their return with unregulated labour migration, and undermines understanding of the complex relationships between gender and sexuality within trafficking which are significant aspects in stigmatising and enforcing *samajik bahiskar* on trafficked return women (see chapter four and five). Such campaigns successfully led the United States to formulate a global policy and to try to enforce it across the world.

The US Policy 2000

Parallel to the UN process, the United States has formulated a global framework, Trafficking Victim Protection Act 2000, known as TVPA, aiming to tackle trafficking, which was authorised by President Bill Clinton in 2000, and defines “severe forms of trafficking” as:

- a. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- b. the recruitment, harbouring, transportation, provision, or obtaining of a person for labour or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (USA 2000, Source: <http://www.state.gov/documents/organization/123357.pdf>, accessed June 2009)

Although feminists associated with both approaches began engaging into the debates which surrounded US policy, particularly linking trafficking with prostitution, narcotics, arms and the national security issue of United States, CATW intensified its campaign for an amendment to strengthen criminal aspects tackling prostitution, which in addition to national security, they also see as a threat to US moral and family values and encouraged Bush administration to move for a reauthorizing of the TVPA 2000, in 2002 along with a National Security Presidential Directives (NSPD

22)¹¹. In 2002, President George W. Bush authorized National Security Presidential Directive 22 (NSPD 22), identifying trafficking as an important national security issue for the United States (Kim, K. and Chang, G. 2007). A first amendment followed, with subsequent amendments 2003 and 2005 by the Bush Administration to strengthen the criminal offence that, according to Bush Administration, the relationship between trafficking and cross border organised crime poses a transnational threat which then raises concerns over terrorism (ibid; Bernstein 2007)¹². This point could also be substantiated by a view put forwarded by an official of International Justice Mission through the media that ‘trafficking is not a poverty issue, it is a law enforcement issue’ (Landesman 2004:30).

Analysing these amendments and directives, it is evident that US policy tackling trafficking at global level was part of the security strategy of United States, to tackle issue of ‘terrorism’ both domestically and internationally (Kim and Chang 2007). Furthermore, these amendments also seemed to be issued to define the terms used in the TVPA. For example, while clarifying the general definition quoted above, in it Section 102 (1), (8-9) and (21) of TVPA the trafficking of persons was termed a modern form of slavery, a crime and ‘evil’ and suggests strengthening existing criminal legislative systems and proper enforcement both in domestic and international arenas of US foreign policy (USA 2000). The focus of the TVPA has largely been on criminalising prostitution by mobilising law enforcement mechanisms of governments both in the United States and in other countries around the world. My own experience working with various governments, for example, Nepal, India, Bangladesh, Thailand and Japan, Inter-governmental organisation, for example, International Organisation for Migration (IOM) in central Asia and NGOs in south Asia suggests that mobilising law enforcement agencies to implement TVPA in the US and domestic policies framed under the TVPA framework in other countries imply using police and immigration officials to raid brothels, restaurants and bars for example, rescue women trafficked into prostitution, migrants women working in these sites as sex worker, subsequently deport them back to their

¹¹ Press Release, White House Off. of the Press Secretary, Trafficking in Persons National Security Presidential Directive (source: http://www.whitehouse.gov/briefing_room/pressreleases/, accessed: June 2009).

¹² U.S. Department of Justice., Report on Activities to Combat Human Trafficking: Fiscal Years 2001-2005, (Source: [http://www.usdoj.gov/crt/crim/trafficking report 2006](http://www.usdoj.gov/crt/crim/trafficking%20report%202006): accessed in June 2009).

countries, and rehabilitate them in shelters before they are sent back to their own communities¹³. (see later in this Chapter for Nepal policy and Chapters four and five for their practices).

Critiques of dominant discourse on ‘trafficking’ and anti-trafficking policy

Reviewing the available literature both on the theoretical debates and policy frameworks presented in this thesis, reflecting on my own experience working with/for vulnerable to/and trafficked women through various capacities in various countries in south/east Asia for nearly two decades, and more recently my work with the International Organisation for Migration (IOM) in central Asia and Eastern Europe suggest that the core contentious issue to have emerged has been the ‘linking’ trafficking with prostitution, migration and slavery which adversely affects contemporary efforts to prevent trafficking and protect the rights of trafficked persons. I now set out some details of the arguments made by those who criticise the dominant discourse on trafficking and anti-trafficking policy. In doing so, I will discuss the UN Trafficking Protocol 2001 and US framework TVPA 2000 that affected regional and local legal responses to trafficking in many countries including Nepal and CATW and GAATW who shaped these policies.

Many researchers argue that this unproven ‘link’ made by feminists associated with CATW, along with faith based organisations in the US mentioned above, lends support to the US government, the Bush Administration, and in particular, focus on abolishing prostitution as the cornerstone to its anti-trafficking approach (Morse 2003; Hertzke 2004; Soderlund 2005; Weitzer 2007; Bernstein 2007). This may have diverted attention away from an assessment of structural factors that facilitate trafficking such as poverty, gender discrimination, violence against women in many countries including Nepal where this research was conducted. Whereas others take the view that anti-trafficking policy in some European countries, including the UK,

¹³ This was also evidenced in IOM Azerbaijan counter trafficking projects I was managing in 2008-2009 that were funded by various governments including United States and European Union. IOM Projects were assisting Azerbaijani government to formulate policies and action plans that were expected to focus on rescue, repatriation and rehabilitation. IOM projects were also assisting Azeri NGOs to develop strategies to rescue Azerbaijani women trafficked into Dubai, Turkey and other parts of the region

which follows TVPA line broadly, are also parts of an anti-immigration legislation which represents an enormous offensive on rights to move and explore livelihoods away from home (see for details Adam 2003; Deozema 2004; Augstin 2007). This view seems to be taking the approach that trafficking is a part of migration, forced labour in domestic work, sex and any other industry (Adam 2003).

While feminists associated with CATW use their influential position both domestically in the United States and internationally, both CATW and GAATW however have their networks and links at regional and national level (see later). After being able to make trafficking an international policy agenda and framing parallel global policies, CATW points to the Swedish, and some other Western European countries' policies on prostitution as successful examples to end the trafficking of women and urges other countries to adopt this approach (Ekberg 2004). Gould (2001; 2002), however, studied Swedish policy, that essentially focuses on raiding the sites trafficked women are forced to work in, introduced in 1999, and found that being able to criminalise prostitution by raiding the brothels, punishing men buying sex and punishing migrant prostitutes working in Sweden, contributes to making trafficking policies ineffective and incompatible with human rights commitments of those countries because, he argues, trafficking of Eastern European and Asian women into Sweden is increasing. GAATW's associates prefer the approach taken by the Netherlands, mentioned above, to address the trafficking issue and protect the rights of women migrating to sell sex. However, according to Bernstein's (2005) analysis, both the Netherlands and Swedish approaches to prostitution suggests that both the policies have strikingly similar effects on women who have been trafficked for various purposes or are migrated for sex work. This raises the question of not only where efforts of anti-trafficking actors are being directed, but also how dominant anti-trafficking measures heighten the vulnerability of already vulnerable women that may also lead to additional rights violations, and/or serve to further reduce women's already restricted opportunities for independent migration, and/or to reinforce the 'whore' stigma even after leaving trafficking settings.

While these dominant discourses are limited to definition, causes and consequences of trafficking and associated phenomenon for example migration and prostitution, CATW's perspective embraced a strict definition of trafficking which many

feminists and writers, for example (Gretchen 2005; Kapur; 2005; Kempadoo 2005a; O'Connell Davidson 2006; Augstin 2007; Weitzer 2007) among others termed the 'abolitionist model'. That is, considering all prostitution as a form of sexual slavery that is an extreme form of violence against women and that trafficking of women for the sexual purposes is morally wrong because of its association with commercial sex (Barry 1979; CATW-Asia Pacific 1996), GAATW's perspective has largely been perceived by feminist associated with CATW for example (Raymond and Hughes 2001) as a 'pro-prostitution' line.

The majority of the feminist activists and researchers broadly supporting GAATW's view however, in recent years particularly after having the UN Protocol adopted and the US framework enforced, divided themselves, broadly, into two groups. A new division emerged within those close to GAATW group between those who believed forced trafficking for sexual purpose is a worthy 'object' of policy intervention and those who viewed the sex sector as inseparable from the global inequities of capital and labour that leave women vulnerable in the global economy and felt that intensive campaigns against trafficking for sexual purposes not only effectively undermined the efforts to secure rights of women migrating and working in sex sector, but also distracted from drawing connections between gendered poverty and forced prostitution (Doezema 1998; Ulcarer 1999; Kapur 2005a). Despite some differences, continuing its association with GAATW's line of thought the latter groups however seemed to be endorsing the view that trafficking merely is a form of migration and viewed the approach taken by CATW as a moralistic approach that, as they claimed, is lack any consideration of poverty, hunger, low wages and bad working conditions in the sex sector as equally pressing forms of violence against women and women's migrating to work in sex sector with few viable options aside from sweatshop labour (Doezema and Kempadoo1998; Wijers and Lap-Chew 1997). As I will explore in this research, women who have experienced various forms of gender based violence in their childhood that led them to the trafficking process and subsequent *samajik bahiskar* were among the most economically marginalised, socially excluded and politically forgotten sections of Nepalese society (see Table 2. In this context I therefore positioned myself away from the discourse that sees trafficking as simply a migration, and instead argue that the trafficking of women for sexual purpose is a

social phenomenon interconnected with violence, gender, migration, power, poverty, sex and money (Poudel and Smyth 2002).

Trafficking Victim Protection Act 2000 (TVPA)

In addition to making contentious links between trafficking and prostitution, many critics of US policy have provided out that TVPA has many flaws. Among others, Kim and Chang 2007 argue that, primarily, focusing in increasing the criminalization of prostitution through Rescue, Repatriation and Rehabilitation (known as 3Rs) and neglecting the broader reality of trafficking into farms, domestic labour and other sites, the U.S. anti-trafficking policy framework operates with a narrow conceptual focus. Some feminists, for example Jordon (2002), Senghera (2005) and Kempadoo (2005a) among others, see TVPA as a tool to help US assistance. These claims could be substantiated by the fact that US State Department monitors trafficking prevention initiatives around the world and in its Section 104 (a) states ‘annual country reports on human rights practices countries receiving economic assistance’ require countries to report to the US. Such annual reporting began in 2001, through which the US Department of State then assesses the performance of countries by collecting information on measures countries have taken to address the problem of trafficking and subsequently rates the countries based on performance. Performance has largely been based on number of ‘victims’ rescued, rehabilitated, and traffickers prosecuted. These ratings range from tiers 1-3; tier 3 is the most negative and can bring economic sanctions from the United States¹⁴. Countries which fully comply with the US policy framework standards to tackle trafficking, essentially criminalising the phenomena, have the privilege of appearing in tier 1. All of the major South Asian countries which have a trafficking problem, with the exception of Nepal and the Maldives, feature in tier 2 watch list in the report 2009; Nepal and Maldives have been placed in tier 2¹⁵.

¹⁴ US policy on trafficking suggests sanction on non-humanitarian AID, if countries are not able to address the problem of trafficking. Countries defined as Tier 3 are eligible to receive sanctions.

¹⁵ Tier two consists of countries whose governments are making “significant efforts to bring themselves into compliance” with the minimum standards stipulated in the policy framework, and Tier Two watch list includes countries who are not making significant progress in tackling the issue. Tier three deemed to be lagging behind in complying with the minimum standards to address the problem of trafficking. If these countries continue failing to comply few years, they may be subject to certain sanctions which would include non-humanitarian, non-trade related assistance. The minimum standards spelt out involve prohibiting trafficking, proscribing punishments commensurate with the

Such narrowness in US policy framework can also be exemplified in a publication of the State Department entitled ‘The Link between Prostitution and Sex Trafficking’¹⁶. Although this document states that trafficking is both a cause and effect of prostitution, however research methods of collecting data on anti-trafficking measures conducted by various countries being rated are unclear and the sources of data are not clearly mentioned. Various groups have contested these assertions and challenged both TVPA and the US Trafficking in Person report upon which the claims are based, and have called upon the government to support more reliable research in the formulation of public policy.

US Policy framework, TVPA 2000, could misguide NGOs and INGOs who are tackling trafficking at their domestic and international levels. This could be evidenced by various decisions of the US congress on rules to award grant assistance to NGOs and INGOs. These rules are known as ‘the Global Gag rule’¹⁷ or ‘anti-prostitution pledge’ (also known as Mexico City Policy) which was created in 1984 in a Mexico City conference organised by the Reagan Administration. For example, in the second amendment in TVPA 2000 in 2003, the U.S. Congress sought to prohibit international non-governmental organizations receiving US governmental funding to support their anti-trafficking work, from using the funds to "promote, support or advocate for the legalization or practice of prostitution” (Weitzer 2007; Kim and Chang 2007). Initially the restriction applied only to foreign NGOs, according to US State Department, in 2004, the Department of Justice issued an opinion letter¹⁸ supporting the application of these restrictions to U.S. grantees, a

crime and providing a range of protective services for the affected persons. Notably, the US has been placing countries in Tier three those have no friendly relationship with the US including those countries list by the Bush administration as ‘axis if evil’ e.g. Iran, North Korea, Cuba among others. Also US examined other countries into categories but stayed does appears itself in any of tiers.

¹⁶ Bureau of Public Affairs., Dep't of State, The Link Between Prostitution and Sex Trafficking, (Nov. 24, 2004), (source: <http://www.state.gov/r/pa/ei/rls/38790.htm>, accessed May 2009)

¹⁷ The Mexico City Policy was created in 1984 by the Reagan Administration. The Administration announced the new restriction on U.S. foreign aid at the International Conference on Population and Development in Mexico City, Mexico. The policy was in place until 1993, when, as his first act in office, President Bill Clinton overturned it. On January 22, 2001, President George W. Bush issued a Presidential Memorandum reinstating the Mexico City Policy; it was his first act as President. On January 23rd, 2009, President Barack Obama overturned the policy once again.

¹⁸ Letter from Daniel Levin, Acting Assistant Attorney General, U.S. Dep't of Justice, to Alex M. Azer II, General Counsel, U.S. Dep't of Health and Human Services. (Sept. 20, 2004) (source: <http://www.globalrights.org/site/DocServer/Update letter on funding restrictions. 2005.doc?docID=4224>: accessed March 2009)

similar restriction was enforced to international organizations receiving US governmental funding to combat HIV/AIDS, indicating that applicant INGOs, need to have a policy explicitly opposing prostitution and sex trafficking¹⁹. Although many feminist researchers and writers such as O'Connell Davidson (2005), Bernstein (2007), Weitzer (2007), Kim and Chang (2007) among others, see this conflation as ideologically driven, arising out of new and emerging alliances between some anti-prostitution feminists and right-wing evangelical Christians, who have recently entered HIV/AIDS service provision, human rights, and advocacy worlds. TVPA 2000 however needs to be understood within a broader context of US administration in general and conservative religious approaches in dealing with gender sexuality issues that became apparent only after the US enforcing HIV/AIDS policy (Soderlund 2005). Without considering of the local context and circumstances that force women into trafficking for various purposes, including prostitution, and due to their social status of not being able to protect themselves from sexually transmitted infections such as HIV/AIDS, the limitations the US policy enforced on governments and NGOs tackling trafficking in US and abroad was subject to a criticism that many researchers and feminists termed it a 'moral crusade' (Weitzer 2007) religiously motivated and promoted by 'abolitionist' approach of CATW (Deozema 2004; O'Connell Davidson 2005; Anderson and O'Connell Davidson 2006; Bernstein 2007; Agustin 2007)²⁰.

In addition to these comments, for many feminists, the language used in TVPA 2000 is also problematic in terms of gender. Chapkis (2005) among others argues that the language surrounding TVPA 2000 actually makes a distinction between the categories of 'violated innocent', and 'illegal immigrants'. According to Chapkis, the 'violated innocents' are those described to be women and children forced from their home or country into sexual exploitation and subjected to violence, who are distinguished from economic and 'illegal immigrants', who described as men who

19 U.S.C. § 7631(e)-(f) (2003) (barring use of funds to "promote or advocate the legalization or practice of prostitution or sex trafficking" and requiring organizations receiving funding to "have a policy explicitly opposing prostitution and sex trafficking". (Source: <http://www.state.gov/g/tip/c12606.htm>. accessed in February 2008)

20 I have also observed during my field work in Nepal that some NGOs including an organisation formed and led by trafficked women – Shakti Samuha also had to change their approach to receive funding from international organisation originated in US, for example, Free the Slave.

have violated national borders for personal gain. This could be seen in the context that TVPA 2000 justifies offering protection to women and children as ‘victims’ through rescue and rehabilitation measures and punishment to men who are perceived to be a threat to state security and are therefore deported them. This analysis needs to be understood within the context that immigration, as many researchers such as Aradau (2004), Kempadoo (2005), O’Connell Davidson (2005), Chapkis (2005), Kapur (2005) and Agustin (2007) among others argue, has largely been constructed as a problem of national sovereignty and security and the TVPA 2000 and the UN Trafficking Protocols are formulated under the crime approach to control people’s desire and need for movement and to protect national interest of the wealthy nations.

The UN Trafficking Protocol 200

Although the definitional gap supposedly ended with the UN Trafficking Protocol 2001 shaped by long debate, however, the issue of linking trafficking and prostitution, and trafficking and migration are much more central to debates within anti-trafficking feminist discourse. The trafficking of women for sexual purpose became increasingly politicised after the UN Protocol was adopted. Affiliates of CATW and GAATW and individual researchers and activists however held different positions on the UN Trafficking Protocol. Feminists belonging to CATW and its affiliates argue that the UN Trafficking Protocol is a mechanism that establishes the parameters of judicial cooperation and exchanges of information among countries and that it seeks national laws to harmonize regional legislation against the trafficking in women and children to end prostitution (Raymond 2002; Jeffrey 2006). Whereas groups favouring the position of GAATW believe that the Protocol was formulated under the crime prevention approach, that, they argue, may encourage countries to define trafficking as a crime against the state rather than human rights violation of trafficked persons, which then effectively stigmatises women migrating for better options to support their livelihood, by using criminal approaches to address the problem (Kapur undated; 2005, Senghera 2005, GAATW 2007b).

I have found in this study that there is a shift in focus in the literature in which these claims are reflected. The language used by CATW, for example, ‘judicial cooperation’ and ‘harmonize regional legislation’ could be comprehended as indications of CATW’s intention to promote cross border cooperation to criminalise the phenomenon. While trafficking of women is frequently considered to be part of the broader issue of exploitative labour migration by GAATW and extreme forms of violence against women by CATW, contemporary debates on trafficking led by these two feminist groups also need to be understood within the context of a (re)conceptualisation of trafficking under the ‘slavery’ and security’ framework mentioned earlier and the application of an approach that fundamentally deals with the criminalising of persons involved, put forward by the United States.

While for some, such as Gallagher (2001), who was part of the negotiation process between the United Nations and feminists groups while adopting the Protocol, and Koomaraswamy (2004), then UN special Rapportuer on Trafficking, the UN trafficking Protocol is the ultimate tool that offered a ‘universally accepted’ working definition which has been seen as making significant progress in protecting the rights of trafficked women on their return. Gallagher (2001), for example, along with others argues that the UN Trafficking Protocol resolved the issue around global tendencies of criminalising all irregular migration. For others, however, the Trafficking Protocol has been subject to critique. Doezema (2004), Kempadoo (2005a), Kapur (2005) and others take the UN Trafficking Protocol as problematic for the human rights of migrants because of the significance it places on the point of workplace are linked to the use of force within migration contexts.

The main criticism made of the UN Trafficking Protocol, however, is that it is framed under the umbrella of crime prevention (Doezema 2004; Kapur 2005; Kempadoo 2005a; O’ Connell Davidson 2006; Agustin 2007). Given the ongoing debate on trafficking, Outshoorn (2005) believes that the UN Trafficking Protocol has therefore not ended the debates on trafficking and its relation to migration and prostitution. A similar view has also been expressed by other feminist writers. For example, according to Anderson and O’ Connell Davidson (2003), the UN

Trafficking Protocol makes the definition of trafficking much more difficult and complex and furthers existing debates instead. They have identified three key issues what they termed ‘fudge’, in relation to defining trafficking in the UN Trafficking Protocol. The ‘fudge’ they have identified are: i) the relationship between trafficking and prostitution within which they see that deep feminist divisions that surround the issue of prostitution as the Protocol makes specific reference to prostitution and sexual exploitation but places state responsibility to protect the rights of trafficked women in other sectors than in prostitution. This issue has a link with the historical debate attached to trafficking and prostitution within which prostitution is to be considered either as a form of exploitation or as an option for women working in the sex sector to support their living; ii) the relationship between trafficking and legally sanctioned systems of immigration. By expressing a concern that the Protocol has been framed under the crime approach, this issue seemed to contrast with a comment CATW has made by viewing the UN Trafficking Protocol as a useful mechanism for judicial cooperation, exchanges of information among countries and the harmonization of regional legislation against trafficking. The third issue they have raised is; iii) the relationship between trafficking and smuggling. I mentioned earlier in this chapter that the UN adopted two Protocols simultaneously and both are known as the UN Trafficking Protocol. Anderson and O’Connell Davidson view that UN Trafficking Protocol as problematic as it was linked with smuggling. This issue is also connected with the key issues of the debate that links trafficking with migration, which advocates a crime prevention approach as a solution. This view was also shared by Gallagher (2002:27), who supported the Protocol (see above) but recently has argued that the UN trafficking Protocol is problematic because they ‘provide no guidance on how trafficked person and smuggled migrants are to be identified as belonging to either of these categories’.

In addition to these comments, there have also been a few comments made by others in relation to the gender dimension of trafficking. Although in the case of my research, smuggling of migrants has no significance as the border between Nepal and India is open and movement of people from both countries unrestricted. Also both the term ‘coerced’ and ‘consensual’ are complex in the circumstances relating to trafficked women. Analysing the views of many feminist writers, it however seems obvious that the UN trafficking Protocol has been framed around two central

dichotomies of ‘coerced’ and ‘consensual’ and trafficked persons and irregular migrants (Bhabha 2005). Trafficked persons are assumed not to have given their consent and are considered to be ‘victims’ or ‘slaves’, whereas people who are smuggled are considered to have willingly engaged in criminal activities. There is also a gender dimension to these distinctions: whereas those who are smuggled are mostly assumed to be men, victims of trafficking are associated with the traditional targets of protective concern — women and children (Murray 1998; Agustin 2002).

Nepal has yet to sign and ratify the UN Trafficking Protocol, although it has adopted the definition agreed in the UN Trafficking Protocol in the national plan (MWCSW 2001), however policies and plans are formulated under the framework of US policy which may have contributed to the complex legislative context in Nepal, which I shall discuss later in this thesis.

South Asia Regional Convention on Preventing and Combating Trafficking in Women and Children for Prostitution 2002 (the SAARC Convention)

Although Nepal’s international obligations are important, regional initiatives are also likely to have an immediate impact on policy formulation due to the shared social-cultural affinities and bilateral geo-political arrangement with India that allows freedom of movement. Nepal, along with other south Asian nations, has adopted a South Asian Association for Regional Cooperation (SAARC)²¹ Convention to combat trafficking of women and children in its 11th Summit 2002 in Kathmandu (SAARC 2002a) that, in its Article 1(3) defines trafficking in women as:

‘Trafficking means the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking’ (SAARC 2002a: http://www.humantrafficking.org/uploads/publications/SAARC_Convention_on_Trafficking_Prostitution.pdf, accessed in September 2007)

²¹ The South Asian Association for Regional Cooperation (SAARC) was established when its Charter was formally adopted on December 8, 1985 by the Heads of State or Government of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. SAARC provides a platform for the peoples of South Asia to work together in a spirit of friendship, trust and understanding. It aims to accelerate the process of economic and social development in Member States.

As with the TVPA and the UN Protocol, the SAARC convention also generated debate over approaches to trafficking. Sanghera (2001; 2002), and more recently Kapur (2005) argue that the SAARC convention repeats the government's approaches and problems that already exist in Nepal's domestic laws and policies. Kempadoo (2005a) pointed out, however, that the SAARC convention is also tied into the United Nations Convention Against Transnational Organized Crime which aims to promote cooperation among countries to prevent and combat transnational organized crime more effectively.

My own involvement mobilising south Asian anti-trafficking feminists groups in lobbying SAARC to change its approach to trafficking suggests that the SAARC convention repeats the approach of the TVPA and takes trafficking as a criminal offence and directs member states to formulate criminal law to respond to trafficking (SAARC 2002a; 2002b) and recommends its member states to adopt rescue, repatriation and rehabilitation measures and to set up safe houses for women who have been rescued or have escaped from trafficking. For example, safe houses are to be provided for 'the care and rehabilitation of persons subjected to trafficking' (Article IX 3) and NGOs too are encouraged to set up safe houses. Although the provisions of care and rehabilitation may attract funding to NGOs, arguably this approach could also strengthen stigma further and encourage *samajik bahiskar* by limiting trafficked women from wider social interaction and economic opportunities on their return to their countries of origin (see Chapters four and five for discussion of the possible effects).

The national context

Migratory trends in the region and from Nepal

Migration has been a cross-cultural and historical phenomenon in Nepal, where people migrate across the border to India. Hagen (1961) and Kansakar (1984) among others have traced Nepal's ethnic and caste demographic history, and have revealed that the demographic composition of Nepal was a consequence of the migration process which occurred in China and the pre-colonial Indian sub-continent before the present Nepal was unified. According to these writers, large numbers of Indians

sought refuge in southern Nepal having fled pre-colonised India in Nepal in the wake of the Muslim invasions in northern India. The hill group of Indian origin primarily was composed of descendants of high-caste Hindu families. According to Joshi and Rose (1966) these families, who were mostly Brahman and Chhatry, have settled all over of the country, with the exception of the areas of the far northern border to China. Joshi and Rose also point out that these Hindus usually constitute a significant portion of the local elites and are frequently the largest landowners and have gradually become associated with the royal and Rana families of Nepal and have played a dominant role in constructing the Hindu value system and feudal economic structure of modern Nepal. Dahal (1978), in his early work, pointed out that migration between Nepal and India had become more economic than political in late eighteenth century, when the royals of various kingdoms in western and central regions of Nepal recruited Indian immigrants to deforest the central south of Nepal for cultivation, which was followed by Shah royals after unification in 1769. He further notes that this process was continued on a larger scale after the Anglo-Nepal war of 1814-16.

Although there are very few studies available that explore the scale and nature of migration from Nepal, however McDougal (1969), Okada (1970) and Gurung (1984) have highlighted that nearly half of the total migration across the border to India is seasonal in character, which is still the case in 2009. Recent work has pointed out that the foundations of labour migration from Nepal are for jobs in trade and commerce (Upreti 2002; Thieme 2006). Trans-Himalayan trade has been an old phenomenon in Nepal and Nepalese migration for trade can be traced back to 500 BC (Schrader 1988 cited in Thieme 2006). In the early 19th century, migration of the Nepalese population started to be based on seeking jobs abroad and sending remittances back to their families in Nepal (Thieme 2006). This aspect has been explored in detail by Nepalese sociologists, for example, Mishra, Pandey and Upreti (2000) who point out that Nepalese engagement with trade with India, the circulation of Nepalese currency in Tibet and extra territorial rights awarded to Nepalese merchants in Lhasa has led to longer term seasonal migration for economic purposes across the northern border. However, they argue, since nineteenth century labour migration from Nepal was mostly directed to India, in particular after the war

between Nepal and the East India Company in 1814-16 which was followed by a decision by the East India Company to recruit Nepalese youth to their army. In relation to seeking work abroad apart from working in the army, picking tea, construction work, mining in Assam, Darjeeling, Bengal and Kumaon were some of the other sources of work for Nepalese migrants to India (Hoffmann 2001).

A more explicit view was put forward by Subedi (1991), who argued that a large section of the Nepalese hill population crossed the border to India in the late nineteenth and beginning of the twentieth century for economic reasons because of mass military recruitment in 1915 by the colonial administration in India; availability of agricultural work and other economic activities in urban settings of India mainly for night guards, work in hotels and prostitution; and cross border family/marriage and other cultural affinities between the two countries (also see Kansakar 1984). Subedi also argued that a sizable population from the north east of India also migrated to the south of Nepal in the beginning of the nineteenth century for agricultural and other economic activities such as cheap labour, work in hotels and mobile shops. These views are also subscribed to by many other academics including, for example, Mishra, Pandey and Uprety (2000), whose working on labour migration from Nepal has pointed out that cross border labour migration between the two countries has long contributed to strengthening socio-cultural affinities. According to Uprety (2002), many Nepalese migrated to India during the colonial period in India and the Rana²² regime in Nepal of early 1940 have permanently settled in India, whereas after Indian's independence and the installation of a multiparty system in Nepal, 1951, Nepalese migrants started focusing on industrialised areas such as Delhi and Mumbai to get jobs more easily.

Various studies related to cross border migration between Nepal and India, have pointed out the fact that such labour migration has been a significant factor in shaping the demography of some cities of across the border in India. For example, Caplan (1970) and Shrestha (1990; 1998), found that at the end of the nineteenth century half of the population of Darjeeling of India was of Nepalese origin. More

²² The Rana dynasty ruled the Kingdom of Nepal from 1846 until 1950, reducing the Shah monarch to a figurehead and making Prime Minister and other government positions hereditary.

recently, the Nepalese population began moving to other countries, for example the Gulf States, Australia, Canada, United States of America and countries in Europe, to improve their livelihood (Thieme 2006). While migration to the neighbouring country, India, has a long history and has been a major destination for Nepalese people, migration to other countries began after the reinstallation of the multi-party parliamentary system in 1990 and subsequent adoption of liberal economic policies (Academy 1998). This view was also supported by a study conducted by Seddon, Adhikari and Gurung (2002) which explored the relationship of foreign labour migration to the remittance economy of Nepal. They found that cross border migration increased after Nepal adopted liberalised economic policies in the mid 1980s, implemented by the democratically elected government in 1993. Although these studies are important in tracing a pattern of Indo-Nepal migration, they are however silent in exploring possible linkages with trafficking. I will explore evidences of trafficking within such migration patterns in the following section.

Review the evidence on trafficking in women from Nepal

Reviewing the available literature for this study, particularly focusing on the Nepalese context, it can be seen that the trafficking of Nepalese women, to India in particular, and other parts of Asia, has occurred within the context of regional and international migration, which has increased considerably over the last half century (Kansakar 1984; Castles and Miller 2003)²³. Although the study conducted by Seddon, Adhikari and Gurung (2002) mentioned above suggests that 33% of registered Nepalese migrants across the border are women who have migrated for various purposes, including for sexual purposes, however it is not clear whether or not these women were migrants for sex work or trafficked into prostitution. Frederick (1998) and Adhikari (2006), however, argue that historically Nepali women's trafficking to India was mainly for prostitution and under circumstances of unequal, gendered power relations, and poverty.

²³ This was also raised by the politicians and government officials during the plenary session of national court on trafficking in women in 20 –22 December 04, Kathmandu which I also attended.

Although trafficking within Nepal and to India has, either always been linked with labour migration or has been unreported, however the phenomenon found to exist following the emergence of a discourse in the West that arrived in the region along with the colonial administration in India. Banerjee (1998), in his pioneering work *Under the Raj: Prostitution in Colonial Bengal*, found that the trafficking of women in south Asia began after the introduction of the colonial administration in India around the mid nineteenth century. Brown (2000) also subscribes to Banerjee's view, noting that the foundation of mass trafficking of women within and from south Asia for forced prostitution started during the colonial period to fulfil the sexual desires of the colonial administration and their military forces. In their recent work, Scambler and Paoli (2008) also found similar findings to Banerjee and Brown. These findings, however, not only establish a significant role for the colonial administrations in framing the trafficking process in south Asian nations by relaxing migration policies and welcoming foreign labour, but also in maintaining the historical understanding of the phenomena that it was mainly for sexual purposes. The establishing of this linkage of trafficking with the military, needs to be understood within a context that trafficking in south Asia also has a foundation in the political transformation and the national interest of the governing regimes of the region. Moreover, these findings, to some degree not only parallel the trafficking discourse in the West, as noted by many feminists in this chapter, but also suggest that through establishing trafficking processes, women's sexual services in south Asia in general and Indo-Nepal sub-region in particular, were based on the desire of the regimes, regulated by the political processes and facilitated by economic policies such as migration. For example, given the geo-political location of Nepal in the region, the colonial administration also had a socio-economic and political connection with the Rana rulers of Nepal. Early literature on the trafficking situation focusing on Nepalese women by O'Dea (1993) and Human Rights Watch (1995) found that the trafficking of women within Nepal began in the nineteenth century when the feudal Rana family began recruiting Tamang²⁴ girls from Sindhupalchock, the central hill of Nepal, to serve as entertainers for ruling families in Kathmandu, who then crossed the border as a result of the political alliance forged between Nepal and India through a Peace

²⁴ Tamang are among ethnic groups in Nepal settled in middle hills of eastern and central Nepal.

and Friendship treaty signed in 1950²⁵. However when trade and commerce interests of the state are assured, political alliances are forged, then the women who contributed to gain profits and political interest are not then considered as citizens because they are ‘bad’ women and prostitutes that bring shame to their families and communities, thus these women deserve *samajik bahiskar* (see chapters four and five).

Tracing the historical routes and destinations of trafficking from/to the Indo-Nepal sub region, Rozario’s (1988) classic study, commissioned by a church, revealed that young women and children from the north east and Bihar states of India used to be trafficked to the south east of Nepal during the colonial period. Arguing that both countries were origins and destinations for trafficking, her study suggests that women and children from the Maharastra and Panjab regions of India were trafficked to Nepal by using pedestrian routes where road links were not yet established. However, studies conducted by Adhikari, Gurung, KC and Subedi (2001) and UNDP (2004) and others suggest that India became a primary destination for Nepalese trafficked women for prostitution from the late twentieth century. Frederick (2000), who conducted a study that in part focus on the national security issue of India, however points out that in the early 1960s, in response to a perceived threat from China, India deployed military forces on its northern borders and built access roads; and for this labour was drawn from Nepal. His study revealed that the recruiters who recruited men for construction works from Nepal also recruited ethnic women to serve sexually these construction labourers and the military deployed on the border, which contributed to a significant increase in trafficking of Nepalese women to India, and in a more organised way.

²⁵ Treaty of ‘Peace and Friendship’ between the Government of India and the Government of Nepal, Kathmandu, 31 July 1950, article 7 says ‘‘The Governments of India and Nepal agree to grant, on reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature’’ (source: http://www.nepaldemocracy.org/documents/treaties_agreements/indo-nepal_treaty_peace.htm, accessed February 2008).

Although these studies cited above attempted to establish a trend that trafficking of Nepalese women to India and elsewhere in Asia was largely similar to migration, as many feminists and researchers argued earlier in this chapter, none of these studies however explored specifically whether women migrated voluntarily or were trafficked and forced into prostitution. These studies therefore seem to assume that all men and women who crossed the Indo-Nepal border were migrants, which, based on the lived experiences of trafficked women included in this study, is unrealistic, as I shall explore in chapter four. Although examining this literature suggests that both the migration and trafficking cross caste and ethnicity, and is connected to economic circumstances and the political decisions of and socio-cultural affinities between two countries, I argue that the *purpose* of these processes seems to be gendered. Men found themselves in forms of labour of a non-sexual nature, for example in the military and in agriculture, and as night guards and shopkeepers, whereas opportunities for women were limited to prostitution.

Hennick and Simkhada (2004) argued that India, in addition to being a receiving destination for Nepalese and other South Asian women, also serves as a transit route for trafficking beyond the region, mainly to the Middle East and South-East Asia. Such a view is also supported by research conducted by Kangaspunta (2006) for the United Nations who suggests that the trend of trafficking of South Asian women has shaped the region in such a way that it has become a crucial site for intra-regional trafficking. Examining studies such as these related to cross border trafficking within the wider context of regional and global migration and emerging trends of economic policies of Nepal, as pointed out above, also suggests that economic liberalisation in Nepal and cultural affinities between India and Nepal has contributed to broaden the scope of cross border trafficking in recent years.

Although the *samajik bahiskar* that women experienced on return from trafficking during this period has not been explored by these studies, a few studies such as, for example, Brown (2000) and Shivdas (2003) have mentioned that due to the 'whore' stigma and possible *samajik bahiskar* on their return, many trafficked women gradually started managing brothels and supporting traffickers to bring young

women into trafficking. Also some works by NGOs for example ABC/Nepal (1998) and Ghimire (2001), have highlighted that *samajik bahiskar* constructed by the families and communities of returnee women created problems for trafficked women to return to their homes, and as the result some of them returned to India to continue their work in prostitution. In this context, due to the socio-cultural construction of *samajik bahiskar*, which I will analyse in this thesis, some trafficked women, as highlighted by NGOs and researchers above, may have returned to India as migrants to work in the sex sector.

In addition to economic and political transformations, the element of national security has also been identified as a contributing factor. Barry (1979), by identifying trafficking of women as a social issue visible in south Asia around the 1970s, in her work on *Sexual Slavery* with the concern of the social impact of development programmes and the role of military deployment in the region, established more clearly that trafficking in the south Asia was also linked with the military of the states concerned elsewhere in the region. Similarly, Sancho (1998), ISIS-WICC (1990) and Kempadoo (2005a) also found that trafficking of women in south and south east Asia emerged as a key social phenomena at around the time of the Vietnam War and American military deployment in the Philippines. These studies need to be understood within the context of not only creating demand for sexual services, but also that trafficking is related to the foreign policy of United States (also see Kapur 2005). Apart from highlighting the role of militaries, these studies mentioned above also illustrate a binary of ‘good’ and ‘bad’ associated with male and female sexuality discussed earlier, which I will discuss in more detail later in this thesis. Even when conflated with labour migration between Nepal and India, cross border trafficking, was primarily focused on sexual services to men, often targeting militaries, in public places in the form of ‘brothels’, in which men had freedom to use sexual services from as many women as they desired and could afford. Women, on the other hand, served men other than their own husbands, and were put at risk of being labelled unfaithful wives, ‘bad’ daughters and sisters. These socio-economic and political processes within specific cultural contexts construct trafficked women’s perceived identities through the social labelling of them as ‘prostitute’ and the enforcement *samajik bahiskar* on the basis of a binary between ‘good’ and ‘bad’ (see chapter four).

There is no dispute that trafficking and labour migration have a complex link. However, situating these findings by various writers within my own observation for nearly two decades working directly with vulnerable to and trafficked women, with the findings of this study, I find that the areas of migration, gender and women's rights in south Asia suggests that the understanding on trafficking by various actors including governments, NGOs researchers and feminists activists, is confusing. Some conflate trafficking with prostitution and sexual slavery whereas others simply take trafficking as a form of labour migration (Kempadoo 2005a). Such a situation offers multiple interpretations of phenomena, which not only misinform policy decisions but also bring adverse consequences to the lives of women who are vulnerable to and experienced trafficking. I now explore how these interpretations interplay with policies and practices in Nepal.

Anti-trafficking policy and practice in Nepal

Nepal has not been left out of the heated debate on trafficking that has raged along the two key lines of engagement globally. Although the trafficking phenomena may have been influenced by the debate in the West by making it a policy agenda since Nepal adopted the multi-party system first in 1951, the influence of such divisions has greatly been evident for the last few years when both CATW and GAATW established their alliances at national level. In Nepal, the National Network Against Girls Trafficking (NNAGT) was established in 1990, partly, to carry out preparatory work for two incoming world conferences: the human rights conference in Vienna 1993 and the women's conference in Beijing 1995. NNAGT proposes that trafficking and prostitution are crimes against women, the women who experienced trafficking are victims of slavery, and calls for cross border cooperation with India to rescue and rehabilitate the victims of slavery (NNAGT 2001). The Alliance Against Trafficking of Women and Children (AATWIN), which came into being in 1997, primarily as a result of the decisions of the Beijing conference, to assist rescued trafficked women who were repatriated to Nepal from India in 1996. AATWIN views trafficking as a human rights issue and de-links trafficking from prostitution and calls for a human rights approach to address trafficking and opposes police raids and the arrest of

migrants working in the sex sector (AATWIN 2005). ABC/Nepal provided the first chair and national coordinator for NNAGT which, during the time of fieldwork of this research, was coordinating national and Asia Pacific regional initiatives for CATW, whereas AATWIN was an alliance member of GAATW.

Shakti Samuha, from where twenty two trafficked women were returned and included in this study, provided board members of both GAATW's international committee and AATWIN's national committee, whereas GMSP and Nava Jyoti Centre are members of AATWIN. Two trafficked women from each of these three NGOs (GMSP, Nava Jyoti Centre and ABC/Nepal) are included in this study (see also Appendix 2). NNAGT has been significant in framing the policies of the Nepal government, whereas AATWIN has been working closely with Shakti Samuha, an NGO which advocates for the rights of women on their return (AATWIN 2005). NNAGT and AATWIN's actions are found to be advanced when the United States formulated a global policy framework the TVPA 2000. More importantly, TVPA's mandate for the countries to report the US State Department their efforts to tackle trafficking drew attention of NNAGT to lobby the Nepal government to bring new policies that help NGOs to commission a rescue measure and rehabilitate trafficked victims (Ghimire 2001).

Despite a failure to ratify the UN protocol on trafficking, as mentioned earlier, Nepal is a signatory to a number of international conventions²⁶ related to women and labour issues. In recent decades, Nepal has formulated a range of laws, policies and plans to respond to trafficking. Although these policies and plans vary according to the particular regional and/or international approaches they follow, the US policies and a few UN conventions are often considered to be an approach shaping policies of Nepal and to have adverse effects for women who have experienced trafficking and are more stigmatised on their return. Various researchers, such as for example Evans and Bhattarai (2000) and Kapur and Sanghera (2000), examine trafficking

²⁶ i. The 1949 Convention for the Suppression of the Trafficked in Persons and the Exploitation of the Prostitution of Others (ratified in 1995),
 ii. The 1957 Supplementary Convention on the Abolition of Slavery, Slave Trade and Institution and Practices Similar to Slavery (accession 1963),
 iii. The 1989 Convention on the Rights of the Child (ratified 1990),
 iv. The 1979 Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) (Ratified in 1991),
 v. The 1996 International Convention on Civil and Political Rights (ICCPR) (acceded in 1991)

prevention policies and plans in Nepal, and argue that the government's approach has been to view trafficking as a law and order and a moral problem, rather than a human rights problem. According to these writers, by taking trafficking as a law and order and a moral problem, the Nepal government focuses on the rescue and rehabilitation of trafficked women (see discussion below). According to these studies, laws, policies and plans of the Nepal government, and the approaches adopted by the government are reflected in both their language and their implementation through which trafficked women are designated as 'victims' before they return and seen as 'bad women', 'shame makers' and 'HIV/AIDS carriers' on their return from the trafficking settings. The views expressed by these writers has been evidenced by the discussion of the trafficked returnee women themselves in March 2007 in a national consultation meeting in Nepal that GAATW organised with trafficked women to assess legal services for them in Nepal. According to these reports, trafficked women pointed out that access to legal services and protection measures are more focused on stigmatising and criminalising women rather than supporting their needs (GAATW 2007a). Such policies on Nepal need to be understood within a context of global and regional policy formulation processes that frame domestic policies. I will explore in more detail the key laws, policies and plans in the subsequent sections, and will examine their effects in the lives of trafficked women in Chapters four and five. Relating stated analysis within the scope of lived experiences of women analysed in this thesis, I now explore how Nepalese anti-trafficking policies have emerged historically and highlight their perception on women's sexuality.

i. Naya Muluki Ain 1963

After having a multi-party system in place for the first time in the history of Nepal in 1951, the country joined the international community and received membership of the United Nations in 1955. In addition to various legal reforms, the transitional government initiated socio-economic and political transformation processes by setting up periodical development plans, land reform and educational schemes. However, the political disruption of 1962 to impose absolute monarchy pushed the country back to undemocratic policies virtually to the pre 1951 regime. One example of this was the reviving some of the policies that undermined women's rights and

sexuality. For example *Naya Muluki Ain* (the new civil code) which has been the foundation of several customary laws governing various aspects of the lives men and women in Nepal, was first codified in 1854 as *Muluki Ain* (the civil code), and promulgated again in 1963 as *Naya Muluki Ain* (the new civil code) after the installation of the party less *Panchayat*²⁷ political system. While governing the lives of people, *Naya Muluki Ain* played a significant role to construct identity and regulate the sexuality of Nepalese women upon which most of the policies and laws are formulated affecting women, family law, citizenship law and trafficking policies.

Analysing policies concerning women including *Naya Muluki Ain*, by-laws and subsequent amendments, Acharya, Mathema and Acharya (1999) argue that the family laws in Nepal that govern marriage, divorce, property rights and inheritance reinforce the patriarchal values that limit women's access to the (family) economy. Such provision in customary laws and policies are significant, in addition to the autonomy and integrity of individual citizens of the country, to construct *samajik bahiskar* and, consequently, exclude women from socio-cultural, economic and political processes when they return from trafficking settings. For example, in Nepal citizenship is awarded on blood rights, fathers pass citizenship to their sons and daughters. Under the Constitution (1990), only a person over 16 years of age whose father is a citizen of Nepal at the birth of the child shall be a citizen of Nepal²⁸. The mother is not considered equal to her husband in terms of being able to confer citizenship to her child. According to the Citizenship Act of 1963, after the age of 16 both men and women shall apply for a citizenship. This is a relatively simple process for a young man, however for a young woman an application must be supported either by her father or her husband (HMG 2020/1963). Although Article 8 (3) of the Interim Constitution (2006) of Nepal has suggested a provision that 'citizenship shall be provided to a person applying after the age of 16 years, in the name of father, mother or both'.

²⁷ *Panchayat* System was a political system that gave absolute power to the King, introduced by the late King Mahendra, which lasted till multiparty democracy was reinstalled in 1990. All political parties were banned and no NGOs and feminist activities were allowed.

²⁸ Article 9 of the Constitution of the Kingdom of Nepal, 1990 relating to gaining and termination of citizenship provides the following: (1): A person who is born after the commencement of this Constitution and whose father is a citizen of Nepal at the birth of the child shall be a citizen of Nepal by descent. (2): Every child who is found within the Kingdom of Nepal and the whereabouts of whose parents are not known shall, until the father of the child is traced, be deemed to be a citizen of Nepal by descent.

Stigma associated with their trafficked identity and the subsequent *samajik bahiskar* women encounter on their return frequently limits their chances of being recommended by male members of their original family. These provisions of customary laws and policies and their paternalistic tendencies suggest that the policy context in Nepal not only undermines their agency as women, it also helps to attach stigma to trafficked women on their return based on their perceived sexuality, and reinforces *samajik bahiskar*. In the next section I will examine how *Naya Muluki Ain* frames laws and policies related to trafficking.

ii. Human Trafficking Control Act 1986

The section on human trafficking in the *Naya Muluki Ain* 1963 criminalises human trafficking out of the country for the purpose of selling, primarily for sexual purposes, and by imposing penalties for traffickers of up to 20 years imprisonment. The Human Trafficking Act 1986, however, is seen by Nepalese feminists and government officials as an improvement on the human trafficking section of *Naya Muluki Ain* 1963, due to the inclusion of the ‘burden of proof’ clause which shifted from the trafficked woman to her traffickers. The burden of proof states that:

‘in the case of taking women to foreign countries, accompanied other than by guardians or close relatives, if a complaint is recorded, as per clause five, on the grounds that the woman is meant for trafficking, or for prostitution the burden of proof of the contrary lies with the person accompanying the women. The accused should prove that the content in the statement attested by the court as per clause 6, sub-clause 2, is false’ (HMG 1986: http://www.childtrafficking.com/Docs/1986_2043_human_trafficking_control_act_3.pdf, accessed in September 2007)

However the significance of focusing on primarily for sexual purposes suggests that the Human Trafficking Control Act 1986, although it has been seen a step forward by Nepalese feminist and human rights groups, seems to be a continuation of *Naya Muluki Ain* 1963 that was largely informed by the 1949 UN convention on trafficking, which conflates trafficking with prostitution and views trafficked women as ‘slaves’. Although Nepal ratified the 1949 UN convention on trafficking in 1995 for political

reasons, Nepal seemed to be adopting an international framework based on its broad obligation as a member state and, most importantly, these obligations have largely been linked with foreign grants assistance to Nepal's development efforts. Moreover, the Human Trafficking Control Act 1986 also needs to be understood within a wider context of trafficking discourse shaped by feminists, as discussed earlier. In addition to this, the initial law regulating the trafficking phenomena in Nepal which was drafted also as part of the implementation of Nairobi Forward – Looking Strategies, in which Nepal also attended, adopted by the 3rd UN World Conference on Women in Nairobi, 1985. The Nairobi conference categorised trafficking under one of the critical areas of concern number D: Violence Against Women²⁹ framework, which conflated trafficking with prostitution and promoted the views of regarding women as 'victims'. Although the Human Trafficking Control Act 1986 of Nepal is seen as a positive law by both NNAGT and AATAIN regarding laws on trafficking, some researchers (for example, Kapur and Sanghera 2000) have argued that, despite the burden of proof clause in this law, the administrative processes and requirements to prosecute traffickers are complex and impractical.

Following the Human Trafficking Control Act 1986, the trafficking phenomena in Nepal was still as a domestic affair. The political changes in 1990 however opened avenues for both local NGOs and international organisations sponsoring local initiatives to shape social issues. My own experience of setting up a local NGO in 1993 campaigning for a release of a trafficked woman who was jailed (see prologue) in 1987, and also working with an international organisation that sponsored local NGOs suggests that Nepal's anti-trafficking efforts for the last two decades has largely been driven by external influences connected to the desire to obtain grant assistance. Moreover, my own involvement in anti-trafficking efforts in the country

²⁹ In its second report of the Secretary General on review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women states that 'the Nairobi Forward-looking Strategies place violence against women under the basic strategies for addressing the issue of peace. Reference was made to specific groups of women deserving special concern, including abused women, women victims of trafficking and involuntary prostitution, and women in detention and subject to penal law. The strategies state that violence is a major obstacle to the achievement of peace and the other objectives of the Decade. Women victims of violence should be given comprehensive assistance, with legal measures, national machinery, preventive policies and institutional forms of assistance. These should be specially applied in the case of the groups of special concern.' (Source: <http://daccessdds.un.org/doc/UNDOC/GEN/N95/016/33/PDF/N9501633.pdf?OpenElement>: accessed June 2009).

also suggests that after having TVPA authorised in 2001, placing countries in various categories through a tier system has had significant influence in shaping anti-trafficking policies in Nepal.

These observations are exemplified by various initiatives the government of Nepal and NGOs have taken over the last several years. As an implementing strategy for the Human Trafficking Act 1986 and the resolution of 4th UN World Conference on Women in Beijing 1995, which continues to define trafficking as violence against women, the Ministry of Women, Children and Social Welfare of Nepal, which was created in 1996 as an institutional mechanism to implement the Beijing resolution, formulated the National Plan of Action to Combat Trafficking and Sexual Exploitation of Women and Children (MWCSW 2001) only in 2001 with grant assistance from various donors including International Labour Organisation (ILO), United States Assistance for International Development (USAID) and United Nations Fund for Women (UNIFEM). Although, this has been seen by the government³⁰ and NGOs as a positive outcome, this needs to be understood within a context of implementing TVPA globally and creating a rationale to place the country in its appropriate tier based on their performance as defined not by the country itself but the United States.

One example could be cited here on how TVPA has been enforced by countries to adopt the US framework. For example, Nepal has always been a Tier -2 country since the tier system began in 2001 after having TVPA approved. Interestingly, in 2005 Nepal was upgraded to Tier -1³¹ when the then King dismissed the elected parliament and took over executive power, and a state of emergency was declared. NGOs, human rights groups and feminist organisations were virtually banned, international organisations scaled down their programmes, the media faced

³⁰ It was expressed by the Hon. Minister for Women, Children and Social Welfare Mrs Asta Laxmi Shakya while she was addressing Women's Court: A Public Hearing on Trafficking in Nepal, and participating NGOs and feminist activists in 2004 December that I attended in Kathmandu.

³¹ Nepal tier 1: During the reporting period, Nepal made progress in its efforts to prevent trafficking. The government has identified 26 high-priority districts as source areas of trafficking and established anti-trafficking "Vigilance Committees." It also requires all workers travelling abroad to attend orientation sessions on safe migration that help prevent trafficking and conducts national and regional information campaigns on trafficking. UNIFEM, in coordination with the government, conducts campaigns to target potential victims and deter traffickers by advertising potential 20-year punishment for trafficking. These efforts resulted in the interception and rescue of potential victims and in eroding the stigma associated with being a trafficking victim.

censorship and no key policies were formulated. However, the national human right commission in Nepal created a post for a national rapporteur on trafficking. Political changes of 2006 encouraged the Maoists in the mainstream political process, an interim parliament was constituted and an election date for a constituent assembly was agreed. During this interim period Nepal also passed a new law on trafficking in 2007-08. The US brought Nepal back to Tier 2 since 2006 which it continues to hold in 2008. This could have linked with the Maoists, an emerging political force in Nepal, joining the parliamentary system and critically assessing the role of international community in general and the role of US, in particular in the development process. In addition, the US State Department has labelled the Maoists as a ‘terrorist’ group, which has yet to be revoked. Although the methodology of collecting information for the TIP report is not clear, however the national security issue of the US could be found to be influential in TVPA (see earlier discussion) and within the US categorisation of particular countries, for example, Cuba, Iran, North Korea and Syria among others³². Moreover, the TIP report 2005 suggests forming ‘Vigilance Committees’ as a preventive measure in 26 districts identified by the National Plan of Action mentioned above, to carry out surveillance of potential ‘victims of trafficking’ and potential traffickers and to report to the local police.

iii. National Plan of Action to Combat Trafficking and Sexual Exploitation of Women and Children 2001

Reviewing the available grey literature suggests that the National Plan of Action in Nepal focuses on rescuing women, mainly through a police-based approach by setting up effective rescue units; effective border patrols; and systems to refer rescued women to safe houses and services. Kapur and Sanghera (2000) and AATWIN (2005) argue that the National Plan of Action takes trafficking in women as a moral, law and order problem and follows a CATW stance of prevention, protection, rescue, rehabilitation and eventual reintegration of trafficked women into society. Other studies, for example one conducted by Institute of Integrated Development Studies (IIDS 2004) commissioned by the United Nations

³² This was also raised by many international speakers in the regional people’s forum in Dhaka 2003 ‘court of women: Trafficking and HIV/AIDS’ organised by Asian Women Human Rights Council in which I’m a member and attended the event.

Development Found for Women (UNIFEM) and partly funded by USAID, suggest that the National Plan of Action addresses the rights and needs of women who have experienced trafficking by offering rehabilitation and training services. Examination of the plan of Nepal shows that, which focusing on rescue, rehabilitation and reintegration, it has adopted an approach proposed by the TVPA, which as discussed earlier, conflates trafficking with prostitution, and sees women as ‘victims’ of slavery and suggests Rescue, Repatriation and Rehabilitation.

Although feminists associated with CATW have influenced the TVPA and the UN Trafficking Protocol, and have placed trafficking within a violence against women framework, more importantly however, the Nepal National Plan ignores the violence and abuses women experience from the pimps and traffickers during the process of trafficking, stigmatisation by the police, immigration officials and *samajik bahiskar* in Nepal, including from their families on their return. The National Plan does, however, include a range of programmes in six main areas. These are:

- i. policy, research,
- ii. law enforcement,
- iii. creating awareness, advocacy and social mobilisation,
- iv. health and education,
- v. income generation activities and
- vi. rescue and reintegration of trafficked women.

Examining the Nepal plan and these six areas, the National Plan emphasises three key elements that are concerned with the research participants of this research. These are:

- a) controlling the spread of venereal diseases including HIV/AIDS as they are seen to be associated with women who experience trafficking;
- b) rehabilitation programmes for rescued girls and women; and
- c) the offer of vocational training and employment oriented programmes to the women which, the Nepal government believes, will help to control trafficking.

These elements of the National Plan of Action also provides evidence that Nepal’s current policy and plan towards trafficking is a continuation of the historical understanding on trafficking and an adoption of the position taken by those who conflate trafficking with prostitution, an extreme form of violence against women,

and slavery. These policies and plans, I argue, in addition to putting the burden of spreading HIV to trafficked women, also encourage the moral values that perceive trafficked women's sexuality as 'destructive' factors that damage the reputation of their families (see chapters four and five).

The Nepalese Ministry of Women, Children and Social Welfare have taken various steps to implement this National Plan of Action. Among others, the Ministry instituted a National Task Force Against Trafficking to co-ordinate activities agreed in the National Plan of Action at the district level in 26 out of 75 districts, by considering the most affected districts for trafficking (MWCSW 2001)³³ (also see Appendix 9). The Task Forces are constituted by NGOs, police and local authorities and chaired by the chief district administrator. My own experience dealing with these task forces, suggests that they are constituted to criminalise trafficking by sanctioning raiding the brothels, massage parlours and cabin restaurants where women are working as entertainers, and arrest women and detain those who the police think, are involved in prostitution.

iv. New law combating trafficking 2007-08

Although a proposal for a new bill was floated in the interim parliament in 2007, which aimed to replace the Human Trafficking Act 1986, has recently become a law its (re)focus is once again that trafficking is primarily for the purpose of prostitution and women are seen as 'victims'. According to initial comments offered by the AATWIN and some NGOs working to prevent trafficking, a significant improvement in bill is found in:

- a) Article 4 (4) the proposed bill states 'trafficking of women means selling women primarily for the purpose of prostitution'. Stating 'primarily', the Bill acknowledges other purposes, for example organ transplantation and bonded labour among others.

³³ Jhapa, Morang, Sunsari, Udayapur, Dhanusa, Sarlahi, Sinduli, Parsa, Ramechhap, Kavre, Sindhupalchock, Rasuwa, Nuwakot, Dhading, Kathmandu, Patan, Makawanpur, Chitawan, Parsa, Nawalparasi, Rupendehi, Kaski, Gokhara, Dang, Banke and Kailali (source: NPA, Ministry of Women, Children and Social Welfare, Kathmandu Nepal, mwcsv@ntc.net.np, accessed in July 2006)

b) The bill offers a provision of closed courts for the trafficked women during the legal process which has been seen as a positive step by NGOs and feminists, who have been campaigning for this for several years, as it might help to prevent further stigmatisation of trafficked women while accessing legal assistance.

However, the approach taken by this new law in designating trafficked women as ‘victim’ in Article 2 (3) which states ‘trafficked women are victims of prostitution’, has largely been a reflection of the TVPA.

The composition of the Nepalese population (in terms of religion, ethnicity and caste)

The limited academic literature available tracing historical demographic trends (Joshi and Rose 1966; Kansakar 1984) suggests that Nepal’s ethnic, caste and religious demography displays waves of migration from north and south in various historical periods. While people from the North for example, arriving in Manjushree from Tibet, contributed to the earliest settlement in Kathmandu by draining away the lake of the valley, and were predominantly Mongoloid in origin and practiced Buddhism, the people from the South contributed greatly to shape the caste and religious structure of Nepal were Indo-Aryan, and were Hindus.

According to Joshi and Rose (1966) the caste system did not exist prior to the arrival of Indo-Aryan migrants to the southern part of Nepal, who then began to appropriate land particularly in the south, that were more easily accessible, cultivatable and fertile, including land belonging to the existing indigenous ethnic people, and introduced the system of individual ownership in land which became the basis of the emergence of the feudalistic economic structure of modern Nepal. Similar findings also emerged from a study conducted by Kansakar (1984) which found that the pre-colonial Indian population who took refuge in central south of Nepal were mostly Hindus and they encroached upon the fertile lands of the ethnic inhabitant such as Tamang, Rai, Gurung, Limbu, Sunuwar, Jirel and Magar in the southern parts of Nepal, and made these ethnic communities migrate towards the hilly regions of Nepal. According to Kansakar, with the introduction of the caste system and Hinduism, the arrival of these Hindus from India greatly affected the social and

religious structure of pre-unified Nepal which, at that time, was divided into several principalities and ruled by various rulers (petty kings) and mainly practiced Buddhism. These rulers were ultimately defeated by the Shaha dynasty that unified Nepal in the eighteenth century and institutionalised Hinduism by making Nepal a Hindu Kingdom, which lasted until Nepal was, constitutionally, declared a secular, federal democratic republic in June 2008.

More recently, Mishra, Pandey and Upreti (2000) examined caste and ethnic demography in the migratory process, and concluded that Nepal's demographic composition divided broadly into two social groups: An Indo-Aryan caste group for those predominantly belonging to the Hindu religion, inhabiting in the fertile south and middle hills of Nepal; and a Tibeto-Burman social group who had their own distinct language, culture and religious belief. According to these writers, the Tibeto-Burman group mostly practice Buddhism and the majority of this group are from ethnic communities. The other group, the Indo-Aryan, live in the Terai Gangetic plains and middle hills and are found to be in various caste and sub-caste groups and are predominantly Hindu and have close links with Indian Hindus.

Migration patterns of Nepal have been reflected in periodical censuses since 1941 (NESAC 1998). However caste and ethnic elements were incorporated only in the constitution drafted in 1991, and 60 ethnic social groups were identified in the national census of 1991 (Niraula 1998). Having a new constitution in 1991, which encouraged ethnic rights campaigners and NGOs to raise their voices resulted in debate throughout Nepalese society about the origin of the ethnic and caste demography of Nepal and their inclusion in the periodical census process. For instance, Dahal (2001) suggests that there are more than 100 ethnic and four caste social groups with distinct languages and culture. However, he also acknowledges that due to no reliable anthropological or linguistic survey being undertaken, it is difficult to gather reliable information on ethnic and caste social groups in Nepal. According to Dahal, many agencies provide their own explanation on ethnic and caste groups and thus the number of ethnic and caste groups and their population size varies from one source to another. For example, the National Committee of Nationalities, an autonomous body that emerged after re-installation of the multi-party System in 1990 campaigning for ethnic rights, listed 59 distinct ethnic groups,

and the National Commission for Dalits (NCD), a powerful commission formed under the constitution of 1990 to suggest policy agendas related to dalits, counted 28 groups as dalits social groups³⁴. The Central Bureau of Statistics, set up under the National Planning Commission of Nepal (NPC 2001), however, suggests 59 ethnic/caste groups existed in its 1991 census, whereas it traced 100 ethnic/caste groups in the 2001 census based on caste, ethnicity, religion and language. According to the official definition stated in the National Foundation for Development of Indigenous Nationalities Act 2002, ethnic social groups are defined as follows:

‘Indigenous people/nationalities are those ethnic groups or communities who have their own mother tongue and traditional customs, distinct cultural identity, distinct social structure and written or oral history of their own.’ (Nepal 2002: <http://nfdin.gov.np/1/content/view/13/9/>, accessed in January 2008).

However, there are some Muslim communities in the Terai, who are viewed by others as religious groups. Views expressed by Mishra, Pandey and Upreti (2000) are also reflected in government plans (NPC 2005) and other studies such as, for example, Thieme (2006), who claims that the country is inhabited by 100 ethnic groups, and that there are 92 dialects and 9 religions practiced. It could be argued that the prevailing complexity and lack of comprehensive research, as noted by some of the writers above, may have contributed largely to make the ethnic and caste demography of Nepal complex and difficult to assess. Such complexity and multiple interpretations are also reflected in this study. Participants in this study came from both social groups (mentioned above), four religious backgrounds, seventeen districts of the mountains in the north, hills in the middle and Terai Gangetic in the south and from both rural and urban settings. More recently, a study conducted jointly by the National Planning Commission of Nepal in collaboration with the World Bank and the UK Department for International Development (World Bank and DfID 2006)

³⁴ This was also argued by Nepal’s renowned sociologist the late Dr. Harka Gurung in his paper presented at a conference organised by Nepal Foundation for Advance Studies (NEFAS), in 1996, Kathmandu (source: http://www.nepaldemocracy.org/ethnicity_democracy.htm (accessed in Feb 2008))

puts Nepal's caste/ethnic structure in a different way as the table below prepared by them shows:

Figure 1: Caste and ethnic groups in Nepal

Share of population	Simplified group	2001 census group
Hindu caste groups	1. Brahmans and Chhetris (Hill)	Brahman, Chhetri, Thakuri, Sanyasi
	2. Brahmans and Chhetris (Tarai)	Kayashta, Rajput, Baniya, Marwadi, Jaine, Nurang, Bengali
	3. Tarai Middle Castes	Yadev, Teli, Kalwar, Sudi, Sonar, Lohar, Koiri, Kurmi, Kanu, Haluwai, Hajam/Thakur, Badhe, Rajbhar, Kewat Mallah, Numhar, Kahar, Lodha, Bing/Banda, Bhediyar, Mali, Kamar Dhunia
	4. Dalits (Hill)	Kami, Damai, Sarki, Gaine, Badi
	5. Dalits (Tarai)	Chamar, Musahar, Tatma, Bantar, Dhusadadh/Paswan, Khatway, Dom, Chidimar, Dhobi, Halkhor, Unidentified Dalit
Janajatis (ethnic)	6. Newar	All Newari Castes
	7. Janajatis (ethnic) (Hill)	Magar, Tamang, Rai, Gurung, Limbu, Sherpa, Bhote, Walung, Buansi, Hyolmo, Gharti/Bhujel, Kumal, Sunuwar, Baramu, Pahari, Adivasi Janajati, Yakkha, Shantal, Jirel, Darai, Dura, Majhi, Dunuwar, Thami, Lepcha, Chepang, Bote, Raji, Hayu, Raute, Kasunda
	8. Janajatis (ethnic) (Tarai)	Tharu, Dhanuk, Rajbanshi, Tajpuriya, Gangai, Dhimal, Meche, Kisan, Munda, Santhal/Satar/Dhangad/Jhangad, Koche, Pattarkatta/Kusbadiya
Muslims	9. Muslims	Muslim, Churoute

Source: World Bank, and Department for International Development (DfID). 2006. *Unequal citizens: Gender, caste and ethnic exclusion in Nepal - Summary*. Kathmandu: World Bank, Department for International Development. Table 1, page 17. (accessed in February 2008)

Although various social research conducted by academics Joshi and Rose (1966), Mishra, Pandey and Upreti (2000) and Thieme (2006) among others and campaigns launched by NGOs and ethnic rights groups and NGOs contributed to make this issue appear on Nepal's policy agenda, it was only after the re-installation of a multi-party parliamentary political system and subsequent constitution that ethnic groupings were included in the national census. However, to understand any society, it is essential to understand the value system (Quigley 1993) that shapes socio-cultural practices, regulates the lives of people and subsequently determines social exclusion and inclusion. Most available literature (Kansakar 1984; Niraula 1998; Mishra, Pandey and Upreti 2000) suggests that Nepalese society is a complex society, essentially shaped by a value system based on Hindu religious practices that constructs a social hierarchy within which people are categorised in various caste and ethnic social groups.

While the demographic composition of Nepal is largely determined by regional migration, Nepal's caste and ethnic complexity also needs to be understood within the caste system which has been practiced in the Indian sub-continent for centuries. Moreover, I will discuss in chapters four and five, the orientation of the ethnic and caste ideology and how its effects are holistic rather than felt simply on an individual basis. A society like Nepal is still entangled with the caste system that categorises some people as untouchables and names them as dalits and draws the line of hierarchy which determines socio-cultural and political locations of not only an individual but of the social groups mentioned in this chapter.

Dumont (1980), in his work *Homo Hierarchicus: the caste system and its implications*, finds caste to express a commitment to social values in traditional society like the Indian sub-continent. He sees the significance of social values in the Indian caste system is to introduce hierarchy, to create a certain consensus of values and a certain hierarchy of ideas and beliefs essential to social life. Born into a caste that determines a social value system and experienced such a system shaped by Hindu practices, I argue, that the integral aspect of Nepalese society is the existence of the Hindu religion, which occupies an integral position in Nepalese life and society in which caste system operates and is modelled after the ancient and orthodox caste system of the Indian sub-continent. Emphasising hierarchy as a requirement for

social life, Dumont's work is important in the context of the Nepalese caste system if one, to examine how caste, in the form of social-cultural hierarchy, exists in social life and is expressed and ensured by political commitments by creating a consensus on the idea of a Hindu Kingdom with the Hindu King as a symbol of god and where people are divided from Brahman to dalits and labelled, 'pure' and 'impure', based on their occupations. According to Prakash (1992) the idea of caste system in South Asia is governed by a series of Hindu texts known as the Vedas which places an individual in caste rank based on occupation. This metaphor, according to Prakash, of hierarchical ranking, came to be hereditary, in Hindu classics, which were believed to be created from the body of the primeval man (the God) that Brahmin³⁵ arose from his mouth, Chhetry³⁶ from his arms, Vhaisya³⁷ from his thighs and Shudra³⁸ from his feet. This ranking, in the Nepalese context could be codified in and enforced through, for example in *Muluki Ain* 1854 (the civil code). The 'purity-impurity' ideology seemed to be working based on bodily classification of assumed origin of human species. For example, the category given to Brahmin locate them as 'upper caste' (or priest caste so that they are pure) and Shudra are placed at the bottom of the caste hierarchy as 'low caste' (or untouchables, dirt or impure, in recent term dalits) as their assumed origin is feet. In this context, caste, as Sharma (1999), Dirks (2001), Rao (2005) and many other writers agree, has generally been seen as fundamental to Hinduism to maintain religious and social order.

³⁵ Under the Indian caste system, a Brahmin is a member of the highest caste. Priests and scholars are classified as Brahmins, and members of this caste have traditionally been figures of veneration and respect. The high ranking caste has traditionally held a great deal of power over Indian society, with many laws and social norms being instituted by the Brahmins. This may have been an act of self-preservation on the part of early members of the caste, although it was probably justified by arguing that Brahmins were highly educated and thus able to interpret the will of the gods accurately.

³⁶ The word *Chhatriya* is derived from the words for "power" and "ruler." Members of this caste have traditionally ruled over communities and Indian society. Ideally, a *Chhatriya* ruler would have been just and merciful, governing the community with inherent ruling qualities granted by his *varna*. It was also common for children born into the *Chhatriya* caste to be extensively educated in statecraft and history, to ensure that they would make sound rulers. In addition to holding power in the form of leadership, *Chhatriyas* were also warriors. Members of the caste were responsible for defending Indian society and upholding justice.

³⁷ The *Vaishya* are the third of four castes in Indian society. Traditionally, they have composed the merchant class, and they have also provided for Indian society in general through alms giving and the construction of temples, hospitals, and other public facilities.

³⁸ The *Shudra* have classically lived lives of service. Slaves were often classified as *Shudra*, as were cobblers, blacksmiths, maids, and so forth. They have typically not been accorded the same rights as higher castes, forced to use different temples and public facilities (source: <http://www.wisegeek.com/what-is-a-shudra.htm>)

However, in addition to the socio-cultural milieu and feudalistic economic structure suggested by the various writers above, the political framework to sustain the power structure by creating a consensus through constitutional and legal processes, and the caste system in Nepal has always been political. Nepal's *Muluki Ain* 1854 (the civil code) included this socio-cultural consensus into the legal framework through a political commitment to Nepal's old practices of untouchability and 'pure-impure' was brought into the legal framework, which was only ended, theoretically, by the introduction of *Naya Muluki Ain* 1960 (New Civil Code). However practices still exist in various parts of Nepalese society. As I mentioned earlier, *Muluki Ain* is the key legal framework of the Nepal customary legal system which has confirmed political commitments on socio-cultural practices under the Hindu religion. Caste in Nepalese society, therefore, was made far more like what Dirks (2001:11) terms 'totalising and uniform' after the unification of Nepal and defined, by introducing *Muluki Ain*, as a fundamentally social and religious order, and created social groups of people that were shaped in a significant way by political processes led by 'upper' caste rulers. This suggests that social groups, as a social identity, had been multiple but their social relationships and cultural practices were part of complex and constantly changing political process in various historical contexts.

Moreover, in terms of hierarchy, the identity of these social groups was also determined by their roles and occupation as they interface in their social world. For example, the priest community and members of the trading community who belonged to 'upper' caste, blacksmith, goldsmith, tailors, *sharki* (shoe makers), and washers who were dealing with iron, gold and other metal, sewing, leather and laundry works respectively were categorised as 'lower' caste, or in recent terms dalits. The Interface of these 'upper' and 'lower', or dalits, caste occurs in a way that ensures that social hierarchy, cultural and political power and economic privileges are maintained. For instance, 'lower' castes are created and people are associated to category based on their role/occupation to serve the needs and interests of the 'upper' caste. These castes are also divided in various sub-caste social groups based on their accessibility of political power and geographical locations. The Brahmans, who are also vital to royal rituals, are the primary beneficiaries and the dalits are the most deprived within this caste hierarchy. While examining the caste system and position of the Brahmans as the ideological evidence of the hierarchal nature of caste system,

Dumont (1980) and Prakash (1992), Sharma (1999), Dirks (2001) and Rao (2005) among others argue that the strict hierarchy places Brahmins on the very top, privileged to power, which ‘untouchables’ or dalits are on the very bottom and excluded from mainstream social, cultural, economic and political power.

Examining the social construction, political consensus and religious and cultural sanction of power to maintain this hierarchy of ‘upper’ and ‘lower’, in the context of this research, the caste system exists in Nepalese society not only for Brahmins but, more generally, for men. As the caste system has been constructed as a social system (Sharma 1999; Dirks 2001; Cameron 2005), the most extensive forms of subjugation are experienced by women. Women are seen as the most important subjects to regulate social order, family *izzat*, honour and continuation of the generation of their caste in Nepalese society, although women are excluded from top to bottom in the caste hierarchy. However, I will explore later in this study, how the social construction of prostitution, the cultural perception of their sexuality and the enforcement of idea of *samajik bahiskar*, places trafficked women to the level of untouchables, and whether they are seen as ‘polluted’, considered as ‘impure’ and excluded from mainstream Nepalese society.

Even though the rigidity of the cultural and religious practices of the caste system has slowly been eroding, especially after the political changes of the 1990s and subsequent activism of ethnic rights groups and NGOs, its introduction into Nepal and the declaring of Nepal as a Hindu Kingdom was one of the most significant influences on social, economic, cultural and political structure of Nepalese society after unification of present Nepal in the eighteenth century. Available anthropological and sociological studies on Nepalese culture, society thus indicates that the caste and ethnic demography of Nepal is complex and religion occupies an integral position in Nepalese life and society.

The research question

Reviewing the available literature related to this research, and drawing from observations made by various rehabilitation centres in south Asia and elsewhere, my

own experience working for and with women vulnerable to and who have experienced trafficking, suggests that there is no mystery that large numbers of men and women aim to migrate to other places where they think it possible to have better life chances in the globalised world. I have also observed in many places that some women use raids on brothels or other sites of sexual services and other rescue measures to escape trafficking, a few women also found that safe houses/transit centres managed by NGOs for rescued trafficked women constituted a punitive form of imprisonment. Taking an 'either-or' position in debates without considering the local context, working conditions and stigmatising responses, may not help towards a practical and contextual solution. This research sets out explore whether Nepalese anti-trafficking policy does, in fact, help Nepali women who are identified as trafficked to access rights and protections.

It uses in-depth interviews with twenty eight women who have experienced trafficking, to explore their experience when they return to Nepal and to investigate what the consequences of being labelled as 'trafficked' are for the women in the particular cultural, political and economic context of Nepal. It pays particular attention to the phenomenon of *samajik bahiskar*, its relation to the socially and politically constructed identity of 'trafficked woman', and the forms of social, cultural, economic and political exclusion that it implies for returned trafficked women.

The complexity of the demographic composition of Nepal acknowledged by various studies discussed above was also apparent in this study. Trafficked women as research participants included in this study were from both social groups, eight ethnic and caste identities, and at the time of interview, were practicing three different religions, and were from eighteen districts of south, east, north and west, terai, middle hills and mountain of Nepal. Although the majority of the women belonged to the Tibeto-Burman social group, their religious practices indicated how their life was shaped by the Indo-Aryan Hindu practices they were born into. Table in next page shows caste, ethnic and religious background of women interviewed.

Table 1: Caste, ethnic and religious background of the research participants

Caste/Ethnicity	Social group	Religious background	Number of participants
Brahmin	Indo-Aryan	Hindu	7
Chhetry	Indo-Aryan	Hindu	1
Dalit	Indo-Aryan	Hindu	4
Danuwar	Tibeto-Burman	Buddhist	2
Khatun	Muslim	Muslim	1
Rai	Tibeto-Burman	Buddhist	2
Tamang	Tibeto-Burman	Buddhist	9
Tamang	Tibeto-Burman	Christian	1
Tharu	Tibeto-Burman	Hindu	1
Total number			28

The family background recounted during the interviews suggested that these women belonged to the bottom of the economic strata of Nepalese society, having no access to political and social power. The majority of the women came from an agricultural background and rural setting before they were trafficked. Just under a quarter of the women were contributing to their family's livelihood as daily wage labourers in their villages and town locally. Ethnically-prescribed occupations were the main income for the original families of two women and two women came from business families. Daily contracted driving in the local town was the main income for the family of one woman interviewed. Table in next page shows the summary of women's socio-economic background:

Table 2: Socio-economic background of participants

Source of family income	Number of women
Agricultural labourer (working in others farm)	4
Agricultural sharecropper	2
Agriculture (own farm)	9
Agriculture and religiously prescribed occupation (Priest)	1
Agriculture and Tourism	1
Business	
i) Hotel/restaurant in district town	1
ii) Grocery in the village	1
Daily Labourers (non agricultural sectors e.g. market near by and industries)	6
Driving	1
Ethnically-prescribed occupation	
i) Fishing	1
ii) Sewing	1
Total number	28

Introduction of Shakti Samuha

Twenty two of the participants were included from Shakti Samuha and six were belonged to three other NGOs however were approached through Shakti Samuha. Shakti Samuha (*Power Group*) was established in 1997 as a mark of unity, strength and struggle by Nepalese women who were able to return from trafficking settings. Shakti Samuha exists as celebration of trafficked women through the tackling their *samajik bahiskar* which I shall explore more later in this thesis. Moreover, Shakti Samuha is also a challenge to the key social institutions that construct various labels for trafficked women and undermine their agency by excluding women from socio-cultural, economic and political processes. Shakti Samuha provides hope for many trafficked women who are forgotten by their own families, communities and the state.

Although Shakti Samuha was officially launched in 1997, the organisation had to work illegally for four years due to the political identity of founding members who were regarded as ‘non-citizens’ in their own country. The organisation was registered as an NGO in 2000 and now occupies a position of a powerful organization in Nepal among women’s NGOs and networks as the first organization in South Asia run by women who have experienced trafficking. Shakti Samuha's objectives are:

- i. to organise and work with young women who are vulnerable to and return from trafficking;
- ii. to provide services to those who have experienced *samajik bahiskar* and other forms of violence;
- iii. to change the perspective of the public towards trafficked women;
- iv. to expand networks though organising trafficked women all over Nepal and work for their fundamental human rights.

After outlining the aims and purpose and core argument of this study I will now go on to briefly describe the structure of the thesis.

Thesis outline

In chapter two, the theoretical framework relevant to this study, I draw on a range of theoretical literature focusing on contemporary debates on stigma in academia, government and feminist NGOs and elsewhere. In doing this, I explore the significance of these debates on the re/construction of experiences of *samajik bahiskar* and subsequent exclusionary practices of institutions and social sites that women come from before trafficking and may encounter on their return.

In chapter three, the methodology, I explain the way I approached this study and reflect upon the processes involved in attempting to understand *samajik bahiskar*, the consequences it brought to the lives of trafficked women I interviewed and the way the women resisted it. In this chapter I also consider feminist ways of constructing knowledge and some of the challenges I encountered while conducting field research during the civil war in Nepal.

Chapter four explores the trafficked women's meaning of *samajik bahiskar* and the ways it is constructed within the Nepalese cultural context. It also examines the cultural significance of *izzat* and the notion of social labelling in the light of a foundation of construction and enforcement of *samajik bahiskar*.

In chapter five, I explore the consequences of *samajik bahiskar* that the trafficked women experienced when they returned to their society from the trafficking settings. In doing so, I analyse trafficked women's accounts of their experiences encountering key social institutions and NGOs while negotiating their identity/ies and services in Nepal.

In chapter six, I analyse the tactics and strategies that trafficked women employed to tackle *samajik bahiskar* they have experienced. These tactics and strategies are both at individual and collective levels. In doing so, I examine the women's confrontation with institutions and personnel, for example the police, immigration officials and NGOs activists, and the implications of their negotiations for identity, citizenship and social inclusion. I consider their courage to form Shakti Samuha as a direct endeavour out of what they regard as unjustified power relations with NGOs and governments institutions in Nepal.

Chapter seven summarises the main findings of the study and their implications for efforts to lessen negative representations and exclusions the women experienced on their return from trafficking settings. In addition, the chapter also highlights theoretical and methodological considerations and their specific significance in the context of Nepal where the situations of trafficked women is largely unknown when they return. The chapter concludes by referring upon some of the areas for further consideration. In next chapter I will draw a range of literature to set a theoretical framework within which this study situates.

Chapter Two

Understanding *samajik bahiskar*: A Review of Literature

Introduction

In Chapter one, I discussed briefly how the motivation for this study came into being, why it was conducted and the key concepts that informed this thesis. In this chapter I draw on a range of literature in order to understand the *samajik bahiskar* experienced by Nepalese women who are returned from trafficking settings. I situate this discussion in the context of this study which examined how the women's agency is viewed, shame is conceptualised, stigma is constructed and enforced, and *samajik bahiskar* was experienced. I begin by examining cultural constructions of womanhood in Nepal and south Asia.

Cultural construction of womanhood, women's lives and sexuality in Nepal and South Asia

Anthropological studies suggest that the construction of womanhood in south Asian society is primarily determined by assumptions about woman's perceived sexuality and her socially defined role to preserve *izzat* of her family and kin. Caplan (1989), for example, in her study in eastern Nepal with an ethnic, non Hindu social group found that the cultural construction of women's sexuality was closely linked to procreation, more specifically procreation for the patrilineage, and pleasure for men. According to Caplan, both procreation and pleasure are key social and cultural roles and obligations associated with being a woman in Nepalese society. These obligations and social roles need to be understood within a context of south Asian societies, where preference to sons is given within the institution of marriage for a continuation of patrilineage and also expectations that a wife will serve her husband sexually. Such obligations and social roles are examined by various feminists' writers studying the lives of women in various circumstances. For example Chen (2000), exploring widowhood in India, argued that women in Hindu dominant society in south Asia, being granted honour as women and protection by men, are

also responsible for their cultural role and social obligation to preserve *izzat* of family and kinship and generational continuation of her husband's family. To put this more clearly, if a woman, as a wife, is not able to give birth to son(s), she is not a 'perfect' wife (Leslie 1989, 1991; Jayawardena and Alwis de 1996; Bennett 2002).

Chen (2000: 23) pointed out, such honour assigned to women and protection has been seen as a 'repository of family honour' that women are responsible to preserve. More clearly, McGee (1991) studying the cultural roles of women in India, highlighted four specific roles and their significance in the life of a woman in Hindu society. She pointed out that to be a devoted wife a Hindu woman is expected to pray constantly and fast on a particular occasion to achieve the four aims of her life which are: religious duty; wealth; husband's pleasure; and moral perfection. According to the prescription of the Hindu text *puranas*³⁹ and cultural expectations for Hindus in daily life, moral perfection is not directly attainable to women, as their sexuality has been perceived as being linked with 'pollution', (Leslie 1991; Bennett 2002) (see also later), so women should be fulfilling their religious duty by devoting their life to their husband (Kapadia 1995; McGee 1991) Kondos 2004; Bennett 2002) to get spiritual liberation in religious term *mochya*. Here, the underlying attributes to be a woman in Hindu dominant societies like Nepal and south Asia, as pointed out by various researchers as indicated above, are procreation and pleasure and both these attributes are connected to women's sexuality. In other words, as many of these studies have pointed out, women's key cultural obligation and social role in Hindu dominant societies is to live for their husbands as a faithful wife, continue his generation (McGee 1991; Chowdhry 1994; Kapadia 1995) and preserve *izzat* both of their families through being 'good' women (Chen 2000). More recently, Cameron (2005), in her study of gender and caste relating to sexuality in Nepalese society, similarly argued that *izzat* carries cultural significance to women's lives with the primary interest being to protect the reputation of both the families and kin.

³⁹The *Puranas*, are a group of important Hindu religious texts, derived from Shanskrit *purāna*, of ancient times, notably consisting of narratives of the history of the Universe from creation to destruction, genealogies of the kings, heroes, sages, and demigods, and descriptions of Hindu cosmology, philosophy, and geography. *Puranas* usually give prominence to a particular deity and most use an abundance of religious and philosophical concepts (Source: http://en.wikipedia.org/wiki/Puranas#cite_note-0, accessed: May 2009).

Reviewing the literature suggests that when a woman, due to various circumstances including trafficking, is assumed to be unable to fulfil these cultural obligations and social roles, her sexuality is questioned and her womanhood is challenged by categorising her as a ‘bad’ woman, not only within her own society, but also more specifically from her own family (and/or members). So women’s cultural obligations and social roles prescribed in the religious texts of Hinduism, and expressed in social institutions such as families and kin, in the form of moral order (Douglas 1994; Lim 1998), seem to play a significant role in conceptualising *izzat* and constructing female sexuality as ‘bad’ or ‘good’ (see later). These writers suggest that the construction of womanhood in Nepalese and south Asian society is problematic, as it is associated with women’s sexuality which is, according to Chen (2000) and Bennett (2002) among others, seen as a destructive power that, if not regulated properly by men, destroys family and kin’s *izzat*. In the context of trafficking, however, when women are forced to serve several male customers every day sexually, such social roles and cultural obligations are may not necessarily followed by women and thus their sexuality may be perceived as destructive. I will examine this point in relation to the experiences of trafficked women included in this study in Chapter four of the thesis.

In addition, Brown (2000), Leslie (1989), Kapadia (1995), Bhasin and Menon (1996), Bhutalia (2000) and more recently Cameron (2005), in their studies in south Asia with both ‘lower’ and ‘upper caste’ social groups, suggest that sexuality is considered as a main source of *izzat* in which women must avoid indiscreet sexual behaviour outside the institution of marriage. Furthermore, as Douglas (1994) argued, in the Hindu social order, the *izzat* and religious moral order of the family and kinship can be upheld only if these institutions are strictly organised. In this discussion, this signifies that women are expected to follow social norms and prescribed cultural practices in order to perform their roles and obligations by being a faithful wife. If a woman chooses (or discards) sexual partners at their will, or by force, for example being trafficked, not only is her womanhood challenged, there are likely to be serious consequences in the *izzat* of family and kinship, and of the moral order of society at large. Such envisaged consequences in the family and moral order of society, however, may also be obvious in the lives of women who are perceived to be breaching the cultural norms.

Analysing the work of writers mentioned here on perceived sexuality and its alleged destructive power and concept of *izzat*, suggests that the relationship between sexuality and *izzat* plays a significant role in conceptualising womanhood, regardless of their caste and ethnicity and geographical representation. In addition, the institution of marriage plays a significant role not only in determining relationships between men and women, but also to construct and regulate 'womanhood'. For example, Bennett (2002), Kondos (2004) studying Nepalese societies, Chowdhry (1994), Kapadia (1995), Jeffrey and Jeffrey (1996), Parry (2001) and others studying Indian society, all found that in Hindu dominant societies, marriage and kinship are the key institutions which govern the relationship between men and women.

According to these writers, women are granted honour by which their places and positions are determined in the family and kinship, and men are given power through marriage over women for both sexual and labour purposes. However, the places and position created by marriage and kinship are also determined by whether women, as faithful wives, are fulfilling their prescribed roles and obligations, or not. In the context of trafficking, particularly for sexual purposes, there is often no marriage, and women are consequently not in a situation to fulfil their prescribed roles. In this circumstance, women are not eligible to be honoured by their family and kin (see later discussion later).

It is also important to note that, as I examined in Chapter one, trafficking as a social phenomena has historically been understood by connecting with female sexualities. If women are trafficked for other reasons than prostitution, such as into the circus or domestic labour as were for example some women included in this study, these women are also seen in similar ways to that of women trafficked into prostitution. Relating to the social roles and cultural obligations, as determining elements to construct womanhood in a Hindu dominated society like Nepal, trafficked women are therefore seen to be unable to preserve *izzat* of their families and kin. Their sexuality becomes 'destructive' and, therefore, trafficked women are not only disqualified to be honoured, their perceived identity shifts from that of 'good' to 'bad' women, who brings shame to their families and kin.

This binary notion of ‘good’/‘bad’ appears to be constructed in a gendered way. For example, Kapadia (1995) viewed marriage as wholly positive and important to men, because this is domain where south Asian women have been socialised since their childhood to sacrifice themselves for the sake of the family. At the family level, she found, that women’s identities are constructed on the basis of ‘selflessness and sacrifice’ (ibid: 14) and that such cultural ideals are not viewed as relevant to male identity. Discussing puberty rituals in south India, Kapadia further argues that both ‘upper’ and ‘lower’ caste Hindu social groups believe that a girl does not reach ‘full’ womanhood before her first menstruation. Here the point related to socialisation, selflessness and sacrifice and ‘impurity’ are fundamental to understand concept of ‘full’ womanhood. Cameron (2005) in her study on gender and caste in Nepalese society also found similar finding to Kapadia, and noted that from childhood a girl is to believe that maternal home is her temporary house where she should learn feminine skills to make her womanhood successful when she eventually goes to her matrimonial family.

Kapadia (1995) and Cameron (2005) also point out, that apart from routine domestic work, such socialisation processes include how a woman should behave within her family and the outside world to protect *izzat* of her parental family, reciprocal to her father and brother protecting her sexuality. Cameron underlined her point, arguing that arranging marriage for a girl before she has her first menstruation is commonly seen to confer pride and social status on her family, to protect women’s sexuality (and ensure her purity) and preserve family *izzat*. Parry (2001) in his study on marriage in India also observed that marriage has been seen as a key responsibility of parents to protect sexuality of their daughter. He also found that the practices of ‘mock marriage’ (Parry 2001: 795) to girls in their early age. Such practices reinforce early marriage, which is still common in rural Hindu communities in Nepal and one of the processes within which trafficking operates (see Chapter four). These practices also contribute to women themselves seeming to accept cultural practices and social norms, as they are born to sacrifice themselves to others (e.g. husband) and it is expected that they should be selflessness. (I will illustrate this point later chapters in this thesis). Studies reviewed in this section suggest that procreation to continue partilineage, pleasure for their husband, cultural obligations and social roles in preserving *izzat*, ‘purity –pollution’ and the concept of shame (see later) are

interconnected in complex ways to construct dominant notions of womanhood in south Asia.

The idea of ‘purity-pollution’ seems to be an overarching theme in the constructions of ‘good’ and ‘bad’ womanhood, and carries a significant meaning in the lives of the women who have experienced trafficking, which I shall go on to discuss in Chapters four and five. Here, I now focus my discussion on the cultural construct of ‘purity-pollution’, pointed out by several writers including those mentioned above, in relation to construction of womanhood. If the perceived identity of a woman shifts from ‘good’ to ‘bad’, the question of *samajik bahiskar* becomes paramount. While ‘good’ women are seen as *izzat* of the family, ‘bad’ women deserve *samajik bahiskar* due to their inability to maintain *izzat* of their family and kin (Chen 2000; Cameron 2005). ‘*izzat*’ as various writers have argued, is a social and cultural concept (Cameron 2005) that is articulated through various social structures and represents a value system, whereby the problem of *izzat* is a problem of women.

In the *Bedh*, the Hindu text, women are seen as less refined religiously than are men because they are attached to the ‘polluted’ world based on their reproductive role (Leslie 1991; Kapadia 1995; Brown 2000; 2005; Dube 2001; Bennett 2002).

Examining the inherent nature of women in various historical periods, Leslie (1989) goes further illustrating that women were traditionally seen as sinful (or wicked) in ancient Hindu society and were born as a woman or an untouchable in this life as a result of a particular sin in their previous lives. Such a notion of previous lives, performance and consequences in this life seems to be obvious, not only to create a social hierarchy between various castes and ethnic groups which I examined in Chapter one, but also important to conceptualised and maintain the idea of ‘pollution –purity’ in Hindu society. In their discussion about gender, caste and social status, Ortner and Whitehead (1981) have acknowledged that the mutuality and the autonomy of gender and caste has crucial significance in differentiating people in Hindu society in south Asia. They argued that there are cultures in Hindu dominant south Asia, particularly in India in which recognition of the different categories of social images (prestige) is evident for example ‘upper caste’ and ‘lower caste’, in which unity of categories has also been enforced as deliberate effort, for example gender. By comparing the social construction of the role of men and women, they see

a parallel between caste and gender arguing that the same ‘pollution-purity’ ideology that, in Hindu society, divides the castes divides men and women as well (see chapter one for details).

As the caste system came to be hereditary, as I mentioned in Chapter one, women born into a particular caste also enjoy some privilege or discrimination associated with a particular caste, however the construction of gendered social and cultural roles and obligations across the castes seem to follow ‘pollution-purity idioms, as in a caste hierarchy. For example, for Hindu a person’s actions (*karma*) are significant to determine his/her moral responsibility, religion and law (*dharma*) (Babb 1983). Although the complex concept of moral responsibility and actions transcend, however they are also grounded in the construction of one’s caste and gender and are embodied in social relationships (Cameron 2005). According to these writers, it is primarily the caste and gender of an individual in a Hindu society like Nepal that give everyday form of Hindu doctrines of personhood.

Gender and caste are powerful, complex and related discursive contexts in the lives of south Asian women. Although caste is hereditary, this hereditary ideology does not seem to working when it comes to women’s sexuality that primarily parallels the concept of ‘pollution-purity’. ‘Impurity’ applies while Hindu women are in their menstrual period. In Nepal this also applies in child birth periods, as women are considered as untouchable and are not allow to enter religious places, the kitchen or food store, and certain places of their own house for three weeks after the birth of a child. Furthering her point mentioned above, Kapadia (1995) goes on to argue that the first menstruation of a girl in Hindu dominated south India is seen as an auspicious event as well as a problem of ‘impurity’. (Born into an ‘upper’ caste Hindu family, chosen to be a single women, my own experiences of being seen as ‘polluted’ during my menstruation and observed the anxieties of my parents attached to my assumed vulnerabilities.) I argue, this is seen as an auspicious event because a girl gets her ‘full’ womanhood by being ready for procreation and the problem of ‘impurity’ due to additional vulnerabilities on women’s sexuality are increased. Additionally, this is because Hindu women are equated with untouchables in the scriptural Hindu law book *Manusmriti*, the Laws of Manu. In this law ‘lower’ caste social groups and women of all castes are regarded as lifelong slaves (Liddle and

Joshi 1986). This also illustrates how even ‘upper’ caste women are not expected to do Hindu rituals, for example worshipping the family god or similar performances in the public temple, as Priests have always been ‘upper’ caste men. This ideology of ‘pollution-purity’ does not apply to upper caste men. For example, if an ‘upper’ caste man touches a menstruating woman, he becomes pure by taking a bath (Cameron 2005). In contrast, in addition to the point highlighted above, Leslie’s (1989) work also illustrates that once women are seen as having evidence of sin which cannot be ‘purified’ by any means, they therefore remain sinful all of their lives. These practices need to be understood within a socio-cultural context within which stigma is constructed based on their (in this study) trafficked identity, and *samajik bahirkar* is enforced in response to their failure to be ‘good’ women. For example, although women, generally, are allowed to attend the rituals performed by Hindu men, visit temples or religious places, based on accounts of women who have experienced trafficking in this study, due to the concept of *samajik bahiskar*, they were not allowed to visit temples, attend family rituals and any religious performance (see Chapter five). Analysis of these literature suggest, that a complex interaction of socially prescribed roles and obligations for women with culturally constructed categories of ‘pollution’, ‘impurity’, sinfulness, all connected with sexuality and deeply embedded ideas about gender, are some of the elements that are essential to construct womanhood in Hindu dominated south Asia.

Female agency in Nepal and South Asia context

I will now go on to examine the construction of female agency, within which women’s citizenship has been conceptualised and subordinations have been maintained in south Asia and Nepal in particular. Acharya (2000), in her work exploring labour markets and the links with poverty and gender in Nepal, argues that the provision of domestic services for children, the elderly and the sick, (as well as servicing their husbands sexually) are traditionally tasks assigned to women in Nepalese society. She found that women spend many hours every day, in rural areas, growing food and caring for livestock for the family. According to her, although these activities have significance for the family economy, they are generally not considered as part of the cash economy of their families. Various studies, see for example Ramusack and Sievers (1999) and more recently Arya and Roy (2006)

examining poverty, gender and migration in an Asian context, have offered a similar view arguing that this is primarily due to women's social position determined by their cultural roles, and their identity as wives and mothers being considered biological rather than economic and social.

Moreover, prevailing cultural processes in Nepalese society also relegate women to certain sectors of waged labour. Thus, for example, Acharya's study also suggests that while women's roles are not considered significant in economic terms in the family, their identity and cultural roles *are* significant in so far as women are held responsible for maintaining family *izzat*. Maintaining *izzat*, as Douglas (1994), Kapadia (1995), Chen (2000), Dude (2001), Bennett (2002), Kondos (2004), Cameron (2005) and other feminists studying gender in south Asian societies have argued as I indicated earlier, requires that women follow traditional social roles as 'home makers'. Contrary to the social judgement of their assumed 'moral decline' and categorisation as 'bad' women, women working away from home in various sectors including sex work, for example trafficked women and migrants, seem to be clearly upholding the gendered expectations of their original and current families (see in later Chapters in this thesis). This social construction of an 'ideal image' of women, and their cultural identities supposedly embedded in Nepalese culture appeared to have worked well to inform perceptions of women and their self-expression as a provider for the family. Although, in this context, such expressions are negotiated expressions, which I shall explore situating the lived experiences of trafficked women later in this thesis. In addition to this, while women's labour has increasingly become important to national economics (Kempadoo 2005a), women's sexuality, particularly in relation to trafficking and prostitution, continues to be viewed as degrading and destructive both in law and at a social level. The complexity in understanding and defining work seems to be getting emphasized when it is seen in the context of migration driven by lack of livelihood options available locally and where large numbers of women leave their original family and are forced into sex related service sectors. Although this situation may not be determined by the desire of women, the circumstances women encounter while seeking better options however may be influential.

In this context, in an economic sense, women are seen as ‘economic actors’ when they assist their families by engaging in the labour market to explore solutions for better livelihoods. However the same women, given the social and cultural meanings discussed in previous section, could be perceived as ‘whores’, who bring ‘shame’, to the families that survived (or expected to survive) on women’s ‘earnings’. Such an understanding of women’s agency becomes crucial when wider society e.g. neighbourhood, relatives, are unaware or assumed to be unaware about women’s work away from home. For example, if a migrant woman sends money from her work abroad, she is seen as an ‘economic actor’. However, many migrant women, if they are unable to send money and their neighbourhood is unaware about their work, could easily be at risk of being seen as prostitutes. This complexity needs to be understood within a context in which womanhood is constructed as discussed earlier. Here the role of neighbourhood, relatives and the wider community women come from becomes more significant than the role of women’s family to categorise them. In addition, in the context of trafficking, the stigma attached to prostitution and the social responses to them when they return to their home/country, may compel women to see themselves as ‘innocent victims’ and counsel their capability as an active agent. This double standard created by religious beliefs that play greater role to construct womanhood, however has not been limited to socio-cultural practices; this is essentially sanctioned by the gendered state policies related to women in general and to their citizenship in particular (Jayawardena and Alwis de 1996). Citizenship, here goes beyond political participation, it is more to do with women’s belongingness with their families, kinship, their location within socio-cultural processes, role in economic activities and membership (or inclusion) in their society at large (see below).

This notion of a double standard relates to Lim’s (1998) work on prostitution and to the discussion on womanhood in section one of this chapter. Lim, in her work in south east Asian societies, found that prostitution has mostly been practiced by women having limited options to support their children and families, and that it tends to thrive in societies where there are separate systems of morality in relation to sexuality and agency for men and women. These two systems of morality, according to Lim, where patriarchal society defines men’s honour in terms of public conduct and freedom to use sexual services both privately from a wife (or wives) and publicly

from ‘prostitutes’, whereas in the case of women Lim argues that women’s agency is constructed socially and politically not only as subordinates but also to be faithful wives and serve only one man sexually – their husband. In the case of women who have experienced trafficking, these observations are significant. If society thinks a woman defies her cultural role either through trafficking or migration, she is likely to be labelled as a whore, a prostitute⁴⁰ and her belongingness with her family, kin and community may come at risk.

Pateman (1988) in her book, *The Sexual Contract*, argued that patriarchal control of women is found in at least three paradigmatic contemporary contracts: the marriage contract, the prostitution contract, and the contract for surrogate motherhood. Although surrogate motherhood may not be that relevant in this discussion, according to Pateman, each of these contracts is concerned with power of men in controlling women and their sexualities. Pateman goes on to argue that men’s control over women, in the marriage contract, means a husband is given the right to control sexual services of his wife whereas in the prostitution, patriarchy requires equal access by men to women, in sexual services and to women’s bodies in exchange of money. Similar arguments are found in work by Bhasin (1994) in India who asserted that it is patriarchy that, through the institutions of marriage and family, regulates women’s sexuality, and reinforces an idea that women are dependent to men. For example, in the context of this research was conducted, early marriage could be seen how marriage as an institution enforces women’s dependency to men from their early age. Although a study conducted by UNDP (2004) suggests some changes in social perceptions of child marriage, however practice has still been exists in rural Nepal (Thapa1996). These examples demonstrate that patriarchy is the means by which women are dominated and controlled. Marriage could be a means, perhaps the most fundamental, by which patriarchy is upheld. Although patriarchy and marriage appeared to be crucial institutions for Indo-Aryan and Tibeto-Burman social groups in Nepal, the values and principles of these institutions are not limited to religious and moral belief system, but are also an economic and political (Jayawardena and Alwis de 1996).

⁴⁰ I’m using both term ‘whore’ and ‘prostitute’ in this thesis as both are used in Nepalese society to convey similar meaning but in different way. For example the term ‘prostitute’ is used commonly and perceived as ‘soft’, whereas ‘whore’ is used in a much more complex way to react to trafficked women on their return.

Exploring the relationship of caste and gender in Indian society through her ethnographic study, Kapadia (1995) pointed out that women in all the caste and ethnic social groups are considered inferior to men, although to varying degrees. She argued that the social status of women is equal to that of the men in their caste only in dealing outside of their caste. Similar views are also expressed by many feminists for example, (Pateman 1988; Bhasin 1994; Lim 1998; Caufield 2000; Acharya 2000; Dube 2001; Thapan 2005; Arya and Roy 2006) in the region and elsewhere that one of the successful ways in which women's subordination is upheld, sexuality is controlled and women's labour is exploited is by confining women within the home and engaging them into predominantly familial positions for example, daughter, sister, wife, mother and daughter-in-law. Such engagements are confirmed by legislation by state institutions and promoted by the state apparatus such as media, schools, religious institutions/temple/priest that continue informing and conforming public opinion that women are always the subordinators of men (Jayawardena and Alwis de 1996). When it comes to state institution legislating women's agency as subordinates and limiting their labour within the domestic sphere, the issue of citizenship is crucial.

Concepts of citizenship have been a subject of critique for many feminists for their failure to engage with or to include women. Walby (1994), for example, poses a question asking 'Is citizenship gendered?'. Many feminists from south Asia for example Jayawardena and Alwis de (1996), Thapan (2005) and Arya and Roy (2006), and elsewhere such as, Pateman (1992), Yuval-Davis (1997) and Lister (2003) among others view the concept of citizenship as gendered. Yuval-Davis (1997), Lister (2003), elsewhere and Thapan (2005), in a south Asian context, are concerned with the ways in which women's citizenship has been conceptualised. They argued that women's social, cultural and political inclusion and exclusion from public and private spheres of their life are determined in gendered ways that essentially reinforces women's subordination to men. The works of writers such as these are relevant to the situation of trafficked women, as they analyse citizenship considering women's specific situations. For these writers, women are not an undifferentiated category, different groups of women have different relationships in respect to citizenship. For instance, Lister (2003), Thapan (2005) and Arya and Roy (2006)

argued that migrant women are regarded as different to those women who were born in that same country. Although, the issue of migrant women may not be that relevant with the context of trafficked women included in *this* research, however their subordinated role in the family before trafficking and cultural and political location as an ‘outsider’ on their return, their experiences of *samajik bahiskar* and subsequent social exclusion from neighbourhoods, schools, religious institutions, labour markets and sometimes even from NGOs illustrate they have been denied the full and effective title of citizen. I shall further develop this point in chapter five, by situating the lived experiences of women interviewed in this study.

Citizenship can also be understood as an expression of human agency in the social, economic and political meaning (Lister 2003). However when social interactions within a cultural context shaped by religious practices inform gendered roles and expectations, the issue of human agency is challenged. For example, Pateman (1989) pointed out that the conceptualisation of the qualities to be a citizen is also gendered, in terms of who decides who is qualified and who is not to be a citizen based on their division of labour with the dichotomy of the private and public sphere. Pateman’s point relates to the argument made by Acharya (2000), where she claims that women’s participation in domestic work in Nepal has not been recognised as a productive labour, which renders them to less qualified for a full citizen. A similar observation was found by Ramusack and Sievers (1999), in their work in an Asian context, that cultural practices and social processes are re/constructed conventionally defined ‘family’ system of their society that is composed of husband-breadwinner and wife-home maker. While the point on breadwinner signifies public images, the home-maker essentially denotes the private sphere. This public-private dichotomy that informs male-female qualities of citizenship suggests that the public sphere stands for men who are assumed to hold the necessary qualities of independence and political agency, whereas women are perceived as subordinate to their male counterpart and are judged as incapable of having male qualities of citizenship. The power of such a gendered dichotomy has meant that women’s access to citizenship has historically been on male terms (Pateman 1989). This dichotomy becomes apparent in this research, when many of the trafficked women entered into marriage to get their ‘full’ citizen. By choosing marriage, trafficked women also seemed to be negotiating their socially defined roles and culturally prescribed obligation to regain

their ‘good’ womanhood. However some of the women, due to their stigma and experiences of *samajik bahiskar*, experienced additional violence in their marriage. I shall come back to this point in chapter six.

Analysis of the work of feminist writers mentioned above suggests that understanding of human agency are based on not only on the gendered division of labour, but are also linked to the opportunities available to men and women in their given social context. This raises the question of what opportunities are available (or given) to women and on what basis, that are essential to create their life chances. Wijers and Lap-Chew (1999), in their study at a global level examining trafficking within a broader framework of forced labour, prostitution and marriage, found that girls are educated at a lower level, or not educated at all, and have fewer opportunities than boys in the labour market. They further argue that the occupations available to girls and women are often limited to those culturally considered to be ‘suitable’ work, such as domestic services and prostitution.

Examining these studies also suggests that trafficking, labour migration and prostitution are, traditionally, interlinked and trafficked women, regardless of the purpose of trafficking, for example into the circus or domestic work, are most likely to be seen as prostitutes, therefore, considered to be ‘bad women’. This has been argued by a number of writers (for example, Doezema 1998; Gallagher 2001; Thorbek and Pattanaik 2002; Kempadoo 2005a; Weitzer 2007), who claim that historically trafficking is primarily linked with prostitution, and that the social construction and cultural interpretation of such linkages plays an important role in constructing the stigma and labelling as ‘whore’ for women who experience trafficking (see also Kempadoo 1997; Wijers and Lap-Chew 1999; Derks 2000a; Doezema 2004; Agustin 2007 among others).

The cultural construction of shame in Nepal and South Asia

Understanding of ‘shame’ derive from a variety of disciplines, including for example, psychologist Lewis (cited in Pattison 2000) argued that the experience of shame is about the self, which is the focus of evaluation of self behaviors or actions.

By establishing a link between shame and guilt, she pointed out that, in guilt, the self is not the central object of negative evaluation, but rather the thing that was done is the focus. Her work emphasised more the basic assumption that originating shame within the self is a process of judging actions done previously, which shapes the personality of an individual. This approach to shame may not be relevant in this study, where women were judged by others, for example immigration officials, police, media, NGOs and neighborhoods, and stigmatized before they were blamed by their families for bringing shame to them. Although a few of the women made judgments about their recent past and thought they had done wrong, this needs to be understood in a social and cultural context within which the society to which they belonged made judgments of the actions they were forced to do while in trafficking situations.

In sociology, Lynd (1958) in her work, *On shame and the search for identity* argued that the experience of shame has a greater significance in the individual's search for personal identity than it is recognised by others. Goffman (1972), however in his work on *Interaction Ritual* asserts that shame is to do with when an individual is worried about her/his self image in the eyes of the other, and tries to present herself/himself positively to avoid possible shame. Although the early work of Lynd (1958) and Goffman (1972) advanced discussion on the concept of shame, their works have subsequently been seen by some writers such as, for example, Pattison (2000) and Scheff (2000) among others, as a behavioural and psychological concept that rarely takes an account of wider socio-cultural contexts which may have informed the construction of shame.

Benedict (1967), a noted cultural anthropologist, defined shame in a more comprehensive way. For Benedict, shame is a violation of cultural norms and social values, while guilt feelings arise from violations of internal values of self. In her pioneer work, *The Chrysanthemum and the Sword*, following World War II, especially in the context of understanding Japanese society and culture, Benedict made a distinction between shame and guilt. For Benedict, this is to do with the idea of good and bad. As she observed, shame relies on external sanctions for good or bad behaviour, however guilt is based on an internalized conviction of sin. Throughout her book, Benedict showed how, through the feeling of shame, the social codes of

conduct and cultural norms and practices become essential elements to the lives of people. In addition, the explanation on shame Benedict formulated could also be understood within a context of not only what makes for a good society, but also what transforms a society towards an inclusive and equitable nation (Modell 1999). Emphasising external factors, more importantly, placing culture at the centre of understanding shame, social codes of conduct and cultural practices that determine ‘good’ and ‘bad’ behaviours, work done by Benedict seems to be influential in social science and to this study to understand the concept of shame

Although Benedict’s (1967) explanation on shame was not directly connected with sexuality, her emphasis on the role of culture within which shame is constructed and the prevailing values and norms that enforce the concept into practice are relevant to the understanding of the cultural construction of shame in this study. In addition to the role of culture, as Benedict pointed out while studying Japanese society, the role of, for example families, communities and governments among others are also crucial to understanding how shame is constructed in Nepalese society where the trafficked women were interviewed. A review of works by many feminists writers such as, for example, Kempadoo (1997), Lim (1998), Wijers and Lap-Chew 1999) among others, included in this thesis also suggests that families, communities, religious groups, NGOs and government are the key institutions and groups through which social norms and values and practices are enforced to an individual or group that make (or force) trafficked women to feel wrongdoing and being shamed.

As I discussed earlier in this chapter and elsewhere in the thesis, sexuality has been seen as fundamental to the construction of womanhood in south Asian society. One of the key cultural obligations attached to womanhood in Hindu dominated south Asia also preserving *izzat* of family and kin. Furthermore, it has also been apparent that when sexuality interacts with the socio-cultural and religious interests of the family and kin, the issue of *izzat* is the central concern of these institutions. I shall establish in later chapters of this thesis how trafficked women were perceived to be unable to preserved *izzat* of their families and kin on their return from trafficking, and their cultural obligation was altered to that of blame for bringing shame.

Similarly, when women's sexuality along with family *izzat*, their socio-cultural and religious interests and practices interact with the political interests of the nation, the issue of *izzat* goes beyond family and kin and becomes *izzat* of the nation. Here, I relate this discussion to how such cultural constructions of obligation are interconnected with cultural constructions of shame. Examining the importance of *izzat* to the social institutions women belong to and the construction of shame in the Indian subcontinent after the event of India-Pakistan partition, Bhasin and Menon (1996; 1998), Das and Kleinman (2000) and Bhutalia (2000) among others revealed a complex reality to the sexual and physical violence women experienced and witnessed during and after partition.

Das and Kleinman (2000) critically examined the meaning of violence within which shame and *izzat* were interlocked. They attempted to expand the scope of violence by giving insight into the ways an individual and group experiencing violence internalize and define themselves by adopting an identity constructed in the socio-cultural context in which the violence is perpetuated. For these writers, violence in the context of experiences of abducted women during partition goes beyond 'the event of some threshold' of physical harm into hidden forms that are incorporated into the day to day lives of women (Das and Kleinman (2000: 2). Through their ethnography of the cultural and gendered memory of partition, they argued that abducted women who chose to sacrifice their lives, their accounts were not culturally sanctioned by social institutions such as family and kin and the nation, and thus these women were erased from accounts. Their study also suggests that, being erased from institutional accounts, particularly from the family and kin, these women were given an identity that was constructed and sanctioned by the cultural values and social norms that correspond with the social context of Hindu dominant south Asian society within which *izzat* is conceptualised and shame is constructed.

Bhutalia (2000), however, uncovers traumatic and hidden experiences of mass rape, abduction and the responses of Indian government through a state recovery of abducted women and their children born from their abductors. Analysing the lived experiences of abducted women's experiences of the late forties, Bhutalia demonstrated how the abducted women were denied the citizen's right to choose where they prefer to live once they were 'recovered' by the governments of both

India and Pakistan. According to her work, such denial was fundamental to the government and Hindu communities of India as these women were 'polluted' thus bringing shame to the nation. Critically analysing gendered conceptualisations of nation and the state responses to abducted women, she observed an equation of manhood and nationalism that required men to protect the honour of the 'Motherland' (Bhutalia 2000: 147) as they required in protecting the sexuality of women. Her point needs to be understood within the context where state responses shaped by the Hindu dominant ideology to abducted women were, for many Hindu believers, mostly men, that it was important to protect the purity of 'Motherland'. In addition, it is also important to note here that the question of individual women's lives was of less concern to the responses commissioned by the state authority, of more concern appeared to be the image of the nation. Being erased from the family accounts, as pointed out by Das and Kleinman (2000), these women were not able to preserve sanctioned (or preferred) image and honour of the nation; they were, in the view of the government and Hindu community, contributing to shaming the nation instead. For example, situating her feminist analysis within the context of post colonial literature, Bhutalia is of the view that partition provided Indian men with a rationale of making women into a national symbol of honour. Bhutalia observations need to be understood within the context of Hindu religious practices in Nepal and elsewhere in south Asia, specifically that men's social obligation is to guard the sexuality of women in the family.

In their feminist work on partition, Bhasin and Menon (1996; 1998) have also articulated, similarly, the question of honour in the context of sexual and gender violence associated with the partition. They argued that the forms of violence experienced by women as 'women' for example, amputating their breasts, knifing their wombs and branding their bodies with the names of Hindustan and Pakistan. They have also documented that the way these experiences were gained when the women of one community were sexually assaulted, raped by men of the other community as reprisal for a humiliation of the other by dishonouring their women. For Bhasin and Menon, such forms of violence perpetuated against women meant to equate the women with their assumed country. Analysing lived experiences of women experienced abduction and subsequent violence, their works showed how the patriarchal values worked well with politics and collude with the notion of honour

and shame and bring worst effect on women. Here the important point is, dishonouring women of other countries and communities signifies dishonouring the nation. Examining the government responses of recovering abducted women, as discussed by Bhasin and Menon (1996; 1998) and Bhutalia (2000) also pointed out that those responses have reproduced the objectification of the abducted and given 'victims' identity that disallowed agency of women in their own rehabilitation in the place they prefer.

Such construction of shame was not limited to government level. Feelings of shame were common at individual level among abducted women as well when they were 'recovered' by the Indian government. Women were given little freedom to move in their new environment, surrounded by police and social workers. They were pressured to return to their families on the one hand, yet there was a feeling of reluctance to accept these women back into their original families on the other. When these women were seen as what Bhutalia (2000: 145) termed 'polluted drop of the noble Hindu blood' due to their sexuality, their children were an added concern to make the women feel ashamed. Many Hindus, including the political leadership in Delhi, who had held that abduction was shameful to India and an immoral act against their 'Motherland', were of the view that women should leave their children behind with their abductors in Pakistan. Separating women and children in two different countries needs to be understood in a context where the sexuality of women takes a central focus in constructing shame. For instance, for the Indian government, womanhood was linked with nationhood, (the 'Motherland'), thus their abduction was a national shame. However the children were illegal as they were born from a union that was not sanctioned by the cultural norms and social moral code of Hindu society.

Experiences of abducted women have echoes with the experiences of trafficked women in Nepal. Although there was no issue of reprisal, the similar notion of reproduction of narratives of objectification was also reflected in this research where trafficked women were typically seen as 'victims' by the Nepalese government and NGOs when they were rescued and repatriated by the Indian government. According to the women's accounts included in this study, it was the government officials and NGOs personnel who enforced their decision on where to rehabilitate trafficked

women and what rules were to be enforced regarding their mobility. Such rules, as termed by Becker (1963) and others (see later) created by groups such as NGOs and governments, in addition to mobility, not only limits women's social interactions with wider society and with their families, but may have also contributed to women feeling of guilty and ashamed about their actions while in trafficking situations. I shall situate these accounts in more detail in Chapters four and five.

Furthermore, according to the works of Bhasin and Menon (1996), Bhutalia (2000) and others, the country was imagined in feminine terms, as the mother, and partition was seen as violation of the body of the 'Motherland'. While the formation of Pakistan became, for many Hindus, an image for the violation of the body of the pure Hindu woman, the 'Motherland', by breaking into two, abducting and raping of women, branding their bodies with the name of Hindustan and Pakistan was for Indian authority a matter of national shame that it could not prevent partition and was unable to protect women from being abducted and sexually and physically assaulted. This was also reflected when a national debate emerged in the Indian political sphere about the approaches to be taken to deal with such a national shame, to decide the future of 'recovered' women, and the future of the children of abducted women. India being a 'Motherland' of many Hindus, there was also a feeling of great moral duty to ensure purity of the 'Motherland' and the sexuality of its women, by pressing Pakistan to agree to repatriate Muslim women from the Indian side of the border to their 'right rightful home' to Pakistan (Bhutalia 2000: 141). This complex interaction between religion, nationalism and female sexuality to construct shame suggests, following partition, the sexuality of abducted women who were believed to be tainted by Muslim men contributed in shaming the country the women belonged to. Relating this discussion to the point made by Chan (2000) Bennett (2002), Cameron (2005) and other feminist cited earlier, those Muslim men were neither 'approved' husbands of abducted women nor were they Hindus. It is also important to note that neither discussion within the government nor Hindu community raised issues about shame and stigma in relation to the men who abducted women and used their sexual services for years. This, it could be argued, was due to the cultural construction of manhood and masculinity that has always been seen as an independent agency, a symbol of power, as a 'full citizen' who could have, as Pateman (1988) and Lim (1998) pointed out earlier, access to women's sexual services and body both in

private and public places. Similar approaches were taken by the government, NGOs, media and wider community towards customers who used the sexual services of trafficked women, yet trafficked women are made responsible for shaming their families and kin not the customer. I shall illustrate this point in more detail in chapter four and five.

Constructions of shame are also found to be deeply rooted in other phenomena as well such as for example, widowed and migrant women. For example, studying the social perceptions of widowhood in India, Chen (2000) raised an important issue of the cultural construction of shame attached to widowhood. In terms of constructing shame with negative attributes of being a widow, Chen noted that families and communities often believed that widows have special powers that play a negative role that may spoil the honour of family and kin and bring shame instead.

In their recent work on seeking health services and the construction of stigma related to migrant sex workers working in London, Bangkok and Kolkata, Scambler and Paoli (2008) explored the relationship between the processes of the construction shame and stigma. They have pointed out that social and cultural norms that are essential to inform the construction of stigma to migrant workers working in sex sectors also contribute to construct shame. They also found that while enforced stigma denotes discrimination by others, felt stigma denotes an internalised sense of shame and self blame. They pointed out that due to a feeling of shame, guilt and enforced stigma, migrant women working in sex sectors in these places are not only denied health services, but also not welcomed home by their families (also see Aoyama 2009). A similar observation, however more critically, is made by Augstin (2007), in her study of migrant sex workers in Western Europe. Critically examining the conflation of the terms trafficking with prostitution and migration, Augstin argued that rescue and rehabilitations measures proposed by feminists belong to CATW who, according to Augstin, see women as weak, easily victimized and in need of guidance by men, often contribute to the stigmatization of women who feel ashamed and guilty for their acts while away from home. A similar view was also

expressed by a Nepalese politician⁴¹ about sexual violence experienced by migrant women working in Middle East, which led the Nepalese government to enforce restriction on Nepalese women to go to Middle East for domestic work. However, such restriction was relaxed after a while when NGOs and feminists lobbied the Nepalese government (AATWIN 2005).

These observations made by Augstin (2007) and Scambler and Paoli (2008) need to be understood within a context of various discourses on trafficking, migration and prostitution and the approach adopted in various global policy frameworks, particularly the TVPA 2000 and the UN Trafficking Protocol 2001, which I examined in Chapter one. My own observations prior to and while conducting this research suggest that the social codes and cultural norms are created based on religious belief and enforced on women, codified and practiced through legal procedures framed under the institutions such as the state and interpreted and enforced through schools, hospitals, temples, immigration offices, police, media and others. I have also observed that these women share many similarities despite being categorised as Hindu, Buddhist or Muslim and upper or lower caste (see later discussion in data chapters). In the Nepalese context, the relationship between *izzat* and state intervention in the construction of stigma on their return from trafficking seemed to be playing a significant role in constructing shame. This could be seen in the context where, as I examined in chapter one, Nepal's political process of nation building were fundamentally formed under the *Muluki Ain* and *new Muluki Ain*, which arguably are also contributing to construct shame. However these laws are silent about men's sexuality and their cultural obligation and social role to preserve *izzat* of their family and the nation.

Silent approach of Nepalese government seemed to be gendered. For example, stigmatisation, shame, 'good' and 'bad' and as a consequences, *samajik bahiskar* apply much more to women and female sexuality. For instance, while homosexuality has been an emerging issue in Nepal, where lesbians are seen as 'sick' and 'bad' violating cultural norms. There have been incidences recently that some lesbians

⁴¹ This view was expressed by then Hon. Minister for Women, Children and Social Welfare, Mrs. Asta Laxmi Shakya in her inauguration speech in the women's court, organised by Oxfam GB in Nepal, Dec, 2004, the programme I also attended.

were forced to leave home due to the stigma of being in an unsanctioned sexual relationship. This, according to the women forced to leave home, meant that they were blamed for shaming their families⁴². However there are gay men who, although they are stigmatised in being seen as ‘unnatural’ by the wider society, however there has not been an issue of public debate in relation to shaming their families and encountering *samajik bahiskar*. Moreover, one of their representatives has been elected as a member of constituent assembly in 2008 representing a political party of Nepal⁴³. This indicates how the social values, cultural obligations, idea of ‘good’ and ‘bad’, shame and *izzat* are interpreted and translated into laws and enforced with prejudices against women. In addition, as gay men seemed to be, even though they are stigmatised, accommodated in the political processes, in the case of women, there has been no such cases that could be cited as gay representative to the legislative body, the constituent assembly. Moreover, apart from the trafficked women’s organisation Shakti Samuha, introduced in chapter one, there are not any organisations of women returning from prostitution to respond to the social responses that stigmatised and blame them on shaming their family and kin.

As I discussed in Chapter one, Nepal’s laws relevant to trafficking need to be understood within a context of a global policy framework on trafficking and financial assistance to tackle the problem. For example, in its recent report published by the US State Department (USA 2009) in Trafficking in Person (TIP) highlighted that the trafficking of women into sexual exploitation is a matter of national shame to the countries. A similar view was also expressed by the various media and politicians around the world for example such as a Member of Parliament⁴⁴ and also the Malaysian Bar Association⁴⁵ stating that human trafficking in Malaysia is a national shame and humiliating for Malaysian institutions and the entire nation. A similar view was expressed by the minister for Women, Children and Social Welfare of

⁴² This was based on my personal communication with Mitini, an organisation formed by Lesbians in Nepal in 2008. They were seeking support from Shakti Samuha, to fight for their citizenship right.

⁴³ The National Chairperson of Blue Diamond Society, Mr. Sunil Babu Panta was elected to a member of Constituent Assembly as a representative of a communist party (United) of Nepal. (source: <http://www.bds.org.np/aboutus.html>, accessed January 2009)

⁴⁴ Press Statement by Charles Santiago in Parliament on Thursday, 18th June 2009: Modern day human slavery in Malaysia: National shame and government in denial (source: <http://dapmalaysia.org/english/2009/jun09/bul/bul3806.htm>, accessed in Aug 2009)

⁴⁵ http://www.malaysianbar.org.my/letters_others/human_trafficking_in_malaysia_a_national_shame.html, accessed in Aug 2009).

Nepal in 2004 in an NGOs programme who stated that the ‘trafficking of women is a national shame to Nepal because women are our sisters, daughters, mothers; they should be protected properly so that they do not fall into the prey of traffickers’,⁴⁶

Relating constructions of shame in trafficking highlighted in the TIP report, the expression of various politicians such as examples given from Nepal and Malaysian, to the experiences of abducted women analysed by various writers here, a parallel could be drawn that the issue of shame was so much a concern for institutions such as family and government because it was connected with female sexuality. This is to say that the sexuality of abducted women was tainted by Muslim men of other country, whereas the sexuality of trafficked women was tainted by other men. Both situations, sexual relationships of trafficked women and abducted women were not sanctioned by what Benedict (1967) terms, social values and cultural norms and Lim (1998) terms, system of morality, and none of the men were socially and culturally approved husbands. It could also be argued that women in both contexts were made non-citizen by the state and were viewed as ‘polluted’, impure by their religion which, in the case of trafficking particularly, may have contributed to experiences of *samajik bahiskar*. This point relates to the argument made by Rubin (1984: 293) on the role of sexuality to construct shame and sexual violence against women. Rubin pointed out that the centrality of women’s sexuality as a ‘vector of oppression’ is a basis for sexual violence women experienced in various circumstances including in trafficking, prostitution, and migration. She further goes on to argue that the sexual form of violence is ‘borne by, mediated through, and constructed within sexuality’. In the case of this study, in making trafficked women (as many of the participants recounted) as ‘outsider’ and *dushit* (polluted) constructed through their trafficked identity and mediated through responses of social institutions and NGOs on their return. In this context NGOs, particularly those arranging rehabilitations to women on their return from India also seem to be holding similar views to the government. This could be seen within the context of their operation and views their donors hold. Such constructions and mediation was essential to the institutions women belonged to before trafficking and approached on their return, because women’s sexuality

⁴⁶ This view was expressed by Hon. Minister for Women, Children and Social Welfare, Mrs. Asta Laxmi Shakya in her inauguration speech in the women’s court, organised by Oxfam GB in Nepal, Dec, 2004, the programme I also attended.

becomes a symbol of shame. I shall illustrate this point in detail analysing the accounts of trafficked women in Chapters four and five.

Reviewing the work of many feminists writers cited in this chapter suggests that the patriarchal notion conceptualising shame has actually been about female sexuality, but not about the rights of women as citizens. For Nepalese society, women are daughters, sisters, mothers and wives and are a matter of the image of *izzat* until they are under the control of men. Once their sexuality is believed to be tainted by men other than their husbands, these social roles and identities are altered into bad, polluted and a matter of shame. In this context power, pride and nationalism are linked with men and masculinity whereas victimhood, shame and sorrow are attached to women and femininity.

Stigma more generally in sociology and the social sciences

While this thesis acknowledges the growing body of literature on the trafficking of women, which informed the development of this research, the discussion on stigma attached to trafficked women, how it is constructed in various forms in the social context this research was conducted, what possible consequences it brings to trafficked women's lives, and how women deal with stigma (or are forced to live with) on their return from trafficking, has not been a primary focus in academic research. This section discusses stigma more generally within the social sciences and situates contemporary debates on stigma within the context of where this research was conducted.

Although a few academic studies, for example, Brown (2000) and Shivdas (2003), have highlighted that stigma is one of the key problems Nepalese trafficked women face in (re)claiming identities they had before trafficking (for example as daughter, wife, sister, mother), these studies did not focus specifically on *samajik bahiskar* Nepalese trafficked women encountered on their return from trafficking. An examination of wider sociological literature suggests that the concept of *samajik bahiskar* has links with western notions of 'stigma' derived from the work of various theorists, more specifically the work of Goffman (1963).

Since Goffman (1963) published his most influential work *Stigma: Notes on the Management of Spoiled Identity*, this has not only inspired further enquiry, but also generated debates on the definition, nature, types, causes and consequences of stigma and the way stigma is constructed and links to stereotypes beliefs (Link and Phelan 2001). Stereotypic beliefs in this discussion, in the context of understanding stigma, refer to a type of logical oversimplification in which a person or groups are categorised by the society with a specific set of attributes. The term is often used with a negative connotation, often to deny individuals agency, respect or legitimacy based on their membership in a particular society or group. (As, for example the women experienced in trafficking situations in this research)

Examining work on stigma also indicates that, while, particularly in recent decades, sociological debates surrounding stigma cover a range of social phenomenon including for example, HIV/AIDS, homosexuality, prostitution and widowhood, the historical discussion appears to be much more limited to mental, and physical disabilities, certain diseases and illnesses, affiliation with a particular ethnicity, nationality, and with religion. However, both historical and recent debates have highlighted how social disapproval of person (s) or group(s) be based on their perceived behaviors, characteristics, beliefs, religion, and sexualities where these are perceived to be against the prevailing norms of the culture a person belongs to.

Reviewing the literature suggests that, stigma as a social phenomena was first explored by Durkheim (1895) in the late nineteenth century where he pointed out, by highlighting the key role of a social context which the stigmatized person belongs to, that society has the power to construct a 'perfect' individual or 'deviance' through judging them. However, Goffman (1963) one of the most influential sociologists in writing on stigma, defined stigma as a special kind of gap between the virtual social identity and the actual social identity of an individual or a group. He argued that stigma has a special kind of relationship between an attribute and a stereotype that is attached to individuals, for example the behaviours of mentally challenged persons, whose actions and identity are perceived differently than others. For Goffman, society establishes the means of categorizing individuals or groups of people and the complement of attributes felt to be ordinary and natural for members of each of these categories. Goffman's point on being perceived differently to others suggests that

stigma, in the social sciences more generally and in social theory in particular, is understood to be an attribute, perceived behavior, or socially constructed reputation which is socially and culturally discrediting in a particular way within a specific socio-cultural context. It may bring a feeling of being a different to a person encountering stigma and who is categorized by others in an undesirable way and excluded from forms of social interaction, political processes and cultural functions.

Society's role in establishing the means of categorization, as Goffman pointed out, suggests that cultural practices of a particular society may play a significant role both in deciding what are seen as acceptable (or unacceptable) behaviors and what forms of reputation should or could be constructed. For instance, in his recent work Falk (2001) pointed out that all societies always stigmatize some behaviors and create outsiders and insiders based on socio-cultural convenience. This socio-cultural convenience is crucial in the context not only of where this research was conducted, but also who the research participants of this research were (see chapter one and earlier sections of this chapter). Falk goes on to argue that this demarcation of outsider and insiders, although there are invisible lines, permits insiders to know who is in and who is out and allows the dominant group to maintain its solidarity by demonstrating what happens to those who are seen to be deviating from socially defined norms. This point made by Falk on insider, outsider and deviation, based on Becker's (1963) early work, has significance in this research. Becker pointed out that stigma occurs when an individual or group is socially identified as deviant, and observed a special kind of relationship between an attribute and a stereotype as an effect of society, making certain norms a rule that each individual is expected to follow. As Becker states:

'social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labelling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an offender. The deviant is one to whom that label has successfully been applied; deviant behaviour is behaviour that people label' (Becker 1963: 9).

According to these writers cited above, stigma occurs when an identity of an individual or a group is socially constructed or labelled as deviant, linked with negative stereotypes that encourage prejudices towards stigmatized persons or groups which are acted upon in discriminatory way (Shaw 1991). These observations on socio-cultural norms and their enforcement based on convenience, negative attributes, deviance and conceptualization of stigma, in the context of this research, offer useful insights into understanding how the context of trafficking has been constructed.

Trafficking policies including TVPA 2000 and the UN Protocol 2001 are some examples of what Becker (1963) termed social rules, and feminists groups proposing such rules could also be considered as social groups that are, in many instances, contributing to create stigma to women experienced trafficking. Furthermore, my own experience working with NGOs prior to and also while conducting this research suggests that NGOs make various rules in their rehabilitation centers where trafficked women are normally housed. Similarly, immigration officials and the police apply government policies of raiding brothels and rescuing trafficked women may be regarded as many of the writer pointed out (Kempadoo 2005a; Agustin 2007) creating deviants by altering trafficked women's identity into prostitutes and arranging for a separate living in rehabilitation centers. I shall illustrate this point, situating the lived experiences of trafficked women who were categorized as outsiders, in Chapters four and five.

Goffman (1963: 3-4) outlined two types of stigma that can be associated with a person: a) *discredited*, which Goffman describes as those who believed that the stigma attached to them is known to the public already, that is a stigma that they cannot be hide, and b) *discreditable*, the term used by Goffman to describe those who believe that their stigma has not been known yet to the public. In this case a person could conceal potential stigma through using various strategies, he calls this 'passing'. For Goffman, however, in such a situation the problem becomes to display or not; to tell others or not; to lie or not; and, in each case, to whom, when and in which circumstances.

These types are elaborated further by other researchers in recent years. Advancing Goffman's classification of stigma, Jones, Farina et al (1984) offer a useful explanation. They point out that in the situation of *discreditable* stigma, the analysis of stigma is concerned only with the person whose stigma has yet to be revealed to manage his/her identity. Whereas in the context of *discredited* stigma, the person's stigma has been revealed and thus it affects not only his/her behavior but the responses, actions and behavior of others; those who perceived that such behaviors are unacceptable. They also offered six dimensions of stigma which correspond with Goffman's (1963) two types outlined above.

i. Concealable:

This relates to Goffman's '*discreditable*' type of stigma, where he suggests stigma may not be known to public. This concealable dimension can also be understood within the conceptual framework of Goffman's (1963) work, where he points out that stigma comes in three different forms (Goffman 1963). One form, Goffman argues, is external deformities, such as scars and deformities created by leprosy or by a physical disability. A second form, he notes, is a perceived deviation, for instance people are stigmatized due to mental illness, drug addiction, alcoholism. A third, form Goffman terms tribal stigma, which is associated with a certain ethnicity, nationality or religion through which people are stigmatized. Taking these forms, it could be argued that stigma associated with physical deformities can be difficult to conceal, even if a person attempted to hide them from their wider social world.

Cumming (cited in Page 1984) points out that whether stigma is a visible or an invisible mark, it carries a meaning of feeling of being seen/considered by others, generates a reaction within the individuals bearing it and in the behaviour towards that individual by those affirming stigma. Cumming's work emphasizes social interactions in specific socio-cultural contexts within which feelings emerge.

Considering Cumming's focus on social interaction in the context where this study was conducted, the important point to note would be, people's sexualities, ethnicity and nationalities are often not visible, those could, to some extent, be concealed. For example, trafficked women, dalit or certain ethnic social groups in Nepal, are not necessarily carrying a 'visible mark' of being trafficked, or a dalit; however feelings may have generated within them of being associated with a specific group. Their

feeling of being trafficked, within themselves and responses towards them by others, for example, carries a specific meaning and frames the social interactions between them. In addition, the basis of such interactions and processes of being labelled ‘trafficked women’, which is associated with attitudes towards assumed sexualities, may affect such interactions. Furthermore, social interactions in a specific cultural context, religious places, government offices, immigration check points, health institutions, schools among others, that may contribute to construct stigma could play an important role not only to be *discredited* but to experiences of *samajik bahiskar* as a result of stigma. The ultimate consequences of such social interaction may also lead to social, cultural, economic and/or political exclusion of a person being stigmatised not only from their families and kin, but also the wider society they belong to. I shall demonstrate this argument with trafficked women’s accounts in attempting to hide their trafficked identity to tackle stigma, and possible consequences of this, in chapter six.

ii. Course of the mark:

This relates to processes that may take place to construct stigma attached to a particular person or group in a specific context where the stigma becomes more prominent over time. This temporal dimension of stigma could relate to the situation of trafficked women when they approach immigration offices, police offices and law courts to get legal support to prosecute their traffickers. When women approach these places, they may have to share their narratives of trafficking experiences which may contribute to construct negative attributes towards them and processes of stigmatisation by the officials they have approached.

iii. Disruptiveness:

This is linked with the course of the mark dimension, particularly crucial dimension to become stigma to make known to public and could transformed Goffman’s type ‘*discreditable*’ to a ‘*discredited*’ through a process through which the stigma get in the way of social interactions. When processes of stigmatisation by the government official starts, trafficked women’s *discreditable* type of stigma may be altered to *discredited*, so that women may encounter *samajik bahiskar*. I shall illustrate this dimension with the experiences of return trafficked women in chapters four and five.

iv. Aesthetics:

According to Jones, Farina et al. (1984), this dimension of stigma refers to understanding public responses to the person or a group once stigma is known publicly. According to them the stigma may also be described by a person in a particular society or institution such as the media, as a label associated with a person for his/her set of perceived unacceptable actions, behaviors and characteristics that are against the prevailing cultural norms and stereotypes. In this case once society constructs a label that differentiates a person from others, generalization then begins to assume that this is how things are and the person will remain stigmatized. This dimension needs to be understood in the context of this research, where trafficked women are given various labels such as prostitute, 'bad' women, whore among others. Relating this dimension with the accounts of trafficked women included in this study, this may be the key stage when *samajik bahiskar* begins (see chapter four for details).

v. Origin:

This dimension suggests that what is perceived stigma is, for example, socially constructed such as for example, this research understanding stigma attached to trafficked identity, premeditated or by birth.

vi. Peril:

This dimension relates to the consequences of stigma to the person her or him self and to others in society. This dimension could be seen in the case of trafficked women's situation that women are blamed to bring shame to their families and kin, and women themselves encounter *samajik bahiskar*.

In his recent work, Falk (2001) however characterises stigma in two main ways that seem to be more precisely related to the dimensions outlined above, in terms of how stigma is constructed and what role stigma may play in people's lives.

i. Existential stigma.

Falk defines existential stigma as stigma derived from a circumstance over which the person or group stigmatised has little or no control. Given their subordinated agency, cultural construction of womanhood in south Asian context and their trafficked

identity, the circumstance in which stigma and *samajik bahiskar* are constructed would seem to be beyond the control of the women included in this study as I shall illustrate this context in chapter four.

ii. Achieved stigma.

Falk defines achieved stigma as a form of stigma that is earned as a consequence of conduct and/or contribution of person or group to construct the stigma. This type of stigma suggested by Falk, seems to be putting the burden on the person or group stigmatised as responsible for their stigma.

More recently, however, Campbell, Nair et al (2006), elaborating Goffman's (1963) historical forms of stigma, classified stigma into three different types.

- i. External Deformities: in which they include physical deformities such as leprosy and physical disabilities.
- ii. Known Deviations in Personal Traits: in this form they include mental illness, homosexuality, suicidal attempts and radical political behavior.
- iii. Tribal Stigma: This includes an affiliation with a specific nationality and/or religion.

Furthermore, analysis also suggests that there are many stigmatised circumstances in the social context of the person or group being stigmatised that are not only beyond their control, but also interplay with the socio-cultural, economic and political power structures of the specific society within which stigmatisation process occurs (Link and Phelan 2001). Although these power structures seem to be important to construct and enforce stigma, they may play different roles at different times, stages, with different people, for different phenomena and in different social contexts. For example, socio-cultural power can be seen a crucial when it comes to gendered social perceptions of the women, cultural constructions of female sexualities and political construction of their agency, which may interact negatively with the socio-cultural context in which stigma is constructed (Schur 1984). Furthermore, stigma can affect a number of domains of people's lives, which illustrates that the social construction of stigma and the context it occurs, perhaps has a significant affects on the distribution of life chances in crucial areas for example, livelihood, housing,

education, health and citizenship. I shall examine these effects in Chapter five of this thesis.

After four decades since Goffman's (1963) important early work, recently there have been attempts to revisit the concept in the light of renewed interest in studying stigma within the social sciences. Link and Phelan (2001: 382) in their work on *Reconceptualising Stigma* argue that 'stigma exists when elements of labelling, stereotyping, separating, status loss, and discrimination co-occur in a power situation that allows these processes to unfold'. They also point out some of the areas that stigma research could pay more attention to. One of the areas they highlight was, for example, is community based qualitative and quantitative research that contributes to an understanding of the social determinants of the life chances of people affected by stigma. Their definition, although still under discussion, seems to pay more attention on the role of power to construct, enforce and maintain stigma, and subsequently, create consequences in the lives of people stigmatised. Focusing on life chances for further research, they seem to be inviting social researchers to pay more attention in understanding not only the consequences of stigma to the lives of people who confront it, but also in exploring the ways institutional resources are being distributed, for example, health, education, income sources or livelihood options among others, and whether justice has been done to the people or group stigmatised (see chapter five).

Research on understanding stigma from various writers, since Goffman's (1963) early work, analyzed in this chapter is evidence that the growing interest in studying stigma has implications not only in terms of conceptual refinements, but also in encouraging social researchers towards application of the concept. Such application indicates demonstrating the consequences of stigma in the lives of persons or groups experiencing it. Some of the works, exploring stigma relevant to this study are examinations of stigma associated with homosexuality (Plummer 1975), prostitution (Pheterson 1993; 1996), HIV/AIDS (Deacon, Tephney et al (2005) and migrant women Scambler (2007), among others. In relation to trafficking, there are a few studies as I cited earlier in this section, although their focus was not on stigma per se. The study on widowhood by Chen (2000) in the south Asian context is also important to consider. These studies, particularly on prostitution, HIV/AIDS and

widowhood, are significant where writers found that stigma was the key challenge women faced in their social interactions in everyday life. Although, these studies including those on homosexuality, were conducted for a different reason, at different times, in different contexts within social science research, and with different people having diverse experiences, however their observations on stigma as a relationship between attributes and stereotypes that produces experiences of being stigmatised are similar. I briefly examine their application of the concept of stigma in the light of how this study was conducted.

Plummer (1975: 46-48) in his early work on *sexual stigma* observed that the social relationship of the meaning of stigma attached to the category 'homosexuals' is similar to the stigma attached to prostitutes, both being labelled as 'deviant'.

Plummer also argued that sexual experiences are likely to be altered in their form, for instance for homosexuals, as a consequence of being labelled as deviant. The process of becoming 'different', for Plummer, is a social process and stigma in the form of being labelled as deviant is a social product, in a specific historical and cultural context.

Pheterson (1996: 8), in her book *Prostitution Prism*, examined how stereotypes construct stigma to women working in prostitution. She argued that the social norms and political logics, that are always negative to prostitutes, are fundamentals of a social context that 'stubbornly refuses unqualified human status to women'. She goes on to argue that the social construction of prostitution and the term prostitute are constructed in a way that, by stigmatising women as a 'whore', carries negative connotations, undermines women's agency and disapproves of their sexualities. 'A man is a diamond and a woman a piece of cotton; when they fall in the mud the diamond can be washed clean, but the cotton remains dirty forever' Pheterson (1996: 11), A Cambodian proverb, Pheterson uses across the book to expose the forms and type of stigma as fundamental to a negative attribute that separates women in prostitution from wider society by their sexual reputation as dishonourable.

In her earlier works, Pheterson (1990; 1993) examined the legal mechanisms of various countries in Europe such as Denmark, The Netherlands, Austria and Belgium and asserted that stigma attached to women in prostitution is a mechanism of

exercising social, cultural and political power that separates prostitutes from wider society and categorise them as ‘bad’ and dishonourable. For Pheterson, the dishonour attributed to women in prostitution also has a legal consequence that women are legally stigmatised, which brings negative consequences in the livelihood of prostitutes. For example, her analysis of, among other European laws, Danish legislation, highlights how any earning associated with prostitution is not honourable to support one’s living. She found that Danish law criminalises prostitutes who do not have earning from other sources than prostitution and that women who earn their livelihood through prostitution is defined as ‘selling honour’. Pheterson’s point in relation to selling honour conforms what Lim’s (1998) work suggested earlier in this chapter that there are two systems of morality for men and women in terms of regulating sexualities. While women’s sexuality is connected with honour-dishonour, purity-pollution, the good-bad binary, as discussed earlier, the sexuality of men, in this context, signifies not only the agency of men, but is also a means of control over women.

Such a context within which stigma is constructed and enforced in various forms that creates ‘bad’ and dishonourable women, in Goffman’s (1963) terms ‘*discreditable and discredited*’, has parallels with the women included in this study. Many of the women recounted that they were anxious about the responses they may receive on their return from trafficking. This feeling seemed to be more embedded with the women who were rescued by the Indian police, rehabilitated in transit houses on their way to Nepal by Indian NGOs and stigmatised by immigration officials and media on their arrival in Nepal. I shall discuss these accounts more detail in Chapters four and five.

In addition to creating dishonourable, polluted and ‘bad’ categories of women, these negative attributes, as Pheterson (1990; 1993) asserts relating to the Cambodian proverb, remain throughout the lives of women who experience stigma. Similar views are also expressed by other writers studying prostitution elsewhere. O’Connell Davidson (1998) for example, in her study of prostitution in various cultural contexts in the UK and in Asia, argued that no amount of material compensation can entirely remove the ‘whore stigma’. In south Asia, Brown’s (2000) work also exemplifies that such a stigmatised *identity*’ is an *acquired* identity given by the family and

societies that women came from, and will remain with the women experiencing this stigma for the rest of their lives. More recently Scambler (2007), studying migrant women selling sexual services in London, also subscribes to the views expressed above and argued that there is no effective way to escape stigma and potential exclusion from others. For Scambler, 'others' signify those who are aware of the work that migrant sex workers are doing under various circumstances.

While stigmatised attributes are socially constructed, I have pointed out in this chapter, they also appear to be interacting with gendered power structures (Link and Phelan (2001: 382) in a complex way that constructs prejudices against those who are, socially and politically, perceived to be less powerful and are stigmatised by them. A complex interaction of these power structures with stigma becomes more crucial when they connect the construction of stigma with associated prejudices, for example shame. Deacon, Prosalendis and Ttephney (2005), in their studies of stigma attached to women living with HIV/AIDS in South Africa, found that the construction and consequences of HIV/AIDS stigma echoes the stigma attached to racism, prostitution, and disability. They argued that stigma associated with these prejudices is a social construct and that all involved the attribution of negative meanings, especially in the sense that those who encountered stigma were held responsible for bringing 'shame' to their families. Similar studies conducted by some NGOs in Nepal exploring HIV/AIDS prevalence in women who had returned both from trafficking and prostitution such as, for example, Terre des hommes (2005) suggest that the experiences of stigma Nepalese trafficked women encounter on their return from India are clearly associated with women's socio-cultural, economic and political position in Nepalese society. Another study conducted by the Family Health International (FHI undated)⁴⁷ in Nepal also found that women are subsequently blamed for bringing HIV/AIDS and other sexually transmitted infections into the society in which the women live on their return from working in prostitution in India.

Although the focus of the studies conducted in an African context by Deacon, Prosalendis and Ttephney (2005) and by Family Health International (FHI undated) in Nepal have primarily been on the health aspects of HIV/AIDS, they share findings

⁴⁷ This document is relevant to this discussion however was found to be undated (source: <http://www.fhi.org/en/CountryProfiles/Nepal/nepalprograms.htm>, accessed in January 2008).

found in the study conducted by Terre des hommes in Nepal. Both the studies conducted in Nepal and Africa suggest that these negative attributes are socially constructed, defined and maintained by the families, communities, particularly neighbours and villagers. These attributes are based, as Lim (1998) and others have argued, on a social system of morality within which stigmas are constructed. However, as Pheterson (1990; 1993) pointed out, these are regulated by the laws and policies generating in that context.

Conclusion

Analysis of these literature, in the light of this research, suggests a complex interconnection between *izzat*, shame, sexuality, stigma and *samajik bahiskar* that are all constructed as a result of vertical and horizontal interactions of power structures of society impacting on female agency. Power structures, in the context of this study, are conceptualised based on systems of morality that define certain social roles and cultural obligations differently for women and men. While the social system of morality works well with sexualities in constructing womanhood, the institutional policies and plans formulated by governments and NGOs play no less significant role to construct prejudices based on political position, socio-cultural location and economic marginalisation of women who are stigmatised. Both the system of morality and policies however are forms of rule created and maintained by power structures that constructs certain meaning, types and forms of stigma such as prostitutes, whore, and ‘bad’ women. Once labels are created and stigma is constructed, the issue of shame becomes paramount. Conceptualising shame seems fundamental to maintain power over women by blaming them, affecting *izzat*, which seems a form of social power of patriarchy, by shaming families, kin in particular and, indeed, nation in some instances. When labels, stigma, shame and *izzat* interact negatively with female agency, the consequence reaches far that women encounter *samajik bahiskar*. This complex however constructed a appeared time and again in the lives of trafficked women interviewed, when they are excluded from basic rights such as education, health, legal support, housing, belongingness (or citizenship) not only in the places they were trafficked to, but also from their own government and NGOs. I shall illustrate how these complex interactions shape the lives of trafficked

women in later chapters of this thesis. I now move to next chapter to discuss the methodology I applied to conduct this research.

Chapter Three

Methodology

Introduction

In the previous chapter I focused on examining the body of literatures that relate to this research, presenting, discussing and addressing prior research concerned with the areas of trafficking of women for sexual purposes, sexualities, stigma associated with experience of being trafficked and policy responses to address the problem of trafficking of women in Nepal. This chapter will offer a discussion of how this research project developed, thoughts on feminist research as an epistemological stance and research design, the nature of the sample and issue of access, and will examine methodological issues that will be followed by a discussion of ethical considerations, interviewing methods and subsequent analysis.

Methodological foundations of this research

Development of this research project

This research project developed out of a decade of my working and interacting with Nepalese trafficked women who often encountered *samajik bahiskar* on their return from the trafficking settings, mainly Indian brothels, where they were forced to serve customers sexually. However my academic research, if it is a ‘journey of discovery’ (Richardson 1994), began when Newcastle University invited doctoral research students to submit proposals to the Faculty of Humanities and Social Sciences. This research environment provided me with an opportunity to reflect academically on my previous feminist activism, by which I had chosen to study the processes and consequences of *samajik bahiskar* that trafficked women experience on their return to Nepal, their country of origin. Lee and Renzetti (1993) define sensitive research topics as those that have potential costs or threats to the research participants and the researcher. As Lee and Renzetti identified, there are a number of areas in which research is more likely to be threatening than others, including research of topics of a sexual nature, and that explores personal experiences, the private sphere, and impinges on the vested interest of powerful people and forms of social control. Research focusing on *samajik bahiskar* trafficked women experience after leaving

trafficking settings is therefore sensitive in several ways in terms of the criteria set by Lee and Renzetti; because, rationally, it is difficult research for both trafficked women and the public to address the problem; and because it is linked with money, power, sex and violence, it is therefore concerned with the exercise of power by key social institutions and organisations using coercion, deception and threats against women to force them into unwanted sexual acts that bring deep personal experiences to the trafficked women. For Neuman (1994), feminist research is sensitive to existing gender and power relations and its operation in society. Bauman and Seigel (1986) assert that a sensitive research process affects almost every stage of the research process. My decision to undertake sensitive research, however, raised concerns not only about the safety of the researcher and the research participants, but also ethical issues associated with the relationship between me as a researcher and trafficked women as the research participants I interviewed. While my desire was to create knowledge based on the experiences of returned trafficked women, to understand their views on the social, economic and cultural context within which they experience *samajik bahiskar*, I took care to design this research to bring trafficked women to the centre of the research process through open ended, flexible, reflexive and face-to-face interviewing.

The research design

My desire to do this research was, as Burton, Kelly and Regan (1994) point out, to create *useful* knowledge on the context and processes through which *samajik bahiskar* is constructed and meanings are given and enforced in various forms on trafficked women. That is, knowledge that can be used by researchers and others to change public perceptions towards trafficked women, so that an environment for social acceptance can be created in society on their return and that their social, economic, cultural and political rights can be promoted. Creating knowledge grounded in the actual experiences of trafficked women is a key aspect of this research because it is about a social group of stigmatised women who have had their ideas, thoughts and experiences ignored for centuries or have had others speak for them. While views and ideas of trafficked women expressed are the key data gathered, I argue that this research will also contribute to the conceptualisation process of social scientists in Nepal to understand the socio-cultural, economic and

political forces of *samajik bahiskar* that is created, defined and enforced in various forms.

As many feminist scholars argue, using a feminist approach in doing research acknowledges the role of the participants to construct knowledge, encourages the researcher to be an insider in the research process, which values the experiences of both the researcher and the participants as part of knowledge production, and places emphasis on the meaningfulness of the research product to both scholarly and user communities (Mies 1983; Harding 1987; Reinharz 1992; Burton, Kelly and Regan 1994; Maynard and Purvis 1995; Oakley 2000) and to bring changes in the situation in which (trafficked) women live. Moreover, researching the lives of women or problems affecting women's lives is a multifaceted task that requires pluralism in approach to understand the dynamics of the problem in a specific context. Trafficking of women and *samajik bahiskar* created by trafficking are complex phenomena, as is understanding the problem of *samajik bahiskar* the women experience. This postulation, throughout the research process, therefore, encouraged me to apply the following strategies in the research process:

- a) listening carefully to women's experiences;
- b) acknowledging power dynamics;
- c) reflecting on potential ethical concerns and dilemmas while interviewing women and analysing their stories;
- d) ensuring the safety and security of the research environment; and
- e) adopting relevant principles and guidelines, for example the ethical guidelines of the British Sociological Association (BSA 2002) and World Health Organisation (WHO 2003), which informed this research during the fieldwork in Nepal.

While BSA ethical guidelines helped me to define my relationship with research participants, in particular to ensure the anonymity, privacy and confidentiality of the research participants, the World Health Organisation Ethical and Safety Recommendations for Interviewing Trafficked Women informed the interview process, in particular by alerting me to avoid re-traumatising trafficked women, to

obtain their consent, and to ensure the safety and security of the women being interviewed and of myself.

Gretchen and Marshall (1999) have observed that qualitative research is a broad approach to the study of social phenomena; it is emergent rather than prefigured; its various genres are naturalistic and interpretive, and draw on multiple methods of research. They argue that traditional qualitative research assumes that knowledge is a subjective rather than an objective truth which the researcher learns from the participants to understand the meaning of their lives. For Kemmis and McTaggart (2002) qualitative research is a participatory, collaborative project through which the researcher joins the research participants in an ongoing dialogue and that has its roots in liberation theology, the neo-Marxist approach to development, and human rights activism in Asia and elsewhere. Deem (2002) argues that in the significance of philosophical differences between positivism and interpretivism, qualitative research encompasses critical epistemological and ethical criticisms of traditional research in the social sciences. These debates have also included concerns such as the place for values and the meaning of objectivity, the relationship between the researcher and the participants, and the selecting of methods, research strategies and types of data to be generated.

My reflexivity on qualitative research, therefore, stresses the socially constructed nature of reality, the intimate relationship between the researcher and the participants, and the situational constraints, for example socio-cultural and political, that shape the research processes. Taking this epistemological position, I assert that the feelings, thoughts, and experiences of trafficked women and the behaviours and actions of, for example, family and community, labour market, media and the state are types of data this research recognised as valid and emphasized the value-bound nature of enquiry.

In contrast, quantitative research emphasizes value-free measurement and analysis of causal relationships between variables, but not an examination of processes. However, the distinction between qualitative and quantitative research is not necessarily based on numerical responses. For Mason (2002), in qualitative research, theoretical rather than statistical sampling is the norm along with an emphasis on an

holistic approach of analysis of context and explanation of processes. Based on its epistemological stance qualitative research is, therefore, an enquiry broadly grounded in, as Mason asserts, an ‘interpretivist and constructivist position’ and it allows flexibility and accommodates unstructured, open-ended methods in the generation of data, because qualitative researchers believe in rich descriptions of the social reality, (experiences of *samajik bahiskar* for example), whereas quantitative researchers are less concerned with descriptions because they believe that statistical analysis, based on random sampling, helps the process of generalisation. To make this point more clear, while quantitative research is better at identifying correlations and causality, qualitative research is better at explaining why things happen and how people think and feel. In this context, the approach to this research has been chosen because of the topic and the fact that it is exploratory, as very little work has been done to understand the context and processes of construction of experiences of *samajik bahiskar*.

Plummer (2001) observes that the rise of feminism in academia and multiculturalism has encouraged much more committed, reflective, politically aware and personally grounded research, which has been a dominant focus of social science research for the last few decades. Burton, Kelly and Regan (1994) suggest social researchers use a participatory approach as a way of politicizing research participants so that they can subsequently engage in challenging the context of their oppression. In this research, however, the participation of trafficked women was possible only after the research proposal was approved by Newcastle University (see later in this chapter). The planning and writing phase therefore was led by me, nonetheless, and the details of the field plan includes the selection of research participants for interviews; the working modality with the research participants; the interview venues; and the time of subsequent consultation meetings worked out jointly with Shakti Samuha and the organisations trafficked women represented before interviews were commenced.

Thoughts on feminist research

The feminist research community, for the last few decades, has engaged in a philosophical debate concerning the use of research methods in social science. The research design, in general, and the method in particular, has been a central focus of

feminist debates on social science research. Epstein and Stewart (1991) observed that much of the feminist debate has been focused around the claim that quantitative research techniques distort women's experiences and result in a silencing of women's voices. Many feminists researchers (Harding 1987; Nielsen 1990; Roberts 1990; Reinharz 1992; Williams 1993; Maynard and Purvis 1995; Galmartin, Hesse-Biber and Lydenberg, 1999; Oakley 1998; 2000; Ramazanoglu and Holland 2002; Hesse-Biber and Yaiser 2004; Stanley and Wise, 2007) who are noted advocates of qualitative research methods, argue that individual women's understandings, emotions, and actions in the social world must be explored in those women's own terms and the exploitative relationship between the researcher and the research participants must be transformed into a more equal contribution in the generation of knowledge. Cotterill (1992) for example, in her study exploring relationships between women, asserts that research approaches adopted by feminist researchers are fundamentally important to construct knowledge by locating their research participants at the centre of the research process. Concisely, feminist research puts women at the centre of the research process that aims to be non-alienating, non-exploitative and potentially emancipating (Scully 1990). By counting personal experiences of women experiencing various forms of *samajik bahiskar* attached to their trafficked identity, feminist approaches are relevant to this project which explores how 'personal' problems are the result of structural gender inequality and discrimination. My desire, informed by feminist scholarship, in researching the experiences of trafficked women, was to understand how *samajik bahiskar* is constructed, defined in various forms, enforced on women on their return from trafficking and subsequently maintained.

Reinharz (1992) asserts that using multiple methods to create knowledge contributes towards social change and Harding's (1987) work questions the ways knowledge has been generated and emphasises the politicisation of feminist research by situating the research questions within women's lived experiences. Cook and Fonow (1991), however, argue that feminist research is distinct from other approaches in terms of the aim of the research and use of the knowledge constructed, because feminist research bridges the realities of women's lives and their experiences with the processes of the policy environment and engages in actions. However, I employed a feminist methodological preference that requires, as Mason (2002) points out, an

holistic approach; flexibility; reflexivity; and a close and interactive relationship with trafficked women. Also because of personal nature and confidentiality, in this research it might not have been appropriate to interview women in group. Therefore an in-depth interview technique was considered the most appropriate method for this research.

While I acknowledge that feminist research approaches that suggest the importance of the role of the research participants, trafficked women in this research, to construct knowledge (Oakley 2000), as a feminist researcher my work over several years promoting the rights of women generally, and the rights of trafficked women in particular, has helped me to be an insider in the research process. While there were benefits of me being an insider, such as trust and access among others, there was also an implication that more trafficked women than I initially identified wanted to be interviewed (see later in this chapter).

Moreover, feminist researchers have created new ways to do research that reflect feminist values (Mies 1983; Stanley and Wise 1983; Stacey 1988). The feminist contribution has been widely recognised as transforming the traditional interview method into conscious partiality, a non-hierarchical relationship and an interactive research process. In contrast with this view Mies (1983) summarises some of the key methodological concerns feminist researchers have raised. She also offers methodological guidelines for doing feminist social research, which take the research participants as active members and the researcher as an insider while interviewing. I found this approach useful due to the exploratory nature of this research which aims to understand the context and processes of construction of *samajik bahiskar* from the perspectives of trafficked women. Mies argues that the methodological principles, which are certainly the decisive methodological approach in positivist approaches in social science research, of a value-free, neutral, uninvolved approach of a hierarchical, non-reciprocal relationship between the researcher and the research participants, drives feminist researchers to offer a critique. She goes further by suggesting that so called 'value-free' research has to be replaced by 'conscious partiality' while selecting a sample; the vertical relationship between researcher and the research participants what she terms a 'view from below', the view that research must serve the interests of dominated and marginalised groups, particularly women;

uninvolved in what Maslow terms ‘Spectator-Knowledge’ (Maslow 1966) has to be replaced by active participation in activities and the struggle for women’s emancipation; the research process has to be part of the ‘conscientization’ (Freire 1970)⁴⁸ for both the researcher and the research participants (Mies 1983). While reflecting on my research process, the approach I adopted seems, in many respects, to be close to what Mies suggests a feminist research approach should be. One example could be my choice of selection of research participants, the trafficked women. My engagement with their struggle; in the past and in the future; my personal commitments towards the women’s movement in Nepal; and desire to use findings of this research for the struggle of the trafficked women that aims to fight against unequal power structures of society and the discriminatory practices that construct, define, enforce and maintain *samajik bahiskar* that women experience on their return from the trafficking settings, are a few examples among others. Drawing from feminist scholarship, my decision in employing in-depth interviewing was also informed by the research topic, personal commitment to the trafficking prevention campaign by encouraging trafficked women to speak about their experiences, and the exploratory nature of this research which aims to contribute to an area about which little research has been done in Nepal and elsewhere⁴⁹. In addition to this, having connections with Shakti Samuha and NGO communities supporting trafficked women I was privileged in terms of access to trafficked women’s experiences.

The sample and access

The research sample

Burton, Kelly and Regan (1994) suggest that feminist approaches to social research should focus both ‘on’ and ‘with’ women to get women’s perspectives on research questions. This is relevant in this research where views of trafficked women are the key to understanding the women’s socio-cultural, economic and political situations on their return from trafficking settings. The primary goal of this research was to elicit the views of trafficked women on their experiences of being labelled,

⁴⁸ I borrow the meaning of conscientization from Freire, he points out learning to perceive social, political and economic contradictions and to take action against the oppressive elements of reality. (Freire 1970)

⁴⁹ However at the time this study there have been some research conducted in East Asia.

stigmatised and encountering *samajik bahiskar* as the main source of data in order to answer the research questions.

i) gender

Initially, I intended to include male members from the families of trafficked women when this research proposal was first developed. However, because of the context in which trafficked women live, the way their needs are being responded to by their own families, the *samajik bahiskar* and other forms of violence they have experienced controlled by men, and the potential threats on their safety, I decided to limit interviews to women participants only as my desire was to create knowledge from the experiences of women who are excluded from the certain social processes and sites and treated as ‘victims’. The research analyses the consequences *samajik bahiskar* brings to the lives of women on their return by seeking the views of trafficked women themselves. As the research design progressed, I began to realise that seeking views of family members, mainly men, who often play a significant role in constructing and enforcing *samajik bahiskar* on women on return (see Chapters five and six) may raise an ethical concern in the research approach and risk the safety and privacy of the trafficked women participating in this research. Moreover this could also have led to a lack of willingness in women to share their experiences during interviews. Furthermore, to include men might have changed the focus of the research, affected trust between me and the trafficked women, and from a practical point of view, it would have expanded the research, and doing the fieldwork might not have been possible with the given time and resources.

Seeking the views of trafficked women themselves to analyse and learn how such structural interactions happen that construct experiences of *samajik bahiskar*, was the key research strategy I applied. Thus, the research participants I aimed to recruit were, all women who, at least once, had experienced trafficking.

ii) age

While planning the fieldwork, I thought teenage, young and middle aged women might have specific experiences of the trafficking process. Moreover, women who had experiences of being in several destinations and away for a long time might have

distinctive strategies to cope with their situations on their return, compared to the teenager or young woman who had a short time in one destination. Furthermore, stigma attached to young women may have created more difficulty to start a new life (either the marriage or other means) on the in return because of social perceptions of young single women in Nepal (see Table 5 on significance of marriage in resisting *samajik bahiskar* in Chapter six). It may also be the case that women who returned years ago and started a new life either with NGOs or other economic sectors, may face less stigma than those who had returned recently and had no livelihood. Also young and literate women may adopt different strategies to escape *samajik bahiskar* than women denied education (see educational background Table 4 in Chapter five). The age breakdown of the sample was as follows:

Table 3: Age breakdown of the research participants

Age of participants (years)	Number of participants
16-19	1
20-25	19
26-29	6
30-35	2
Total number	28

Diverse and complex experiences of participants from different age and backgrounds might help to understand different forms and types of social labelling and women's experience of *samajik bahiskar* after leaving trafficking settings. I therefore sought to access participants from different ages, religion, caste/ethnicity and geographical locations who expressed an interest in taking part in this research. However, they were likely to be young because of the nature of trafficking of women, as is evidenced in Table 2 most of were under 25 years.

Access to sample

I was aware that the social construction of trafficked women as ‘outcast’ women, combined with stigma and the personal difficulty women face in speaking publicly of experiences of *samajik bahiskar*, may minimise the possibilities of trafficked women coming forward as research participants. A number of methods were considered over the course of the recruitment period on gaining consent and cooperation by liaising with gatekeepers to access the sample for this research.

Shakti Samuha was the key organisation I contacted to get access to the research participants. This was for a number of reasons.

- a) The first and most important reason was my past working relationship with the organisation for over a decade, through which trust had been built to work together in this research.
- b) Another reason was access to a sample in the context of conflict, which meant that frequent travelling to remote districts/villages to reach women would have been very difficult.
- c) I was also aware that many women who have escaped trafficking are involved in Shakti Samuha as members, volunteers or programme participants and are mainly based in Kathmandu; however, those few women who have settled in their own districts were approached through Shakti Samuha.

I also approached two rehabilitation centres run by NGOs in Kathmandu those were ABC/Nepal and Nava Jyoti Centre. In addition, I also approached GMSP, an NGO based in the Sindhupalchock district mobilising trafficked returnee women for the trafficking prevention awareness programme. My choice of selecting Sindhupalchock was informed by the relative ease of travel during the conflict situation and my historical relationship with the districts in relation to the issue of trafficking (see prologue), and with NGOs working to prevent trafficking. Sindhupalchock is a neighbouring district of Kathmandu valley, and there are frequent bus services.

The reasons I aimed to recruit research participants from different NGOs based in rural and urban settings was to get views from trafficked women who were living in different arrangements on their return that I thought might show variation in the experiences and consequences of *samajik bahiskar*. In addition to exploring trafficked women's strategies to deal with their stigma in urban and rural settings, I was also interested to understand the role of NGOs (if any) in (re)constructing/managing *samajik bahiskar* when women access NGOs' services in both settings.

Sampling from these NGOs was possible due to the trust I had been able to build over the years with NGOs working to prevent trafficking through my involvement in anti-trafficking campaigns and the wider women's movement in Nepal. Because of past working relationships, I anticipated that women in both Shakti Samuha and the other NGOs would share their experiences. However, I was prepared, if some members or NGOs changed their decisions, for a need to explore other NGOs where women were being supported after their return to Nepal. This was important both to get an adequate number of research participants, and also to get views from women experiencing different arrangements of support on their return.

Furthermore, to ensure adequate numbers of research participants, given the complex nature of the research, the social construction of trafficked women, and the distance of the field from the University and the prevailing political situation in Nepal, I also included in the sample five women activists/staff of five NGOs supporting trafficked women. Those five women activists/staff interviewed were from ABC/Nepal, Coordination Committee Against Trafficking of Women (CCATW), Gramin Mahila Srijansil Pariwar (GMSP), Mahila Atma Nirverta Kendra (MANK) and the Nava Jyoti Centre. The reasons for selecting these NGOs were their nature and methods of supporting trafficked women, for example offering shelters, and my involvement in the trafficking prevention campaign. While planning this research I aimed to use the knowledge of women activists/staff on *samajik bahiskar* that women experienced whilst supported by these NGOs, if my sample of trafficked women were not adequate. When fieldwork progressed, more trafficked women expressed an interest to be interviewed; as analysis of the interviews began, I realised that data from

twenty eight trafficked women I gathered was enough to analyse and then decided to not to use data gathered from the activists/staff of NGOs in this study.

The recruitment process began with my contacting Shakti Samuha through email in summer 2005. My decision to contact Shakti Samuha first was informed by my regular communication with them and sharing information on trafficking after I joined Newcastle University. Organisational assurance was obtained via email to ask its members, if they wanted to take part. Subsequently, ABC/Nepal was also contacted through email, but organisational assurance was only obtained after my arrival at Kathmandu. Prior communication from ABC/Nepal on access was not possible due to the political situation in Nepal, as the leadership of the organisation was involved in the democratic movement. Nava Jyoti Centre and GMSP were contacted on my arrival as I did not have email access to them while I was in Newcastle (see Appendices 3, 4, 5, 6, 8 and 9).

Designing the interviews schedule

i) in Newcastle

Once access was sought and organisational assurance from the primary NGO Shakti Samuha was obtained, designing the interview schedule began. Because my choice of research method and self selected sample were shaped by the sensitivity of the research topic, creating the interview schedule was extremely challenging. It was partly due to the nature of the research as many researchers have found that women are hesitant to answer direct questions such as for example: Have you ever been raped, are you a trafficked woman (Russell 1990; Bergen 1993; Human Rights Watch 1995). My effort was to avoid forcing women to fit into my ideas and responses on *samajik bahiskar* – how it is being created, defined/interpreted and maintained. Hence I composed unstructured key questions to guide the discussions and interviews were guided mainly by the women's experiences discussed during the conversations. The interview schedule was developed around five key themes:

- a) life in childhood;
- b) the trafficking process;
- c) life after returning to Nepal;

- d) support available on return; and
- e) experiences of *samajik bahiskar*.

Given that I was based in Newcastle University, it was not possible to conduct pilot interviews with trafficked women before I started field work in Nepal. Four drafts were commented on by my supervisors before I began my field work. However interviews were conducted with two peer researchers in Newcastle University as ‘rehearsal’ interviews that were transcribed and my reflection on those peer interviews, and comments from my supervisors, were incorporated into the interview schedule before leaving for Nepal in November 2005.

ii) in Nepal

Being a member of the women’s movement in Nepal; having experiences of supporting trafficked women on their return; being known to Shakti Samuha; and coming from an NGOs background, contributed significantly to me establishing initial contact with Shakti Samuha, ABC/Nepal, GMSP and Nava Jyoti Centre to gain access to recruit the research sample. Meanwhile, I was also aware that it might be a possible consequence of my working relationship with trafficked women that they might be encouraged to speak to me. I conducted a series of meetings with Shakti Samuha and other NGOs involved in the research and clarified my role as a researcher, shared my credentials card and a letter from my supervisors with Shakti Samuha, NGOs and research participants during the early fieldwork planning meetings.

While knowing each other contributed significantly to gaining access and recruiting research participants, conducting pilot interviews however proved to be challenging. The key challenge I encountered was that trafficked women often assumed that I knew the situation and that led them to respond to my questions without giving details. In Nepal two pilot interviews with trafficked women in Kathmandu were conducted, translated, transcribed and critically reflected upon by me and were commented upon by supervisors before actual interviews commenced. A few questions to help me to get more detail information on a particular issue were added and fifth and final version of the interview schedule was used to recount experiences and views of women on *samajik bahiskar*. However each interview contributed to

enrich the following interviews (see Appendix 1). Each theme outlined above was explored by asking a few key questions by which conversation progressed. Women were free to take their flow of conversation, however, the central theme was maintained by prompting where necessary.

Commencement of fieldwork

Separate meetings were arranged with women from four organisations (Shakti Samuha, ABC/Nepal, Nava Jyoti Centre and GMSP) on my arrival in Kathmandu in winter 2005, where I shared the research objectives and the processes involved in the interviews. All individual participants, once permission from their organisations was obtained, were contacted in person and the research I aimed to conduct was explained. Shakti Samuha called a meeting with members available in Kathmandu where I shared my research objectives and plan, and requested their cooperation to be among the research participants. Nineteen members of Shakti Samuha attended the meeting and agreed to be interviewed for the research. Three members who joined at a later stage of the interview were met individually when they arrived in Kathmandu for their annual meeting arranged by Shakti Samuha. It could be argued that these three women might have expressed their interest to be interviewed in order to continue to receive support and services from Shakti Samuha, however they had conversations with other members who had already been interviewed and asked me about my previous background and current details before making their decision to be interviewed.

Confidentiality and anonymity were discussed in the meeting with both the organisation representing the trafficked women and with individual trafficked women. This was followed by seeking consent from trafficked women for the interviews on my arrival in Kathmandu. My efforts, in addition to getting their involvement in the field planning, were to make a distinction between not exploiting participants nor creating unrealistic aspirations, for example, an expectation of funding or of helping them to prosecute their traffickers. Furthermore, I regularly checked with women as to how, and in what ways, interviews would or would not benefit participants individually, trafficked women in general and the organisation they represented.

The participants representing ABC, GMSP and Nava Jyoti were met individually in their respective organisations after gaining approval from the directors of the NGOs concerned. In addition to this, I also shared my credentials card provided by the University with the research participants and NGOs' directors. The card included both contact details and telephone numbers of my residence in Nepal during the fieldwork and at Newcastle University. An opportunity was offered to the individual woman and the organisations they represented to decide whether or not to take part. The participant of ABC/Nepal called me to reschedule the interview with her as she could not travel to the ABC/Nepal office, the venue for the interview, due to the public strike suddenly announced by the Maoists. Similarly, I received a number of phone calls from Shakti Samuha to rearrange interviews in the prevailing political circumstances where frequent public strikes were called by the agitating political parties.

In addition to this, the interview date and venue for the interviews associated with GMSP of Sindhupalchock were arranged through phone communication with both the director of the NGO and the participants, due to geographical distance. Once a date and venue were agreed, I then travelled to the district and spent three days interviewing three participants.

As Bergen (1993) and Shaver (2005) suggest, sharing researchers' credentials and contact phone numbers with the research participants is vital not only to maintain transparency, but also to offer an opportunity to the women to contact the researcher, and talk about their experiences after the interviews if they wish to do so. However in my case, it was also important to clarify my new role as a researcher within trafficking prevention campaigns in Nepal, continuing possible support to strengthen their campaign (see later in this section) so that NGOs and research participants were clear about the purpose of my visit and my research was not jeopardised. Once Shakti Samuha and NGOs agreed to work with me, a working modality, interview venues, time and logistics (tea, refreshments, accommodation, meal for participants and researcher in Kathmandu and while travelling from/to districts) was agreed. Pilot interviews began 2nd of December 2005 by and actual interviews commenced in January 2006 and were completed by mid-June.

Security became crucial throughout the fieldwork, created by the fragile political situation combined with intensified civil war, led by the Maoists, and the routine street demonstrations called by the parliamentary political parties. This resulted in frequent road blockages, security patrolling by the armies and curfews that required regular telephone conversations with the NGOs and individual women, and the rescheduling of several interviews both in Kathmandu and elsewhere in the remote districts. Interviews were suspended for a month in April due to three weeks of day curfew in Kathmandu and month long public agitations combined with transportation strikes called by political parties (see detail later in this chapter). However, throughout the fieldwork, I received the necessary cooperation and support from the individual women I interviewed and the NGOs they represented.

Because of the methodology and method I adopted, the requirements for doctoral research, and the sensitive nature of the research my decision, initially, was to interview twenty trafficked women. However, the total number in the sample rose to twenty eight. There has been much discussion about researchers facing challenges to get access to the sample they required to interview. However, there is less available literature discussing the issue of over sampling. Bergen (1993), while interviewing rape survivors, found that gaining access to her research participants, including dealing with gatekeepers and the directors of those organisations her participants represented, was the most challenging part of her research, even sharing her research proposal with the organisations. My experience in access to sample was contrary to Bergen's experience. While interviews progressed, snowballing happened among the members of Shakti Samuha, few of their members and women who were approaching Shakti Samuha for membership. As a result, more members of Shkati Samuha and few potential members who were staying with Shakti Samuha's member in a same hostel wanted to share with me their experiences of being trafficked. Once their members and potential members had expressed a desire to talk to me, Shakti Samuha also wanted to include them in my participants profile. Valuing the experiences of research participants, as Mies (1983) and Harding (1987) noted, I added eight trafficked women in my original list of the women. This was for two reasons:

- a) to me, it was important to respect women's desire to contribute to the research (as the women said); and
- b) to Shakti Samuha, as an organisation, to accommodate the interests of its existing members and potential members to maintain an organisational dynamic that all members were respected equally.

I usually exchanged a few words before the interviews began, by asking women what they were doing at the moment, their own wellbeing, children and family situation, if they had any. Such conversation was important, in many respects, to clarify my role as a researcher; and also to build rapport so that formal interview settings were less structured, more open and flexible. I knew ten of the trafficked women of the twenty two interviewed from Shakti Samuha. Although I knew ABC/Nepal, GMSP and Nava Jyoti Centre as NGOs, five of the six women interviewed were new to me. Initial meetings with Shakti Samuha and NGOs where I discussed my present work as researcher, my aim to study *samajik bahiskar* related to trafficking (see Prologue) and my plan to return to Nepal to contribute their anti trafficking campaign contributed significantly in clarifying my role as a researcher and my previous role as an activist did not appear to be significant in the interview processes. In addition to this, since I joined Newcastle University, my absence from Nepal for more than a year also contributed to the focus on my new role as a researcher.

Moreover, having tea and informal talk with the women created an environment in which both I and they were allowed to share ideas and views on the external environment that might have affected the research process; sharing information about the political situation of the area and the potential risks of travelling around, and the potential impact on their work were a few examples. In all of the interviews, tea and refreshments were offered by the organisations where interviews were conducted which, in Nepali culture, is to be considered welcoming a guest in ones' own place. I was also invited by some of the trafficked women to visit their family, where I joined in lunch and talked to their children and husbands. In almost every interview, women did not miss the chance of asking me what I was going to do after completing my doctoral research, whether I was returning to Nepal and re-joining activism and supporting trafficked women. I assured the women that I would be returning to the activism supporting trafficked women not only because I was part of it in the past,

but also because it was part of the goal of my research to contribute to ongoing campaigns of Shakti Samuha and other NGOs. I was encouraged by the conversations with the women I interviewed, as Oakley (1981; 1998) argued, to develop more openness, mutual trust, self disclosure, lasting relationship between researcher and the participants and this, I believe, would help me to continue feminist activism when this research was completed. This discussion also relates to the point made by Mies (1983) on the non-hierarchical and reciprocal relationship between the researcher and the research participants.

I was approached by Shakti Samuha to help them to organise an annual meeting for the members in June 2006, where 35 members of the organisation attended and elected a new executive committee for the next three years. Moreover, I was asked by the new team to help them to finalise a proposal in English to meet their donor's request, which I accepted and subsequently helped on their proposal that was accepted by a donor who granted funding to Shakti Samuha. Similarly, a policy discussion was facilitated by me in June 2006 for ABC/Nepal on women's space in the new constitutional process, and an annual planning workshop was facilitated for GMSP in Sindhupalchock after interviewing women in March 2006. However, no written agreement and payment were involved in this reciprocal support; it was a part of my commitment, values and personal responsibility to the broader women's movement.

Separate meetings were arranged with all women from the organisations to thank them for their cooperation and support that they had offered me throughout the field work. Being known to each other and having a working relationship in the past contributed significantly in creating an environment that enabled me to reach trafficked women, regarded to be a hidden population, and conduct interviews. Such an environment might have played a significant role to enable me to produce a long, complex nature of data in a sensitive issue such as very personal experiences on *samajik bahiskar* constructed by trafficking in a conflict situation.

The interviews

After considering various approaches to qualitative research, it was decided that in-depth interviewing was the most suitable method for the research question. My desire to understand the context and processes of *samajik bahiskar* that trafficked women experience informed my preference of employing in-depth interviewing as an exploratory approach. This was because this research aims to understand the context and process of *samajik bahiskar* from the perspectives of trafficked women, an area where little research has been done. To make this point more clear, women's words and the meanings they gave to their experiences of *samajik bahiskar* was central, and listening was at the core of this enquiry. Mason (2002) characterizes interviewing as an exchange of dialogue that involve one to one interactions, a relatively informal in style, thematic or topic centred, designed in a fluid or flexible structure, that operates from the perspective that knowledge is situated and contextual and encourages the researcher to ensure that the relevant contexts are brought into focus so that situated knowledge can be produced. Holstein and Gubrium (2004) have also argued that interviews are special forms of conversation between the researcher and the participants that provides a way of generating empirical data about the social world by asking people to talk about their lives. In addition to this, given the sensitivity attached to this research and issues of confidentiality and safety of the research participants, it was not appropriate to apply group approach such for example, focus group discussion.

In researching the lives of trafficked women, in the form of their experiences of *samajik bahiskar*, to me, interviewing was a space created by both women, as research participants and myself; as a researcher that was a space informed by the context the women lived in, where knowledge of trafficked women is shared, experiences are recorded, feelings are heard, violence is noted, tears are observed, anxieties are expressed and solidarities are offered.

My preference for employing in-depth interviewing as an appropriate method to generate data was not only because feminist researchers have used it widely in social

science research but also, as Denzin and Lincoln (2000; 2002) argued, because trafficked women's knowledge, views, understandings, interpretations, experiences of *samajik bahiskar*, and the interaction with the researcher, gave a meaningful sense of the social reality in which they lived. This contributed to address the research question on how, why and in which circumstances experiences of *samajik bahiskar* are constructed and what meanings are given.

For Hesse-Biber and Leavy (2004), in-depth interviewing is an information gathering approach that seeks to create a telling and listening space to the participants and the researcher where meaning is constructed through an interaction of 'verbal viewpoints' by using open, unstructured and exploratory questions that elicit personal, sensitive and complex narratives of experiences of trafficked women for the purpose of creating academic knowledge. Borrowing the term, 'verbal viewpoints' from Hesse-Biber and Leavy helped me to generate data about trafficked women's feelings, experiences of *samajik bahiskar* and their ideas required to construct knowledge that contributes to bring changes in the perception of family, community and other institutions who did not welcome them on their return.

Fontana and Frey (2000) suggest that an interview is not the mythical, neutral tool envisioned by survey research; interviewing, they argue, involves increasingly active interactions and negotiated accomplishments of both the researcher and the participants that are shaped by the context and situations in which the interview takes place. Some of the risks and sensitivities surrounding the key question of this research that could have contributed to potential threats to the trafficked women were invasion of privacy, undermining the safety of the women interviewed and my own, breach of confidentiality, lack of proper communication and transparency with the organisations involved in the this research. In this research, the interview setting could have been participants' homes or their training centres. However Shakti Samuha's office, a transit house and NGOs' offices were favoured for a number of reasons.

First, the most important reasons for the choosing these locations were the safety and confidentiality of the trafficked women who might have been under the surveillance

of traffickers. Secondly, Shakti Samuha and NGOs provided shelters, in which the participants had some close ties, so there was little or no fear of being noticed by neighbours and family (if there were any), which might have otherwise prevented women sharing experiences of the trafficking process. Shakti Samuha's office and its transit house were favoured mainly by the women themselves, as most of them were associated with the organisation. Trafficked women of Sindhupalchok, Kaski, Makawanpor, Rautahat, Patan and Morang were interviewed in the NGOs' offices, where they were being provided with shelter and training services. Having the support of Shakti Samuha, the key organisation, where the majority of trafficked women are members, made it easy to access and talk without risking confidentiality, safety and their privacy. Shakti Samuha also offered a place to stay to those travelling from districts outside of Kathmandu, both as part of their regular meetings and training, and offered accommodation and a meal to those who attended interviews.

When I entered the interview room, the purpose, nature and use of the research was explained to women and re-assurance was given that their identity would not be disclosed throughout the research process. I then asked women to interrupt when they wanted or say no to the questions they were not comfortable with, and feel free to ask if any questions were not clear to them.

Given the context in which the research was conducted, I was (re)located in Kathmandu for eight months and supervision was arranged through telephone. Also regular email conversation was established with the supervisors at Newcastle University to discuss problems arising in between scheduled supervision. For example, problems encountered due to the political situation in Nepal and possible delays in interviewing. All interviews were conducted in Nepali; however some ethnic words were used to clarify the questions. Being a Nepali and having the ability to speak the various local dialects of the women represented, I required no interpreter to conduct the interviews and translation. While I was listening to the taped interviews were recorded in Nepali I was also typing in English. Twenty interviews were transcribed and translated in Kathmandu, and a preliminary analysis was done after conducting nine interviews. Supervisor's comments and my own personal reflection on preliminary analysis were incorporated in following interviews, for

example, getting more in-depth information on consequences of *samajik bahiskar* and how women tackled it within their contexts. The remaining nineteen interviews were transcribed and translated on my return to Newcastle in summer 2006.

Challenges in conducting sensitive interviews

The challenges involved in designing and conducting sensitive, ethical and non-exploitative feminist research with trafficked women or any other marginalised population are significant. Shaver (2005) identified three sets of challenges while conducting research with women working in sex sectors: size and boundaries of the population are unknown which poses difficulties in sampling; membership of hidden populations often involves concerns regarding privacy, stigma and confidentiality; and, she found, in spite of evidence to the contrary, associations between sex workers and victimisation are still strong. Ramazanoglu and Holland (2002) also noted two distinctive challenges using feminist methodology. One challenge has come from dominant approaches in social science research, reason and truth, and in relation to women's experiences creating knowledge. The other challenge they pointed out is that knowledge claims are related to women's experiences, being trafficked and experiencing *samajik bahiskar* for example, that are varied based on cultural differences, social divisions and power relations related to gender that is the key mechanism in the oppression of women throughout the trafficking process. These challenges were important in my research too. Some of the key challenges associated with the sensitivity and nature of this research I came across while interviewing women are summarised below.

i) stigma

Firstly, the sensitivity of social stigma (Goffman 1963) attached to trafficked women on their return, and potential threats, would have posed a challenge to recruit trafficked women without having support from Shakti Samuha, ABC/Nepal, GMSP, and Nava Jyoti, the organisations research participants were being supported by.

The social construction of trafficked women as prostitutes and the personal difficulty women face in speaking about their experiences of trafficking publicly due to the

threat from the traffickers also reflected in this research. One woman associated with GMSP expressed her unwillingness to be interviewed. After consulting GMSP, I interviewed another woman who came forward to share her experience. All of the women interviewed decided to use NGOs' offices or Shakti Samuha's shelter in order to continue to hide their trafficked identity with their families and neighbours.

I mentioned above that my deployment of various strategies including informal conversations, checking personal wellbeing and the political situation in Nepal were some of the common agendas that surfaced in the room when I first met the women. In addition, many women took opportunities to share their day to day experiences of being with their friends, going to movies in a group, attending training and meeting new people in various places by which their anxiety of being alone (and fear of being stigmatised) were reduced.

By appreciating their generous support, I began asking demographic information, what Yeandle (1984) terms an 'ice breaker', to enable women to relax and talk about themselves. This I found to be a useful strategy to create a context where complex life experiences that the women brought back from their trafficking settings, could be recorded without reminding them of their stigma. Some women, however, found difficulties sharing their most traumatic moments during the interviews and required several breaks where going back to the informal talk and refreshment, provided by the organisations, contributed to resume interviews in a few minutes time. Trafficked women took time (using the washroom, drinking water/tea etc) to recover their pain before finishing and often felt relief once their experiences had been shared. I then checked whether or not to continue the interview, nevertheless, women who had gone through such moments replied that their anger was flooded in their eyes and swept away by the tears that gave them relief. Apart from the women taking breaks, I also took breaks while conducting two interviews that I found difficult when trafficked women were sharing their experiences of violence from their husbands as consequences of *samajik bahiskar*. I then proposed a break in each interview and the interview resumed a few minutes later. However, all interviews were completed in one session.

ii) definition

The theoretical approach shapes the views of the researcher and informs the methodology employed. Thomas (1993) recognises in his study on the underground economy that disagreements between actors over the definition of the issue(s) creates considerable confusion on creating knowledge through interviewing. The theoretical debates between feminists' working on trafficking prevention campaigns, and governments, over the definition of trafficking was supposedly ended after the UN Protocol 2003 on trafficking. However, policy level theoretical agreements may not necessarily create a ground for practical and common understanding among anti-trafficking feminists, NGOs and trafficked women at local level. While it might have been important to get the views of NGOs and feminists involved in supporting trafficked women, it was also important to understand the views of women with experience of trafficking on the context and processes of the construction of *samajik bahiskar*. This is because of the sensitive nature of this research and this approach is adopted as an exploratory enquiry. What NGOs, feminists or government authorities are saying about their point of view has not been the key research question. My focus was on what trafficked women themselves said, and how they wanted to rebuild their lives on their return might have played a significant role in making a reunion with their families, addressing social stigma, claiming their agency and citizenship, and promoting women's autonomy in the society they returned to. Moreover, my own location in the definitional debate might have contributed additional challenges to deal with the NGOs' managers and research participants who may not necessarily have shared my views.

As Bergen (1993) points out in her research on marital rape, dealing with NGOs' directors/managers may have led to problems in getting access to women who are sheltered in NGOs' rehabilitation centres. Trafficked women who sheltered in NGOs' rehabilitation centres and were not associated with Shakti Samuha might have felt less comfortable to share their experiences with me due to:

- a) my past working relationship with Shakti Samuha,
- b) the nature of an organisation that is formed and governed by trafficked women themselves,

Also, three NGOs from where six women were interviewed could have been limited in expressing their views on NGOs due to trafficked women's dependency on NGOs' support. This is not uncommon in a hierarchal Nepalese society, due to the power dynamics between trafficked women and NGOs that support them. In this research, however, I used the definition agreed in UN Optional Protocol on Trafficking of which the government of Nepal is a state party (see detail in chapter two), to address potential confusions related to definitions of trafficking. Yet these diverse understandings on trafficking, its purposes and consequences are embedded in Nepal and south Asia too, and while interviewing trafficked women, this may have impacted on the understanding of the context, processes and consequences of *samajik bahiskar*. I, therefore, discussed definitional complexity with the organisations, in a meeting before the interviews commenced, and agreed on the use of the definition of the UN Protocol.

iii) benefits of the research

Reinharz (1992), in highlighting the challenges of doing sensitive research, suggests that the potential interests of funding agencies and research commissioning institutions may affect interviewing. In light of this view, the funding for this research could have been an issue that led the NGOs' managers/directors to impose restrictions on women sheltering in their rehabilitation centres to agreeing to be interviewed. In addition to this, they could have seen me as accountable to an external institution (a Western university), which has no connection with the trafficking prevention works NGOs have been doing in Nepal, and that the findings of the research would be submitted to the institution where I am studying. However my association with Newcastle University may have helped me to represent myself as other than an NGOs' worker. The manager of a NGO from where two women were interviewed asked me how her NGO and the women interviewed were going to benefit from this research. I made it clear to her that the purpose of this research was for a doctoral degree; however I added that the aim of the research was also to contribute to social science research in Nepal that might shape social policy agendas so that ongoing campaigns, including NGOs' works, might benefit in bringing changes in the situations of trafficked women on their return to Nepal.

I have mentioned that, on my arrival in Nepal, telephone conversations and planning meetings were initiated with the directors of the organisations that research participants represented. When I visited the organisations for a planning meeting, I introduced myself as a researcher and explained the purpose, nature, financial support of this research⁵⁰ and long term use of the research findings. Some directors of the NGOs contacted were aware of research study at Newcastle University. However, on several occasions I had to take the opportunity to have informal conversations with NGO directors and their staff to talk about my research, and my future role in the trafficking prevention campaign, which I found useful clarification given my previous role. However, the introduction to Shakti Samuha was much easier due to my farewell meeting with them along with other NGOs working with Oxfam, my then employer, before I left for Newcastle University in 2004.

iv) interviewing under the state of civil war

Being a local citizen, experiencing conflict for over a decade and having witnessed complex peace initiatives in Nepal, I was aware of the fact that socio-political violence in the form of civil war can be tackled in many ways. However, researching in the conflict situation was never going to be a simple endeavour. As Nordstrom and Robben (1995) pointed out, firsthand ethnography of violence does not provide us with an uncontested set of explanations for what one has seen. As most researchers begin with a plan, a focus, and a research project, for me as an international student at Newcastle University, doing fieldwork in Nepal was thought to be much easier, secure and luxurious because of my own socio-cultural and political context. It was not the case however.

In winter 2006 when I was travelling to the Sindhupalchok district, three hours drive north east of Kathmandu, in the middle of the day, on my way to the GMSP office to interview women, my identity was challenged by a gunman of the government stopping me crossing the road. I showed him my student card and university credential card, along with a letter signed by my supervisor. After

⁵⁰ Financial support of my doctoral research was partly funded by The Faculty of Humanities and Social Science (HaSS), School of Geography, Politics and Sociology of Newcastle University, Oxfam GB, DARN and the cost of the Nepal fieldwork was contributed to by the AL Charitable Trust, University of Essex, UK

explaining to him and his commander in Nepali everything that was written in the letter and on the card, I was then allowed to make my way to the GMSP office to meet women to be interviewed. I stayed in the GMSP office for two nights accompanied by the director of the organisation and two trafficked women.

While a NGO office was a favourable place to talk for my research, it was also not difficult for the People's Liberation Army (PLA), the Maoist's armed force, to take shelter when they wanted. An armed PLA knocked on the door in the middle of the night and asked for food and shelter. The scenario I witnessed was nervous trafficked women and the NGO director dealing with the request. The PLA enquired about me, my purpose in coming to the hilly village and which institution had authorised my visit. Before I replied, the director of GMSP responded that I was a friend of GMSP and my purpose of visiting GMSP was to conduct training for the GMSP team, and we were there to plan the training. I was only encouraged to tell my name, but not the details about my research and the institution I represented. When the PLA left the place, I was told by the director that she was doing that for my safety and security because I am associated with a University in the UK, the country that provided militarily assistance to the Nepalese government to fight the Maoists.

Moreover, in spring 2006 when most of the interviews were scheduled, a curfew was imposed frequently in the major cities of the country. This included a three week long curfew in Kathmandu to control daily demonstrations coordinated by parliamentary political parties as a strategy to overthrow the then government headed by the King. While roadblocks by the Maoists, tight security checks by the government armies, public strikes by the parliamentary parties and intimidating interrogation by the police were not uncommon in the everyday life of people throughout the country, it was also important to note that several rape cases, murders and disappearances by the government security forces were recorded in the media at that time.

In spring 2006 my original identity as a local citizen was challenged by my current identity as a researcher when I was invited by my former comrades to join the demonstrations in Kathmandu that aimed to change the regime. It was not unexpected, however, while reflecting on my role to establish multiparty democracy

in 1990. Having conversations with my supervisors back in Newcastle University and the women scheduled for interviews, I then decided to stay at home and transcribe/translate interviews that followed preliminary analysis of nine interviews. The situation, therefore, was complex and extended to the fieldwork, and also to the lives of women I interviewed and my own as a researcher.

Ethical concerns doing research

Sieber (1993) argues that ethics has to do with the value systems of the researcher and politics has to do with the methods and strategies that a researcher adopts, to gain power and control, while doing research on sensitive topics. She further argues that the success of the research depends on cultural sensitivity, research design skills and political sophistication with which the researcher shapes her/his research plan. Plummer views a social researcher not as a mere medium to discover knowledge; rather a researcher, he argues, can also be seen as a knowledge ‘constructor’ (Plummer 2001: 206) and invites reflection on how personal and social worlds influence the knowledge constructed by a researcher. What I have learnt from this research is that those who intend to do sensitive research must design the research for maximum validity and minimum offensiveness and must then negotiate with many gatekeepers, perhaps organisations that participants represent, community leaders, the current political context and, of course the research participants. These aspects are significant for every researcher to make research possible, regardless of their socio-cultural and political affinities.

Social science has paid increasing attention to the issue of research ethics, the power dimensions of research and the potential risks involved. Sin (2005) observes that feminist practitioners have been particularly influential in the areas of ethics, with their focus on attention to power relations in research. Interviewing trafficked women in a trafficking setting was the most risk laden, although women who have left the trafficking setting also were subjected to risks to their physical and emotional wellbeing (WHO 2003), feelings of being under surveillance from traffickers or pimps, fear of further *samajik bahiskar* by society, not having status for legal remedies, fear of reprisal against themselves and their children, and limited information on rights.

Given the sensitivity of interviewing trafficked women, I was also aware that some NGOs' directors and/or managers might refuse to allow me to talk to women they supported for a number of reasons: One reason could have been my previous role in a funding agency and critical position on NGOs' performance in supporting trafficked women which resulted, in a number of cases, in refusing their funding proposals. Another reason could have been my political position within trafficking debates that might not necessarily match with some of the NGOs' leadership. However, these reasons did not influence my selection of NGOs and the level of support and cooperation I was offered by NGOs' leaders and their staff was beyond all expectation. Nevertheless, I encountered a situation where, despite their interest, two trafficked women could not be interviewed; one from GMSP and another from ABC. Nani Maya (not her real name), who was initially selected, expressed her anxiety to GMSP, the organisation supporting her, of being threatened by her trafficker and GMSP suggested to her that she not be interviewed. Subsequently GMSP approached Muna who agreed to share her experiences and whom I interviewed in the GMSP office in June. ABC/Nepal arranged a trip for me along with a staff member to visit Rupendehi district and interview Juni who was sheltered in the branch transit house of ABC/Nepal. However the security problem created by a month long public strike combined with a three weeks curfew and violence in all urban areas, prevented me reaching Juni in the first week of April 2005 when the interview was scheduled. While the political crisis escalated all over Nepal and the possibility of travelling outside the Kathmandu valley became impossible, I consulted the director of ABC/Nepal for other possible options instead, if any indeed were available. ABC/Nepal talked to Kalpana, who had been supported by ABC/Nepal and had received three years vocational training in Pokhara, about an interview. Kalpana agreed to be interviewed and was in Kathmandu for an official visit. I was informed by ABC/Nepal staff and she was interviewed in May 2005 in Kathmandu.

Despite my age, caste and education, the trafficked women interviewed and I, as a researcher, are a product of the same society, share language, have socio-cultural affinity with the social setting where this research was conducted and share a subordinate structural position in relation to gender. That said, however, I have no

experience of being trafficked, but was committed to adopt a non-hierarchical approach to interviewing trafficked women.

Tang (2002), however, raises some concerns on power dynamics that exist between women researchers and women participants, even if a researcher adopts non-hierarchical approaches. She argues, that in spite of affinities that women share as members of a society and gender subordination, there are various forms of power dynamics at play between the researcher and the research participants in relation to social, cultural, class, ethnicity and personal differences while a woman researcher is interviewing women. In this research, my past working experience on trafficking, relationships with women and the NGOs included in this research, involvement in wider NGOs' communities supporting trafficked women at both policy and practice level, and my role as a donor representative to Shakti Samuha were some of the key professional issues that might have influenced women sharing their experiences with me. For example, I was a decision maker of Oxfam that was one of the donors which holds power to provide financial resources to NGOs.

Some of the issues that may have contributed to influence my relationship with the trafficked women and interplayed with the power dynamics during interviews might have been my social identities, mainly caste/ethnicity, class, age and educational background, additionally, as a woman doing a PhD, would be seen as taking advantage of a highly privileged opportunity; associated with a foreign academic institution; and being able to speak more languages and dialects than the trafficked women did. Also an aspect of power dynamics throughout this research process my role compared to trafficked women. While I was apparently more powerful as a researcher leading the research process from the designing to the writing of a thesis following the guidelines of Newcastle University, together with my academic interests and intellectual capacity, this might not necessarily represent the interests of the trafficked women. The trafficked women however could have interrupted me by clearly asserting their own knowledge power in many respects in terms of ownership of information that was needed to satisfy my research questions. Few women, when I prompted them about the NGOs' role on *samajik bahiskar*, said they could not say more than they had about the NGOs they are sheltered by, because I am an outsider to that organisation, for example.

Ethics and principles are binding to the researcher; nonetheless they are also fundamental to the research participants throughout the research process. In this research process, even though I acknowledged power dynamics, trafficked women are considered to be a key part of knowledge construction. Thus the interview was complex and demonstrated shifting practices of power between me (as a researcher) and the trafficked women I interviewed.

Some of the strategies I applied to balance such power relationships may have contributed in raising some of the ethical concerns throughout the interview processes.

The first strategy was to make known in advance my research to all the women I interviewed and their respective organisations through:

- a) an email communication from Newcastle University in summer 2005;
- b) through telephone calls from Kathmandu on my arrival in November 2005;
- c) meeting with the head of the organisations the women represented in January 2006; and
- d) subsequent one-to-one meetings with each woman before interviews began.

It could be argued that women who were relying on NGOs' support might have felt 'pressure' to speak with me, in order to continue their access to NGOs' services, due to my past working relationship with NGOs' leadership. However, past working relationships, mutual respect, trust, clear communications and research design were some of the factors which presumably contributed to address concerns related to ethics and power dynamics that emerged within this research process. Moreover, exchanging views on wider socio-political issues including security and the ongoing conflict in Nepal that might influence policy for countering trafficking and protecting the rights of women were some of the engaging strategies I applied with the women and the organisation they were associated with. In almost every interview tea and refreshments was served either by the women/their organisation or by me, which I found was helpful only to strengthen mutual relationship and trust but also to reduce possible anxiety post-interviews. This was indicated by every woman's expression

when I asked them if they have any question to me. All of the women have said that they felt relief after sharing their feelings and sufferings. Many of the women also said that they felt I'm their sister who listened their views and encouraged to stay alive.

The degree and duration of risk of both physical danger and emotional trauma to the women interviewed may not always be apparent particularly when researching sensitive topics like trafficking. I therefore did not assume that once a woman was at her home or at a re-established setting, running her own income generation business or in a NGOs sponsored shelter, she was free from the risk of reprisals or threats from her traffickers or *samajik bahiskar* by members of her communities. It was apparent, that trafficker(s) might easily identify her and gain information about the family, the agency supporting her or friends helping her. It was also possible for traffickers to use threats against a woman's family, especially those who filed a case for legal remedy, to control women's interest in sharing with me her experiences of trafficking. Various professional organisations have published codes of ethics or guidelines to conduct research. I used the key principles outlined in the statement of ethical practice formulated by British Sociological Association (BSA 2002), which stresses the professional integrity of the researcher and the relationship with research participants, anonymity, privacy and confidentiality; and the World Health Organisation Ethical and Safety Recommendations for Interviewing Trafficked Women (WHO 2003) that highlights 'Do no Harm', strategies to avoid re-traumatising trafficked women and the necessity to get informed consent.

Translating and analysing the interviews

Interviews began in early December 2005 and transcribing and translating in English was an ongoing process along with pausing to the check and retrieve the interview schedule and reading transcripts. That allowed me to examine how interviews were progressing, whether I covered aspects to support my research question, any new themes I had to explore in interviews and whether language concerns were being tackled adequately. I paused after interviewing nine women and began preliminary analysis in spring 2006, that coincided with three weeks curfews including a week long communication shutdown in Nepal that allowed me to listen to the tapes and

reflect on my research questions and nature of information generated. Gordon and Riger (1991), while researching women who experienced rape in the United States, found that some of the members of the team encountered difficulties typing and analysing stories of women experienced rape. For example, some of the members' bursting in tears while typing and coding the transcripts. Gordon and Riger, in addition to their research team members, themselves experienced great fear of listening to and analysing women's experiences of being raped. Although my decision to use these three weeks curfews and communication blockades allowed me to engage in my data, constantly reading and listening to accounts of trafficking and the violence it represents often left me anxious and depressed. I developed a coping mechanism by listening to meditation music and engaging in conversation with neighbours while there was no opportunity to leave house due to constant curfew.

In this research all interviews were conducted in Nepali and translation was built into the transcribing process and, by using my privileged position and acknowledging the nature of research, both processes were simultaneously led by me. Temple (1997) and Temple and Young (2004) explore three concerns related to translation dilemmas in qualitative research. These are: identification of the act of translation; epistemological implications of translation; and the consequences of selection of translator on the final product of the research. While Edward (1998) argues the boundaries between the role of the researcher and the translator in the research process is blurred, my translator role became visible throughout the interview process when women used their own ethnic dialect to recount their experiences of *samajik bahiskar*. That was sometimes challenging to listen into Nepali (and some times uses of ethnic dialects) and type into English simultaneously. My decision on typing directly in English was informed by two reasons: One I could not do Nepali type in my laptop due to lack of my skill on Nepali typing programme, and second reason was nature and sensitivity attached to the interviews of the women which might have caused risks on women's safety if it was shared with others while seeking help in typing Nepali. Spivak (1992) argues for a feminist solidarity on learning the other languages in which women can express their experiences of being trafficked and stigmatised. Having the ability to speak and understand several dialects built my confidence and allowed trafficked women to use their own choice of dialects to share their experiences. However I acknowledge that my selection of English words, while

translating and transcribing tapes to, as Temple and Young (2004) termed ‘correct transfer of meaning’ might have influenced the context in which specific language and dialects women have used. However transcribing, translation and interpretation of interviews are processes of knowledge construction in which the researcher is accountable for the understanding. Yet again, taking language as a crucial element, in connecting ideas and experiences of women interviewed, I encouraged trafficked women to give the meaning of *samajik bahiskar* they have experienced in their own words.

The interview transcripts of trafficked women provided substantial information to this study. Robson (2002) suggested that a useful way of analysing qualitative data is through computer software package such as NUDIST. This allows a single location storage system for a large amount of data and easy and quick access to this in one’s own computer. Although I was trained to use N6, and tried to analyse my data the software however I preferred using hard copy and cut and paste techniques, what Robson (2002) terms ‘pre-computer era’ techniques. My decision to use hard copy of transcripts and the cut and paste technique, was linked to the fact that I was confident in doing this from other research work I conducted on trafficking and also I found myself engaged with the data I generated. I then followed this process by reading each transcript several times to make myself clear about emerging themes and went through the interview notes, preliminary analysis and my reflection notes, supervisors comments on preliminary analysis, and coding. While doing this process I frequently referred to the research questions. I then highlighted possible themes linking with the research questions and key themes of the interview schedule outlined earlier. Themes emerged, and were supported by sub-themes; linkages between themes were established linking with the research question and themes outlined in the interview schedule, for example identity to *samajik bahiskar*, marriages to resisting strategies, consequences of *samajik bahiskar* to social exclusion, vulnerabilities of being trafficked in their childhood, and the context of trafficking. Formulating themes from the long transcripts was followed by labelling onto A4 sheets, which were then summarised into the thesis structure. Each main theme forming chapters was given a specific colour by using highlighters, which helped me to keep consistency between and among emerging themes and sub-themes and relate them to the chapter thesis structure. Themes were then clustered into the

thematic plastic folders with different colours; sources indexed and labelled were placed on the folder to use while situating them into data chapters.

Throughout this exercise I placed my research question in the centre of the coding, posted in front of my desk throughout the analysis process and selected themes from the transcripts relevant to answer my research question – the process and context of construction of *samajik bahiskar* and how that interacts with the lives of trafficked women on their return. After deconstructing transcripts, selecting themes and harmonizing them into the research question, I then moved onto framing the thesis structure and relating emergent themes into chapters based on transcript analysis. Reflexivity was an ongoing process in which I engaged throughout the research.

Conclusion

Researching the lives of trafficked women returning from trafficking settings was a mix of joy, reflection, anger and challenge for me. It was a joy, partly because this study was, as Richardson (1994) terms ‘a journey of discovery’, by which I attempted to study the lives of trafficked women who were ignored by social science research in Nepal. It was also a reflection on my feminist activism, because it gave me an unique insight, in academic terms, of how structural processes are interacting with the lives of trafficked women in Nepalese feudal society, to construct, re-construct and define women with a specific experience that is often perceived in a terms of ‘good’ and ‘bad’ because they are labelled ‘prostitutes’, ‘whores’ and ‘broken eggs’, in which women then have to negotiate their ‘multiple identities’ (Yuval-Davis 1997; Laurie 1999; Ghosh, Mukhopathyay and Chakraborty 2006), if they choose to be a ‘full woman’.

A deep anger I found embedded within me throughout this study was not only due to my rejection of what Walby (1990; 1997) terms ‘micro structures of patriarchy’ in controlling the sexuality and undermining the agency of the trafficked women I interviewed, but also because these institutions often challenged my own identities, as a citizen and as a feminist researcher, by creating an incompatible frame of the security systems. Negotiating with the NGOs as gate keepers was never a problem in this study, however dealing with the security (Nepal army, police and PLA) and

political (Maoists) gate keepers to reach the women in the remote villages deepened an anger that I had been carrying since my early days of activism. Green (1995) suggests that the routinization of fear and anxiety undermines one's confidence in understanding the world we live in. Despite having socio-cultural affinities and political understanding of the context in which the fieldwork was conducted, nevertheless unmerited privilege, incompatible frames of security arrangements, conflicting value systems and hidden power relations with actors and organisations were some of the key challenges I encountered while researching lives of trafficked women in Nepal.

In this chapter I have described the way I approached this study. I have also highlighted some of the key aspects of feminist ways of doing research, summarised the key challenges I encountered and the ethical and power issues I had to address. The subsequent four chapters situate the trafficked women's accounts within the framework of the research question I set in the beginning of the thesis. To begin, in the following chapter, I explore trafficked women's own meaning of *samajik bahiskar* and their interpretation of the processes through which *samajik bahiskar* is applied.

Chapter Four

Meaning and Processes of Construction of *samajik bahiskar*

Introduction

In Chapter three I described how this study developed and its methodology. This chapter introduces the main themes of this study: the meanings, and processes of the construction of *samajik bahiskar* from the perspectives of trafficked women within their own cultural context. While exploring the meanings and processes of the construction of *samajik bahiskar* from the perspectives of trafficked women themselves, I will unpack some of the key concepts, for example *izzat* and its significance in the lives of the trafficked women interviewed. In addition, I will also explore how the stigmatisation and social labelling processes emerged and their relationship with the processes of the construction of *samajik bahiskar* on the women's return. I will analyse this interrelationship, which framed the women's meaning of *samajik bahiskar* on their return from trafficking, within the context of how trafficked women's sexuality is perceived and the way in which women's relationships with their families, communities, government institutions and NGOs are defined. This chapter also identifies some of the perceived labels frequently being used, and the forms routinely being practiced, in order to stigmatise women and to enforce *samajik bahiskar* on them by members of the family and other social sites women encountered on their return, for example, police, immigration officials, judiciaries, politicians among others.

Meaning of *samajik bahiskar*

In this section I explore the meaning of *samajik bahiskar* situating the women's own perspectives they shared with me during the interviews. I began with the question "What does the term *samajik bahiskar* mean for you?"

Throughout the interviews all of the women spoke about their experiences of being seen and perceived *differently* by the members of their own family, communities, friends and officials of schools among others than before they were trafficked.

Analysis of these accounts suggests, that this sense of ‘difference’ was connected to assumptions about women’s sexuality and with negative labels such as, for example, prostitute and bad women, when women had approached their families and services, for example, education, health and legal assistance among others. During the interviews, women also spoke that these processes not only denied trafficked women’s access to their families and certain services but also make them *discredited* (Goffman 1963) and outsiders (Becker 1963).

This was illustrated by Diya who came from a landless ethnic family of the central south. At the time of the interview she was single, supporting herself through hourly wages in a short term paper bag project piloted through Shakti Samuha in Kathmandu by a European donor. Diya had to leave school after grade three at the age of eleven to assist her family’s livelihood, at which time she was brought into trafficking and sold into a circus across the border in India. Diya left trafficking with the help of the police and returned home. Her account suggests that, although her family were happy to see her return initially, a few months later her stigmatisation began in the village that was followed by her family. Diya told me during the interview that her villagers were not aware of her work in the circus, but they labelled Diya as a prostitute. She recounted her encounters with her friends and colleagues while collecting water at a public water tap in her village. She said that friends who were friendly before she was trafficked changed their responses to her and started distancing themselves from her. She explained:

‘samajik bahiskar means an idea that people around you, your villagers, friends and relatives think badly, blame you for all wrong things. It does not matter what you have done, but it is so easy for them to say you are a prostitute. It is a negative attitude and response you get at the time you need support when you return home’. (Diya, 25)

Sushila, who came from another ethnic group from the central south of Nepal, represents a different context and purpose of trafficking, and experienced gendered violence coupled with child marriage after the death of her mother. This led her to leave home in the search of her own livelihood when she was eight years old. Sushila joined a roadside restaurant as an attendant in the town nearby her village and was subsequently recruited by a medical doctor as a domestic worker in the town. Shortly

after this her employer moved to India and took Sushila and sold her into prostitution in Bombay. Sushila, along with a few other fellow women, was rescued by the Indian government and repatriated to Nepal. She was then sheltered in a NGO's rehabilitation house in Kathmandu. A few years later Sushila visited her family in her village. She found her father responded positively at seeing her back, however a local newspaper published her story that included details of her life in Bombay while working in the brothel. Once her trafficked identity became known to her villagers and family through the newspaper she had to leave home and return to a NGO's shelter in Kathmandu where she had lived years before she visited her family. Sushila described *samajik bahiskar* as:

'samajik bahiskar is not allowing you to go home, to the temple, etc. For example, in my case samajik bahiskar was preventing me to live in the society I wanted, preventing me doing things I wanted or had to do to survive, preventing me to go to the places I wanted to visit. These are some of the experiences I have in my life when I got back from the brothel of Bombay. It is all about rules against you and your interests and your needs'. (Sushila, 23)

Similar views were expressed by Kalpana, who was brought into the trafficking process differently from Diya and Sushila, and was able to escape before crossing the Nepal-India border. Kalpana was born into a Brahmin Hindu family, completed her secondary school, was single at the time of interview and came from the south east terai of Nepal. She was kidnapped by her traffickers at age of eighteen. Kalpana escaped trafficking with the help of a hotel attendant where she was lodged by her trafficker in the central south of Nepal within a few days of being kidnapped. Kalpana spent a few months in a NGO shelter before she was taken back home by her parents. However, she found that the situation at home and the neighbourhood was not like it was before she was trafficked and, subsequently, she was labelled as an 'impure' girl by her neighbours. In her view *samajik bahiskar* means:

'Well, in my view samajik bahiskar is a concept through which people of this society kick you out from the villages, your home, make you [being] outcasted because they think you served other men sexually. You are made untouchable by your own family and [they]

wouldn't even eat the food you have touched and the same applies in water'. (Kalpana, 20)

Analysing these accounts exemplifies that the women's relationship with their families and communities, on their return were frequently framed by negative attributes. Kalpana's account, drawing on purity idioms of '[being] outcasted.....made untouchable', Diya's experience of 'it does not matter what you have done...you are a prostitute' and Sushila's comments of 'it's all about rules against you' illustrate the negative interaction of their (perceived) sexuality with the stereotypes of their own society on their return. According to all of the women's accounts recounted in this study, these expressions of negative attributes typically framed the women's relationship with their families, communities and other institutions they encountered on their return.

The accounts of Diya, Sushila and Kalpana relate this analysis to feminist work in exploring construction of womanhood and shame in the context of partition in the post colonial Indian sub-continent by Bhasin and Menon (1996; 1998), Das (1996) and Bhutalia (2000), examining sexuality elsewhere by Rubin (1984) among others and studying the lives of women in Nepalese society by Bennett (2002) and Cameron (2005) as I discussed in Chapter two. These writers, although in different contexts, argue that social rules and norms exist in societies that regulate women's sexualities and the lives of women more broadly. Although these rules may (or may not) vary between different cultural contexts and castes/ethnicities, the women's accounts included in this study suggest that they are often found to be manifested in a similar way in the lives of trafficked women on their return. During the interviews all of the women said that negative attributes, as illustrated by the accounts of Kalpana, Diya and Sushila, were built upon social perceptions of the women's sexuality regardless of their purpose, process and the length of trafficking they had experienced. For example Diya, Sushila and Kalpana represent different ethnic social groups, age, and geographical location, and were brought into trafficking at different times through different processes, at different ages and for different purposes; however their understanding of *samajik bahiskar* suggests that similar rules and norms applied to construct and enforce *samajik bahiskar* on them.

Situating Kalpana's comment '*served other men sexually*', Diya's account of '*negative attitude*' and Sushila's comment on '*rules against you*' in my discussion on *izzat*, shame and sexuality in Chapter two and, the works of feminist scholars such as those mentioned above, the majority of the women included in this study observed that social rules and norms regulating their sexualities were the key features constructing *samajik bahiskar* when women were returned from trafficking settings and processes. These accounts illustrate that *samajik bahiskar* as a '*concept*', an '*idea*', as the women, within their own cultural context, termed it, constructed a foundation of stigma, through which women were socially labelled with negative attributes.

Cultural context within which *samajik bahiskar* is constructed

In this section, I examine the cultural context of Nepalese society and how this interacts with the experiences of trafficking women. In doing so, I will explore the women's own understanding of the cultural context within which they grew up, were brought into trafficking process, returned to Nepal and were subsequently given various labels, experienced *samajik bahiskar* and suffered its material and social consequences.

While conducting this study, I came across numerous sociological and anthropological studies of Nepalese society and culture conducted by both Nepalese and western scholars. In examining those studies (see Chapter one), I observed that there has tended to be a consensus among social researchers, ethnic rights activists and government officials, including planners, that Nepalese society is predominantly hierarchical with an interlocking system of caste/ethnicity, religion and cultural practices. Such hierarchies were also reflected in this study, as I mentioned in the introductory chapter, and I situate trafficked women's understanding of their own specific cultural practices within the wider context highlighted by the various studies reviewed in this thesis.

Throughout the interviews, the women's own self-expression also appeared to be informed by the cultural construction of their sexuality. A typical example which illustrates this point was, for example, Sanu whose parents arranged her marriage

with her cousin's brother when she was thirteen. According to Sanu, cross cousin marriages⁵¹ common in her ethnic social group, which follows Buddhism. After marrying her cousin, although she joined her husband's family, Sanu rarely had a chance to meet and interact with him as he lived and worked in Kathmandu and only visited his family occasionally. After marriage, Sanu was engaged in farming, looking after cattle and collecting firewood and fodder along with her in-laws. While doing so Sanu was kidnapped by four traffickers, who happened to be her villagers, from the jungle nearby her village. On her return from trafficking she was labelled a 'prostitute' and not allowed to rejoin her husband's family, nor did her parental family welcome her home. Instead, she was blamed for bringing shame to both families. During the interview her expression was:

'Our culture is influenced by Hinduism that says trafficked women are bad women, prostitutes. If you arrange the marriage of your daughter before she gets her first menstruation you will then go to heaven. If you are trafficked then you are finished because you slept with too many men outside your marriage and therefore for the society you are a broken egg, bad woman and a whore, and you are responsible for shame on your family'.(Sanu, 26)

Similarly, Namuna left a trafficking setting in Bombay through a marriage arranged by her brothel owner with a man from a remote hill in the central north of Nepal. Namuna told me during the interview that her husband might have known her brothel owner long before their marriage was thought of. Namuna also told me that she was able to save some money given by her customers as tips. Before returning to Nepal she also bought some gold from her savings.

'When we both returned from Bombay, I had a few pairs of new clothes, some money and he loved me while the money was there. When the money finished, my new clothes were sold to buy food. When everything finished then my husband started nagging me. He said I'm a bad woman, prostitute and had too many

⁵¹Cross-cousin marriage is widely prevalent among some ethnic social groups in Nepal mainly Tamang, Guring, Magar among others. Of the two types, the marriage with the daughter of the mother's brother is more common and the children of a father's sister or of a mother's brother are cross-cousins (Dahal, Fricke et al (1993).

husbands in the brothel. Now he is telling me go back to Bombay'. (Namuna, 32)

Namuna's comment '*he loved me while the money was there...when everything finished then my husband started nagging me*', implies that she was not stigmatised until her earnings were gone.

Beena was born into an ethnic social group of the central south of Nepal. Her father died when she was two years old. Beena was taken into the care of her grandparents when her mother remarried after the death of Beena's father. After a few years, her grandparents also died leaving Beena with her uncle and aunt. Beena left home at eleven to escape the violence she experienced from her uncle and aunt and joined a carpet factory in Kathmandu. Later, she was trafficked to Bombay into prostitution and returned, along with other women, through rescue measures by the Indian government. Like Namuna, she was also able to save some money and gold that she gave to her uncle and aunt on her return. Although Beena's uncle and aunt were not aware of her trafficked identity on her return and, according to Beena, they did not ask how she had earned money and gold, Beena nevertheless thought their relationship with her was based on her earnings.

'My brother, my uncle and aunt were very happy when I returned home because I had some gold and money with me, that could be why. I gave them some money and gold and they were proud of me, but when that finished then they started asking me where did I get those and why I'm not bringing more. Later on, somehow, they came to know that I was working in Bombay, and started blaming me for all wrong things and my uncle told me I cannot be a member of that family. I could not stay at home, and I came to Kathmandu again'. (Beena, 28)

The idea of 'bad' women, 'early marriage' and 'shaming the family' are some of the examples of a set of ideas in the form of cultural beliefs rooted in Sanu's and Naumuna's social world. Sanu's and Namuna's accounts suggest typically that the relationship of trafficked women with their husbands, besides sexual services and subordination, is linked with the women's material condition in the form of their

livelihood assurance, for which many trafficked women see marriage as a better option for them (see Chapter six for detailed discussion).

Analysis of the interview data suggests that, no matter what the women did to support their families, the relationship between material conditions and sets of ideas and beliefs often manifested as a justification for *samajik bahiskar* on their return from trafficking. ‘Culture’ in the context of the lives of Namuna, Sanu, Beena and other women interviewed is a complex phenomenon, containing sets of ideas and beliefs, values and moral codes embedded in women’s own cultural contexts. According to their accounts, this was a context which interacted negatively with the experiences of trafficking by labelling women ‘bad’, and blaming them for ‘shame’ and questioning their sexuality when women’s material, labour and sexual services no longer exists. This also raises a question of the significance of marriage for returnee trafficked women, which I will discuss later.

Campbell (2000) and Cameron (2005) both examined the sexuality of women in Nepalese culture relating to gender, caste and ethnicity. Campbell, in his study of the Tamang ethnic communities in the central north of Nepal, argues that sexual morality is not linked to the performance of kinship and Tamang women can rely on being responsible kinswomen. Cameron, however, in her study examined gender and caste in Nepal and suggests that the sexual purity of women in Nepal has been extremely important for the Indo-Aryan, though less so for the Tibet-Burmen ethnic social group. Sanu comes from the Tamang ethnic group that belongs to the Tibeto-Burman social group, and Namuna comes from the Indo-Aryan group. Although both of these women came from the central north middle hills, however neither argument made by the studies above is supported by the accounts of Sanu and Namuna. Experiences shared by Sanu and Namuna among some of the other women in this study illustrate that cultural practices in regard to sexual purity, in the context of trafficking, are viewed as equally important in both social groups.

During the interviews the women also spoke about the role of certain cultural practices informing the construction of *samajik bahiskar* that they had experienced. All of the women said that Nepalese society, despite having pluralistic features as various studies have noted (see Chapter one), has its culture rooted in Hindu

discrimination based on religious practices, which have not only perpetuated *samajik bahiskar* and other forms of violence against trafficked women, but also conceptualised women as complex and problematic. I will go on to explore this in the next section.

Cultural meaning of 'woman'

Thuli was born into a Hindu family, whereas Sapana was a Buddhist. Their accounts represent the majority of the women of both social groups included in this study. These accounts of Thuli and Sapana, however, highlight no differences in their religious background when it comes to the conceptualisation of women. Both women experienced *samajik bahiskar* that led them to leave home on their return from trafficking. Analysis of their accounts offered complex meanings of 'womanhood' in the cultural context they come from. As they recounted:

'Whatever religion you follow our daily practices are the same like what our national and main religion guides us. I personally do not believe in any religion but I have to follow practices I was told by my parents from my childhood that are Hindu practices that tells you as a woman what to do and what not to do'. (Thuli, 23)

'My family is a Buddhist family but what we all practice is based on Hindu religion like celebrating Hindu festivals, not touching men, food, god etc. I mean not going into the kitchen and pure⁵² place four days in a month when you are menstruating. But why is this only for us? Why not for our brothers? In my view it is simply because we are women'. (Sapana, 20)

Sapana's and Thuli's quotes relate to the point made by Chen (2000: 23-25) in her study of Hindu women in India, where she found two faces of women in Hindu dominant society. According to Chen, women are seen as the honour of the family and kin and, thereby, the moral order of the society they represent. However, she also noticed a widespread belief that women are, by nature, dangerous as it is assumed they have more psychic energy and a stronger sex drive than men. She observed that

⁵² A room where family god is placed/daily worships are performed.

these dangerous sexual drives are seen as needing to be controlled by men to keep the moral order of society. Leslie (1991), McGee (1991), Kapadia (1995) and Bennett (2002), in their studies of Hindu dominant societies argue that women's roles in Hindu culture are ambivalent partly because of assumptions about female sexuality. These writers also note that in Hindu culture, menstrual blood is seen as a main source of pollution that makes women, for three days of her period, 'polluted'. As Sapana commented in the quote above, *'not touching, men, food, god...not going into kitchen and pure place'*. In addition, Sanu's accounts of *'you slept with too many men outside your marriage'* and Thuli's comment *'as a woman what to do and what not to do'* are examples, among many, that the women recounted during the interviews, that illustrate the prevailing cultural practices women lived in before and after trafficking. Situating Sanu, Thuli, Sapana and other women's accounts with the point made by Chen, Bennett, Walby, Menon and Kamala and my discussion earlier in this thesis, trafficked women's explanations of womanhood indicate that assumptions about their sexuality are predicated on the idea of their destructiveness that can bring 'shame' to their families.

During the interviews, it also became clear that such negative/destructive (re)constructions of womanhood were common in all caste/ethnic groups and religions represented in this study. Women from the Tibeto-Burman group did seem to experience less constraints than their Indo-Aryan counterparts, in terms of mobility, re/marriage options and working outside the home, before they experienced trafficking. However, given that just below half of the women I interviewed followed Buddhism (see Table 1 in Chapter one), regardless of their ethnic and religious origin, all women of this study seemed to have experienced *samajik bahiskar* of a similar severity and nature. Moreover, the women also experienced similar consequences of *samajik bahiskar* that I will explore in Chapter five. I asked all of the women whether *samajik bahiskar* is a common experience for women returning from trafficking. In addition to Sapana's account above, the typical response was:

'It is a common experience regardless of our caste, religion and districts we come from. The main thing is we all are women, we all returned from trafficking and we served many other men sexually beyond our marriage'.(Usha, 25)

Cultural meaning of marriage

According to the women in this study, marriage played a significant role in their lives. For a few of the women, marriage played a role in the process of trafficking. For instance, marriage, as Namuna recounted earlier, also played a role in leaving trafficking. Many women used marriage to claim their citizenship rights on their return and for some women marriage was a way of sustaining their livelihood. For the majority of women interviewed, however, marriage was a both a problem before they were trafficked and a ‘solution’ on their return.

I will discuss marriage as a ‘solution’, particularly in rebuilding life by tackling *samajik bahiskar*, in Chapter six. In this section I aim to relate the women’s uses of the cultural significance of marriage to a specific context that contributes to being trafficked and, subsequently, to experiencing *samajik bahiskar*.

Various anthropological studies such as for example Thomas (1988), who explored marriage, the household cycle and equality among the Tamang of central north Nepal, and Thapa (1996), who studied the prevalence of child marriage in Nepal, found that early marriage in Nepalese society has been a cultural practice for both Indo-Aryan and Tibeto-Burman social groups, although according to the national census 2001, the mean age of marriage in Nepalese society has risen for the last three decades from 16.8 years to 19.5 years for girls and 20.8 years to 21.9 years for boys (UNDP 2004). This finding of the national census suggests slow changes in social perceptions of child marriage (see in chapter two). Five of the women in this study, three from Tibeto-Burman and two from Indo-Aryan, experienced early marriage before they were trafficked. Among them, three were married at around eight to ten years whereas two were married at the age of eleven and fourteen years respectively.

Sharmila come from an ethnic social group from north east of Nepal and left home for the search of livelihood. Sharmila’s, Sita’s, Rita’s and Maili’s accounts represent the view of the majority of the women I interviewed that cultural settings in Nepalese society interact with the agency of women in a way that constructs a significance of

marriage for women. Such a construction of marriage appeared to play a significant role in the isolation and subordination of women.

'We are to vitta talnee⁵³, this is where we have space in our society. Because I'm a daughter, you know I have to go to others house and try to make others happy'. (Sharmila, 24)

'I do not remember how old I was on my marriage. I was quite young, even I was not menstruating, and it could be eight years old, I am not sure. I even called my husband brother because I could not recognise him and I had no idea what marriage was all about. Everyone at home was laughing when I called him 'brother''. (Sita, 24)

'Well...when my father thought to get my marriage arranged, I should have obeyed him. Had I had my marriage at that time, I wouldn't have been trafficked and have all these painful experiences of samajik bahiskar. Everyone in the family talked about my marriage at that time and they said that I should not walk alone like the way I lived that time, they thought I should walk with a man, I mean husband'.(Maili, 25)

'I was given away by my parents, I cannot remember the age it could be around 11-12 years. I didn't stay at my husband's home. Same night I got married, at around 4 am in the morning I ran away because I kept on remembering my home, my mother, and my father; what would they do without me, whether they are still alive or...all those things came to my mind so I ran away to my home'.(Rita, 25)

Sita comes from a dalit community that follows Hinduism; Rita and Maili come from the same ethnic community but follow Buddhism and Christianity respectively.

Sharmila is from a different ethnic background to Rita and Maili, but also practiced Buddhism. Apart from Sharmila, marriage was identified as one of the key factors that led in different ways to these three women being trafficked. Sita and Rita were both brought into trafficking through their attempt to leave their first marriage.

⁵³ Repairing wall of other family - this phrase is commonly used to convey a cultural meaning that a woman is born to get married and service her husband and his family.

However, both took the decision of remarrying⁵⁴ a few years after their return to Nepal. Maili, at the time of interview, was still single and often regretted her childhood decision of not following her father's decision on marriage, as she now thought that marriage would help women to be protected from trafficking.

These quotes illustrate a cultural context of Nepalese society in relation to marriage and the creation of social expectations through which women are prepared to be fulfilled. Although this social expectation was reflected in the accounts of the majority of women interviewed, many women also expressed their resentment, as Rita termed it, to being '*given away*' on marriage. For five of the women, early marriage was the context that had led them to their current situation. However, for Maili, not following traditional practices of marriage created a context that had led her to experience *samajik bahiskar*.

Constitution of women's agency

In this section, I examine the women's understanding of their own agency within their specific socio-cultural and legal context. I was interested in exploring the position of the women in terms of their relationships with families before they were trafficked and their desire and attempt to (re)claim their citizenship on their return. Analysing their accounts, it appeared that these relationships have significance in the process of the construction and enforcement of various forms of *samajik bahiskar* encountered by the women on their return from trafficking settings. My focus in this section, therefore, is on how the women's individual autonomy, as citizens, interacted with certain institutions for example, their own families before they left their home/village, their own communities, various sections of government's, labour market when they returned to Nepal.

During the interviews it appeared that the practices of, particularly in this context the family, did not necessarily recognise these women as citizens, with the rights and opportunities that flow from formal and substantive citizenship (Lister 2003). Such a situation exemplifies how interactions of the family reinforced women's

⁵⁴ Remarriage, in this discussion denotes second or third marriage of women interviewed. Women were using marriage and remarriage terms carefully while interviewing. They were clear about marriage that they meant first marriage, either pre-trafficking or post trafficking.

subordinated role in Nepalese society and undermined their agency. As a consequence, and given the high value attributed to purity as described in chapter two, it is often believed that educating girls is not important for their families. For example, this is illustrated by the following quote from Nita:

'I could not go to school because I'm a daughter. My parents sent their three sons to school but not their daughters, and we daughters were told to involve ourselves in domestic works like helping mother in the kitchen, washing dishes and cleaning the house, collecting firewood, harvesting crops and taking care of cows. When my sister married then she started putting pressure on our father to send me to school'. (Nita, 28)

Nita was the seventh child among ten and the youngest daughter; she started supporting her mother after two of her sisters got married. Her father was a Hindu Priest who sent all his three sons to school but none of his seven daughters. As I have already discussed in chapter two, in Nepal women's citizenship is linked with men (see Niru's comment on full citizenship later in this chapter). According to Nita, her sister continued to insist to her father that he should send Nita to school, but her father only agreed after the marriage of another sister. Once her married sister was able to negotiate on her behalf, Nita was enrolled in a local school for a few years before her marriage was arranged. Termination of her schooling and the immediate arrangement of Nita's marriage meant that her sexuality was 'guarded'⁵⁵ and the family *izzat* was saved after Nita having her first menstruation. She was forced to marry at fourteen.

Nita's account typifies the majority of the women interviewed from the Indo-Aryan Hindu social groups which illustrates the way gender issues are interwoven systematically into the family, that takes women's sexuality outside of marriage as a risk for the family *izzat*. This point also resonates with the point made by Bennett and Chen earlier, that women are seen as having two faces. For Nita's father, it would seem her menstrual blood was considered to be, as Bennett mentioned earlier, *polluted*, and this teenage womanhood a '*destructive face*' and her virginity was at risk of being tainted by other men before her marriage. Nita's leaving school and

⁵⁵ In Nepalese context, the term 'guarded' is used to describe the husband's right over his wife.

being forced into marriage, therefore, should be understood within the context where women's purity and virginity before marriage are seen as key factors to construct their 'womanhood' and fulfilling women's role in preserving the *izzat* of their family.

It was also apparent from the analysis that while economic reasons were seen as a key factor limiting their education, assumptions about gender and sexuality also appeared to be seen as important. This was for example, illustrated by Ujeli:

'Generally we daughters are told to involve ourselves always in domestic work like helping mother in the kitchen, washing dishes and cleaning the house, collecting firewood, harvesting crops and taking care of cows. It is because we are a gift to be given away to a husband's home. I was told by my mother that I have to look after my brother and sister and also learn domestic work so that I can do these easily when I go to my husband's home'.(Ujeli, 18)

This complex construction of women's agency was reflected in the interviews, including their own expression of themselves when trafficked women's sense of being an economic actor altered to the sense of being a source of trouble and potential 'shame'. For example, as Ujeli termed *'a gift to be given away'*, and Rita's accounts described earlier *'I was given away by my parents'* and Sharmila's comments *'we are to vitta talnee...I have to go to other's house and try to make others happy'*. Arguably this might mean that situations such as these fundamentally limited the women's capability of exploring life chances within the existing family settings.

These accounts also illustrate, as McGee (1991), Kapadia (1995) and Cameron (2005) among others found in their work, that procreation and womanhood has been confined to serve families, in terms of labour, and husbands, in terms of sexual services, within the family settings. However, in the situation of trafficking, women's sexual services, as Pateman (1988; 2007) has argued, are used beyond 'the private' sphere of their husband, and are used by other men as customers.

Sharmila's, Ujeli's and Rita's accounts earlier, particularly illustrate a context which Dube (2001) in her exploration of kinship and gender in south and south east Asia

found. That is the relationship of son and daughter, in the Hindu cultural context, are connected with the patterns of inheritance of property and distribution of family resources. More recently, Kondos (2004) in her study of Hindu women in Nepal, found that the position of the son in the family is seen as important in enabling the continuance of the family through generations and the management of the resources of the father, whereas the role and position of a daughter is on (re)producing to continue the generation of their husband's family. As a consequence of such cultural settings; women in the social structure are submerged members of social institutions, both privately and publicly.

This situation was greatly reflected in the accounts of the majority of the women in this study. This was clearly illustrated by Niru and Sita in their following quotes:

'Even if your husband is physically weak or sick it's his presence that supports you. If you have no husband then you are not a pura nagrik'⁵⁶. (Niru, 28)

'My mother was not happy because I left a home that was supposed to be my life long home and a man to whom I was married was my guardian. I was expected to spend the rest of my life with him. If you are with a man, I mean husband, no one can raise a finger on you. All will say you are a good woman'. (Sita, 24)

Niru was not seen as a 'woman' by her in-laws and neighbours after the death of her husband. Sita was married, before she had her first menstruation, to a man over twenty years older than her and left her marriage without the approval of her mother. Sita's reason for leaving her husband's home, as she recounted, was that she could not understand what marriage meant for her at that age. When her mother insisted that she return to her husband's home, Sita was lured by a trafficker and sold into prostitution in Bombay, whereas Niru was trafficked after the death of her husband.

Being a widow, for her in-laws and in wider society Niru lost her half '*nagrik*' (citizenship), whereas Sita remarried to get her full citizenship and to be seen as a '*good woman*'. Sita also told me during the interview that her decision to remarry helped her to solve both problems of achieving full womanhood and tackling *samajik*

⁵⁶ A full citizen

bahiskar. Niru and Sita's accounts illustrate how the social and cultural merging of womanhood is being conceptualised in a way that makes women, as Niru termed it, '*not a pura nagrik*'. Maili's regret by remembering '*I should have obeyed him*' in this chapter also exemplifies the cultural expectation that 'to be a woman' one should remain with a man – a husband.

This connects to the point made by Chen (2000), Dube (2001), Kapadia (1995) and more recently Ghosh, Mukhopathyay and Chakraborty (2006), who found in Hindu dominant societies in south Asia that women are socialised to believe in certain myths and rituals from an early age. These writers argued that the key message of many of these myths and rituals are associated with women's belonging with men and that a woman should remain loyal and devoted to her husband and obtain her social, cultural and political membership through marriage. The meaning of membership for the trafficked returnee women in this analysis is rejoining their families and communities on their return, entitlement to their rights to access social, economic and cultural resources, public water, temples and wage labour among others, by achieving formal and substantive citizenship (Lister 2003).

Niru's feeling of not being a '*pura nagrik*', and Sita's comment on needing a man/husband to avoid being pointed out by others, '*no one can raise finger*', demonstrate how dominant notions of women's citizenship link with men and male dominated social institutions.

Niru's and Sita's accounts also raise important issues not only for the further exploration of what citizenship means for trafficked women. They are also important to understand what family and society mean for the women after they return from trafficking situations. Many women interviewed in this study commented on the relationship with their families, and society in general, after they returned from trafficking. For example:

'Family means, in my case there is no home and family, I feel I'm out of the family. Also society, it's a place which will help you when you are in trouble, but again in my case just the opposite'. (Niru, 28)

*'Society should be a place where women like us also can live without many problems but it is not like that for us. Society is a place for powerful people and so called good people and we are labelled as bad women. Our problems are not being heard and addressed'.
(Sharmila, 24)*

'Family is nothing for me, because my parents died and my brothers always gave me trouble and sold me. I forgot my family actually. I have no family'. (Sandhya, 26)

In addition, as I discussed earlier in this chapter, while patriarchal beliefs and practices are at the core of all religions, there appeared to be no difference in social attitudes towards returnee trafficked women from Indo-Aryan or Tibeto-Burman groups. The women's accounts illustrate that there are various rituals used against women which are justified within the cultural context, and that there are also practices that define women's purity and chastity and decide which woman is 'good' or 'bad'. Throughout the interviews it was evident that the notion of 'good' and 'bad' were justified through assumptions about women's sexuality, regardless of the contribution women made to family livelihoods before they were trafficked.

Legal construction of agency

One of the themes constantly arising from the interviews was the women's legal right to citizenship and their sense of belongingness to key social institutions and social sites.

*'I had a big problem to get my citizenship. NGO tried a lot where I stayed on my return. Later on Shakti Samuha also tried but could not get it. People in the citizenship office asked me to bring my father. How can I bring him as he died when I was young? I cannot remember him. They treated me like I'm not belonging to this country, like I'm a foreigner. But now I'm married, then I was recommended by my husband'.
(Sandhya, 26)*

Sandhya's comments on the government '*they treated me like I'm not belonging to this country*', typified the views of the majority of the women interviewed and it is evident that at the time the interviews were conducted Nepalese women 'practically' did not exist as a 'person' under the law. Their personhood was merged with the

personhood of either their father or their husband, although the interim constitution (2006), in its part 2 (8) article 2 (2), included the provision that ‘any person whose father or mother is a citizen of Nepal at the birth of such person’ is eligible to be a citizen of Nepal. Adding *mother* (but not wife, sister), is a positive step compared to previous constitutions; however, several laws still discriminate against women, especially in the areas of property and inheritance, including citizenship policies that still prefer a women’s father to recommend her. Also, this addition of mother makes little difference over past practice. Only a woman who has her own formal citizenship can recommend her children to apply for a citizenship card. Women who have no formal citizenship card can neither get their own, nor recommend a card for their children. A woman herself needs to be recommended either by her father (in the case of an unmarried woman) or by her husband, or even by her son (in the case of a widow), to be eligible to recommend her children. Such a legal environment limits the options and possibilities for redress by women in difficult marital and financial situations, and may force them to migrate, legally or illegally, and thereby increase their vulnerability to trafficking. Moreover, the non-existence of women’s agency under the law was exemplified by the accounts of Sandhya and other trafficked women interviewed in this study; women’s bodies, earnings (if any), family property and children belong to men. The majority of the women interviewed in this study were trafficked before they were eligible to get a citizenship card. Also, most were denied citizenship on their return because they were neither a ‘good’ woman who would get recommended by their father or husband, nor a ‘good’ citizen of the country to be eligible.

As Tara stated:

‘One of the worries is how to get a citizenship card. I have no one who can recommend me for citizenship. My father and brother refused. I’m trying through Shakti Samuha but the citizenship office asked me to bring my father. I’ve double problems; I’m trafficked and have got HIV, there is less chance to get married and get citizenship from a husband’s recommendation’ (Tara, 27)

The feminist movement in Nepal has long been challenging such meanings of woman’s agency, however the conceptualisation of womanhood under the legal system, including the interim constitution, remains unchanged.

Trafficked women's complex accounts, as analysed in this section, explored the significance of various aspects of the cultural contexts of Nepalese society in which women lived in before trafficking, and they to which returned. These contexts are important and need to be understood within the context of the specific cultural roles defined for women. I now move into exploring the processes of construction of *samajik bahiskar* analysing accounts of women interviewed.

Processes of construction of *samajik bahiskar*

Significance of izzat

In Chapter two, in exploring the construction of womanhood in Nepal, I discussed the sociological and anthropological significance of *izzat* in constructing women's sexuality by reviewing works of various researchers on Nepalese society. Situating trafficked women's accounts in this section of the chapter I examine the processes of construction of *samajik bahiskar* within the context of the significance of *izzat* discussed by the various writers I examined. The interviews in which all of the women shared their experiences of *samajik bahiskar* frequently began with the stigmatisation process through which women were given various labels by their neighbours, communities, media, various departments of government, that they encountered on their return from trafficking. For a few of the women, it was their own family members initially who began stigmatising women, whereas for many of the women it was the NGOs they approached for services, who also contributed to the process of stigmatising them (see later in this chapter).

The accounts of all of the twenty eight women interviewed in this study suggest that social labelling attached to trafficked women's sexuality and *izzat*, as a social and cultural concept (Cameron 2005) attached to women's cultural obligation, had a significant role in the process of stigmatising and enforcing *samajik bahiskar* on women's return. Throughout the interviews, women constantly talked about their experiences of *samajik bahiskar* being constructed, after being brought into the trafficking process, because they were seen, by their families and communities, as unable to preserve *izzat* of their families and kin.

Thuli was a typical example. Thuli was born into an upper caste Hindu family of the central south region of Nepal. According to her account, she was lured by a known man of her village who took her to a town across the Indo-Nepal border. Thuli escaped trafficking on her way to India, however she could not stay more than a few months with her family due to the *samajik bahiskar* she encountered from her villagers and school friends. At the time of the interview she was living in a rented room in Kathmandu and working with Shakti Samuha. I asked her why she left home within a few months of her return? She had the following to say about *izzat*:

'Because we are women who are responsible to preserve family izzat, when you are trafficked then you are labelled as a prostitute, a bad woman. No matter whether you have served clients sexually or washed dishes in someone's house, you are gone and izaat of family and relatives has also gone'. (Thuli, 23)

Similar views were shared by Nita, who was also born into an upper caste Hindu family. Nita's parents arranged her marriage when she was fourteen with a mentally disabled man. Nita experienced domestic violence in her marriage that led her to Kathmandu in search of a job. She worked as a domestic worker in various places in Kathmandu and then as a hotel attendant, through which she was brought into the trafficking process. Like Kalpana earlier and Thuli in this section, Nita also escaped her trafficking process before crossing the border with India and sheltered in NGOs where she received various forms of training. At the time of interview, Nita was also working with Shakti Samuha and living with her second husband in Kathmandu. Nita told me during the interview that, among other members of her original family, her brother was most angry with her when she left her first marriage with whom, at the time the interview was conducted, Nita had no connection. I asked her why, she thought, her brother was angry. Nita's response was:

'My parents wanted me to stay as a faithful wife with the man who married me, it was important for their izzat and prathistha⁵⁷ of my father as he was a Hindu Priest. My brother blamed me that I damaged their izzat and spoiled their pratistha because I left home. They wanted me to spend my whole life [there]; I did not follow social rules'. (Nita, 28)

⁵⁷ Social images

The majority of the women said that the key reason they experienced *samajik bahiskar* was due to their inability to preserve *izzat* of their families. Thuli and Nita's accounts offer an understanding on how important *izzat* is to stigmatised trafficked women and the construction (or not) of *samajik bahiskar*. By framing women's relationships with their family, *izzat*, as illustrated by the quotes from Thuli and Nita, is a key feature that is important to prepare women to accept certain social roles within their cultural context by following, as Nita termed it certain, 'social rules' (see below). Along with Nita and Thuli, many of the other women recounted that these social roles included being a dutiful daughter, faithful wife and devoted mother.

Nita and Thuli's accounts raise an important question here about who makes the social rules that identified these social roles that women are expected to perform? Becker (1963: 9) emphasises that 'society (or privileged groups in society) make social rules that are significant in constructing deviance and labelling particular people as outsiders'. For Becker, deviance is a consequence of such social rules and their application by others to the person stigmatised. According to Nita's quote in this section, and all of the twenty eight women's accounts included in this study, suggest that they violated such social rules made by their society to regulate their sexuality. That is trafficked women are, in Goffman's terms *discreditable*. Relating to the point made by Becker in Chapter two, such social processes seem to be encouraging stigmatisation of trafficked women based on, as Diya commented earlier, 'negative attitude and response' within the cultural context women come from originally and return to from trafficking settings/processes. Some of the responses of such stigmatisation processes were the various labels women had received; comments such as Thuli's on 'bad woman and prostitute' are the most common examples women recounted in this study. To summarise this point, relating to the anthropological explanation of *izzat* by Cameron and various feminists writers in this chapter and elsewhere in this thesis and Becker's emphasis, the context of the stigmatisation of trafficked women recounted in this study suggests that stigmatisation of trafficked women appeared to be a consequence of the application of what Nita termed 'social rules' of *izzat* based on women's perceived sexuality on their return from trafficking.

These accounts relate this analysis to some of these observations such as the anthropological work done by Bennett (2002) and Kondos (2004) in their studies on women in the Hindu social context in Nepal. Also, Chen's (2000) study on widowhood and Chowdhry (1994), Kapadia (1995), Jeffrey and Jeffrey (1996) exploration of the relationship between gender, caste and class in similar context in India also illustrate a similar picture (see Chapter two for detail discussion). Relating these studies with the accounts of trafficked women analysed here, women in Hindu dominant society, being granted honour, are also responsible to preserve *izzat* of family and kinship what Chen (2000: 23) termed 'repository of family honour'.

More recently, Cameron (2005), in her study of gender and caste relating to sexuality in Nepalese society, argued that *izzat* carries cultural significance to women with the primary interest being to protect the reputation of family and kin. According to these studies, in the Hindu social order, the *izzat* and moral order of the family and kinship can be upheld only if these institutions are strictly organised. If men and women choose (or discard) sexual partners at their will, or by force, there would be serious consequences in the *izzat* of family and kinship and of the moral order of society at large (Douglas 1994).

Analysing the accounts of women interviewed in this study, and relating back to the point made by Becker (1963) on social rules and explanations on *izzat* by Cameron and others writers in Chapter two, suggests that the *izzat* of women is *izzat* of their families and kin. Cameron's phrase 'protect the reputation of family' has echoes with experiences of trafficked women included in this study that various labels are given and *samajik bahiskar* is enforced to women by their own family as women are seen as unable to protect reputation and *izzat* of their family. In other words, according to Nita being trafficked she and her fellow women interviewed '*did not follow social rules*' that define the cultural obligation of women to preserve *izzat* so that they were not eligible for what Chen, Kapadia and others termed honour. In Goffman's (1963) terms these women are *discreditable* and thus socially stigmatised, labelled and face *samajik bahiskar*. I will explore this in more detail in the following sections.

Accounts of stigmatisation

During the interviews, trafficked women frequently recounted that their first encounter with the police, immigration officials and airport authorities on their leaving the trafficking setting was the beginning of their stigmatisation process. This was evidenced in women's accounts where women had felt they were treated differently by the police, immigration officials and people in various professional roles and others they encountered on their return than before they were trafficked. When I asked women "Had they felt that people treated them differently in any way since returning Nepal?" Sanu's response was typical.

'[O]h yes...very much different and negative than before I was trafficked. From the day I arrived at the airport, people started seeing me and my friends returned together negatively and started giving many names, not asking our own name but giving other negative names such as prostitute, whore etc. Also when I visited my village I had similar experiences I had, so many other places it is the same I would rather say everywhere people treat us differently. I think this contributed to our families seeing us in a bad manner. For example, on my return I was not treated as if am their daughter and sister and I was like an unknown person to my family'. (Sanu, 26)

Sanu was born into an ethnic social group of a hill region of central north Nepal. She was trafficked when she was collecting firewood and fodder in the jungle nearby her village by a group of four men who were from her village. She spent several years in Bombay and returned to Nepal through rescue measures conducted by the Indian police. On her return Sanu was supported by Nava Jyoti Centre, an NGO offering food and shelter to trafficked women. Sanu's account is typical of the views of all of the women interviewed in this study, and suggests that their initial encounters on return were frequently found to be different and based on negative attributes, within which the women's future relationships with institutions they approached were framed. Analysis of the women's accounts also suggests that the women felt these negative attributes were the key elements that framed stigmatisation processes and the construction of *samajik bahiskar*.

The women included in this study escaped/left trafficking in various ways and from different stage of their trafficking process. Many of them were rescued by NGOs and police in India after spending years in trafficking settings, some escaped on their way to destinations. One woman told me that she jumped from the window of the place where she was forced to serve customers sexually; two women remembered that they were assisted in escaping by their customers. One woman also said that she was sent back to Nepal by her brothel owner through marriage. The few women who were trafficked into the circus were also assisted by their relatives and local police to return to Nepal. Regardless of where women were trafficked, what women were forced to do while in trafficking setting and how the women escaped trafficking, their accounts of stigmatisation on return to Nepal appeared to be extremely similar.

For example, Anu was born into an upper caste Hindu social group of the same district as Sanu. Anu was trafficked when she was in Kathmandu for her tuition classes to prepare for her secondary level school exam. The trafficker gave Anu some sweets to eat. According to Anu, afterwards she fell unconscious. Anu said she was in a train in India when she woke up. According to her account, two days after crossing the Indo-Nepal border, her traffickers told Anu they were going to Bombay to work. Later, on her way to Bombay, Anu jumped from the train when it was stopped in a station and asked people for a help. She was taken to a police post and then sent to a charity organisation helping women in difficulties. The charity organisation contacted Anu's father in Nepal who, after a few days, visited the charity and brought Anu back to Nepal. I asked Anu when people see a trafficked woman what do they think about her? She remembered her return in this way:

'Differently, like people think that trafficked women are not as good as other women, I mean that they think of them differently and see them differently, like in my case as I was brought back by my father but as I have said to you that people saw me differently and asked me thousands of questions that were difficult to answer and some I had no answer to because I was not in Bombay and did not serve customers sexually. Before I left home I was seen as Anu, daughter of someone but after returning home first villagers and others think where did I go, what did I do, how did it happen and then they think I am not the same Anu, I am something different I

don't know what but you get different treatment and response from them'. (Anu, 26)

The accounts of Sanu and Anu suggest that the stigmatisation processes, as I illustrated discussing the early work of Goffman (1963) and recent work in India by Das (1990), Bhasin and Menon (1996) and Bhutalia (2000), in Chapter two, invoke and reinforce a special kind of relationship between trafficked women's sexualities and stereotypes of socio-cultural contexts that the women represented.

Such a special kind of relationship attached to trafficked women's sexualities affects trafficked women. As Anu commented, *'people think that trafficked women are not as good as other women'*; they are different than other women who have no experience of being in a trafficking process/setting. These differences were expressed, in various languages, in different forms, through the responses of the institutions women encountered on their return (see below). Eventually, women who left home to support their families experienced stigmatisation and subsequently *samajik bahiskar* on their return from trafficking. In addition to Anu, all of the women's accounts of stigmatisation were found to be framed by the work women were forced to do (or *assumed* by others to have done) in trafficking which frequently portrays women *'negatively'*. All of the women regarded such negative portrayals as a consequence of the relationship between women's sexualities and stereotypes of institutional practices within their specific cultural context. After listening to the accounts of stigmatisation trafficked women recounted during the interviews, such as the accounts of Sanu and Anu, I asked women how they described themselves? Sharmila was typical of their responses.

'What I felt at that time was I have no future, I'm human but have no blood, have a heart but no breath and have a body without any sensation because I'm a trafficked woman and was exploited so much sexually by other men. I was seen like an animal by people around me. On arrival at the airport from India the way people at the airport, also NGOs waiting to take us to their offices, were looking at me differently like I'm an animal that just arrived on the earth. It was so intimidating, why they did not see other passengers of that aeroplane like that?' (Sharmila, 24)

Sharmila was from a mountain district of the north east of Nepal and lured by a villager who promised her a job in Kathmandu and eventually sold her into a brothel in Bombay. Sharmila returned to Nepal with HIV. At the time of interview she was working with Shakti Samuha and living with her husband in Kathmandu.

From the analysis of the interviews, it was evident that while police, immigration officials and NGOs staff were often among the first people women encountered after being rescued, it was the members of their own families and communities that were the first individuals (or groups) women encountered on their return to Nepal. The experiences of trafficked women in this study also suggest that reunion with their families and neighbourhoods was often found to be an intimidating experience, in which stigmatisation begins and *samajik bahiskar* is constructed.

A few of the women found their stigma interacted somewhat with their ability to meet the material expectations of their family on their return (see Chapter five). However, the women's accounts evidenced that stigma, regardless of their material support to family, remained throughout many aspects of their lives in different forms as they are seen in Sanu's word '*negatively*', and in Anu's experience '*not good woman*', and in Sharmila's term '*differently*' (see Chapter six for details). It is therefore important to understand processes of stigmatisation, social labelling and *samajik bahiskar* within the women's material relations with their families, the social positions they occupied and cultural practices informing how they and their sexuality were perceived in the social structure of Nepalese society.

Social labelling and the 'good'/'bad' women binary

Throughout the interviews when women spoke about their experiences of being stigmatised and labelled, their accounts suggest that stigma and social labelling work in a complex way. Analysis of the interview data suggests that stigma begins when women are socially labelled and social labels are in turn, enforced on stigmatised women. This complexity interacts negatively, though in a parallel way, with the women's experiences of trafficking, through which the construction process of *samajik bahiskar* begins. The experiences of all of the twenty eight women also suggest that the beginning of their stigmatisation was the moment they were given

social labels by the members of their neighbourhood, village, wider communities and officials of various professional roles in the government. Analysis of all of the data suggests these labels attributed negative status and often intimidated them. This process illustrates that stigmatisation appears to be a prerequisite of *samajik bahiskar*.

This is illustrated by Niru and Usha:

'[E]xperiencing samajik bahiskar is the moment you finish yourself. You have nothing left for you in this world because you are named as broken eggs, damaged things and bad women. It feels like everything and everyone is against you. You just wait for your death because you are worthless'. (Niru, 28)

'My experience on arrival from Bombay to Kathmandu was negative. Because the first thing I heard when I arrived to the airport in Kathmandu was a prostitute, HIV/AIDS carrier and a bad woman. They were media and police looking at us when we came out from the aeroplane. A policeman was asking someone what to do with these 'dushit'⁵⁸ women, and another policeman standing next to him said we were doing prostitution and we might do the same in Kathmandu and spread AIDS. That made me so upset; it was not a good feeling returning to my own country'. (Usha, 25)

Niru, mother of two children, was born into an upper caste family in eastern Nepal, and was married to a dalit man of the central hill region. She was literate and a widow, who supported the lives of three through daily wages in a hill village. Usha came from the hilly region of mid west Nepal, was born into the Danuwar ethnic group and returned from the trafficking setting of India with a son. At the time of the interviews, she had a five year old daughter from her marriage of seven years. These processes have much in common with the processes that Thuli and Nita, among the majority of the women interviewed, recounted earlier; i.e. trafficked women were blamed for not being able to preserve *izzat* of their families. Regardless of the purpose of trafficking, the common labels recounted overall by the women during the interviews were:

- a) prostitutes

⁵⁸ Polluted

- b) HIV/AIDS carriers
- c) bad women
- d) broken eggs
- e) damaged things
- f) polluted women

From these labels, relating back to Kalpana and Nita's accounts earlier, it appears to be a prerequisite of *samajik bahiskar*, to suggest that trafficked women are 'dishonoured' and thus these labels are given by their own families (or members), neighbours, villagers and officials at various professional roles they encountered on their return. For example, when Usha terms '*dushit*' the issues of *izzat* and social labelling appear to be based primarily on women's sexuality. In this context, according to Kalpana's earlier account on '*serving...men sexually*', and her experiences of being made 'impure' by her neighbours, the sexuality of trafficked women is seen within the Hindu context of purity and impurity as described in Chapter two. Such attributes of purity and impurity are the key threads upheld by the Hindu value system, as described in Chapter two, and also Nita and Sushila's comments on social rules, whereby women's identities are divided into the label of 'good' and 'bad' women.

Analysing Niru's comment '*it is the moment you finish yourself*' which highlights dishonour of the trafficked returnee women who are seen as 'bad women', who could not preserve *izzat* of their family and '*...you just wait for your death because you are worthless*' illustrates that only 'good' women can have a space in the family and society. Niru's feeling of everything being against her carries with it the notion that trafficked women are 'bad'. In addition to this, these accounts also exemplify that these negative attributes eventually allow their own families, communities and officials in various professional roles, to construct various labels and attributes to women and enforce these to women when they return from trafficking (see later in this chapter). Following her earlier response to my question related to women's accounts of being treated differently since returning to Nepal, I asked Sanu why she thought this happened?

She continued:

'...because society thinks serving customers is against naitikta (morality) of the society because we women are expected to stick with one man that is a husband, and society expected me to follow that one man samajik niyaim⁵⁹, if I want to be a good woman. But being trafficked I did not follow that rule therefore I'm branded as a bad woman, I'm seen as a damaged thing and broken egg that you cannot repair'. (Sanu, 26)

Sanu's comments on 'morality' and 'social rule' are significant here to frame (or as prerequisite) to *samajik bahiskar* through the socio-cultural process of labelling that Usha and Niru recounted earlier. Analysis of the accounts of all of the women in this study suggests that these rules, in this context, appear to be, as Lim (1998: 13) in her study in Southeast Asia region termed 'sexual moral codes' of the society they represent. Relating to my discussion on Lim and other writers work in Chapter two, moral codes are defined in two systems of morality to regulate sexuality: one for women and one for men. According to Lim, the system of morality in Southeast Asian societies which regulates women's sexuality is shaped by the cultural construct of 'purity' and 'impurity'. Lim goes on to argue, the other system of morality grants men access to sexual pleasure in varied forms with several women. Relating Lim's points with the accounts of, for example, Sanu's point on 'one man rule' illustrates how important 'morality' and 'social rules' are to constitute female sexuality and construct various labels and *samajik bahiskar* associated with trafficking.

Relating all of the women's accounts to the point made by feminist scholars mentioned above, these moral codes are converted in Nepal to the rule of 'purity' and 'impurity'. The women's accounts exemplified the nature and complexity of this moral code. If a woman is trafficked she is considered to be, as Sanu typically commented, a 'damaged thing and broken egg'. As a consequence, the women on their return are punished for the violation of the rules of purity-impurity. For their family, relatives and society in Nepal, trafficked women are 'bad' and therefore deserve *samajik bahiskar* due to the fact that, as Niru commented, for the society they return to, they are considered 'worthless' and became impure.

⁵⁹Social rule

Processes of stigmatisation and labelling are gendered

In the interviews, the majority of women responded to my question of whether any particular person(s) in their family and society construct labels, define and enforce *samajik bahiskar* on their return. Most of the women interviewed said that it was male members of their families and communities who primarily labelled them as a prostitute, a bad woman. Namuna and Tara's quotes for example, illustrate this point:

*'First it was my father who declared me dead when I arrived home because he said I damaged his izzat'.
(Namuna, 32)*

'[M]y brother was very angry when he saw me on my return and said to me to go away, he said I'm a prostitute. My mother could not say anything to him. He was shouting at me and I got scared'. (Tara, 27)

Analysis of trafficked women's accounts of gendered social labelling processes raises a question of whether women members of the social institution(s) and social sites play any role in the construction of stigma, processes of social labelling and subsequent *samajik bahiskar*. The analysis suggests, that while male members are found to be playing a key role to stigmatise women, label them and enforce *samajik bahiskar* on their return, some of the female members of communities, appeared to be key in playing a role to lure women from their villages. Fifteen of the women interviewed in this study were lured by women of their village/neighbouring communities/town before trafficked women were accompanied by a man (or group of men) to their destinations. The women's accounts suggest that many of these women helped trafficked women to reach Kathmandu where they were promised a job; some of them also helped women to cross the Indo-Nepal border. Three of the women also remembered that there were women who had taken them to Bombay and sold them into prostitution. The following quotes illustrate the complex gender relations that over the half of the women recounted.

'I came to Kathmandu with a woman from our village who used to work in a carpet factory in Kathmandu for some time. That woman I came with introduced me to two men in Kathmandu, three of them helped me to get a job in the carpet factory. Since I started working in the carpet factory in Kathmandu, I missed my family a lot, but they all used to called me sister and showed me love and cared for me, one man had his wife and she

was also a lovely woman, I did not know they had a hidden interest in their mind, we all were working together in the same factory. One day those two men proposed me to go to Pokhara. I said no, but they insisted me to go, and I went with them, it was an opportunity they had taken to take me to Bombay and sell me'. (Sharmila, 24)

'She was my aunt, not close to my own family but a relative, who saw my mother beating me everyday, one day she suggested me to go to Jhapa with her to see the countryside, and I went with her. There was also another girl who came with us. My aunt gave us mango, I liked mango very much and I had couple of mangoes that is what I remembered, after that what happened, how did we go and where did we I had go no idea, when I woke up I was already in a brothel in Bombay and did not see that aunt again'. (Sita, 24)

Analysis of these accounts of Sharmila, Sita and other women interviewed suggests that, while men are seen to be the key in stigmatising, labelling and enforcing *samajik bahiskar* on women on their return, women can also play a significant a role in helping in the trafficking process. Sharmila's account '*I did not know they had hidden interest in their mind*' and Sita's account '*to go to Jhapa with her to see the countryside*' are typical views of the majority of the women interviewed which suggests that that trafficked women may not necessarily be aware of the tactics traffickers were using, who often use loved and trusted ones to lure girls and women who are looking for work opportunities away from their homes. While fifteen of the women interviewed were lured by women, thirteen of them were known to trafficked women. Along with Sita, three of the women's accounts also suggest that some women were working independently, from the luring of women to selling them into trafficking destinations.

This analysis relates to the work of Brown (2000) on trafficking of women in south and east Asia. Brown argues that teenage and young women are usually first pulled into the nexus of trafficking by someone they know and the typical recruiter may be an old woman or a local woman shopkeeper who has gained reasonable trust of the

girl and her family. My own conversations⁶⁰ with trafficked returnees of Nepal, India, Bangladesh and Pakistan also suggest that the process of trafficking is gendered in its nature and that some women are being used by the wider networks, that are dominated by men, mainly in two key stages. In the initial stage, young women are lured by women they are familiar with and who offered a job (or help to explore jobs) to women and their families and are eventually lured. Another stage where women are involved found is where trafficked women are ultimately sold and forced to serve customers sexually⁶¹. In this study, all of the women remembered that it was from the male members of their own families, communities, the government and in many cases NGOs (see Chapters five) that women encountered stigmatisation, labelling and enforced *samajik bahiskar* when they left trafficking settings. However, a few of the women also recounted that some women in NGOs and families also contributed to maintaining *samajik bahiskar* by distancing themselves from the trafficked women.

Forms of samajik bahiskar

As I discussed above, a number of different labels were identified by the women interviewed that were attached to them on their return from trafficking. As women were given various labels, there were also accounts illustrating that *samajik bahiskar* emerged in various forms. These forms were based on specific contexts framed by the social positions of the women and the everyday practices of institutions and personnel the women encountered.

For example, Sita was born into a dalit family and had remarried a non dalit man a year before she was interviewed and settled in Kathmandu. Sunita lives with HIV and has a son and a daughter. The trafficked identity of Sita and her HIV status is known to their respective families. During the interview, Sita told me that her in-laws, who lived in the southern part of Nepal, seldom invited her for family

⁶⁰ A programme I attended was 'Casting Curious Shadows in the Dark', The South Asian Court of Women on the Violence of Trafficking and HIV/AIDS, August 11-13, 2003, Dhaka, Bangladesh, organised by Asian Women Human Rights Council (AWHRC) and UNDP South Asia, Delhi.

⁶¹ This was also discussed by various speakers and participants attending 18th Annual Conference of Feminist and Women's Studies Association (UK & Ireland) titled 'Gender and Violence: An Interdisciplinary Exploration' held in University of Aberdeen, Scotland, 9-11 September 2005, which I also attended and presented a paper on my research.

occasions and feared for possible negative responses from the villagers because of her trafficked identity. Sunita received no support from her own family, who were from Kathmandu valley, and her husband left her once he learnt of her trafficked identity and HIV status. I mentioned earlier the case of Sharmila, a woman from an ethnic social group of the hilly region of eastern Nepal. These three women spent a few years in different NGOs' shelters both in India on their way back and in Nepal on their return. At the time of the interview, Sita was associated with ABC/Nepal and was trying to get membership of Shakti Samuha. Sunita and Sharmila were members of Shakti Samuha. Diya, as mentioned earlier in this chapter, was trafficked into the circus and had no such experiences of sheltering with NGOs on her return.

The experiences of Sita, Sunita, Diya and Sharmila illustrate that *samajik bahiskar* takes place in different forms in different places for different women, but through similar processes of stigmatisation and of labelling. This was illustrated by the following quotes:

'[W]hen we arrived in Nepal, some of us were taken to an NGO shelter in Kathmandu and then nobody in the office was ready to eat food prepared by us, mainly staff who were there to manage the shelter. There were five staff; none of them have taken food prepared by me and my friends. I asked them why, any problem because I'm dalit or I'm trafficked or what, no one replied, they just did not take the food'. (Sita, 24)

'On return when I was in labour pain, giving birth to my child, a nurse in a medical collage asked me what do I do, whether I was with another guy apart from my husband or am I a prostitute or returned from Bombay? So irritating questions when I was in horrible pain'. (Sunita, 20)

'When my brother met me after several years he was ready to take me home, but when he was informed by the NGO where I was sheltering that I'm a trafficked returnee and have HIV then he changed his mind and returned home leaving me with the same NGO. Until now it is only my brother who knows my trafficked and HIV status, no one else in the family. And my brother left Kathmandu for home district and never called me to come home'. (Sharmila, 24)

'[A]fter some time of my return, I went to my school and I met my teachers. My head teacher told other pupils that I was a trafficked return girl and then my friends started asking me a lot of questions about my past. Even I was hated by my head teacher'. (Diya, 25)

Sita, Sunita and Sharmila's accounts also illustrate their other social positions which might have contributed to their experiences of stigmatisation and labelling, such as for example, caste/ethnicity and Sunita's HIV status. Following Plummer (1975), these can be seen to be an *unjust account* (see below). Sita and Sharmila's comments on NGOs, Diya's comments on her head teacher, and Sunita's anger about hospital personnel are consequences of the various forms of social labelling they were given by the different institutions in the specific contexts they encountered.

Analysing these and other women's accounts included in this study suggest some of the common forms of *samajik bahiskar* were:

- a) not sitting near
- b) not welcoming home
- c) not allowing women to take water from public taps
- d) not welcoming in school
- e) not taking food prepared by trafficked women
- f) intimidating responses, for example Sunita's experiences during her labour pain

These were the common forms, among others, that women frequently recounted throughout the interviews. This not only offers an understanding of the complex processes of construction of *samajik bahiskar*, but also illustrates how it has been regulated and who experienced it. Apart from families and communities women recounted, as demonstrated throughout the thesis, social interactions between practices of various departments of the Nepal government, for example, school, hospital, judiciaries and also NGOs women encountered while receiving their services on their return, appeared to be playing a significant role to construct and regulate *samajik bahiskar* based on the assumption and cultural representation on sexuality of these women (see below).

These accounts also reveal that these ranges of forms of *samajik bahiskar* that the women spoke of emerge in a complex way so that trafficked women's possible physical contacts, social interactions, and things they touch and prepare, as well as services for trafficked women are refused/restricted. For example, in addition to the refusing to take food prepared by her, Sita also said to me that the members of the NGO she was referring to also refused to take a pen and notepad that Sita had used while calculating expenses she made while buying vegetables for the shelter where she was living. According to Sita, she was then asked by the person in charge of the shelter to put them on the table instead. In addition to this, Sita's points to her caste perhaps having played a role, adding to the general socio-cultural practices of untouchability by the NGOs staff she was referring to. This might be a wider research area to explore, however given the context within which routine practices of untouchability in public places are common in Nepalese society, her social position as a 'dalit woman' and the possibility of being treated as *untouchable* could not be ignored in such encounters.

Despite the role of NGO in constructing and regulating various forms of *samajik bahiskar* (see later in this chapter and elsewhere in this thesis) there were some NGOs where the majority of the women in this study found a place to live on their return and afterwards when their own families refused to take them home. Even though Sharmila's comment on her brother '*he changed his mind and returned home leaving me with same NGO*' is a classic example, for some of the women interviewed in this study thus illustrates that, after having a known trafficked identity to their family (or members of the family), women were not welcomed home. However, Sharmila was assisted by that NGO for several years. Analysis of the accounts of all of the women interviewed suggests that this was because, as discussed earlier in this chapter, these women were frequently seen by their family (or member) as unable to protect *izzat* of their families.

Families (or a members) unwillingness to welcome women returned from trafficking also has a link with the possible responses trafficked women or their families might get from their neighbours, villagers, local authorities and wider communities. In addition to Diya and Sunita's experiences of the process of stigmatisation and enforcement of forms *samajik bahiskar*, many of the women spoke of their anger

when their trafficked identity was made public by the media and/or NGOs, and of how women were not allowed to use public resources such as, for example, water from public taps. This issue came up frequently throughout the interviews, that women visiting (in a few women's case living) with their families were restricted to collecting water from public taps and confined in their house. Such a situation might have contributed to restrict their social interactions with their friends, which they used to do before they were trafficked. This was exemplified by Thuli's quote:

'It was a strange feeling when your villagers and fellow women tell you not to come to the tap to get water. [W]hen I stayed a few months at home after returning, I went to collect the water nearby our house, but women I knew and some of them were my friends before I left home, stood away from me and I was told by them not to come again, then I did not go and I did not talk to them, still I feel sad'. (Thuli, 23)

Plummer (1975: 73-75) in his classic study on sexual stigma notes two contrasting accounts that could be found to be attached to sexually stigmatised individuals, which appeared relevant to examining the processes of constructing various forms of *samajik bahiskar* that the women recounted:

i) just account Plummer suggests identification depends upon relevant factors and behaviours of individuals concerned, trafficked women's behaviours for example in this discussion, and
ii) unjust account that suggests, in the context of trafficking, identification of *samajik bahiskar* occurs through the social factors surrounding the individuals, gender, powerlessness and tolerance for example.

It was the *unjust account* I found to be relevant in analysing the trafficked women's experiences, in connecting their everyday practices within their cultural context with the processes and forms of *samajik bahiskar*. For example, as Sita said '*...because I'm dalit*', Sunita's circumstances and responses from hospital personnel, Diya's circumstances regarding the school, the response of Sharmila's brother after knowing she was trafficked and her HIV status and the sadness which Thuli felt upon responses of her villagers and friends at the public water tap. These were some of the

common forms women frequently recounted during the interviews. Although all of the women expressed their anger and resentment over these forms and responses they had received within their circumstances, these women appeared to have little or no option to resist.

Regulating *samajik bahiskar*

Government and NGOs: supporting or dehumanising women?

A few studies conducted by NGOs indicate that Nepalese feminists and NGOs working on trafficking prevention began offering shelters and other basic services to trafficked returnee women from 1996 when a group of trafficked women, including Usha, Sanu, Sharmila and Sunita, were rescued and repatriated to Nepal by the Indian government (Pearson 2004). Especially after the 1990 political changes⁶², the popular media followed feminists' and NGOs' works on promoting trafficked women's fundamental rights, for example, citizenship rights and access to services. This drew the attention of government officials, law makers, politicians and enforcement agencies to respond to the needs of trafficked women after they return to Nepal. One of the achievements of these initiatives by feminists and NGOs was influencing the government to receive returnee trafficked women at the airport, in setting up transit houses, providing skills training and providing HIV screening services (MWCSW 2001). As a result, apart from the government, several NGOs in Nepal began rescuing women, setting up transit houses for their return and offering skills training, which trafficked women have referred to in this chapter. However, all of the women's accounts recounted in this study suggest that stigmatising responses from NGOs and government institutions continued.

Examining the policies and plans formulated by the government in Nepal related to trafficking in Chapter two, suggests that several reforms were made by successive governments in Nepal since the political changes in 1990. However, women's accounts included in this study suggest that the judiciaries and law enforcement agencies, for example, the police and immigration officials, preserved the traditional role of government institutions that trafficked women have recounted in this study.

⁶² A two month popular movement re-established a multiparty democracy in Nepal after overthrowing the 30 years old partyless Panchaya system.

After several months following their rescue, eleven of the women included in this study were repatriated by the Indian government to Nepal in 1996 by plane. Many of them remembered that on leaving the trafficking setting they felt relief, however the behaviour of police and rescue officials in India and police and immigration officials in Kathmandu airport was very stigmatising. During her interview Sanu remembered her moments of being rescued in India in this way:

*'I think the police were looking for young girls to rescue because for some time they were asking women about minors working in prostitution. I heard policemen talking like where have all the minors gone...like that. Police came in my cabin, found me and said 'oh here is a little girl'. I was shorter than other women and they pulled me down and put me in a van, they did not ask anything to anybody. They were removing some of us like playing volley ball. Transferring girls from one policeman to another, they did not care for us as humans; we were like a ball and were thrown into a police van and called like we have no name but prostitute, slaves, dirty women, etc. I requested a policeman not to throw us away like rubbish, but that policeman shouted at me. He said to me close your mouth whore. I kept quiet and was so terrified with the actions of those police, I wasn't sure where I was going...I think society treats women like animals because for the animals you can use them the way you want, and similarly you can use women'.
(Sanu, 26)*

All of the women were of the view that stigmatisation and their labelling began since leaving the trafficking setting/process. On their return to Nepal/home/village the women felt more stigmatised and were given labels which they thought contributed to *samajik bahiskar*. Usha was among many of the women who remembered their arrival in Kathmandu airport in this way:

'...we were in a group when we landed in Kathmandu airport, another painful experience, still it hurts me and I was very angry. We were asked to stand in a queue and all people in the airport the police, airport staff, started looking at us in a way that it felt like you are an animal kept in a museum. And they and other people in the airport started calling us heroines returning home after earning so much money etc. Some of them started

calling us prostitutes, bad women, slave and a bundle of HIV...so many to list'. (Usha, 25)

Before returning to Nepal, Sanu and Usha were among those I mentioned elsewhere in this thesis, who were transferred to various transit houses managed by religious charity organisations and NGOs where they spent several months after being rescued by the Indian police in 1996. According to Brown (2000), this rescue measure was aimed at combating child prostitution and was a part of the HIV prevention strategies of the Indian government. However, according to the accounts of Sanu, Usha and other women included in this study who were rescued, the way the rescue measures were conducted was often stigmatising and degrading to them.

During the interviews, these responses about the rescuing authorities that the women experienced were shared both as anger and fear. Many women spoke of their anger over the *actions* of police authorities during the rescue measure in India, as in Sanu's comment that *'they did not care for us as human'*. Some women also on their arrival in Nepal expressed their fear of being further stigmatised, labelled and not welcomed by their families and relatives, as in Usha's remarks about *'calling us prostitutes and...I felt like...an animal kept in a museum'*. The women's accounts recounted in this study illustrate a complex relationship between processes of construction of stigmatisation, gendered social labelling and various forms of *samajik bahiskar* enforced on women, by which women's ability to deal with the social institutions and sites they encountered was limited (see below).

Similar situations elsewhere have also been documented by many feminists researching trafficking and prostitution. A few examples are, Lim (1998) in her study of prostitution in east Asia, Wijers and Lap-Chew (1999) in their global study on understanding trafficking, Levenkron and Dahan (2003) in their study exploring the situation of trafficking in Israel and more recently by Kempadoo, Sanghera and Pattanaik (2005) in their writings on trafficking, prostitution and labour migration in the Asian context. These studies have all documented how degrading responses from the immigration and police authorities, combined with verbal abuse, are the key to the processes of stigmatising women. Trafficked women's cultural representation through social labelling by rescuing police, immigration officials on arrival, as prostitutes, bad women, dirty women, for example and their dehumanised position

such as a *'bundle of HIV'* and *'volley ball'* and *'slaves'*, for instance, were frequently remembered by the women in their accounts throughout the interviews. In addition, Sanu's decision to be *'quiet'* also illustrates how the women often complied with the *actions* of people in various professional roles who they encountered on their return. Their compliance also might have contributed to officials legitimising *samajik bahiskar*, however their *'terrifying'* experiences limited their ability to tackle the processes *samajik bahiskar* constructed.

i. Judiciaries: justice or prejudices?

The processes of stigmatisation, social labelling and construction of *samajik bahiskar* continued when the women approached judiciaries for assistance.

For instance, Anita was born into an ethnic social group in the central hill region of Nepal. She was able to escape trafficking before crossing the Indo-Nepal border and reported to the local police on her return. Although her case was supported by GMSP, who agreed to pay a lawyer and deal with the logistics required to go to the district court, Anita had to leave home before the legal process came to an end after her *'bad woman'* labelling emerged and she was identified by villagers and friends as a prostitute in the village. According to her, it was her villagers who began calling her a prostitute and then her school friends also followed. Although her family welcomed her home and cooperated with her legal process, once her labelling became public in the village, Anita found her relationship with her family changed and she had to leave home. At the time of interview Anita was working with Shakti Samuha and representing the organisation in a seminar organised by the district authorities in her own district. Even in the seminar she was stigmatised by the district judge for example:

'Well recently I attended a programme representing Shakti Samuha organised by the local government of ...district, people from NGOs, media, law enforcement agencies, politicians and others also attended. One district judge of...district said in the seminar... women are being trafficked because they are sexy...I was so angry, humiliated but could not do anything. Even judges are like that, now where do we go for justice? This was the attitude of our judge'. (Anita, 23)

Anita's account of the comments made by the district judge exemplifies the verbal abuse that often signifies the social and cultural representation of women who experienced trafficking. Such taken for granted representation encouraged by the officials of judiciaries could bring negative consequences in the need for legal services for trafficked women on their return.

In addition to this, the use of language also signifies a specific identity of women by giving them labels attached to their sexuality. Lees (1993) discusses the languages available for men and women to use to communicate a specific meaning and construct a specific identity. According to her study on the sexuality of adolescent girls in the UK context, girls are seen primarily in terms of their sexual reputation rather than their human qualities (Lees 1993: 262). Analysing Anita's quote relating to Lees point, suggests that the term 'sexy' used by the judge for trafficked women was based on their perceived sexuality.

During the interviews, many of the women spoke of their anger over the responses of government officials and others on their return, to which they were unable to respond due to their social position and trafficked identities. For example Usha remembered:

*'[W]hen the airport police and other people said such things to us, I wanted to tell them that we are not prostitutes, we are like their daughters and sisters but when you are in a new place, don't know people and also you feel you are helpless then the only option left for you is to keep quiet and accept what you get'.
(Usha, 25)*

Analysing the trafficked women's accounts suggests that the social processes of stigmatisation, labelling and *samajik bahiskar* are parallel in a complex way. It could be argued that these processes exist as far as trafficked women comply, as many of the women remembered in their decision to 'keep quiet', with the key social institutions and their officials. However, Anita, Usha and many of the women's accounts on compliance on the *actions* of people at various professional roles and social sites they encountered link this analysis to the point made by Wollstonecraft, Macdonald and Cherf (1997). Wollstonecraft, Macdonald and Cherf talked about *slavish obedience* within which a situation is created for women that leaves them no option but to comply with the given circumstances. The majority of the women's

accounts suggest that although they tried not to comply with the *actions* of police, immigration officials, judges and NGOs authorities, as Sanu and Usha recounted, women's stigmatisation and labels within the context of their social position limited their ability to resist.

ii. NGOs: help or stigmatisation ?

Analysing women's accounts showed that while government institutions and the media played a greater role in the processes of constructing *samajik bahiskar* on their return, experiences with NGOs and other support agencies were often experienced as intimidating. This is illustrated by Rupa who was born into an ethnic group living in the central south of Nepal. She was trafficked into the circus across the border. She escaped the circus with the help of her father. Although Rupa was welcomed by the rest of her family members when she was accompanied home by her father, she had to leave home after some time. Rupa was recruited by Shakti Samuha and assigned to a programme that raises awareness on the processes and consequences of trafficking in her own district. She was invited to represent Shakti Samuha in a seminar in Kathmandu organised by the Ministry of Women, Children and Social Welfare. At this seminar she felt stigmatised, as she describes in the following way:

'I represented and spoke for Shakti Samuha in a national seminar organised by the ministry of women on trafficking prevention. After my speech people offered their sympathy for our organisation in the seminar hall, but at lunch time no one came and sat at the table where I was. NGOs people also did not come. It felt like I was a criminal and a few were even stigmatising our organisation by saying that Shakti Samuha is an organisation setup by former prostitutes, even NGOs people were saying that. See how we are seen by the people in NGOs'. (Rupa 21)

Rupa's distinctive experience encountering NGOs in the seminar organised by the Ministry of Women, Children and Social Welfare of Nepal suggests, to a large extent, a paternalistic approach through which sympathy and *samajik bahiskar* could be constructed simultaneously. During the interview, Rupa also spoke about the role and practices of the Ministry and its officials. Her account suggests that although the Ministry of Women, Children and Social Welfare and its various departments across the country are responsible for ensuring support services for trafficked women on

their return, however their practices are found to be shaped by the cultural construction of womanhood and traditional understanding on sexualities. Rupa's account, however, contrasts with the provisions included in the National Plan of Action (MWCSW 2001) (see Chapter two for detailed discussion).

Analysis of the women's accounts suggests that the language being used to construct *samajik bahiskar* is culturally shaped and patriarchally constructed in the view of commoditisation and dehumanisation of womanhood. For example, 'slave, sexy, bundle of HIV and dirty women' are some of the comments the women recounted, as discussed earlier. Moreover, Rupa's feeling of being seen as 'a criminal' in her encounter with the NGOs and government officials in the seminar, and Sita's comments on refusal of food prepared by her and her friends earlier in this chapter, help us to understand the way a complex and continued interaction of expectations and needs of trafficked women with the state and NGOs institutions plays a role in the construction and processes of *samajik bahiskar*.

iii. Political parties: assisting women or concealing the stigmatisation processes ?

During the interviews it also appeared that, apart from NGOs, some of the women also sought help from political representatives of their own constituencies and districts. Women who had approached political representatives remembered their requests were on two issues. The main request was to prosecute traffickers and the other was to help women to get citizenship.

Rupa, Sita, Sharmila, Diya and Sunita's experiences, as illustrated above, showed that the processes of construction of stigma and *samajik bahiskar* are embedded within the government, its departments and NGOs. Although they are neither part of a government nor NGOs, however, analysing some of the women's accounts, suggest that the political parties appeared to be playing a role by framing overarching policies of government and NGOs and regulating their activities. By governing government and NGOs' actions, the daily practices of political parties appeared to be legitimising various forms of *samajik bahiskar*. When I asked the women whether they had approached their constituents' representatives of political parties, the dominant view was illustrated by Anita:

'Well, politicians have double standards in their views. When you meet them and ask for help they always say yes and when you leave their party office they support traffickers. I can't trust them. I did ask for their assistance when I filed my case on my return, but I received only verbal commitments. I also heard from my friends in Shakti Samuha that their traffickers were released from the jail because local politicians backed them up, so you don't need any laws really, politician's desire is the law'. (Anita, 23)

I asked the women why they thought institutions like hospitals, schools, political parties, the courts, NGOs and the police play a role in the construction of stigma and enforce various forms of *samajik bahiskar*. Analysis of their accounts illustrates that the significance of institutional power in the stigmatisation process in a specific context is fundamental. The women's experiences of being stigmatised appeared frequently to interact with the power structure of the social sites and people in various professional roles the women encountered, at a point where cultural practices, beliefs, social norms and the political decision making processes intersect. Views expressed by the district judge in the seminar Anita attended, Sunita's encounter with the personnel in the hospital, Sita's comments on NGOs staff and Diya's anger at the school authority are a few examples among others, to illustrate how institutional practices are embedded within the women's cultural context that are informed by the social norms of society. To make it clear, the women's accounts suggest these cultural practices exist within the specific cultural context the women represented, inform beliefs of individuals representing institutions for example head teachers, nurses, judges and NGOs staff. Such beliefs and practices frequently construct various forms of *samajik bahiskar*, as women recounted in this study.

These accounts illustrate a complex interaction of beliefs about trafficked women and their perceived sexuality with the cultural concept of *izzat*, along with processes of women's stigmatisation and social labelling, and governed by the rules of family, communities, NGOs, police, immigration officials among others. Analysing these accounts therefore suggests that institutional power interacts negatively with the women in a way that not only constructs *samajik bahiskar*, but also enforced this through routine practices. As a consequence it would seem that the women were no

longer regarded as members of their family or the society they represented before trafficking (see Chapter five).

Self regulation of processes of construction of samajik bahiskar

Bennett (2002), Kondos (2004) and Cameron (2005) have pointed out that in Nepalese family systems and cultural practices the relationship between parents and daughters are often complex. According to their studies, although these relationships are primarily defined by Hindu cultural practices, the obligations fulfilling parental duties are conceptualised by highlighting the importance of daughters in rituals and cultural practices within the family and kin. Earlier in this chapter I also referred to how these studies also suggest that daughters are expected to preserve the *izzat* of their families and between kin.

These findings have some similarities with the accounts of the majority of the trafficked women interviewed in this study. Although these prevailing cultural practices are not written in constitutions, they are maintained through the routine practices of families in the form of social rules, as Sanu recounted earlier, and values. Analysing accounts of women interviewed in this study suggests that these practices are used to label women and define forms of *samajik bahiskar*; and that rules and norms are enforced on trafficked women by families. However, some women's accounts also suggested that these labels, forms and practices are from time to time also contributed to by women themselves, maintained by feelings of guilt. For example, Preeti was born at the base of Mount Everest into an ethnic family that was largely reliant on tourism. However Preeti's family also had a small piece of land to grow fruits and millet. According to Preeti, her father gradually began gambling, which brought the family into debt. When her father left home/village to escape increasing debt Preeti was forced to leave home in search of a job to support her mother and three younger siblings. Preeti told me during the interview that she left with some of her villagers at fifteen, while studying in grade six, to go to Kathmandu. She was told by her villagers she would join a carpet factory, however she was taken to Bombay and sold into prostitution instead.

'I was so scared about what my family, people in my village and my relatives would think about me. They might say I'm a Bombay return girl, villagers might think that I'm a bad woman; I have done wrong things in Bombay. My family might think I might have damaged family izaat. Relatives and my villagers might think I may spoil their daughters and so on because they might think I was working as a prostitute, that is how we are seen. I went once and I did lie to my family saying that I was working in a carpet factory in Kathmandu for several years, because I know I have no option left of living with samajik bahiskar' .(Preeti, 22)

Rita, who follows Buddhism, was born into another ethnic social group in the central hill area of Nepal and experienced child marriage when she was eleven years old. Rita never attended school due to her economic circumstances and the prevailing cultural practices in her family. During the interview Rita spoke of her anger that her parents had sent their sons to school but not their daughters. Rita's view was that although primary education was free in Nepal, she was denied this due to the cultural practices and beliefs of her parents that, if daughters are educated, they would write letters to boys and run away. Rita was not prepared for her marriage, however she could not resist it due to her position in the family. However she left her marriage within a week and returned to her own family. Later Rita left both families and went to Kathmandu to gain her livelihood through which she was trafficked to Bombay into prostitution.

She expressed her regret in this way:

'I often felt that I shouldn't have left home that way but my parents shouldn't have married me at such a young age. I left home because of that and came to Kathmandu and was trafficked. There were some mistakes by my family and even I was a fool to go with that lady who trafficked me and sold me in Bombay, well what to do now, I just regret and live with it'.
(Rita, 25)

On their return both Preeti and Rita were assisted by NGOs for a few years and at the time of being interviewed they were working with Shakti Samuha in a short term project. Rita remarried and was with her new family, whereas Preeti was on her own. Both women visited their families after some time of their return. Their experiences

were also found to be embedded with the fear and anxiety that they might be labelled socially, if their trafficked identity becomes known to their families, kin and communities. They then decided to settle in Kathmandu to avoid possible *samajik bahiskar*. During the interviews, both women expressed their regret at leaving home in the first place and thought now they were paying the price for not following the cultural practices and traditional roles of women.

Analysing Preeti and Rita's accounts by relating them to the studies of Bennett, Kondos and Cameron, mentioned above, suggested that these expressions of guilt are neither exceptional nor the unintentional feelings the majority of trafficked women experienced from their day to day encounters with their own society when they return. These accounts are manifestations of routinised and taken for granted cultural practices of the families, communities and wider society in which they lived, by which negative labels are attributed and *samajik bahiskar* constructed.

Feminists studying the trafficking of women (see for example Boonpakdi, Janthakeero and Skrobanek 1997; Kempadoo, Pattanaik and Sanghera 2005) and prostitution (Truong 1990; Lim 1998) have also documented similar experiences recounted by women in other parts of Asia. By focusing on the Asian context these studies suggest that prostitution is closely linked with the approved moral code of a society in the form of, as Sanu recounted '*social rules*'. In this context, Preeti and Rita's guilt feelings can be understood in terms of approved moral codes that exist and have long been practiced by the families they returned to. During the interviews women frequently remembered their encounters with their communities and families and being seen as 'impure', and that they had done a wrong thing by sexually serving men other than their own husbands.

Preeti also told me during the interview that she was disinclined to approach her family in the district and relatives in Kathmandu on her return from Bombay. According to her, the key reason was her fear of being identified as a trafficked woman. Her conclusion of '*doing a wrong thing*' and her comment that her '*family might think I may spoil family izzat*' were also reflections of her socialisation processes that taught her daughters were responsible for family *izzat*, as highlighted in the works of Bennett, Kondo, Cameron and Chen earlier. Such socialisation

processes interacted negatively with her trafficked identity on her return. In this context Preeti's guilt was built on the foundation of social processes that occurred along with her day to day interactions with the society into which she was born and grew up, before being trafficked and becoming stigmatised on her return.

The daughter's role to preserve family *izzat* appeared to be more significant when women left their marriage without the approval of their parents who arranged it. In the case of Rita, her expression of guilt appeared to be built upon a complex interaction of her multiple identities within the circumstances in which she grew up and was socialised in a non-Hindu family within a Hindu dominated community. Her first marriage played a significant role in her trafficking, and her decision of remarriage created a context within which she found herself alone. Although Rita recounted that she saw her second marriage as a way to reclaim her status and a solution to her livelihood, she was also clear during the interview that her loneliness was created due to her social position as a trafficked woman and financial hardship. The couple's decision to repay their debt and support the family livelihood made her new husband join the migrant labour force abroad. Her husband left for Saudi Arabia as a migrant worker a few months before the interview was conducted. In this context, her trafficked identity combined with her HIV status and economic situation not only left her in stigmatised isolation, but also allowed her to accept a subjective reality, when she said '*I was fool to go with that lady*'. Her subjective acceptance contributed to her blaming herself for the construction and enforcement of *samajik bahiskar* she had been experiencing. However, unlike Preeti and several other women interviewed, six of the women, including Rita, connected their contexts with the social processes and cultural practices that exist in their natal families, by acknowledging that it was their parents who were also responsible for their current situation by arranging an early marriage.

Analysis of these accounts of the majority of the women interviewed in this study also share similar findings with the work of Kelly (1988) who studied women who had experienced rape and domestic violence in the British context. In her pioneer work *Surviving Sexual Violence* Kelly found a number of the immediate reactions to sexual violence were feelings of shame, guilt and self-blame, all of which negatively affected women's sense of self. According to Kelly, this was a reason women who

had experienced rape felt that it was they who were responsible for their rape not the men who raped them. Kelly further argued that self-blame and feelings of guilt involve engaging in an analysis of the specific circumstances within which violence and assault occurred.

Many trafficked women are socialised in such a way that their feelings of guilt embedded within themselves reflect on their expression of wrong doing, self blaming and regulating *samajik bahiskar*. For example, Tara was born in a dalit family of the eastern middle hill area of Nepal. She left home in search of a job, through which she was sold into prostitution in Bombay. She returned with the assistance of an NGO and spent a few years in a rehabilitation centre in Kathmandu. At the time of interview, Tara was working with Shakti Samuha. She commented:

'I know I did a wrong thing since I left home. I also understand that the way people, my friends, villagers and relatives looked down at me because I worked as a prostitute, but I had no option when I was sold by a man. I refused having sex with customers but garwalee⁶³ beat me; I cried and cried, but nobody helped me out. She forced me at first and then said I became a prostitute. She also said to me that I had lost everything already whether I serve customers again or not. There was no way to go out from that house. She threatened to starve me. Now I'm facing this samajik bahiskar because I worked in the wrong place and did the wrong thing, but now I cannot go away from this samajik bahiskar'. (Tara, 27)

Although Tara visited her family a few times she could not stay longer than a few days due to her brother's refusal to allow her home. In addition, Tara was told by some village leaders not to come to a particular tap to get water, as they thought she was a 'bad woman'.

Tara's expression of guilt has its foundation in the actions of her *gerwalee*, who first labelled her prostitute. Tara's resistance in refusing customers could not help her out due to her position and the social arrangement of the brothel which was beyond Tara's ability to resist. Her account illustrates trafficked women's position of powerlessness and experience of violence used by the buyer to break her willpower.

⁶³ Nepali word corresponding English meaning of brothel manager.

Tara's account relates this analysis to the point made by Brown (2000), in her study on trafficking of women in south Asia. Brown found that trafficked women are beaten, burnt by cigarettes and kept hungry and forced to follow the rule of the brothel to meet the monetary objectives of the owner. Furthermore, trafficked women speaking at the regional programme organised by Asian Women's Human Rights Council (AWHRC 2003) in Dhaka also expressed similar views to those of Tara. Many women recounted in the interviews that breaking their willpower and making women feel guilt were strategies their buyers used, so that women would obey their rules in the brothels. Like Tara, they were forced to serve customers and, oriented in a way that serving customers sexually means women are doing 'wrong things', and had lost their own and their family's *izzat* that could not be regained. Rita remembered her conversation when she was sold into prostitution in Bombay this way:

'When I asked garwalee about a sister who took me in Bombay. She said to me that woman wasn't my sister, she was her pimp who collects girls from the villages of Nepal and bring them to the brothel. Garwalee also said to me that I'm one of those girls and was sold to her. She also said to me that I was there because she bought me, now I should stay there, if I go back to Nepal, people in Nepal would say that I am a prostitute returning from brothels and they would hate me and I have no izzat any more. I said I will not stay there at any cost. Then garwalee beat me with a wire and said to me that you are a purchased woman and you should stay here, you don't have any family members here and we will kill you and throw you in a garbage bin and no one will even try to find you'. (Rita 25)

Conclusion

In this chapter I have explored the meanings of *samajik bahiskar* from the perspectives of trafficked women who experienced it within their own cultural context. I also examined the processes that the women believed existed in their cultural context and were maintained by families, and members of various professionals that women encountered while leaving trafficking setting/process and on their return. Examining the cultural construct of *izzat* and its significance for women on their return from trafficking settings, I have also explored the common labelling given to women and the way, at some point in time, trafficked women may

themselves play a role in regulating social processes by which *samajik bahiskar* is constructed and enforced on them. In the next chapter I will go on to explore the consequences encountered by women experienced trafficking on their return.

Chapter Five

The Consequences of *samajik bahiskar*

Introduction

This chapter gives an overview of the consequences of *samajik bahiskar* the women experienced when they returned to Nepal from trafficking settings. All of the women, although they said that they were happy to be able to return to Nepal, frequently recounted feelings of uncertainty about the future and their possible exclusion from their families, villages, communities and government institutions. During the interviews, the women spoke of how reclaiming their identity/ies, renewing relationships with their families, resuming their interactions with communities, friends and neighbours, and accessing government and NGOs services (i.e. legal assistance, housing, health, education) had often been stigmatising and, thus, intimidating experiences. These, I would argue, are the consequences of the *samajik bahiskar* that women experienced on their return to Nepal.

Many of the women on their return found themselves occupying a difficult position in Nepalese society. For instance, they found themselves being excluded from cultural ceremonies, social interactions, economic activities and political processes and were often seen as ‘outsiders’ (Becker 1963) due to their stigmatised identity. In analysing the women’s accounts, it appeared that these difficulties were often determined on the basis of the perceived destination of trafficking, where they were forced to serve customers sexually. In this study, fourteen women were returned from Bombay, two women were returned from Kolkotta and Delhi respectively. While three women were returned from a circus in a town across the Indo-Nepal border in the Bihar state of India, one woman recounted that she returned from Raxaul in the same state across the border. One of the women from a remote hill region was trafficked to Kathmandu in a private house as a domestic labourer whereas another woman escaped her trafficking process near the city of Bombay. The remaining six women escaped the trafficking process before crossing the Indo-Nepal border. At the time of the interviews, these six women believed that they were also being taken to Bombay. An important point to make here would be that the

women who had not crossed the border and the woman who was sold into domestic labourer in Kathmandu had similar experiences to the women returned from Bombay. That is of being labelled as a prostitute and excluded from the social interactions they were engaged in before leaving home.

These women's accounts suggest that, although Bombay and Kolkotta were key destinations for Nepalese trafficked women historically as pointed out by various studies, (such as, for example, CWIN 1992; ILO/IPEC 1998; Brown 2000; IIDS 2004), Delhi and other towns across the Indo-Nepal border are also emerging as destinations. The assumption of work, as women recounted in Chapters four and five, regardless of its actual nature, that trafficked women had entered into trafficking settings appeared to be a determining factor informing their families, communities, media and government, to re/construct identity/ies at least for the women interviewed in this study.

In this chapter, situating trafficked women's experiences of *samajik bahiskar*, I will explore the consequences of *samajik bahiskar* on the lives of the women after returning to their original society.

Construction of identity/ies

Following on from discussions in the previous Chapters (two, four and five), in this section of this chapter I will examine how women's identity/ies were (re)constructed on their return from trafficking settings. All the women I interviewed in this study found that their identities as a woman, in the role of a daughter, a wife and a sister, were transformed by being labelled a prostitute and a 'bad woman', and their traditional social role as 'home maker', as I noted in Chapters two and application in Chapter four, was altered to that of 'shame maker'. Analysis of the women's accounts also showed how these identities and roles were not limited to an individual trafficked woman; they were also implied to the construction of collective identity/ies when trafficked women formed an organisation. More clearly, while a woman was labelled as a prostitute individually on her return from trafficking, Shakti Samuha, an organisation formed by trafficked women was also labelled as a prostitute's organisation. Situating these accounts of stigmatisation, intimidation and

samajik bahiskar, this section describes how the social process and cultural context interacted with the experiences of trafficking and subsequent *samajik bahiskar* to construct individual and collective identity/ies.

Construction of individual identity

'What I felt after facing samajik bahiskar was, actually now there are two Anitas. One Anita was in the village, before leaving home. She was someone's daughter and sister Anita. But now that is not the case. There is still Anita but she is trafficked returned Anita, a prostitute Anita, bad Anita. Even some of my neighbours started telling their daughters not to talk to me. Many times I was thinking of killing myself, often asking myself why I'm still alive. I can tell you one thing that people think very differently of trafficked returned women than others. There are many people mostly men, like government officials and politicians even though they are corrupt and we all know how much money they have taken from the poor people. But they are not treated like us. We are like criminals, like we are damaging izzat of our family. I told you just now that one man in the village told me that I'm now untouchable caste'. (Anita, 23)

Anita's articulation of her dual identities and subsequent roles in a context within which her experiences of *samajik bahiskar* frequently interacted with the socio-cultural and political processes of the society she was part of. The processes Anita was subjected to were not limited only to cultural assumptions about her gender and sexuality. These identities were also constructed in part of in relation to the view of cultural context that crossed the gender boundaries by informing other social categories, for example caste/ethnic hierarchy terming her '*untouchable*' which is seen within dalit caste and ethnicity (see Chapter one for discussion on caste and ethnicity). Anita's quote gives an insight into how cultural and social processes of constructing identity/ies of trafficked women intersect with their sexuality and other social positions through which their negative representations are ensured.

'My calling name in the village was choree⁶⁴ before I left home but, you know, now it has got changed and

⁶⁴ A daughter

now I'm called as bigreki keti⁶⁵ not only from the villagers but also from some of my relatives near the village and I'm not welcomed home'. (Thuli, 23)

As I mentioned earlier, the processes of the construction of their labelling, and their experience of *samajik bahiskar* were similar for all of the women included in this study. Although Thuli escaped trafficking before crossing the Indo-Nepal border, the nature and consequences of *samajik bahiskar* that She encountered were similar to that of other women who had spent several years in Bombay in prostitution and other situations in India, for example the circus. Examining the cultural construction of Anita, Thuli and other trafficked women interviewed, trafficked women's identity/ies are conceptualised primarily for their negative representations in the wider society to which they returned, for example bad women. These identity/ies, as all of the women expressed during the interviews, seemed to be seen as synonymous with trafficked women by the wider society the women returned to.

The women also discussed how social and cultural processes that equated with negative attributes, eventually encouraged their families and the communities to exclude trafficked women from cultural ceremonies and social interactions by enforcing *samajik bahiskar* (see later in this chapter). Anita and Thuli's views were typical in suggesting that these cultural and social processes and negative representations were important to the wider society to which women in this study returned, serving to exclude women from their families and communities and local labour markets.

Labelling Anita as *untouchable*, undoubtedly, was a part of such a process in which, as I noted earlier, her gender and sexuality interacted negatively with the social hierarchy of Nepalese society. Having *untouchable* and '*bigreko keti*' identity/ies, as a consequence of *samajik bahiskar*, meant for some of the trafficked women that, as

Sandhya puts it:

'[N]o one thinks that we are also human and need support and space in this society'. (Sandhya, 26)

⁶⁵ Spoiled girl

The connection of political attributes to *samajik bahiskar* reflected Anita's anger at politicians and government officials. Anita's trafficking process was ended before crossing the Indo-Nepal border and she was returned to her village within a week of leaving home. On her return Anita went to the local police office of her village to register her trafficking case. However, before completing her testimony, through the labelling processes I discussed in Chapter four, she was given a prostitute identity and charged with being a criminal by the police officials. Anita's comments on men in the government institutions, relates this analysis with the comment made by Sharmila later in this chapter that confirmed the existing gendered nature of state institutions.

Analysis of these accounts relates to the work on gender by Walby (1997) where she asserts there are different forms of 'gender regimes' or patriarchy (Walby 1997) that are systems of various interrelated gendered structures in society. Similar assertions are also found in various studies in south Asia, such as for examples Bhasin (1994), Kapadia (1995), Acharya (2000), Thapan (2005) and more recently Arya and Roy (2006). These writers argue that, while the domestic gender regime based on household production is the main structure of women's activity within which their labour and sexuality is exploited, the public gender regime is based on subordination of women within the structure of the state, culture, sexuality and violence. To clarify the point raised in the quotes by the women in this section, the political attribution of the construction of identity/ies as a consequence of *samajik bahiskar* needs to be understood in the context of a gender regime or patriarchy as a system of social structures within which the process of trafficking operates, profits are generated, social labels are given, *samajik bahiskar* enforced, its consequences are experienced, and within which various identities are attributed to trafficked women. During the interviews all of the trafficked women spoke of how their experiences of living with the consequences of *samajik bahiskar* had been intimidating. Some of the women also said clearly that it was patriarchy that sold them, used them sexually and labelled them and identified them with various identity/ies on their return.

Sanu's comment below illustrates:

'I don't think it is a man who trafficked us. Yes, there was a group of men who took me to Bombay. I also heard from other friends, men play important role, but what I'm saying is it is our patriarchal society which created this problem and they take us like something they can sell, use and throw us away. I told you our situation at the airport, policemen and immigration people created lots of problems'. (Sanu, 26)

Sanu's comments on government officials, therefore, need to be understood in the context of a state institution in which a public gendered regime against trafficked women has systematically been overlooked and legitimised by the state's refusal to take actions against those responsible, in Anita's view, '*government officials and politicians even though they are corrupt*'.

According to Shandya's account, her reaching such conclusions as mentioned earlier had its foundation in her negative experiences with her family. Although Sandhya was told by her brother that he was arranging her marriage, Sandhya only realised the exchange of her agency with the gambled debt when she was led by her fake husband to a town in India, across the border, into a flat and forced to serve customers sexually. This exchange in the form of marriage as a process of her trafficking was necessary to her brother and sister-in-law, economically, to repay their gambling debt. In addition to this, repaying the debt also had social significance for the couple not only to enjoy the family inheritance left by Sandhya's parents, who had died long before, but also to save *izzat* of their own and kin, as Sandhya remembered:

'I think my brother and his wife wanted to get all my parental property for themselves so that if they send me away then they can enjoy that without me costing anything because they were in debt and debt is not good socially, you know this is also izzat thing'. (Sandhya, 26)

On her return, Sandhya's encounter with the border police and the immigration authorities in Nepal resulted in her being labelled as a prostitute, which was then followed by her village viewing her as a 'bad' woman. During the interview, Sandhya said to me that although she was aware that she was forced to work as a

prostitute, she remembered that police and immigration officials, although not aware of her work, still called her a prostitute when she approached them at the Indo-Nepal border of eastern part of Nepal. Sandhya's experiences in a NGO⁶⁶ shelter in Kathmandu not only reinforced her negative portrayal, by the NGO's director accusing her of being attractive to men and risking other women's safety in the shelter, but also resulted in their staff forcing her to take a blood test because they suspected her of being an 'HIV/AIDS carrier'. This situation eventually left Sandhya feeling that she had no option but to leave the NGO shelter.

Such processes of constructing identities were a consequence of *samajik bahiskar* that was constructed, defined and enforced by both private and public institutions. According to Sandhya, these institutions ranged from the family she was born into, the sex establishment she was sold to, the government authorities she encountered on her return, and the NGO she approached to seek support. Sharmila also shared Sandhya's views on institutions including NGOs, such as:

'Even a doctor told to me that HIV/AIDS is dangerous and trafficked women are responsible to bring it here in Nepal. It was the CWIN⁶⁷ who first tested me and informed that I have got HIV. It was a big shock and regrettable, but later on I realised me that it's OK, anyway I wanted die as early as possible because it was so humiliating since I returned'. (Sharmila, 24)

According to the experiences of the women I interviewed, the social construction of HIV/AIDS does not happen in isolation, it intersected with other prejudices attached to a trafficked identity, the women's sexuality and experiences of *samajik bahiskar*. As Tara remarked:

'Once people around you know that you are returned from trafficking, then the first thing that comes into

⁶⁶ Sandhya was sheltered in an NGO called Women's Rehabilitation Centre (WOREC), which is a women's NGO established in 1991 and has been working in partnership with local people in order to resolve the major socioeconomic, cultural and human rights injustices prevalent in Nepal. The main goal of WOREC is to prevent the trafficking of persons and to support trafficked women on their return (source: <http://www.worecnepal.org/index.html>, accessed in January 2008)

⁶⁷ CWIN is Child Workers in Nepal Concern Centre, as NGO which works for the rights of the children, offers shelter to girls who experience violence and live in the street (source <http://www.cwin.org/> accessed in January 2008)

their mind is you are dangerous because you are not only a prostitute, a bad woman that spoils other daughters but you are also an AIDS carrier that you might transmit to other men'.(Tara, 27)

In examining stigma and the construction of *samajik bahiskar* in Chapter two, I referred to the work of Deacon, Prosalendis and Ttephney (2005), in an African context, and Family Health International (undated) and Terre des hommes (2005) in a Nepalese context, where they noted that the processes of constructing stigma attached to HIV/AIDS usually deploys stigmatising attributes from a wide variety of other prejudices and inequalities related to the person experiencing the stigma. Some of the key prejudices they found were related to class, ethnicity, race and disability.

Four of the trafficked women interviewed had been living with HIV for several years. According to these HIV positive women their HIV status was identified by the NGOs by forcing women for blood testing on their return from trafficking. The majority of the women in this study also remembered that they were forced by the NGOs to undergo blood tests to establish their HIV status as a condition of receiving their services for example food, clothes, medicines and shelter. The women's views on NGOs and HIV testing also confirm my own experiences working with anti-trafficking NGOs in the past, that Nepalese NGOs supporting trafficked women typically want women to be tested for HIV on their return from trafficking. Their accounts suggest, in addition to being labelled as prostitutes and 'bad' women, trafficked women may be labelled as HIV/AIDS carriers on their return. Such a construction placed them in a situation where they were not only perceived as the 'shame maker' of their families, as the women frequently recounted during the interviews, but also as bringing AIDS into the country on their return. As a consequence, in addition to Maya's account in this section, Usha's account in Chapter four also suggests that trafficked women were identified as a '*bundle of HIV*' by the airport authorities on their arrival from India.

All of the women frequently recounted their experiences of dealing with the multiple identities constructed by the various social institutions they encountered on their return.

From the analysis of the women's data, it appeared that various elements contributing to the construction and transformation of their identity/ies as consequences of *samajik bahiskar* are seen to be key by the women whilst they were still in the trafficking settings:

- a) The nature of work trafficked women were forced to do in trafficking settings and
- b) trafficked women's visibility through the group rescue measures by the NGOs and police authorities.

And on their return:

- a) assumptions on trafficked women's sexuality;
- b) their exclusion from their families, communities and government;
- c) political construction of their agency; and
- d) social representation of their identity/ies, according to trafficked women's accounts.

From the analysis a majority of the women's accounts also suggest that the processes of enforcing *samajik bahiskar* and constructing identity/ies operate simultaneously. These processes, apart from assumptions about sexuality and other factors, also are informed by the historical understanding of trafficked women's destination and the work they were forced to do. I mentioned elsewhere in this thesis that Kalpana escaped trafficking for marriage before crossing the Indo-Nepal border, Rupa was trafficked across the border into the circus and Sanu and Sunita were taken to Bombay and sold into prostitution. However, the common thread of their experiences of *samajik bahiskar*, and being labelled as prostitutes, was based on the assumption that they all were trafficked into Bombay and for the purpose of prostitution.

As their quotes illustrate:

'[O]nce I was interviewed on Radio Nepal. I told the Radio people not to reveal my name but what they did was they started the programme informing their listeners like now you are listening to a girl who has

just returned from a brothel in Bombay. That made me sad'. (Kalpana, 20)

'Some villagers said I'm a prostitute because I was working in Bombay's brothels, doing dirty work there, 'go away, back to Bombay' etc they have said to me. It was too much to cope with'. (Sanu, 26)

'Even though I was trafficked in to circus across the border villagers think I have been in Bombay. That I really find difficult to deal with. I haven't served sexually and wasn't in Bombay but the society thinks that'. (Rupa, 21)

'People labelled me 'Bombay returnee' and said many other things like 'prostitute', 'go away', so that I did not feel like going home'. (Sunita, 20)

As I mentioned in the beginning of this chapter, women in this study returned from various trafficked destinations. However quotes from Kalpana, Sanu, Rupa and Sunita suggest that all of the women were seen by the institutions they encountered as Bombay returnees. I asked Rupa why she thinks she was seen as having returned from Bombay, even though she had not been there? Her response was:

'Because society thinks that Bombay was the main place for women trafficked from Nepal. When you talk about trafficking and then people, media and NGOs all think that it might be in Bombay and for prostitution'. (Rupa, 21)

While many of the women interviewed who returned from Bombay believed that general perceptions of Bombay in regards to trafficking played a significant role in the emergence of *samajik bahiskar* and in the construction of their identity/ies on their return, some women who were trafficked to other parts of India and Nepal were also seen as Bombay returnees. Accounts from these women relate this analysis to the point made by Banerjee (1998), who argued that, apart from Kolkotta and other cities of India, Bombay has historically been considered as one of the key places in India that offered sexual services to the military of the colonial administration. However, contemporary trafficking prevention programmes of NGOs (SAHARA and JIT. 2004; Terre des hommes 2005) government institutions (MWCSW 2001) and researchers (for example KC, Subedi et al. 2001) have also, by highlighting only

Bombay, contributed to making this place more visible for the sexual trafficking of women than other places in India. As a result, as Rupa commented, wherever and for whatever purpose women were trafficked all were seen as Bombay returnees and prostitutes.

Constructing collective identity

I introduced Shakti Samuha, an organisation formed and governed by returned trafficked women in Nepal, in Chapter one. In this section, I examine the consequences of *samajik bahiskar* that trafficked women experienced while forming, working with and representing Shakti Samuha to other NGOs, the government and donors institutions working in Nepal. I use Shakti Samuha to examine the collective identity for these reasons:

- a) Shakti Samuha is the first and only organisation formed, governed and represented by the trafficked returnee women in Nepal and has been representing trafficked women to government and NGOs at national, regional and international levels,
- c) twenty two women in this study were members of the organisation,
- d) at the time the interviews were conducted, five of the other six women were approaching the organisation to get membership,

One of the women was supporting Shakti Samuha but could not associate herself directly as her tactic to rebuild life was by hiding her trafficked identity (see in Chapter six). I found Shakti Samuha to be a unique organisation in examining the construction of collective identity/ies of trafficked women.

Analysis of the women's accounts evidenced that these processes of constructing identity/ies were not limited only to an individual trafficked woman, they also played a significant role in constructing the identity of an organisation formed and governed by women who have experienced trafficking. For example, during the interviews when I asked the women what they saw as the challenges Shakti Samuha had been

facing, common responses were:

'Well, still identity is the main, like when you say Shakti Samuha then people immediately think that this is a group or mass of trafficked women, an organisation of prostitutes. We find difficulties introducing Shakti Samuha in NGOs and government sectors because if you say 'I'm a member of Shakti Samuha', then they behave differently to us and treat us as 'victims' of evil. This is because society does not accept us, and that has been reflected in their responses to our organisation. Some people, even NGO's people, say we are not well educated. Government departments treat us like we are not mature enough. Some say Shakti Samuha women are still younger than them, I mean others who run NGOs, they undermine our capacity to run the organisation, for example a problem we faced was to get legal status of Shakti Samuha. It took four years to get registration, there are too many challenges to handle'. (Sushila, 23)

'[T]he key challenges are: first, we are a women's organisation, which is difficult to sustain, and second and most important, is we are trafficked women who have formed an organisation, because trafficked women are not accepted by the society. Even our family has not been accepting us so in this situation what to talk about wider society? So Shakti Samuha's challenge is, it is a group formed and run by trafficked women who are not accepted by family and society. All are good in talk but in practice they do not want Shakti Samuha to come forward, even NGOs talk a lot about Shakti Samuha but they do not recognise us as their friend NGO'. (Sharmila, 24)

While the nature of the social structure of Nepalese society analysed in Chapter two is reflected in these quotes, they also raise a number of features that are significant in defining and enforcing *samajik bahiskar* and ensuring that the consequences are experienced collectively. Trafficked women's identity/ies as prostitutes and 'bad' women, as women described in this study, were implicated in the organisation they formed and governed. The point made by Sushila and Sharmila links to that made by Jenkins (1996) where he argues that collective identity/ies are systematically constructed, reconstructed and implicated in each other. In this analysis, according to Sushila, Sharmila and other trafficked women interviewed, the social organisation of

a trafficked women's individual identity, through being labelled as a prostitute, is also implicated in the collective of Shakti Samuha, as Sushila recounted '*a group or mass of trafficked women and organisation of prostitutes*'. The stance taken by the society they return to constructs an identity for the organisation.

These experiences raised power issues that exist within the NGO community in Nepal, and also seriously limits trafficked women's interactions with the wider NGO world. From the interviews it was also clear that this situation ultimately undermined the women's ability to work for the welfare of their fellow women following their return from trafficking settings. For example, as Nita recounted:

'We find difficulties to share our experiences in society where we go. We want to expand Shakti Samuha throughout the country, but it has been difficult to bring more members into the office, because people think trafficked women are prostitutes and they are bad women. Also challenges from NGOs who have been working on trafficking prevention itself, they have their double standard, openly they are nice and say to us 'sisters you are great' etc but behind the screen they do not want to listen to our views. They also say these are prostitutes, dirty women, HIV carriers etc. Even some anti- trafficking NGO leader visited our office but refused to drink tea with us'. (Nita, 28)

From the analysis, it was clear that the socio-cultural construction of Shakti Samuha and the refusal to give legal status to the organisation, as Sushila commented, interacted negatively with the livelihood opportunities of members of the organisation. One of the aims in forming Shakti Samuha was to explore possible opportunities of supporting members in gaining social services, for example health, skills training and help in finding livelihood options. However, the negative interaction of trafficked women's needs with the legal authority registering the organisation contributed to socio-cultural exclusion from their families, economic exclusion from the labour markets and political exclusion from the government, which I will examine in a subsequent section of this chapter.

From the analysis it was also evident that the social construction of the women's individual identity/ies had also informed the NGOs and the government in

formulating institutional responses to Shakti Samuha. Nita's experiences of the difficulties Shakti Samuha has faced, and her comments on other NGOs working to prevent trafficking and their leaders, illustrate how institutional responses may be framed, based on the identity/ies of individual members. Analysing the accounts of Sushila, Sharmila and Nita confirmed that responses from NGOs and government were often negative towards Shakti Samuha. Such complex encounters of individual trafficked women and Shakti Samuha with the NGOs and the government institutions indicate the way trafficked women's individual agency was being undermined by their families and the communities. In a similar way, the identity of Shakti Samuha was being undermined by NGOs and government institutions.

According to Nita's account, these encounters appeared to be not only undermining trafficked women's ability to achieve their aims mentioned above (see also chapter one for details), but also limiting their own representation in the society where Shakti Samuha operates. The majority of the members of Shakti Samuha who were interviewed pointed out that the representation of the organisation in negotiating necessary resources was one of the challenges they had faced due to their perceived collective identity. The legal difficulties Shakti Samuha came across, for example in obtaining formal legal identity, meant that the founding members had to use other NGOs to represent Shakti Samuha while negotiating resources with the donors. I asked Usha, one of the founding members, how Shakti Samuha tackled such difficulties. She remembered it this way:

'Well, we had to keep our office in another NGO's office working on trafficking prevention. Initially it was OK but gradually when Shakti Samuha grew up, there were problems for receiving invitations, who gets an invitation to raise our problems, who signs funding for us, using phone calls etc because in NGO policy here, without having legal identity you cannot sign project for your organisation, you are illegal. Also some donors could not understand our difficulties and did not support us, there were only one or two who helped us during those difficulties'. (Usha, 25)

Such responses from the NGOs, something that a number of women recounted, relate to the point made by Spivak (1988), in her pioneering work *Can the Subaltern*

Speak? where she examined the silencing of subaltern women in India, not because subaltern women do not have their own identity or were unable to speak of their concerns, but because they have always been spoken for by other women. Since all of the women in this study returned from trafficking, they had always been spoken for by the NGOs who had offered them support on their return. Usha's view that *'initially it was OK but gradually when Shakti Samuha grew up...'* illustrates that in the beginning the NGOs' help might have helped trafficked women before Shakti Samuha was formed. However, her account also suggests that trafficked women gradually wanted to raise their own concerns and represent themselves collectively. Some of the women also said that NGOs and the media spoke for trafficked women and Shakti Samuha, and that government authorities, for example the police and judges, and donor agencies willing to support Shakti Samuha, often approached trafficked women through other NGOs who can articulate well in English. The women saw this situation as emerging as a consequence of the *samajik bahiskar* enforced on them that informed the mind sets of the officials of NGOs, the government, the media and also donors. The mind sets of these officials, as Nita termed it the *'double standard'* that always undermined the identity of trafficked women by labelling them as prostitutes and bad women, and undermined Shakti Samuha, categorising it, as many trafficked women recounted, as incapable and immature. The women frequently recounted that NGOs, police and judges among others and their officials do not necessarily understand the needs and desires of Shakti Samuha, and continued stigmatising Shakti Samuha in a way as recounted by Sandhya:

'Some say that Shakti Samuha is running a brothel. Some say Shakti Samuha is eating money from the donors but doing nothing. Some say these trafficked girls cannot run an organisation, things like that. People who do not want Shakti Samuha to grow, they talk a lot to those are in society, some NGOs, groups in the society you never know who is going to say what, you just need to face and handle them carefully.'
(Sandhya, 26)

Another member of Shakti Samuha recalled donors withdrawing their assistance reasoning that Shakti Samuha was unable to fulfil the English reporting requirement of the institutions funding them.

*'Recently one donor stopped funding because for that we are not capable to write a report in English'.
(Sapana, 20)*

These experiences of the consequences of *samajik bahiskar* are seen to be complex in nature; they might have been structured by prevailing cultural practices, beliefs and prejudices of the key social institutions trafficked women encountered on their return. In this context, government and donor institutions seem to be significant institutions contributing to the construction of a collective identity of trafficked women associated with Shakti Samuha. I asked the women about the reasons for Shakti Samuha taking four years to gain legal identity. The following quote from Usha was a typical response:

'Because we members were not given a citizenship card and without having that you cannot register any organisation, that is government policy of registering NGOs. And later on when we managed to get our citizenship then the authority always asked who we are, where we come from, what we had done in Bombay, why we need an organisation, need police report etc, it was too much'. (Usha, 25)

These identity/ies of trafficked women and Shakti Samuha need to be understood in the context of the cultural forces of the society they encountered, how exclusionary responses of institutions are formulated and *samajik bahiskar* is constructed.

Social Exclusion

Social exclusion is a concept much discussed in social science over the last few decades. The concept has been used widely by sociologists and feminists to understand the social world of communities that experience discrimination and violence based on their identity/ies and social and economic locations. Development practitioners, particularly following the World Social Summit 1995, have used the concept to address poverty, race, ethnicity and gender related discriminations. Beall and Piron (2005), for example in next page, see social exclusion as an outcome of social processes that exclude an individual or groups from participating fully in their society.

‘As a condition or outcome, social exclusion is a state in which excluded individuals or groups are unable to participate fully in their society. This may result from their social identity (for example race, gender, ethnicity, caste or religion), or social location (for example in areas that are remote, stigmatised or suffering from war or conflict)’ (Beall and Piron 2005: 8-9).

In this study, full participation in society relates to trafficked women’s engagements in the range of social interactions and actions that are significant to influence their opportunities to return to their original families and community. For trafficked women who experienced *samajik bahiskar*, these key social interactions and actions involve economic activities in the labour market to support their livelihoods; social and cultural activities e.g. religious functions in the family, exercising their rights to access services, health, water, education for example; and benefiting from the right to engage in political processes, particularly reclaiming their agency through the citizenship of the society they represented before trafficking and/or (re)settling on return.

Although sociological explanations of citizenship have traditionally been focused on inclusion into social and political processes, particularly boundaries drawn and regulated by the state (Marshall 1950), contemporary writings on citizenship, including work by feminists which some of I discussed in Chapter two, suggest that despite claiming citizenship as a universal right, certain sections of the population, especially many women, are excluded from the status as of the right of citizenship and required recommendation from a male member of the family (father, husband, brother, or even a son). Feminist work also recognises power issues as a central feature of the discussion of citizenship that determines exclusion of certain individuals or groups and inclusion of others. In the context of experiences of *samajik bahiskar*, the issue of power signifies women’s positions within their families they belong to.

In this section, my analysis is informed by feminist work on exclusion to examine the consequences of *samajik bahiskar* for the trafficked women in this study. I found feminist explanations of social exclusion useful partly due to the social location of trafficked women and their complex identity/ies constructed through social labelling

based on assumptions about their sexuality and experiences of *samajik bahiskar*, which played a significant role in determining their rights and opportunities. To make it more clear, by situating experiences of *samajik bahiskar*, the explanation on formal citizenship and its exclusionary aspects includes government responses and the role of politicians, judges, the police and health authorities in responding to the needs and rights of trafficked women on their return. Denial of services available in the NGOs, labour markets and the governmental institutions are part of the exclusionary aspects of substantive citizenship. According to accounts of all of the trafficked women interviewed, the social construction of *samajik bahiskar* encompasses the exclusion of trafficked women from their social world in ways that severely limited their mobility and social interactions, narrowed the choice of economic activities to sustain their livelihood, restricted cultural engagement and undermined their agency by making them ‘outsiders within’⁶⁸.

In the context of examining the consequences of *samajik bahiskar* the trafficked women experienced, social exclusion, therefore, means denial of formal and substantive citizenship by their own family and the Nepal government, who the trafficked women came from before trafficking and with whom they encountered on their return.

Examining socio-cultural and political exclusion

I begin by examining socio-cultural and political exclusion that the trafficked women I interviewed experienced as consequences of *samajik bahiskar* when they had returned to Nepal. Diya’s and Sapana’s comments below illustrate the nature of consequences *samajik bahiskar* in the lives of trafficked women when they return from the trafficking settings:

‘You are worthless, you have no space in this world, and you feel better you die’. (Diya, 25)

‘I’m an outsider within my village and family because I’m not allowed in any social and family functions and

⁶⁸ I borrowed these words from Sapana’s account

my father refused to recommend me for a citizenship I was going to apply'. (Sapana, 20)

Sapana's use of the term '*within*' and Diya's phrase '*no space in this world*' characterise their position within their families, communities and state and illustrate the scale of social exclusion trafficked women often encounter as consequences of their experiences of *samajik bahiskar*. Such encounters in Nepalese society often interact negatively with their desire to involve themselves in cultural processes, both in their families and communities.

Diya's expression illustrate that she was prevented from several cultural ceremonies in her family, for example attending family *puja* and *bhai tika*⁶⁹. Similarly, Sapana's attempt to obtain citizenship was declined by the local government because of her father's refusal to recommend her. Diya was not only held accountable for her family being insulted, she was also asked by her siblings to leave the home, in which circumstance she felt much intimidated by her own sisters. As she stated:

'My brother said I am the one responsible for insulting our family and my sisters also treated me like I was unwanted, they stopped talking to me in the family. One of my sisters said 'why still I'm at home? I should leave home instead'. That hurt me a lot'. (Diya, 25)

According to Diya and Sapana, their efforts to re-engage in social interactions with their neighbours, friends and relatives had been difficult. During the interviews, it was apparent that Sapana's anxiety about being an '*outsider*' was also connected to her fear of losing her beauty parlour, the only source of her livelihood, which was unregistered because of her not being able to obtain formal citizenship and which was in debt at the time she was interviewed.

Joshi (2001), discussing gender, trafficking and citizenship in Nepal, argues that social perceptions of women as mothers, daughters, wives and sisters among others, limit Nepalese women's status as citizens and position them in a socio-cultural trope that conforms largely to a Hindu worldview. In the context of experiences of *samajik bahiskar* that trafficked women experience, such a trope frames women's sexuality,

⁶⁹ A Hindu festival Diwali where sisters worship brothers and pray for happiness and long life

their roles and expectations in a sphere where social relations are carried out with the approval and control of male authority. The sphere of social relations at the household and community level in the society of the women in this study, therefore, is governed by the values and practices of gender relations that place women in a subordinated position within the families and communities the women belong to. Such a position emphasises Diya's feeling of being what she termed '*unwanted*', and Sapana's referring of her '*father's refusal to recommend...for a citizenship*' illustrated the social exclusion of women in their day-to-day social interactions with their families and in their accessing socio-cultural and economic resources. During the interviews, both women said that they had to leave their village and found difficulties in supporting their own livelihood due to the typical responses of members of their families.

In addition, although it is not limited to the role of fathers, brothers or sisters or any individual member of a particular institution, as Diya and Sapana and some other trafficked women encountered, it is seem to be the behaviour of institutions absorbed by a masculine reasoning and explanations that constructs *samajik bahiskar* and justifies its consequences. For example, this is illustrated by Sunita's quote:

'When we were brought back to Nepal, the government of Nepal said they don't need us because we are not good women for them, we need to be cleaned before we go home. They also told us that we need to go for some testing. NGOs took us for blood testing as well. I felt bad, the government shouldn't have said that to us'.
(Sunita, 20)

The experiences of these women of such consequences relate to the point made by Lister (2003: 44), where she argues that 'exclusion and inclusion operate at both a legal and sociological level through 'formal' and 'substantive' modes of citizenship', as discussed earlier in this chapter. Sapana, being an '*outsider within*', and Sunita's account that '*they don't need us because we are not good women for them*', are classic examples signifying the nature of the legal and social exclusion trafficked women face as a consequence of *samajik bahiskar* when they return from trafficking.

While the majority of the women said that their exclusion was informed by their subordinated position in the family in particular and society in general, a few of the

trafficked women's articulations and expressions of their exclusion also suggested that the socio-cultural processes of their exclusion are also governed by their socialisation process. However, changes in daily interactions within the social world women returned to were significantly informed by their experiences of *samajik bahiskar*, in particular fear of being noticed by their relatives, friends and neighbours. Preeti's experience illustrates this:

'I often feel scared of being noticed by others. Before trafficking I used to visit my friends and neighbours. Although I spent some time in my village after I returned I did not go around the village, I mostly stayed at home. In our...culture we have family puja⁷⁰ but after I left home I did not attend. No one including my mother invited me and no one said 'don't come'. It was me who did not go. We were taught in our childhood that we should follow seniors' instructions, it was good for because no one invited me'. (Preeti, 22)

Preeti's decision to stay home and her absence from family *puja*, are some of the examples of the self regulating *samajik bahiskar* due to internal and external constraints in a specific context. I say these are examples of self regulating *samajik bahiskar* because, as the interview with Preeti suggested, she was neither told by her family members to stay home nor was she invited for the family *puja*. She still (at the time of interview) thought that she was ignored by her family and had no enthusiasm to resist them. Her expression '*we should follow seniors' instructions*' evidenced that her decision was informed by her childhood socialisation processes, where she was on the one hand taught to follow senior family members', most importantly parents' advice and on the other hand being afraid of being identified as a trafficked woman. This relates to the point made by Chen (2000), Dube (2001) and Ghosh, Mukhopathyay and Chakraborty (2006) and others mentioned in Chapter four, where they note that women are socialised with myths and rituals from an early age. Although this observation from these writers was based on Hindu cultural practices and Preeti follows Buddhism, as I have mentioned throughout this thesis Nepalese society, regardless of religion, is framed within the Hindu dominant culture. Preeti's trafficked identity was not known to her native family in the remote hill region of

⁷⁰ Worshipping the family god: in both Hindu and Buddhists practices the family arranges special religious functions where all family and kin members are expected to attend

north east of Nepal during her first visit home; however Preeti found her friends behaved differently towards her when she visited a second time because, according to Preeti, they might have some suspicion about her trafficking as she was absent from the village for several years.

In addition to trafficked women's views, it also appeared during the interviews that some of the myths and rituals described by writers mentioned above were also playing a role in informing family decisions regarding trafficked women's involvement in cultural functions. For example, Shusila's family made her leave home at the specific time a cultural function was being performed by her parents, as

Sushila's quote illustrated:

'[T]here was a Kul (family) puja in our house, my step mother did not allow me to attend. I spent two nights in the forest near by our house because they said that it was no good to be at home for women like me when family religious functions are performed. My father came and took me back after puja. Also I could not go to fetch water the public tap, could not go to the farm to harvest crops. It was difficult, so frustrating'. (Sushila, 23)

Many of the women's accounts also suggested that cultural practices framed by Hindu religion were not limited to the 'private' family level; they also appeared significant in public places, for example in temples and villages. Such a situation was illustrated by Diya's and Namuna's accounts below.

'In the temple once and in many occasions, I was told by a man who looks like a Priest that trafficked return girls should not be allowed to enter the temple and then I did not go. Also back home there was a family puja and I was not allowed to sit with other family members'. (Diya, 25)

'Our house is pretty down, close to the jungle, in ceremonial things like puja and marriages in the village, my husband gets an invitation and he goes, I do not, because I cannot touch anything and anybody and they will not allow me doing anything so why should I

go? I don't go in such ceremonies and functions'.
(Namuna, 32)

Diya's anger at the Hindu Priest has linkages with her comments at the beginning of this chapter: '*you have no space in this world*'. Such a declaration seems obvious from her experiences of socio-cultural and political exclusion from all the institutions of concern to her. Although her account illustrates the nature and level of her exclusion in the socio-cultural context, however connecting this account with her earlier comments confirms her economic exclusion. As a result, she left her village and took shelter in a NGO as she found it difficult to support herself financially.

Namuna's exclusion from an invitation not only confirms her socio-cultural exclusion, it is also linked with the economic opportunity (see later in this chapter) to earn her daily wages in the village where she lived with her chronically ill husband and two young children. According to her, '*they will not allow me to do anything*', and her fear expressed during the interview was that if she attempted to accompany her husband to religious and cultural ceremonies, like *puja* and marriages, she might even lose her daily wage labour, the only source of supporting the livelihood of the couple and their two children. According to Sushila, however, her forced decision to spend two nights in the forest was essential to save her family's *izzat*. For Shusila's parents, the cultural practices and religious beliefs are more important and valuable to maintain family *izzat* than the inclusion of their trafficked daughter.

Although Diya, Namuna and Sushila come from different ethnic groups and geographical areas of Nepal and are from different religious backgrounds and age groups, the notion of sexual purity was a common thread in the analysis of their interviews. This thread constructed boundaries for these women that led Diya and Sushila to leave their respective districts and forced Namuna to the edge of the village, as she said '*close to the jungle*'.

In addition to limiting women's opportunities to be involved in social interactions and explore opportunities for livelihoods, analysis of the interviews of the all of the women of this study also suggests such socio-cultural exclusion often placed women in isolation, in which some of the women experienced depression. For example, three

of the women discussed how they could not cope with the level of depression they confronted on returning to Nepal and were under medication. Some of the women also talked about their unsuccessful attempts to commit suicide. During the interviews, it also appeared that many women had been taking alcohol regularly to cope with anxieties created by their experiences of *samajik bahiskar*.

Analysis of trafficked women's accounts in Chapter five suggested that the conceptualisation of women, in the context of ritual requirements that signify women's nature as sacred and pure, is complex and problematic. Furthering that analysis by situating Diya, Namuna, Sushila and other trafficked women's accounts in this chapter, I would argue that trafficked women's sense of belonging and membership of their family and society is being understood on the basis of their destructive potential (see Chapter two for detailed discussion).

I will now consider the relationship between trafficked women's ethnicity and socio-cultural exclusion as a consequence of *samajik bahiskar*. Studies of trafficked women sheltered in NGOs houses in Nepal (for example Marcovici and Chen 2003; Hennink and Simkhada 2004; SAHARA and JIT 2004) suggest that trafficking is more common in certain ethnic groups, for example Tamang and dalit more than others, and that ethnicity might inform the perception and stigma attached to trafficked women. However, analysis of the data from the trafficked women interviewed in this study does not necessarily collaborate the above findings.

As I noted earlier in this thesis that Diya, Sapana and Preeti are from Tamang and Rai social groups which follow Buddhism, Buddhism, according to Truong's (1990) study in East Asia and Campbell's (2000) study in Nepal, does not conceptualise sex in terms of potential for sin, and the cultural context of pre and extra marital sex has not been seen as reprehensible. However, in the context of the consequences of *samajik bahiskar* expressed by the women in this research, this had its foundation on practices informed by the dominant Hindu religion rather than their own ethnically preferred religion. I noted in Chapter two and elsewhere that Nepalese cultural practices are informed by the Hindu religious worldview, which was considered to be the State religion during the time the interviews were conducted. Buddhism in Nepalese society, as a cultural practice, does however reinforce the location of

women at the lower level of the society. The cultural practices Diya encountered, regardless of her religious beliefs, seem to be formed by Hindu cultural practices and the decision of the Hindu Priest was a socio-cultural exclusion he reinforced on Diya as a consequence of the *samajik bahiskar* she experienced.

A few of the women's accounts also suggested that the consequences of *samajik bahiskar* are not limited only to family *puja*, but also to public religious functions, for example attendance at the temple and similar cultural practices. Consequences are also reflected in the women's daily interactions with their fellow women and friends in the village. Moreover, *samajik bahiskar* has far reaching consequences in the form of social exclusion when it intersects with other social locations of women such as widowhood, women living with HIV or women who have been unable to produce a son. Niru's quote illustrates this point:

'I have no place at home but I also often find it different while going to a neighbour's house. I saw some kids playing then tried to hold them but I was told not to. At that time I felt shame and guilty. Now I have no enthusiasm to take part in any social functions, visit and talk to anyone in the village'. (Niru, 28)

I mentioned in previous chapters that Niru came from an upper caste family and met a dalit man who worked with her in the factory and married him. The couple returned to his home, a village of the hill region in central north Nepal. Niru's in-laws initially welcomed the couple, however her position within her husband's family was not usual due to her caste identity and geographical and cultural differences. The killing of her husband during the civil war left Niru and her two daughters in financial hardship, as well as with socio-cultural difficulties. Her status, as a sonless widow, was also one of the factors which influenced her position in the family. Such social and cultural complexity, combined with family tragedy, led to her being deceived by her local trafficker, who forced her to work in an Indian brothel for a few years. On her return, she found that her house had been demolished and converted into farm land by her father in-law, who then started calling her a prostitute and accused her of bringing shame to his family. She was not given any share of her/husband's property, and was made homeless. Her experience of *samajik bahiskar* attached to having been trafficked was intersected with the social position of her widowhood. In Hindu

society, she was also made accountable for failing to continue the generation of her in-laws by not having a son.

According to Chen (2000), in the Hindu world view, married women are responsible not only for preserving the *izzat* of both their families (as I discussed in Chapters two), but also for saving their husbands from death. In the context of Niru, her experiences of *samajik bahiskar* created by her social exclusion on return from trafficking was rooted in her widowhood and, by her father in-law, she was held responsible for the death of his only son.

Although inter-caste marriages are being practiced in urban settings in Nepal, such practices are yet to be tolerated by rural Hindus. According to Niru, being without a son meant that her in-laws felt insecure financially for their future and Niru, as a ‘bad woman’ and ‘prostitute’, could neither preserve their family *izzat* nor help their livelihood in their old age. In this context, on her return from trafficking, Niru was also seen as a financial liability, a social burden because of her perceived sexuality and widowhood. Niru, was a trafficked widow, who, from the world view of her society, had not been able to protect her husband’s life and family *izzat*. According to Niru, such spiralled consequences as she experienced on her return from the trafficking setting not only distanced her from social functions, but also restricted her to work as a daily labourer in the village. At the time of the interview, she was looking for jobs elsewhere and preparing to leave the village.

Understanding economic exclusion

In several sections earlier I pointed out that the experiences of *samajik bahiskar* attached to trafficking have consequences for the livelihoods of trafficked women on their return to Nepal. The way Niru’s agency was taken as a liability by her father in-law and the social circumstances Namuna had encountered concerning her daily wages, were just two examples of how the women signified the vulnerabilities trafficked women often face economically. In this section, the focus is on economic exclusion, specifically focusing on the consequences of *samajik bahiskar* on the women’s daily livelihood.

There have been few studies that seek to understand the economic situation of trafficked women in terms of supporting their livelihood when they return to Nepal. Terre des homes, an international charity organisation, in collaboration with the Partnership Nepal, an NGO, conducted a study in 2005 to try to understand the social and economic situation of trafficked girls and bonded labourers who were working in brothels in Bombay and Kolkotta, and asked about women's own perceptions on reintegration in Nepal. Although this study was limited to brothel-based prostitution in Bombay and Kolkotta, it suggests that social exclusion created by the women's stigmatised identity/ies was one of the key challenges trafficked women encountered in exploring livelihood options when they returned from trafficking settings.

The women in this study shared their anxieties about how to support their own (and their children's, if they had any) needs for daily meals and cover essential living costs, for example health, travel, rent, clothes and utilities. Those women with children also raised concerns about the costs of their children's education. Although, at the time the interviews were conducted, primary education was free in Nepal, costs associated with education however, for example for clothing, stationery and extracurricular activities, had to be paid.

From the analysis of women's experiences of *samajik bahiskar*, it appeared that economic exclusion on their return did not necessarily operate in isolation; it was interconnected with the socio-cultural exclusion discussed earlier. In other words, the construction of trafficked women as a prostitute, and the complex legal position they occupied on their return due to not having formal citizenship that limited opportunities given to them to learn required skills, appear to be the key elements interacting negatively with the needs and desires of trafficked women. This situation suggests that the practices of *samajik bahiskar* often limited women's ability to access the labour market and earn themselves a living. For example, a few of the women expressed their desire to learn to drive, however they were unable to do so as they did not have a formal citizenship card.

At the time the interviews were conducted, fourteen of the women were working with Shakti Samuha in various donor assisted short term projects. Two women had set up their own beauty parlour through an interest free loan scheme from Shakti

Samuha, and three of them were being paid on an hourly basis working in a project making paper bags and managed by a foreign national that was going to an end in two months time. The remaining nine women had no permanent jobs. Two of these were relying on charity supported training and seven were on daily wages in the villages they lived to support their livelihoods. The interview data suggested that all of the twenty eight women interviewed had no long term economic prospects that could support their livelihoods. Sanu's and Tara's quotes illustrate this point:

'My experiences have been, once you face samajik bahiskar, economically you would be in a difficult situation because it is hard to get jobs to survive as we have no skills and idea about jobs available in the market' .(Sanu, 26)

'When I returned to Nepal, the key problem was where do I go and what do I do to survive? I'm here for some time but it cannot be longer term solution, I always worry about food and shelter' . (Tara, 27)

Sanu and Tara were given six months skills training in knitting and sewing by the NGOs they were supported by after they returned to Nepal. At the time of the interviews both woman were working with Shakti Samuha as full time staff in a short term project funded by a donor. Sanu was engaged in community awareness on trafficking and Tara was working as cook for a shelter, but their job contracts were for six months due to funding limitations. Besides costs of education, health and clothes, Sanu's comment '*hard to get jobs*' and Tara's worry about her daily meals and housing are illustrative of some of the material issues that many of the trafficked women said they had confronted on their return.

The women constantly reminded me, and themselves, during the interviews that jobs available in the labour markets for them were limited because of, as Sanu pointed out, for many of the women lack of skills required for the jobs, and some of the women also did not have sufficient contact with the NGOs supporting trafficked women nor with potential employers who could provide jobs. For these women, entering into a complex labour market was problematic, not least because they felt lacking confidence in exploring the wider labour market in Kathmandu as they might get re-trafficked or caught by their traffickers.

Although it was the majority of women interviewed in this research who experienced difficulties joining the labour market, a few women had explored resources with their families for setting up their own business. A few women, including Sandhya, had also explored financial assistance via loans from government institutions and the banks. However, neither their families nor the government and banks supported the trafficked women on their request for financial assistance and loans. Analysis of Sandhya's account below suggests that while trafficked women were seen as bringing 'shame' to their families, they were also seen as non-citizens by the government and as non-borrowers for the banks. In addition to this, it also appeared that some trafficked women were more optimistic initially exploring assistance and loan with the banks, as they were not aware of the issues about their eligibility determined by their lack of formal citizenship. As Sapana termed it, their '*outsider within*' status created by the experiences of *samajik bahiskar* made them ineligible to access family, government and bank resources. However, Sandhya and Sapana were offered interest free loans from Shakti Samuha to set up their own beauty parlours although their business hardly generated any profit, and brought them into debt instead, which added to their anxiety and ultimately Shakti Samuha had to settle the debt. As Sandhya expressed:

'It's been hard to survive. I started a beauty parlour a year and half ago, now I'm in debt. I cannot go to the bank because I have no citizenship and they might see me as prostitute. Customers hardly come here because I'm not an expert like other beauticians. Mine was simple training and I cannot do much'. (Sandhya, 26)

A study conducted by Hennink and Simkhada (2004) suggests that setting up a small business assisted by NGOs has been one of the key activities among Nepalese trafficked women to support their livelihoods and to reunite them with their families. However, another study (SAHARA and JIT 2004) found that trafficked women who returned to Nepal did not receive enough financial support from the NGOs to establish their own independent businesses. In this study, the trafficked women interviewed said that they found NGOs training and assistance neither reduced *samajik bahiskar* nor contributed much to women's livelihoods.

As Sita pointed out:

'NGOs training like knitting and sewing, and the small money they give is not going to help us. NGO should understand our problems related to bahiskar and survival, bahiskar and survival are two parts of life of a returnee woman'. (Sita, 24)

Analysing accounts of other women, Sita's comments complement the nature and scale of the economic exclusion trafficked women encounter on their return. Her comments on NGOs training, Sanu's accounts on skills and ideas for the jobs, Tara's question *'where do I go and what do I do'* and Diya's declaration earlier *'you have no space in this world'* suggest the need to understand the interconnectivity of socio-cultural perceptions on women, the political processes positioning their agency and the economic vulnerabilities they face, that exclude women from the social world when they return from trafficking settings. These accounts, including Sushila's earlier, also reveal that the family, besides being a social unit, is also an economic unit, which determines the inclusion/exclusion of trafficked women. In other words, economic exclusion as a consequence of *samajik bahiskar* attached to trafficking means that trafficked women on their return are neither a valuable contributor to family economy, nor they can be a member of their family to claim their share of the household income.

Access to education

Despite leaving trafficking settings, the opportunity and ability to continue their daily lives was found to be unattainable for most of the trafficked women I interviewed. In addition to socio-cultural and economic exclusion as a consequence of *samajik bahiskar*, women were often also denied their rights to education on their return. In addition to trafficked women experiences when some of them returned to school, one of the elements in this study that constantly appeared to be holding trafficked women back from returning to their schools was the negative portrayal of their identities to their friends and school teachers, largely by people who lived in the villages they came from. One trafficked woman was also threatened by her traffickers and their

families when she attempted to return to her school. For example, when I asked Anita whether she tried to rejoin her school on her return, her response was:

'[Y]es, but it was difficult to continue. I tried my best but could not continue because parents of my school friends said that I would spoil their daughters and sisters because I'm not a good girl. And then my brothers and mother also heard those comments and told me to stop going to school and visiting friends in the villages. My teachers were fine in the beginning but later they also changed their views towards me'. (Anita, 23)

Including Anita, ten trafficked women out of twenty eight interviewed had made, in different ways, an attempt to return to their schools, however none of them were able to continue their education. While the majority of these ten women were often discouraged by both their own family members and their communities, a few of them, despite family support, were not welcomed by school authorities.

These experiences of the women illustrate how the interaction of trafficked women's experiences of *samajik bahiskar* with the negative portrayal of their agency not only limits their access to formal education, but also undermines their ability to engage in other learning opportunities, for example educational visits and related extracurricular activities. These accounts also suggest that such denial of formal education played a significant role in limiting their knowledge and skills required to obtain jobs. Consequently, as Sanu recounted earlier, trafficked women's opportunities to enter into the labour market on their return seem to be further limited.

In addition to this, exclusion from schooling also appeared to strengthen *samajik bahiskar* further by portraying trafficked women negatively. For example, Anita's desire to return to school left her no option but to leave the village. She found all pupils of her school were informed by their parents and teachers that she was trafficked and a 'bad girl' who can 'spoil' other pupils. She was then confined to an NGO's shelter for some time and that led her to choose marriage as her only option for livelihood.

Few of the parents however encouraged their daughters to return to school. Although Nani was encouraged by her parents to continue her schooling on her return from the trafficking setting, she could not continue at her local school. Her teachers expressed their fear of other pupils being ‘spoiled’ through having contact with her. Such responses from the school authority were largely informed by men and women of Nani’s village who told their daughters to distance themselves from having a friendship with Nani. According to Nani, although she resisted by ignoring negative comments made about her by friends and teachers, the *samajik bahiskar* reinforced by her own school authorities, she found, was much more powerful than her attempt to resist. Nani then moved to her relative’s house, changed school and continued her education. She passed her school exam, enrolled in a college but was unable to continue there because of financial constraints and she then joined NGO that ran vocational training away from her district. Her quote illustrates this:

‘My study was stopped after returning from trafficking because my village and society looked down on me. I felt so bad and I was so humiliated by the community I lived in, the whole village, and people used to think that I’m a bad girl, a prostitute. I just wanted to leave’.
(Nani, 22)

Overwhelmingly, all of the women believed that the school authorities, when they approached them for their re-enrolment, treated them as ‘deviant’ pupils who could damage the reputation of the school and ‘spoil’ their female pupils. Such judgemental responses on the part of the school authorities left trafficked women excluded and missing educational opportunities that might have improved their life chances.

Access to support services

In Chapter one, I reviewed the nature of trafficking prevention policies and their possible role in Nepal in constructing and enforcing various forms of *samajik bahiskar*. In this section of the chapter, I situate the women’s accounts to examine some of the consequences related to prevailing practices on accessing services, for example health, legal assistance and housing. Usually, the women sought these

services from NGOs and the government institutions they encountered when they returned to Nepal.

According to the women, the focus of the NGOs and the government institutions was limited to their moral perceptions of trafficked women as ‘prostitutes’ and ‘bad women’ in need of moral regulation, as deviants’ needing transformation and as ‘victims’ requiring protection. A study about understanding the construction of gender, citizenship of trafficked women in Nepal, conducted by Joshi (2001), found that institutions, particularly NGOs and the government, constructed trafficked women’s victimhood and interpreted trafficked women’s needs based on perceptions and resources available from their donors. In this study an example was provided by Sharmila:

‘[B]ut I’m not sure whether they (NGOs and governments) are really supporting women like us. They say that they do trainings, literacy classes but most of the NGOs I know they sell our name but don’t support women they are committed to support like WOREC and Maiti Nepal are some, among others. I met other trafficked women and they told us that they are not supported properly. I don’t think they are NGOs, I think they are business companies making profits in our name. Survivors are not allowed to talk to male staff and their families visiting them. Is there any difference between a jail and shelters run by these NGOs? Well, all men in policy making in government and we are considered for them as prostitutes, bad women, so I don’t expect that they do good thing for us. Their attitude towards us must change’. (Sharmila, 24)

Although the majority of women I interviewed had, at least once, approached either an NGO supporting trafficked women and running shelters for women, or the government for services such as health, skills training and jobs; most of their experiences, as Sharmila recounted, had not been encouraging. Sharmila typified the main reasons of resentment that trafficked women expressed over the services of NGOs supporting trafficked women for shelters and skill trainings and government institutions, which ranged from services to moral guidance. Women often found themselves confined in the rehabilitation centres of NGOs and transit houses of the government, and in addition to not having enough food, often felt excluded from the

wider society, unable to access health services and, in some cases, forced to take a blood test for HIV.

Health services, in the *National Plan of Action Against Trafficking in Children and Women for Sexual and Labour Exploitation* (MWCSW 2001) and *The Tenth Plan: Poverty Reduction Strategy Plan* (NPC 2002) are considered to be a fundamental human right of everyone. However the nature of *samajik bahiskar* and the consequences which Namuna, for example, recounted during her interview, raises a question about the national plan of action combating trafficking, and of Nepal's commitment to end the violence trafficking represents and the exclusion *samajik bahiskar* brings. As her quote exemplifies:

'People in the health post behaved towards me strangely. They said I'm a prostitute, dirty woman and have AIDS. They told other people not to touch me and I was not given a paracetamol'. (Namuna, 32)

For the health authorities at the local health post Namuna visited, the main focus became Namuna's social labels and her sexuality, not the illness she was suffering from. Namuna's account represented the experiences of many of the women I interviewed, specifically that their experiences of trafficking often influenced the views health authorities had of them, and they were referred to as *'dirty women'*. According to this quote, the health post she visited not only excluded her from the health services she needed, but also informed the wider community about her trafficked identity that might have further strengthened *samajik bahiskar* on her.

Namuna described how the social exclusion she experienced and the frequent illness she had suffered, had severely affected her confidence and morale which had, in turn, constrained her social relationship with her villagers and left her in isolation.

Namuna's account clearly evidenced that such situations encountered by trafficked women can subsequently affect their livelihood opportunities by distancing them from the local labour market, as discussed earlier. When I asked Namuna how she felt in that situation, her response was *'feel bad, wanted to die by taking poison'*.

The women's experiences recounted during the interviews suggest that, in addition to health services, authorities providing other services were also not encouraging. These

services ranged from legal services to skills training. Ujeli's and Sangita's quotes gave some typical examples:

'When you go to the local offices, courts or police, or even the local government office, the way people look at you, they look at you like you are a criminal. They look you from your toe to head and makeup their mind whether to speak to you or not. They do not care what you have said. I could not get information about trainings for women like me' .(Ujeli 18)

'I didn't know until I was told by Shakti Samuha about the support services available for the women like me. I asked some people in my village but they just did not talk to me. Some people of the local NGO Maiti Nepal said that I've to change my behaviours and become a good woman if I am to get support from the Village Development Committee. I wanted to put my trafficker in jail but did not get any support and didn't know where to go for help. Now I came to know, but it's too late' . (Sangita, 25)

The women often recounted how their negotiations with the authorities were affected by their lack of information about services and ways of accessing them. All of the women said that their requests were not taken in account by the authorities that they had approached, and information was not shared by the staff of NGOs and the government institutions they approached. For example, according to Sangita and Ujeli, the social perceptions of trafficked women based on social labelling, discussed in Chapter four, combined with social exclusion, were largely responsible for distancing women in accessing information and exploring the services they required.

At the time of the interviews, only a few of the trafficked women, mainly the key staff of Shakti Samuha, were aware of the provision of services at government level and via NGOs. However, they were dubious about the effectiveness of services such as, legal assistance and skills training, as Sharmila pointed out in her account earlier. Often the women's relationship with government institutions was found to be different when the women's relationships with their families became known. However, the government offices appeared to be more receptive of requests if women were accompanied by their family members, relatives or NGOs.

Anita's quote illustrates this point:

'I was clear that it was a trafficking case, but it was difficult to disclose because I was worried about the samajik bahiskar I could face, and then I decided to keep quiet. When I saw Devi (chair of GMSP) that has been doing anti trafficking awareness works in our area for the last few years, she knew me. She came closer to me and asked in Tamang language what happened. It was helpful for me to break the silence because I thought she would support me, even if my parents bahiskar me, and then I started my story from the beginning to the end in front of everybody. The police were also polite when she came, also my brother was there, all were helpful and then the case was registered as a trafficking case'. (Anita, 23)

Most of the women experiencing *samajik bahiskar* told me that it was almost impossible to go to police post with their family members or relatives. It was mostly the NGOs in which women were sheltered or supported who negotiated services for the trafficked women. For those women who had no supporting NGOs behind them, it appeared almost impossible to access services from both NGOs and the government institutions. Two women interviewed in this study were not supported by any NGOs. When Ujeli was denied information, she was then accompanied by Shakti Samuha to the local government office, whereas Sangita at the time of interview, was assisted in getting daily wages also by Shakti Samuha.

The women's accounts illustrated a lack of information about services, highly complex bureaucratic processes and intimidating responses from the government and NGO institutions to which trafficked women are not associated, which often left them excluded from the potential services they required.

Legal assistance

All of the women I interviewed wanted their traffickers to be prosecuted. Although the majority of the women knew their traffickers, some of them had also been able to prosecute them. However, outcomes of such legal processes were varied. While three of the women said their traffickers were sentenced to a few years, some others remembered their traffickers had already been released from prison without

completing their sentence. Many of the women recounted that they could not initiate legal cases for various reasons. One of the reasons many of the women gave was that they could not get support from their families, their political representatives or the police to trace their traffickers. Sangita's and Anita's accounts are two examples among many given by the women interviewed:

*'Nobody came forward to help me when I was going to complain the case. People knew he was my trafficker'.
(Sangita, 25)*

'I met them a couple of times, well politician's views were clearly on two sides. When you meet them and ask for help they say yes, when you leave their office they support the traffickers. They have double standards I can not trust the politicians'. (Anita, 23)

Sangita and Anita come from two key districts which are among the twenty six districts the National Plan of Action of government of Nepal identified as trafficking high risk districts (MWCSW 2001) (see Appendix 9). The Plan also highlights the importance of mobilising local leaders, including political representatives, to enforce policies that support trafficked women on their return, including access to legal procedures.

Both women approached their local political representative for help to prosecute their traffickers, but were unable to get support. At the time of interview, Sangita recalled that it was due to her prostitute label, whereas Anita said her trafficker was jailed for few a months but was released with the support of local politicians. Many women among those interviewed had shared similar experiences to Sangita and Anita. They were neither supported by their own families, nor were they assisted by the political representatives of their constituencies. Two of the women also recalled that they and their families were threatened by the traffickers, when the women's families approached the police to file the case against them.

All of the women interviewed thought that obtaining legal justice could be an initial and significant step for them to claim their agency. However, a few had chosen not to pursue legal action. Despite their desire to prosecute the traffickers, their decision was largely informed by the fear of being portrayed negatively, facing further

samajik bahiskar and recurring threats from their traffickers. This was the solution for Muna, who recounted:

'[T]hey were threatening to beat and kill me and take our land and make our family leave the village. I was feeling so unsafe from the traffickers and frustrated by the way villagers talked about me as a 'bad woman', 'she was sold', it was my fault etc. All the time I stayed at home, I didn't go out and did not talk to anyone. A government lawyer said I'm a trafficked women and will never win the case'.(Muna, 23)

Although Muna was assisted by an NGO working locally, she could not go further with her case, largely due to traffickers who continued to threaten her and who had connections with local politicians.

Three other women who wanted to take legal action against their traffickers were also assisted by NGOs, who agreed to pay for a lawyer and ensure the women's safety. Their decision to approach NGOs for help was informed by their fear of being intimidated by the government lawyers and judges in the court room. The women also said that the legal process is often difficult for them to understand; seven of the women were illiterate and many others were only just literate. Also, many of the women were unaware of their rights and were excluded from daily social interactions in their villages. Bilbatua (2006), in her global survey on understanding obstacles to legal access that trafficked women encounter, also found the majority of trafficked women globally do not enjoy their rights to access the justice system because of: i) their lack of knowledge about their legal rights; ii) a complex legal process that is hard to understand; iii) the length of time to reach a legal conclusion; iv) inadequate witness protection, and v) hesitance from the trafficked women to take legal actions.

The women interviewed in this study identified two main issues as significant, as consequences of *samajik bahiskar*, in limiting their ability to access support services. First, their lack of necessary knowledge on how the bureaucratic structures of NGOs and the government work; and second, the exclusionary practices and prejudices of authorities concerned in providing services for trafficked women.

Conclusion

Trafficked women's accounts analysed in this chapter provide evidence that *samajik bahiskar* exists because key actors construct it, and the consequences of *samajik bahiskar* exist because key actors, for examples, families, communities and government (and various departments), define and enforce it in various forms. These accounts also illustrate that the practices of NGOs and government are tied up with the practices of trafficked women's private sphere, for example the family, and in the more public places, for examples in neighbourhoods and in temples. While these institutions construct and define *samajik bahiskar*, the constituent members enforce *samajik bahiskar* on trafficked women. The constituent members in this analysis were health officials, police personnel, judges, family members, school teachers, NGOs, friends and neighbours, a Priest and the politicians that trafficked women encountered. According to the women the consequences were varied, however their accounts suggest that the common consequence was to exclude trafficked women from socio-cultural, economic and political processes.

These accounts of trafficked women also illustrate how the power structure of social institutions operates, as Yuval-Davis (1997) argues, horizontally as well as vertically. According to the accounts of the consequences of *samajik bahiskar* recounted in this study, such power structures not only constructed identity/ies based on notion of 'good' and 'bad' women, but also drew the lines of mobility for trafficked women in the public sphere. This limited the women in where they could and could not go, and regulated the services in terms of what should and should not be accessible to trafficked women in both public and private spheres, for example, family *puja*, marriages, health posts, schools, temples and water taps.

In addition to this, the agency of the trafficked women interviewed was not only undermined, but also taken as a liability by their families, as unwanted pupils by the school authorities, and as 'dirty' women by the health authorities. Furthermore, the legal consequences many of the women encountered, when their agency was seen as criminal by the judiciary, as an unimportant constituent by the politicians and as a non-citizen by the state institutions.

The notion of purity and impurity was not limited only to the public temples, the cultural ceremonies in the family *puja* and invitations from the neighbours. The women constantly reminded me that such a notion crosses the minds of trafficked women when their agency was being devalued by the labour market and commoditised by the NGOs.

According to these accounts, the consequences of *samajik bahiskar*, therefore, are logical outcomes of continued interactions of experiences of *samajik bahiskar* trafficked women gained via the family, the community, the labour market and the state.

It was clear during the interviews that women's fluctuating identity/ies are constructed by families, communities and government (and various departments) they were born into, grew up with before they trafficked and approached on their return. All of the women remembered their identity in the family and community before they were trafficked and compared this with their labels and identity/ties on their return and expressed their anguish. This moment, remembered by all of the women interviewed, evidenced that the consequences discussed in this chapter were obviously far reaching when trafficked women see themselves, for example as expressed by Namuna:

'Women without life, I have a heart but no breath, I have eyes but no sight, I have blood with no colour and I have days without light'. (Namuna, 32)

In the following chapter, I will discuss strategies the women used to rebuild their lives.

Chapter Six

Rebuilding lives

Introduction

This chapter gives an overview of the tactics and strategies that the women employed to rebuild their lives by resisting the *samajik bahiskar* they experienced on their return from trafficking. Despite opposition from their families and communities, a few of the women were able to return to their homes after spending years in NGO shelters in Kathmandu. However, their living at 'home' did not continue longer than a few weeks or months, even for those women who were accompanied by their family members, for example father and brothers. While Beena's returning home lasted only until the '*gold and some money*' that she offered to her uncle ran out, a few of the women were able to rebuild their relationship with their original families when their new husbands accompanied them.

Analysis of the interviews also revealed that some of the women negotiated their spaces and identity/ies conforming to gendered social rules and norms through (re)marriage. In addition to this, a few of the trafficked women were able to learn skills and began to earn their own money, which helped them to become independent financially, either working with NGOs or enrolling into charity-sponsored training programmes. As I noted in Chapter five, two of the women were also able to set up their own beauty parlour businesses, with interest free loans from Shakti Samuha. However, anxiety about the foreseeable future was paramount for all of the women. The anxieties of trafficked women, who had chosen (re)marriage, were related to their fear of being identified as trafficked returnees by their new families, relatives and their communities. Supporting their own livelihood and getting citizenship were two additional concerns expressed by other women.

The analysis also suggested that continuity of their earnings for women themselves was more important than taking actions against their traffickers for the women working with NGOs and running their own businesses in the labour market to resist *samajik bahiskar* and sustain their lives. This could be seen as trafficked women

might have thought the complex legal processes would not offer them a result they wish as Anita recounted in Chapter four. Unionising through Shakti Samuha was seen as an alternative way to build mutual support, and claim their social, economic and political rights.

Understanding tactics and strategies

de Certeau (1984: 36-39), in his work on *Practices of Everyday Life*, made a distinction between ‘strategy’ and ‘tactic’ and argued that strategy implies being consciously organised and prepared for action. For de Certeau, people can only develop resistance strategies if they are aware of their rights, future plans and knowledge about what is to be resisted and how, and have the capacity to articulate their aims and objectives for desirable change. He argues that ‘tactics’ are routine moves to create a space by using the opportunities given to the relatively powerless people whose lives are controlled by powerful people or institutions. According to de Certeau, ‘tactic’ operates in isolation and might not persist even if they are successful in achieving their objectives.

Following de Certeau’s distinction between resistance strategy and tactic, Scheper-Hughes (2002) also offers useful insights. Discussing the efforts of the everyday tactics of survival of Brazilian poor men and women, Scheper-Hughes argued that tactics are individual practices to tackle problems and they may not challenge the power that exists within the economic and political institutions. Analysing power and agency of poor Brazilian men and women, Scheper-Hughes argued that although they are poor, they are also accountable for local political and economic processes that undermine the poor. However, she argued, they do not have the power to make decisions individually that would help them to formulate resistance strategy and tactics.

Perez (2004), in her ethnographic study of violence against women in Mexico, discusses the collective strategies formulated to resist the acts of abusive husbands in public places. According to Perez, Mexican women form a ring around the woman vulnerable to violent acts by her husband and designate a relatively dominant and powerful older female, in many cases the mother of the violent man, as the

spokeswoman who can push the violent man away from beating his wife. Perez found these strategies are part of the longer term processes that could enable women, mainly those who work outside the household in the labour market, to gain their individual autonomy and independence through various forms of negotiation with the political and economic institutions.

According to these writers, the term ‘power’ seemed to be significant to frame ‘tactic’ and ‘strategy’. For de Certeau and Scheper-Hughes, power has been seen as a form of control over the lives of both men and women by political and economic organisations. However, power in the context of Perez’s analysis is viewed both in the relationship within the family and the labour market. Although in different contexts, all three writers state that uses of power have largely been to negotiate individual and collective opportunities with the social, economic and political organisations, for the longer term autonomy and independence of both the men and the women who operate in these different contexts. Power, in the context of experiences of *samajik bahiskar* recounted in this study, refers to various forms of control and/or limiting of autonomy of the women by the organisational and social sites the women encounter on their return from trafficking.

Nepalese trafficked women experiencing *samajik bahiskar* have much in common with the poor men and women of the shantytowns of Brazil who experienced economic hardship and Mexican women who experienced daily violence from their husbands. The common feature is the socio-economic, cultural and political contexts and social practices that construct, define and enforce survival hardship on Brazilian poor men and women in shantytowns, violent acts on Mexican women and *samajik bahiskar* on Nepalese trafficked women. In the context of trafficked women’s experiences of *samajik bahiskar*, these are the family, community, the labour market, and the government (and various departments) women encountered on their return to Nepal. Analysis of the women’s accounts included in this study, however, suggests these Nepalese organisations and social sites are primarily controlled by men.

It could also be argued, however, that ‘strategy’ could be used by women individually and ‘tactic’ used collectively to tackle the everyday problems they encountered and enable women to address *samajik bahiskar* in the longer term. There

have not been similar studies in the Nepalese context that relate to the examination of the ‘strategies’ and ‘tactics’ trafficked women use to tackle the *samajik bahiskar* they experience. My use of the term ‘tactic’ in this context, therefore, is based on my drawing from the works of de Certeau (1984), Scheper-Hughes (2002) and Perez (2004), to examine the ‘strategies’ trafficked women referred to during the interviews, in their attempts to rebuild their lives by resisting the *samajik bahiskar* they had been experiencing on their return from the trafficking settings.

An individual tactic, therefore, in this analysis, relates to an individual trafficked woman’s various decisions to support their own lives on their return; a strategy refers, for instance, to the formation of the NGO Shakti Samuha by the trafficked women to negotiate their situations collectively for a longer term solution, and goes beyond the level of individual action. In this study, the individual tactics trafficked women employed were:

- a) (re)marriage
- b) hiding their trafficked identity
- c) hiding their HIV/AIDS identity

From the analysis, acknowledging that on their return the women were relatively powerless, these individual ‘tactics’ appeared to be important for individual women to use in resisting further exclusion specially by the family and the community, created by their experiences of stigmatisation and subsequently *samajik bahiskar*. Analysis also suggests that the forming of Shakti Samuha has been seen by all of the women as a significant strategy in negotiating with the NGOs and government in order to tackle *samajik bahiskar*.

Tactics

a) (re)marriage

According to the analysis of the interviews with the trafficked women, marriage appears to have a crucial significance in their lives. Situating the experiences of the women in Chapter four I discussed the cultural significance of marriage and its relation to the construction of *samajik bahiskar*. In this chapter, I examine how

marriage, its social and economic significance, played a role as a tactic to rebuild their lives. During the interviews, I asked the women about their reasons for choosing (re)marriage. The main reasons they gave are summarised here:

a.i) financial

'I was prepared to live my own, as you have heard all I had was humiliation, bahiskar, isolation and a frustrated life that taught me to stand on my own feet. But when I reflected on my past and started thinking about a possible future, I came to a conclusion that I needed at least four things to stand on my own feet. One was education to get a job in the market to sustain my livelihood; another was who is my close friend whom I can share my feelings, who understands me. I needed someone who supports me, respects me, which I could not get from my family that always bahiskar me; next, I have not any property. I need regular earnings to sustain my life; and then the other one was I needed the kind of company that led me to remarry' .(Nita, 28)

Nita, a daughter of a Hindu Priest of the central south of Nepal, was trafficked into marriage when she was fourteen. Although she gave four reasons leading her to remarry, during the interview she frequently remembered the financial hardship that forced her to sleep in hunger on several occasions when she left home. Among all of the reasons she pointed out above, not having '*education to get job*' and not holding any '*property*' and '*need regular earnings to sustain life*' illustrate that financial reason were a key factor in her decision to (re)marry.

a.ii) to obtain citizenship

'Because I needed a friend to live with, a life companion who loves me, accepts me, supports me I need to survive, because I had no family that supports me. I can't stay in a NGOs shelter throughout my life, it was difficult to get a rented house for a girl like me. Among all, one of the main reasons was I had no citizenship card and I wanted to get one but it was difficult when your family does not accept you' .(Sandhya, 26)

Sandhya was born into a Muslim family from the south east of Nepal and was trafficked after the death of her mother when she was eleven years old. Like Nita, she also gave various reasons for remarriage, however her account *'among all one of the main reasons was I had no citizenship card'* clearly indicates that gaining formal citizenship was her main reason for re/marriage.

According to Sandhya's and Nita's accounts outlined in previous chapters, marriage contributed to the context through which they experienced trafficking and subsequently *samajik bahiskar* and exclusion from families, communities and social practices. However, it is marriage, according to their accounts in this chapter, which ultimately contributed to their being able to negotiate a situation to resist *samajik bahiskar* and return to a more 'normal' way of life.

a.iii) regain 'social respect'

'garwalee told me my husband came to take me out from the brothel. That time we were still not married. When she called me and told that he is going to marry me and take me back to Nepal, only then I came to know. I accepted it because I wanted to leave that hell, return home and live a happy and respected life'.
(Namuna, 32)

Namuna was born into a Hindu family from the mid west of Nepal and was lured by a magician who promised to take her to a circus in Kathmandu but eventually sold her into a brothel in Bombay. Her account in Chapter four suggested that, after six years of being forced to serve customers sexually, she left the trafficking setting through a marriage arranged by the brothel owner to a man from a remote hill village in Nepal. According to Namuna's account, her future husband was from the original village of the brothel owner and whom Namuna had never met before. For Namuna, marriage was the only way to leave the trafficking setting, which she described as *'hell'*, and return to Nepal. Namuna said that she was aware of the economic situation of her future husband before her marriage was proposed by the brothel owner. However, she accepted the proposal and was prepared to confront economic hardship and marry the man in order to be able to return to Nepal and start what she hoped was a *'happy and respected life'*. In this context, Namuna's decision on her

marriage was informed by her desire to return to a ‘normal’ life by gaining ‘social respect’.

a.iv) housing

‘It was not my plan but a place to stay was one of the reasons I decided to go for marriage because I cannot go home, and where to stay? A NGO’s shelter cannot be a long term solution; I needed my own place to live that I have got from marriage. Now I’m with my husband and our children’. (Usha, 25)

Usha said to me during the interview that she had not been able to contact her parents and other family members since she was trafficked. She also remembered that her family was economically poor and was living in someone else’s house. During the interview she frequently mentioned her desire to have her own house with a family so that she could feel safe. Her statement that *‘I cannot go home and where to stay’?* illustrated her social status created by her trafficked identity, and when she said *‘I needed my own place to live’*, she was conveying her desire to have own house. At the time of interview she was living with her husband and two children, one of whom was conceived at her trafficking setting.

a.v) emotional support

‘I used to attend HIV seminars, meetings and conferences and that was where I met him. He is also HIV positive and both of us loved each other and got married. I need emotional support when I am sick. I missed my family a lot but also cannot go there and stay with them. I needed someone who loves me and cares for me when I’m sick’. (Sharmila, 24)

I mentioned in Chapter four that Sharmila’s original reason for leaving home was to support the livelihood of her mother and sister. While in the trafficking setting, she contracted HIV from a customer and this was identified through a blood test arranged by an NGO who was supporting her on her return to Nepal. Sharmila married a man from Kathmandu a year before the interview was conducted. Although she said to me during the interview that her decision of marriage was informed by various factors,

like Sandhya, Nita and others, her main reason appeared to be emotional support and care, especially when she felt sick due to her recurrent illnesses associated with her HIV status. During the interview, Sharmila also compared her time before her marriage with the present and she expressed more satisfaction about her current situation while living with her husband.

Although these were common reasons identified by the women during the interviews, the women's accounts also highlighted that some were more significant than others. Analysis suggests that the key factors why women had chosen (re)marriage were to support their livelihood financially, to claim their citizenship and to regain their social recognition. However, housing and emotional support were also important for women to tackle their safety and isolation within the context of stigmatisation and *samajik bahiskar*.

These accounts suggest that (re)marriage, for women who return from trafficking settings, has social, economic and political significance in their tactic to rebuild their lives by addressing *samajik bahiskar*. To make this point more clearly, to Sandhya, Nita, Sharmila and Usha, (re)marriage offered a hope for their lives in which their social, economic, cultural and political needs had the potential to be fulfilled. However for Namuna, apart from leaving trafficking, returning to Nepal and acquiring formal citizenship (Lister 2003), marriage could not offer much to achieve her desire to live a '*happy and respected life*'. According to Namuna using marriage as a tactic in returning to Nepal neither contributed to her hope to return to her parental family, nor to her resisting the *samajik bahiskar* enforced by her husband's village. When, along with her husband and a son, she visited her parental home, her father was the first to label his daughter as 'dead'. Her account in Chapter five suggests her family house was pushed down to the edge of the village. At the time of the interview, although Namuna realised her tactic could not offer her much in terms of resisting *samajik bahiskar*, she was exploring membership of Shakti Samuha as a strategy to continue her resistance to the experiences of *samajik bahiskar* (see later in this chapter).

Many of the trafficked women recounted that (re)marriage was not their first choice on their return, however Nita's articulation of factors that she termed '*four things to*

stand on my own' were found to be the most common reasons the women for (re)marriage. Of the twenty eight trafficked women interviewed, five remarried and nine married after returning to Nepal at least in part as a tactic to resist *samajik bahiskar*. One woman who was trafficked after the death of her husband frequently recounted that her *samajik bahiskar* was added to because she did not have her husband alive. During the time that the interviews were conducted six among twelve of the single women were also preparing to (re)marry.

Table 4: Significance of marriage in tackling *samajik bahiskar*

Status at the time of interviews	Number of participants
Married after return	9
Remarried after return	5
Return through a marriage	1
Single	12
Widow (trafficked after the death of her husband)	1
Total number	28

Despite their experiences of *samajik bahiskar*, most of the women emerged with the strong, intact belief, in their right to be alive. While they saw the significance of (re)marriage in their lives, their tactic to resist *samajik bahiskar*, and indeed return from being seen as a 'shame maker' to a 'home maker', seemed to be interconnected with their accepted social role and *izzat* they expected from having a husband.

In reflecting on their social labelling processes in Chapter four and the exclusions they recounted in Chapter five, the majority of the women also recounted their desire to be identified by specific social roles other than that of trafficked woman, HIV carrier, prostitute or 'shame maker'. These social roles were primarily as wife and mother among a few others, such as daughter, sister, sister-in-law and daughter-in-law. This suggests that the trafficked women's desire to be a wife and a mother evidenced their consent to enter into a sexual relationship. The relationship that not only gives them an 'acceptable' social status as a wife and possibly a mother, a 'good woman', but also brings them back into the hierarchy of social and cultural

institutions which had excluded them for being prostitutes, or ‘bad women’, on their return from trafficking settings. As a tactic applied by the trafficked women, marriage then offered them an opportunity in rebuilding their lives by providing space within certain key social institutions, for example, family an identity in the social world they returned to and an opportunity to survive. This suggests that (re)marriage brings a degree of ‘normalcy’ to their situations, trafficked women not only can rebuild their lives by resisting *samajik bahiskar*, (re)creating (new) identities, but (re)marriage also offered them emotional and physical intimacy and companionship. (Re)marriage, by providing trafficked women their ‘womanhood’ and ‘motherhood’ within the ‘normal’ relationship with men, by whom their sexuality would be guarded, made it more difficult for wider society to identify trafficked women with various stigmatising labels as discussed in Chapter four and elsewhere in this thesis. For example:

‘I think I have got a new life after marriage. I married three years ago and now we have a daughter. Now I’m happy because he has been supportive to me, and it is much easier to visit my village then before. Sometimes our marriage makes me laugh because it became a formula to reduce samajik bahiskar I faced on my return. After marriage we started visiting both our families. Also, society is not making a big noise about me and my past; I think marriage contributed to close their mouth’. (Anita, 23)

Anita's comments signified how becoming a wife and mother could make it possible for a trafficked woman to return to the social world they came from originally and (re)gain the *izzat* of their families and rebuild their own lives. Anita, after marriage, was able to return to her village not only to meet both families, neighbours and school friends, but also to become an educator by running an awareness programme for Shakti Samuha to prevent trafficking in the remote hilly villages. Her husband’s family, which was from the same village as Anita, did not agree initially to the marriage, due to Anita’s trafficked identity, about which they were aware. She was however able to reconcile her position privately as ‘shame maker’ and publicly as a ‘prostitute’ with the roles of daughter, daughter-in-law, wife and mother, thereby (re)claiming her agency and (re)gaining *izzat* of her both families after the marriage. Her account suggests that this was possible because of her ethnicity and the religion

of her own and husband's families, which allowed the couple to make the decision to marry without following dominant Hindu practices, for example seeking permission from the family, particularly from father. These quotes on marriage and Anita's expression of 'happiness' at her '*new life*', suggest that trafficked women, having been labelled as prostitutes and considered as 'bad', are able to negotiate with the power embedded within marriage and their own families. Nita, Usha, Sandhya, Sharmila and Namuna felt compelled to (re)marry, which is evidence that not all women were *choosing* marriage as the best option for them.

These accounts relate to the point made by Pateman (1988; 2007) who, while exploring interconnections between marriage, employment and citizenship, argued that women are forced to enter into marriage due to their socio-cultural and legal position that frequently limits women from the opportunity to support their livelihood. Sandhya's desire to get a '*citizenship card*', Sharmila's aim to seek emotional support, Usha's desire to have her own house, Nita's '*four things to stand on my own*' and Anita's '*formula to reduce samajik bahiskar*' illustrated the socio-cultural, economic and political context that compelled these women to enter into (re)marriage⁷¹.

Half of the women interviewed in this study have chosen marriage for a range of different reasons, to rebuild their lives on their return from trafficking and among them, five of the women were remarried. Women's account analysed, certainly, suggests that traditional meaning of marriage (see chapter four) in the society trafficked women came from, has not only been changing but also crossing the cultural barriers of castes and ethnicities and increasingly likely to breaching the endogamous boundaries that largely been practiced in Nepalese society. This point relate this analysis to work of Parry (2001) who, in his ethnographic study on sex and marriage in Chhatisgarh industrial area of India, observed shifting meaning of marriage towards more of social status. He found that marriage, for many workers, has been an institutional arrangement to bear and raise children, for others, mostly for women, expected to be a desire for intimacy. Love, livelihood/financial and social status some of the influential factors Parry's study suggests in a specific

⁷¹ However Namuna's context to accept marriage was different than other trafficked women discussed earlier.

context of Chhatisgarh industrial society those I found in this study some parallel while analysing experiences of trafficked women. For example, according to experiences of the women interviewed, the interpretation of marriage signals the way in which their experiences of being trafficked and subsequent *samajik bahiskar* seems influential factors through which marriage has increasingly, by crossing caste and ethnicities, become a strategy to explore livelihood, search for an intimacy and companionship and reclaim an social identity.

In all of the interviews, citizenship was one of the key issues the women frequently recounted, linking with marriage as a tactic to rebuild their lives. This suggests that the majority of the trafficked women interviewed had no alternative to (re)marriage in order to negotiate their agency by obtaining formal and substantive citizenship (Lister 2003). Moreover, citizenship was seen by all the women to be the prerequisite, not only of ensuring a livelihood and accessing support services, as discussed in Chapter five, but also to (re)negotiating their social identity/ies by returning to their family and communities as ‘home makers’.

For the majority of the women I interviewed, (re)marriage was identified as a *key* tactic to resist *samajik bahiskar* and explore the ‘decent life’ they hoped for. However, some of the women said that (re)marriage had not necessarily been able to offer, as Namuna termed, a ‘*happy life*’ and, in Anita’s words, a ‘*new life*’, which trafficked women expected to enjoy by tackling *samajik bahiskar*.

‘I was always hated by my father. When I returned from India, no one was there to protect me, help me and love me. Then one of my aunt’s relative was there and I married to him. After two years I also gave birth to a child. My husband started beating me; many times I was beaten. One day he tied me up to a pole and beat me up badly and I had an injury on my head. I had to give my salary coming from my work to him and cover all the expenses of family. Once he left me for some time, and then again brought me back and again left me then...brought me here in Shakti’s hostel and kept me here for 3-4 months. When I met him, he asked for the children and threatened to kill me if I refused to go with him back. He often says that he will (re)marry a good woman’. (Sunita, 20)

While marriage seemed to be working well for many of the women as a tactic, Sunita's account suggests that (re)marriage could also result in a violent relationship, which also happened to four of the women interviewed. Four of the fifteen women who used (re)marriage to tackle their experiences of *samajik bahiskar* and rebuild their lives found it could not help them as they expected. At the time the interview was conducted, Sunita was living at Shakti Samuha's safe house that was set up to offer temporary shelter, food and safety for trafficked women experiencing violence, including *samajik bahiskar*. Her daughter was given to a Centre that looks after orphans, and her three year old son was still with her. Sunita, due to her economic hardship and the abusive environment in the family, was exploring with the help of Shakti Samuha a place for her and her three year old son to shelter.

Although her trafficked identity was known to her husband, Sunita was still able to hide her HIV status. Knowledge of her HIV status was limited to key members of Shakti Samuha. Sunita told me during the interview that she had taken the decision to hide her HIV status from her husband and families, with the support of Shakti Samuha, as a tactic to avoid further *samajik bahiskar*. I mentioned in Chapter five that Sunita had been living with HIV for several years. However, according to her, marriage had been nothing more than an abusive relationship and economic burden to her. This suggests that, unlike Anita, Sandhya and Nita, the tactic applied by Sunita to rebuild her life by tackling *samajik bahiskar* initially enforced by her father, as she recounted in her account, seemed to be detrimental.

Beena, in her account in Chapter four, recounted that her welcome home and family happiness no longer existed once '*some gold and money*' was used by her family and her trafficked identity was known to them. According to Beena, this led her to leave home and explore financially a way to sustain her life, in which (re)marriage was an option. When I asked her about her reason for the decision to (re)marry, she said that, despite Beena's unwillingness to (re)marry a man of her village proposed to marry her and had committed to support her. It was his first marriage. She disclosed her trafficked identity after a month of their marriage and, according to Beena, in the initial few years there was no problem. However, gradually he started abusing her sexually and physically and threatening to leave her if she refused to follow his decisions. Her quote exemplifies her situation at the time she was interviewed:

'Sometime I feel I have a lot to face in my future, not peace but more troubles. This is my second marriage. My husband accuses me of coming from Bombay and being a prostitute. It creates a fear in me that he might leave me. He didn't allow me to learn driving, but I cried, and I was stubborn so I got to learn driving. When I talk to him, he always says that he loves me and suggests me to stay at home and he would earn. He apologised for what he has said, but again after some time it is the same. Last time when I was in NGOs shelter he brought another girl in our house'. (Beena, 28)

According to her account, while Beena's husband was expecting her to limit herself to domestic chores, Beena wanted to engage with activities of Shakti Samuha to support trafficked women in need. At the time the interview was conducted, Beena continued visiting Shakti Samuha and other NGOs supporting trafficked women, and was exploring a job in the local labour market. Her husband continued abusing her sexually and physically and was insisting on stopping her going out of the home. Beena's experiences relate to the point made by Walby (1997: 6-7), where she asserts that 'the domestic gender regime is based upon household production as the main structure and site of women's work activity and the exploitation of her labour and sexuality and upon the exclusion of women from the public'. Such conflicting interests led Beena to seek shelter in an NGO's safe house after she was punished by her husband for violating his expectations of her.

Pateman (1988; 2007) described marriage as, historically, the husband supporting his wife and the wife serving her husband. According to her, these support arrangements are usually worked out by the couple, although the role of husband remains the key to agreeing on support arrangements. She also argued that marriage requires that one person gives up the right of self protection socially and financially. Sunita and Beena, like other women who had opted for (re)marriage as a tactic to rebuild their lives, also thought that marriage was the only way to ensure their social and economic protection, bodily integrity and political identity/ies. Sunita's decision to marry was informed by her desire to have someone '*...there to protect me, help me and love me*', however her quote suggests she encountered physical violence such as '*injury on my head*' and threats to her life. Beena's experiences of verbal abuse such

as *'being a prostitute'* suggest that marriage contributed to her stigmatisation. In addition, as accounts of many of the women suggested, they sought economic and social protection but, for Sunita, Beena and two other women interviewed, (re)marriage neither offered them a tactic to rebuild their lives by resisting *samajik bahiskar* nor ensured their social and economic protection, bodily integrity and political identity/ies. At the time interviews were conducted, these trafficked women, in addition to living in abusive relationships, continued frequenting NGOs shelters for their safety. In addition, they were experiencing *samajik bahiskar* due to their trafficked identities and being seen as not 'good' wives and were confronted with a livelihood problems not only for themselves but also for their children. These four women found themselves more excluded by their original families due to the fact that their (re)marriages were not approved by their parents, which has negative consequences for women in the dominant Hindu culture.

b) hiding trafficked and HIV/AIDS identity

Hiding their trafficked identity was found to be another key tactic that the women employed to resist *samajik bahiskar*. Some of the women, who opted for (re) marriage as a tactic, made a careful assessment of their situation before they made their decision. Maya was married three months before I interviewed her. She told me she was, initially, aiming to marry a man from her own ethnic background in her village; however her resistance tactic was to find a way to marry a resident of Kathmandu from a different ethnic group from her own that allowed her to settle in the city. Maya's tactic to rebuild her life included two key attributes that are interconnected and, also, interacted positively with her tactic.

b.i) an important attribute of her tactic was the geographical location of her decision to marry in Kathmandu. This facilitated Maya to avoid her anxiety about what she termed *'lots of tensions'* in returning to the village where she was labelled as a 'bad' woman and a prostitute.

b.ii) another attribute related to her ethnicity. Maya was proposed to marry within her ethnic social group by her friends in the neighbouring district she came from. However, she feared her own brother and sister-in-law, who

made her trafficked identity known to the villagers and accused her of bringing 'shame' to their family. This led Maya to seek an inter-caste marriage.

This was illustrated in the following quote:

'They would tell others that I am a trafficked girl and as the day passes it would be known to everyone and then I would be thrown out of my home. I had a thought to do something in my village but they gave me lots of tensions, so I left my village and did an inter-caste marriage in Kathmandu. My husband does not know that I was trafficked, and I don't want to tell him and my in-laws because he would not love me. He might leave me instead. I have got a new life'. (Maya, 29)

Maya's decision of preferring an inter-caste marriage and living in Kathmandu interacted positively with her plan to exclude her family members, who excluded her on her return from the trafficking setting, from the decision making about her proposed marriage. These two elements facilitated Maya in hiding her trafficked identity and tackling *samajik bahiskar*, both of which she thought were fundamental to rebuild her a 'new life'. Both families were aware of the marriage, however they were not involved, beyond blessing the couple. Maya's family did not receive a formal invitation and she only informed them after her wedding. Her husband's family in Kathmandu was aware of the couple's decision to marry, and had not opposed the plan, however Maya had not yet been to their home. Maya said to me during the interview that she had wanted to keep a low profile about her marriage as a tactic to avoid the possible risk of her identity being disclosed by her friends, relatives and villagers who knew her who lived in Kathmandu.

Maya's father-in-law was a businessman and used to support his son financially, however at the time of interview the couple were living in a separate rented flat, away from his family home, and were experiencing difficulties in supporting their livelihood. Although Maya's tactic to rebuild her life and gain a status as a 'wife' seemed to be interacting positively with her decision to marry, she also feared further *samajik bahiskar*. Analysing her interview data suggests that if such complex relationships among actors and social sites involved in her resistance process interact

negatively with her resistance tactic, the consequence could be as she envisaged ‘*he might leave me instead*’. These actors and social sites are both families, the communities of Kathmandu and her village where Maya’s trafficked identity is known.

Trafficked women’s tactics to resist *samajik bahiskar* by hiding their identity/ies are not limited to marriage. Just under half (thirteen) of the women told me their tactics rebuilding lives were by working in various places including NGOs, private houses as domestic labourers and setting up their own small businesses, all of which helped them to hide their trafficked identity. For example, Maili was working as a domestic labourer, which was apparently negotiated by the NGO which supported her on her return:

‘The sister whom I am working for, she doesn’t know much about me. She knows only that I returned from Bombay where I was in an organization and I was transferred over here from there. But yes, I often feel, what would happen if they knew my past and what kind of response they are going to do on me, how they would treat me etc. Until now they are treating me as a very close person like their relative, like a family member. They may not see me like this again, if things are disclosed’. (Maili, 25)

Maili’s mother died when she was six months old. Her father remarried a local woman to look after his two young daughters, including Maili, and the household. Maili left home when she was ten years old. According to Maili, her leaving home was a consequence of her complex relationship with her stepmother, who opposed Maili’s desire to attend school. Maili also told me during the interview that her leaving home to seek her livelihood was known to her father, and although he tried to bring her back home, before he could do that a man from Maili’s neighbourhood lured her and sold her in Bombay into prostitution.

Maili left the trafficking setting by jumping from a window, along with two other women working in the same brothel, and went to the local police in Bombay. The police subsequently took them to a Missionary charity, who supported Maili. While she was with the charity, Maili converted to Christianity. The organisation supported Maili’s desire to return to Nepal by transferring her to the Nava Jyoti Centre in

Kathmandu. After receiving awareness training on trafficking there, Maili was offered a job in Shakti Samuha which she declined. She told me during the interview her main reason for refusing the job offered by Shakti Samuha was a fear embedded within her of being identified as a trafficked woman by her friends, relatives and family members. Maili's fear of being associated with Shakti Samuha relates to the point made by Goffman's (1963) point on stigma with association; as Sushila remembered, '*when you say Shakti Samuha then people immediately think that this is a group or mass of trafficked women, an organisation of prostitutes*'. During the interview, Maili told me that her trafficked identity might get disclosed to her family, friends and the wider society. Her desire to maintain confidentiality about her trafficked identity left her to continue work as a domestic labourer in a private house. During the interview, she sounded appreciative of the role of Shakti Samuha in supporting trafficked women who were experiencing *samajik bahiskar*, however her fear of visiting the organisation and associating with it was significant. She had then started working as a domestic worker for a family friend of a staff member of the Nava Jyoti Centre in Kathmandu.

Maili's account also relates to the point made by Scheper-Hughes (2002: 472-73), where she observed a certain 'selfishness' in the Brazilian poor men and women that pits individuals against each other and that rewards those who take advantage of the weaker. Although Maili's declining a job offered by Shakti Samuha is not necessarily related to being weaker or stronger, according to her and a number of other women interviewed, staying alive in the society trafficked women return to and the nature of *samajik bahiskar* they experience, demands a certain level of, to use Scheper-Hughes's term 'selfishness', that brings individual trafficked woman to take advantage of the specific context in which they lived and the key social institutions they encountered. For Maili, working with a family known to the organisation supporting her, who were close to her religious belief and who offered a secure place to hide her trafficked identity to tackle *samajik bahiskar*, were the reasons to choose domestic labour rather than working as an NGO staff in Shakti Samuha.

At the time she was interviewed, neither Maili's current employer nor her family and villagers were aware of her trafficked identity. Moreover, with the help of the Nava Jyoti Centre, Maili renegotiated a space for herself as a 'daughter' with her family

and subsequently she was invited by her parents to family ceremonies. Maili told me during the interview that she was often asked by her father for the reasons for not being in touch for several years. She told him that she had been working in Kathmandu as a domestic labourer for several years and had no time to visit him. Maili's ways of tackling *samajik bahiskar* interacted positively with her current situation. Although Maili visited her family occasionally, she was fearful of being identified both as trafficked and as a person adopting Christianity and was reluctant to attend religious and cultural ceremonies in the family.

In addition to working in a private house like Maili, some women were also able to find various ways of using opportunities to work away from home as a tactic. These women were able not only to hide their identity but also build social relationships and generate support from their given circumstances. For example, two of the women were able to set up their own business to help their livelihood, tackle *samajik bahiskar* and rebuild social relationships by hiding their trafficked identity. Sapana provides an illustrative example:

'My landlady does not know I'm a trafficked returnee. When I was paying my rent once she asked me where I come from and my family things, what I'm doing, home etc, but I just replied to her that I'm from the south and running my beauty parlour and then she never asked again. She cares for me; sometime checks my wellbeing, asks how I'm doing. But sometimes I feel strange when my women customers start asking these questions. I don't really know how long I can hide myself'. (Sapana, 20)

Sapana's description of herself as an '*outsider within*', in Chapter five, encouraged her to build her social relationship with her landlady, from whom she received care and support. I noted in Chapter five Sapana's anxiety about her beauty parlour which was in debt; however the social relationships she had been able to build helped her not only to tackle *samajik bahiskar*, but also to explore options to recover her debt to some extent. She told me during the interview that she had a plan to either expand her beauty parlour or explore a job with other established businesses. Sapana was optimistic that her efforts might help her to enter into a wider area of the labour market and transform her identity from a trafficked woman to a beautician. However,

like Maya and Maili, the fear of being identified by her landlady and customers often interacted negatively with her future plans. This was reflected in her account when she said, *'I don't really know how long I can hide myself'*. This reflection appeared more clearly to Anu when she finished her job away from home:

'I did not want to go to the village but I had no job in Kathmandu and GMSP gave me a job. I knew the chairperson and she knows my problem of samajik bahiskar, I'm proud of working with GMSP and helping other women so that they do not face problems like mine. Only a few people know in GMSP that I'm trafficked. My husband does not know that. Maybe I would talk to him some time later, I don't know what he would say. He only knows that I'm working for an NGO'. (Anu, 26)

Anu was able to escape trafficking by jumping from a train while it was stopped in a station close to Bombay. She was then helped by Nepalese migrant workers, who took Anu to a charity which supports rescued trafficked women and children. Her father was informed, who then took her back to Nepal. Anu described how returning home was initially less stigmatising than was the experience of other trafficked women interviewed in this study because her father accompanied her. In addition to this, Anu's father, in his position as an official of the Nepal government was able to mobilise the support of his co-workers, including the police force and Anu's trafficker was prosecuted. However, her encounters with villagers, relatives, school authorities and friends appeared to be no less intimidating than that of the other women interviewed. She could not return to her school due to *samajik bahiskar*, and sheltered at a NGO's safe house in Kathmandu for a few months before she began her skills training, which helped her to get a job to sustain her life temporarily in Kathmandu. After the skills training, Anu gradually established herself as a migrant labourer in the city and started contributing to her family economy. Although Anu's financial contribution was appreciated by her family and relatives, her return home had not been facilitated by this financial contribution at the time of the interview.

Anu's, Maili's and Sapana's accounts relate to a study by SAHARA and JIT (2004), which suggested that most trafficked women received skills training with NGOs in Kathmandu, for example candle making and handicrafts. The study aimed to

examine the effectiveness of skills training and the capacity building programmes of those NGOs rehabilitating trafficked returned women in Nepal, whose identity/ies were not known to wider society. The study further suggested that trafficked women visited their families in festivals with some money, telling them that they were working in Kathmandu, whilst keeping hidden their trafficked identity/ies. Although analysis of the women's accounts in my study suggests that trafficked women were able to hide their trafficked identity and rebuild their lives by working either as domestic labourers or as NGO staff, only a few of the women were able to send money to their family. Trafficked women in this study suggested that this was due to women's trafficked identity being known to wider society and, subsequently, the enforcement of *samajik bahiskar* on them that limited their chances in the local labour market.

Unlike the other women, Anu was able to work in various organisations for several years in Kathmandu before she was recruited by GMSP. She had worked for a project doing road maintenance and then moved to a pharmaceuticals company in Kathmandu. Her account suggests that she was able to hide her trafficked identity within these organisations. Anu also revealed that she was forced by her mother to marry. Anu's marriage was arranged in such a way by her parents that her past was not disclosed to her husband's family. She was married to a man in Kathmandu who was unaware of Anu's trafficked identity and the *samajik bahiskar* she was experiencing in the village. According to Anu, her husband and his family members only knew that she was working with a NGO. However, at the time the interview was conducted, she was being advised by her husband to leave the job and take care of his household. In this context, although she was not sure how long she would continue her current job with GMSP, she was able rebuild her life by working and marrying away from her own village and, at the time of interview, preparing herself for a traditional role as a 'home maker'.

Strategy: Significance of Shakti Samuha

In this section, my analysis focuses on understanding the strategies trafficked women applied to resist *samajik bahiskar*. In doing so, I situate the accounts of trafficked women by exploring the significance of Shakti Samuha, as first and only

organisation formed and led by trafficked returnees in Nepal and majority of the women interviewed were associated with, in negotiating with the power of various actors and social sites and institutions, as I noted earlier, which construct, define and enforce various labels and forms of *samajik bahiskar* on the women's return to Nepalese society.

Most of the women frequently recounted their resentment towards Nepalese NGOs in general, and the NGOs' role in supporting them in particular. Their resentments were based primarily around the role of NGOs in forcing trafficked women to take blood tests, and making their trafficked identity/ies known to the media, government authorities and their families. From the analysis, it appeared that NGOs also contributed to the construction and enforcement of various forms of *samajik bahiskar*. The women's resentment of NGOs in general was also expressed in the view that the majority of Nepalese NGOs do not necessarily recognise the problem of *samajik bahiskar* as the key to limiting women's lives on returning home and in accessing services from the government authorities. Trafficked women's accounts included in this study suggest that there were only a few NGOs who they felt understood the problems and needs that are created by their experiences of *samajik bahiskar*. As I noted earlier in this chapter, despite the situations they encountered, the women had a strong belief in their right to be alive. I asked them what had been the most important source of help to them in staying alive? Typical responses were:

'Shakti Samuha !! Because in the village I was hated by all. Villagers couldn't understand my pains and my situations. I was so frustrated. But since I joined Shakti Samuha, friends here have been encouraging me to be independent and strong. Now I visit my villages, villagers do not look me down, friends started talking to me'. (Nani, 22)

'It is Shakti Samuha who inspired me to stay alive, do something to help women like me. I have got a voice from Shakti Samuha, feeling like I'm not the only person facing samajik bahiskar, I'm one of many and we can fight collectively. I feel good working here and have made many friends who are also trafficked returnees. Also I received training as an electrician through Shakti Samuha'. (Rachana, 22)

Eleven of the trafficked women interviewed in this study were founding members of Shakti Samuha. This included Usha and Sushila who returned to Nepal, along with others, through a rescue measure conducted by the government of India in 1996. Rachana and Nani joined the organisation more recently. As Usha recounted below, their families were not aware of their return and the Nepal government refused to help them. They were taken to shelters from the airport by the NGOs working on trafficking prevention and offered counselling and other skills training by them.

During the interviews, several of the women also revealed that living in NGO shelters provided an opportunity for the women to share their past memories and discuss their future plans. The women said that they took that opportunity to discuss among themselves the possibility of having their own union. Their illustrative comments in Chapter four suggested that social exclusion and the denial of access to social services, from both NGOs and government institutions, encouraged Usha, Sushila and other women among the eleven founding members of Shakti Samuha to unionise and formulate a strategy to tackle *samajik bahiskar* and any subsequent exclusion from government institutions. This was evidenced by these typical quotes:

'Once we were brought back, no one was there from our family and government to receive us. NGOs gave us shelter and food and some skills trainings etc but we hardly understood our problems of samajik bahiskar. We were hated so much from all people, even the government, since we arrived in the airport and we did not know why we were hated. And then what to do? So some of us started organising ourselves, that is what Shakti Samuha is today. At least we have got our own organisation to fight for our rights; we are not alone now, we are in a big group, no one can dominate us. See now the government has started inviting us for meetings. Still, they looked at us differently but not like before. Our collective fight is to resist samajik bahiskar so that we can explore many options like job, trainings, government services etc to support our lives'. (Usha, 25)

'I'm a founding member of Shakti Samuha. After having some counselling training from the NGOs on arrival from India in 1996, it became clear that how we were trapped and sold and who was responsible for that. It

was not we trafficked women who were responsible and we should not blame ourselves the way society blames us. It was not our fault to be trafficked. So we decided to form an organisation that helps us to fight for our rights collectively and reduce samajik bahiskar'.
(Sushila, 23)

These and other women's accounts in various chapters in this thesis suggest that the media and airport authorities labelled them as prostitutes and accused them of bringing HIV/AIDS to Nepal. All eleven founding members of Shakti Samuha, including Usha and Sushila, said that the key question that emerged during the regular discussions among themselves while in NGO shelters was why the government officials on their arrival at the airport, and afterward their own families and communities, responded negatively to their desire to return to Nepal, which led them to unionise and form Shakti Samuha.

According to all of the women involved in forming Shakti Samuha, initially it was very difficult to form an organisation partly due to their lack of awareness of NGOs' policies and *samajik bahiskar* attached to their identity/ies. However, the support offered by WOREC, AATWIN and Oxfam enabled the women to register Shakti Samuha as an NGO four years after first forming the group.

Sushila's phrase that we '*fight for our rights collectively*', and Usha's words '*our collective fight to overcome samajik bahiskar*', illustrate the aim of some trafficked women to access services and claim their citizenship by negotiating with the government that constructed, defined and enforced *samajik bahiskar* and subsequently excluded trafficked women from legal, political and economic processes.

Feminists supporting/researching trafficked women on their return have documented a few examples of the effectiveness elsewhere in Asia of forming organisations to create livelihood opportunities and resist the 'whore' stigma and gain social status. For example, Boontinand (2005) in her study in the Mekong region of Cambodia and Thailand, which stemmed from the growing concerns over the situation of Thai women who had been trafficked to Japan and Cambodian women trafficked to Vietnam, found that women returning to their countries of origin resisted processes

of stigmatisation and police violence by forming their own organisations. According to Boontinand, by forming the Cambodian Prostitutes Union (CPU)⁷² to resist social stigma attached to their work and the violence perpetuated by the authorities of government institutions, mainly the police, Cambodian women working in prostitution were more able to raise their problems with the government. A further example is provided by Kempadoo (2005b), who reiterated the importance of women affected by trafficking, migration and prostitution forming their own organisations, by highlighting the work of Indian and Nepalese women working in prostitution in Kolkotta and migrant women from mainland China working in prostitution in Hong Kong. Kempadoo described the women working in prostitution in Kolkotta who formed Durbar Mahila Samanwaya Committee (DMSC)⁷³, and migrant women from mainland China working in Hong Kong formed Zi Teng⁷⁴, to resist violence and to explore alternative means of livelihood. I use these examples as there has not been

⁷² The Cambodia Prostitutes Union (CPU) was borne out of an HIV prevention project implemented by the Cambodian Women's Development Agency, a local NGO. In 1998, 14 peer educators created the CPU whose work focuses on the empowerment of women working in the sex industry; reducing violence through research, collective action and advocacy; and improving women's health, particularly in regard to HIV/AIDS infection. CPU implements three main programmes: (1) education (health, law, women's rights, training for peer educators, life skills training, literacy classes for children) and services (counselling, HIV testing and treatment, HIV support group library) to women working in the sex industry, brothel owners and the police; (2) research, documentation and public awareness materials (videos, T-shirts, photos); and (3) advocacy on women's right to health and right to work (through public forums, statements to the mayor and the government, campaigns, TV and radio talk shows, liaising with the Minister of Women's Affairs) (source: <http://www.gaatw.net/>, accessed Nov 2007)

⁷³ Durbar Mahila Samanwaya Committee (DMSC) is a forum of 65,000 women working in the sex sector based in West Bengal, India. The basic approach of Durbar's programme is based on the principle of "3 R's" - Respect, Reliance and Recognition: Respect towards sex workers, Reliance on the knowledge and wisdom of the community of sex workers and, Recognition of sex work as an occupation, for protecting their occupational and human rights. Durbar was created by sex workers involved in the STD/HIV Intervention Programme or the Sonagachi Project. In 1999, Durbar took over the management of the Sonagachi Project and currently runs STD/HIV intervention programmes in 49 sex work sites in West Bengal. Durbar provides testing, counselling and care for people with HIV/AIDS. DMSC's anti-trafficking work is done through Self-Regulatory Boards comprised of both sex workers and community supporters. Self-Regulatory Boards monitor brothels in cooperation with brothel owners in order to identify women and children who have been trafficked and to arrange for care. DMSC has also created a hostel for sex worker children, worked to decrease violence and abuse by law enforcement agencies, implemented an initiative to admit children in schools, organized loan programs, provided vocational training for the children of sex workers (as electricians and beauticians), created the Usha Multi-Purpose Cooperative Society (the largest cooperative society for sex workers in Asia), provided literacy training for adults, organized annual conferences for sex workers, established Komol Gandhar (sex workers performance troupe) and the Binodini Srameek Union or the Binodini Labour Union. (Source: www.durbar.org, accessed Nov 2007)

⁷⁴ Zi-Teng is a non-governmental organization formed by people of different working experiences. They are social workers, labour activists, researchers specializing in women's studies and church workers who care and are concerned about the interests and basic rights of women. Partners include women in China and Hong Kong who are sex workers. (source: <http://www.ziteng.org.hk/>, accessed March 2008)

any similar study in Nepal, and Shakti Samuha is the first and only organisation in Nepal formed by women stigmatised by their trafficked identity.

Arguably, Nepalese trafficked women's strategy to tackle *samajik bahiskar* by forming Shakti Samuha, as Perez (2004) terms earlier in this chapter, 'forming a ring around the women', has much in common with the resistance strategy applied by trafficked returnee women in Thailand, women working in prostitution in Cambodia and India, and migrant women working in Hong Kong. In addition to resisting stigma attached to their work, according to Kempadoo (2005b), organisations formed by Nepalese and Indian women in Kolkotta and Chinese mainland women in Hong Kong have also been working for their labour rights, which, in the context of Nepalese trafficked women interviewed in this research, relates to Usha's comments to '*explore many options like a job*'. Usha remarked that Shakti Samuha has gradually been recognised by the government, NGOs and donor institutions and is receiving invitations to attend programmes and contribute to policy making, for example the formulation of National Plan of Action of the government (MWCSW 2001).

Analysing in this section the accounts of the eleven women included in this study who were founding members of Shakti Samuha, within the concept of strategy as identified by Perez (2004), suggests that some trafficked women are able to fracture certain power relations and manipulate the rules and norms of the social institutions in ways that worked for them. Analysing Usha, Sushila and other trafficked women's accounts and making a connection between their resistance strategy with the strategies of women in India and the Mekong region suggests that power is not monolithic (Haynes and Prakash 1999). I asked the women in this study how they felt having Shakti Samuha tackling *samajik bahiskar* collectively? Some of the typical reactions of both founding members and the women who had joined Shakti Samuha more recently were:

'It's like dream, I cannot believe, but it happened, it is reality. I'm so happy and proud of being able to do this'. (Sharmila, 24)

'I have got my home, Shakti Samuha is my home, our power, our world and everything, friends are my family members. I'm proud of being part of this big family'. (Tara, 27)

'It is so important for a girl like me to understand what trafficking is, and why people treat us differently than others, why we are so hated by our own villagers. Why others are not hated, just us. I joined Shakti Samuha as staff two years ago and the organisation helped me to understand my rights and fight for that. I get more support from Shakti's friends than my own family members'. (Rupa, 21)

Conclusion

Various tactics and strategies to rebuild their lives by tackling *samajik bahiskar* were employed by the trafficked women interviewed, which suggests that they were, to some extent, able to negotiate their space and identity/ies, by engaging with their own families and communities as well as the NGOs and the government authorities that the women encountered on their return.

Analysis of their accounts also suggested that by applying the various tactics and strategies discussed in this chapter, many women were able to make a transition from being seen prostitutes, 'bad women' and 'shame makers', to wives, members of Shakti Samuha, trainees of various charities, beauticians and staff of NGOs. However, such a transition does not mean that the women were able to shake the foundation of the processes that facilitated the socio-cultural and political construction of *samajik bahiskar* and helped define its meaning. As a consequence, all of the women interviewed continued to experience some degree of *samajik bahiskar* from the families, communities and the government (and various departments) with whom they had been negotiating their space, identity/ies and rights to access services. This was reflected in all the women's accounts so, although they were much more confident to approach key social institutions by representing Shakti Samuha, the majority of the women relied on this organisation and were reluctant to return to their original families.

Some of the women also spoke about how, on their return, socio-cultural rules and norms about sexuality, as discussed in Chapter four and five, tended to encircle the cultural construction of their sexuality, identity/ies and limit their prospects for social mobility. This situation often limited their capacity to counter power within key social institutions and social sites within which *samajik bahiskar* was constructed in various forms and enforced. However their accounts of their tactics and strategies to tackle *samajik bahiskar* also illustrated, as Haynes and Prakash (1991) assert, that power can be ‘fractured’ by the struggles of the subordinated. In other words, as a tactic, many of those trafficked women interviewed recounted that they adhered to certain gender roles and identity/ies, as a way to transform their trafficked identity/ies, mainly through the sexual/social roles of a being a good wife and mother. This suggests that sexuality holds conflicting meanings for trafficked women on their return.

Analysis of the women’s accounts in this study suggests that trafficked women’s experiences of stigmatisation, *samajik bahiskar* and its consequences not only excluded trafficked women from social institutions, social sites and practices as mentioned in this study, their experiences also contributed to shape their struggle to (re)claim their space, rights and role within those social institutions, social sites and practices. I will summarise the findings of this study in the next chapter.

Chapter Seven

Conclusion: Looking forward

Introduction

This chapter brings the various strands of this study together. These strands are methodological significance, theoretical considerations and the conclusions from the analysis of the lived experiences of twenty eight trafficked women I interviewed. The chapter concludes with some reflections on the limitations of the study and discussion of the areas that emerged for future consideration.

The aim of this study was to explore the context in which *samajik bahiskar* is constructed and enforced, and to explore how such context interacts with the lives of women when they return from trafficking settings. Through the analysis I have attempted to show how the socio-cultural, economic and political processes of contemporary Nepalese society interact with the women's experiences of trafficking and their subsequent needs and rights on their return from trafficking.

samajik bahiskar is constructed, and meanings are attributed, that create a context whereby women are labelled as 'prostitutes' and 'bad' therefore bringing shame to their families and kin. These stigmatisation and social labelling processes, as I have described in this thesis, are connected with socio-cultural constructions of womanhood, political interpretation of their agency and economic significance of their labour, and indeed are informed by the link between perceived sexuality, sin and morality. I found that these processes are expressed in various ways in the forms of negative attributes. Moreover, these negative attributes towards trafficked women framed the women's relationship with their families, communities and the other institutions they encountered on their return to Nepal, including their access to services from NGOs and government (and various departments) and the granting or denying of citizenship. I have argued that Hindu religious beliefs, which frame the cultural construction of womanhood in Nepal, and women's relationships with their families and with the wider society, are an important factor and provide the framework for the social rules to regulate female sexuality. Although some studies

(for example, Campbell 2000) suggest that these rules on sexuality may vary between different cultural contexts and caste/ethnicities, in this study it appeared that these rules were often manifested in a similar way in the lives of the women when they return from trafficking. Analysis of the women's experiences in this study, who had come from both Indo-Aryan and Tibeto-Burman social groups who lived in mountains, hills and terai (see Appendix 9) and who held different religious beliefs, demonstrates that cultural practices in regards to sexual purity, in the context of trafficking, are viewed similarly across these social groups. Furthermore, the women also spoke about the role of certain cultural practices informing the construction of *samajik bahiskar* that they had experienced. In this context I would argue that perception on female sexuality have not only perpetuated *samajik bahiskar*, but also conceptualised women as complex and problematic.

The *samajik bahiskar* the women experienced, as a consequence of their individual wish, socio-economic obligation and cultural subjugation to support their families in various circumstances, I have found from my analysis to be maintained by the power structures of the women's own families, neighbourhoods, social sites, wider communities and government (and various departments) they belong to which are controlled by men. Here I am not arguing that all families and male members of the families are enforcing *samajik bahiskar* on the same scale and in similar forms. Indeed some families and members of the families, at times, not only welcomed the women home and visited them in their new families, but also helped them to escape trafficking. However, the wider society frequently excluded these families and family members who supported women to return and after their return. Such processes of construction of stigma by association (Goffman 1963) based on the social organisation of a trafficked women's individual identity, through being labelled as a prostitute, a bad woman, and indeed their legal denial of their of agency appears to be playing a role in encouraging families (or a family member) to exclude trafficked women not only from cultural ceremonies at home, but also to distance them from other female members of their families.

The issue of power was evidenced in the analysis in different ways based on women's position within their families before they were trafficked, and at various levels of the social sites and professionals the women approached on their return.

The women occupied a difficult position in Nepalese society after they returned to Nepal. For instance, they found themselves being excluded from cultural ceremonies, social interactions, economic activities and political processes and were seen as ‘outsiders’ (Becker 1963) due to their stigmatised (attributed) identity. Such a difficult position held by trafficked women was also manifested when women’s desire to get formal citizenship was refused by their families generally and by male members of the family in particular. At the political level, analysing the policies of Nepal relating to citizenship, it was the case that legally, women’s agency was bound with men. As a consequence, women required the recommendation of a male member of their family (father, husband or brother and even a son) to apply for citizenship. Throughout this thesis I have illustrated how, although women were trafficked into different places for various purposes, these difficulties arose out of the assumption that for all women’s destinations of trafficking the reason was to be forced to serve customers sexually.

In the analysis, women’s experiences in seeking services from various departments of the government and NGOs were also found to be complex. This complexity, I argue, has a connection between the exclusionary practices of NGOs and the policies and practices of government, and the perceived sexuality of trafficked women. This complex relationship I found manifested in the responses of these institutions to the needs of trafficked women on their return. As a consequence, many women were denied services available in the government and women found difficulties in seeking NGOs services, even if they were not denied them. In this context, it appears that women’s substantive citizenship was undermined by the government institutions and NGOs that women approached for help. I analysed women’s situations in Chapter six, and here I argued that the circumstances women encountered on their return from trafficking severely limited women’s mobility and social interactions, narrowed their choice of economic activities to sustain their livelihood, restricted cultural engagement and undermined their agency.

In analysing the social context in which such complex experiences of *samajik bahiskar* are constructed, I have drawn certain parallels with similar situations documented by feminist researchers where representations of sexuality, prostitution and violence within social structures lead to women’s agency being undermined

(Kapadia 1995; Bhasin and Menon 1996; Wijers and Lap-Chew 1999; Das 2000; Bennett 2002; Lister 2003; Cameron 2005). In this context, I have also attempted to show how notions of citizenship operating within the legal framework in Nepal that contributes maintaining women's subordination to men, and their relationship to trafficking frequently led to the construction of women as non-citizens when they return from trafficking. Furthermore, by focusing specifically on the intersections between women's gender, sexuality and their experiences of *samajik bahiskar*, I have explored the effect of 'several identities' experienced by women on their return, where they are frequently perceived as 'bad women', prostitutes, 'shame makers' not only by their families and communities, but also criminalized as 'HIV/AIDS carriers' by the government authorities of Nepal. These various processes constructing *samajik bahiskar* and their subsequent consequences I found to be in some cases supported by various local leaders (for examples priests and teachers, among others) and importantly by the politicians of women's own constituencies and districts.

Situating the research

Throughout this study I have observed that there has been limited academic research carried out on trafficking in Nepal (Hennink and Simkhada 2004), however the focus has been less on the *samajik bahiskar* women encounter on their return than on understanding the general situation of returnee trafficked women in Nepal (Richardson, Poudel and Laurie 2009). A few researchers such as, for example, Brown (2000) and Shivadas (2003), identified stigma as a key problem women encountered on their return home, however the specific issue of *samajik bahiskar* is relatively unexplored.

Exploring the processes and context of *samajik bahiskar* from the perspective of trafficked women themselves, my research is both timely and original and will fill a gap in knowledge regarding the situation of trafficking in women in Nepal in general, and the lives of women when they return from trafficking in particular, in specific areas as highlighted below

Theoretical underpinning

This research is situated within larger debates in social theory over stigma (Goffman 1963), gender, sexuality and violence (Patemen 1988; Das 1990; Kapadia 1995; Rubin 2006), and citizenship (Walby 1997; Lister 2003), and also neo-liberal policies and ethnicity exploring how structural power interacts with the agency of returnee trafficked women within these debates. I have approached this study through a social constructionist approach to examine my research question on how *samajik bahiskar* is constructed, labelling occurs, women are blamed for shaming their families and forms of *samajik bahiskar* are enforced through the social processes of Nepalese society and the cultural context women lived in before trafficking and on their return. By drawing from various theorists, I demonstrated that this construction is based on a construction of womanhood within which gendered roles and cultural obligations are defined, human agency is constituted, sexualities of men and women are understood, and trafficked women's sexuality is perceived. I also found that these social and cultural constructions appeared to be overarched by patriarchy and interact with the agency of women. While analysing these interactions situated within the lived experiences of the trafficked women I interviewed, I found that power, pride and nationalism are linked with men whereas victimhood, shame, sorrow and sexual violence are attached to women. This interconnection I found eventually brings negative consequences in the form of *samajik bahiskar* in the lives of women on their return to Nepal from trafficking. Social, cultural, economic and political exclusion from key social institutions and social sites, and their practices, that women belonged to before they were trafficked and approached on their return, were found to be the key consequences of *samajik bahiskar* women had experienced on their return. I believe this approach will contribute theoretically to generate interest among Nepalese social researchers to explore the situations of trafficked returned women further.

Methodological significance

Methodologically, by analysing the transcripts generated through in-depth interviewing which provided data on the experiences of stigmatisation, anger and ways of tackling, I have heard from the women in this study in a holistic way (Mason 2002) and drawn on feminist research methodologies (such as Harding 1987; Stanley 1990; Reinharz 1992; Oakley 2000) that encourage the development of knowledge

based on lived experiences. Given the influence of US policy and approaches to respond to trafficking, it could be argued that the women interviewed were part of the wider NGO communities in Nepal and their work, and livelihood, was financed by their donors, and thus, their views might have been shaped accordingly. The women's experiences analysed in this study are accumulations of knowledge situated within specific context of their interactions with the institutions they have encountered after leaving trafficking settings. This approach, within the context of listening to the women and not *giving* them voices, however was to encourage them to speak out about their economic vulnerabilities, various forms of gender based violence, social exclusion, cultural marginality and political denial and, as a result, to claim their agency. By emphasizing trafficked women's voices, I do not mean to contrast with NGOs and feminists who have been campaigning for the rights of trafficked women for several years. However, as Spivak (1988) asserts, in my interviews trafficked women began to speak for themselves, for example:

'I think we need moral support, solidarity from friends and supporters who understand us. We all know that we need funding to sustain our programmes, but moral support, solidarity, understanding are equally or more important than the funding to change social perceptions of us and I look forward to when understanding exists among groups working against trafficking and we change our situations, we will be able to do raise our voices and concerns but we need opportunity, solidarity and space'. (Nita, 28)

'We in Shakti Samuha know what to speak and demand, but the problem is where and whom to speak and demand. The government and NGOs, also donors, hardly listen to us'. (Usha, 25)

This study also considered the methodological implications of the difficulties of interviewing sexually traumatised, trafficked women, analysing the complex experiences of stigmatisation and *samajik bahiskar*, and the anger and ways of tackling this that were expressed in different languages and dialects during the conflict situation in Nepal. I believe this study will contribute to ongoing NGO and feminist debates, both theoretically and methodologically, and generate academic interest, in particular social research, on trafficking and *samajik bahiskar* in Nepal.

Policy considerations

As I examined in Chapters one and four the political and socio-economic context of Nepal has been changing rapidly in recent years. At the outset of this study, Nepal was still a Hindu Kingdom which was transformed into a secular state whilst I was conducting the fieldwork in the spring and summer of 2006, through parliamentary proclamation and an interim constitution. Whilst I was starting to write up in the winter of 2007, following the Comprehensive Peace Accord signed between Maoists rebels and the coalition government, Nepal constitutionally declared itself to be a secular, federal democratic republic; that is now in the process of institutionalisation through the election of a constituents' assembly that was held in April 2008. These processes are significant in opening a number of opportunities to inform policies related to citizenship, labour migration, education, gender based violence and human trafficking. In my analysis, I have observed that the lack of women in the policy decision making processes could be one of the factors that framed government responses negatively towards trafficked women. Although I acknowledge that women in many instances, for example female NGOs workers, mother and school friends, were found to be sharing ideas, beliefs and values that often lead to the *samajik bahiskar*, this is, I believe a structural problem informing responses from individuals. I argue this structural problem needs to be challenged both politically and socially. In the context of the current political process in Nepal, I believe this is an opportunity to have more women involved in the policy process to create awareness among women themselves and to contribute in the policy decision making process. This I believe would bring positive impacts on women in the long run. This research has taken place within a fast changing political and policy context in Nepal, and which I believe will contribute to inform the new policy context within the current constitutional process.

Summary

In this thesis I have analysed the relationship between trafficked women's caste/ethnicity and socio-cultural exclusion as a consequence of *samajik bahiskar*. As described in this thesis, and in line with the few studies of trafficked women sheltered in NGOs' houses in Nepal (Marcovici and Chen 2003; Hennink and Simkhada 2004; SAHARA and JIT. 2004), and rehabilitated trafficked children

elsewhere in Asia (Derks 1998), I have observed that trafficking is more common in certain ethnic groups than others, for example, women from Tamang, dalits in Nepal, although this was small sample. Therefore it was possible that ethnicity might have informed the perception and stigma attached to trafficked women. However I have found that my study does not necessarily share similar findings with these other studies. Women's position in their families, ethnicity and other socio-economic factors before they were trafficked did not appear to count in the same way after women experienced trafficking. Thus, the processes of stigmatisation and social labelling of women with negative attributes and the construction of shame attached to trafficked women that existed in the socio-cultural context this study was conducted seemed to be monolithic.

In addition, some of these studies, for example Hennink and Simkhada (2004) suggest that setting up their own small businesses, assisted by NGOs, has been one of the key activities among Nepalese trafficked women to support their livelihoods and reunite them with their families. Although material support was found to be a factor in (re)building women's relationship with their families, for example Beena and Namuna's accounts of bringing some 'gold' and 'money' and for a few other women wages from NGOs had helped women to (re)build their relationship with their families, however from their accounts it was also evident that (re)building relationships based on material support did not necessarily equate with their inclusion in their families and gaining citizenship of their society at large. In such contexts this study found that material assistance from NGOs' training or elsewhere, were neither reducing *samajik bahiskar*, nor contributing much to women's own livelihoods.

As I situated my theoretical interest in Chapter two and argued in Chapter four, that the sexual moral codes are created based on religious belief and enforced on women, codified and practiced through legal mechanism that are framed under the institutions such as the state and interpreted by their departments and associates such as schools, hospitals, temples, immigration offices, police, media and NGOs when women approach them for a help. I also argued that such codification in the local law, in relation to trafficking, was informed by global policy framework, specifically TVPA

2000 of the United States, and enforced along with grant assistance to government and NGOs of Nepal. I have demonstrated across the thesis that these socio-cultural and political contexts interact with religious beliefs in ways in which womanhood was constructed, gendered roles and obligations were defined, shame and *izzat* were conceptualised, social labelling were articulated, stigmatisation occurred and various forms of *samajik bahiskar* were constructed and enforced upon trafficked women when they returned to Nepal.

As a part of this, I examined the way women's sexuality was constructed in ways which lead to women's identities becoming transformed from traditional roles of daughter, wife and mother, to those of stigmatised 'prostitute', 'whore', shame maker and HIV/AIDS carrier, among others. In this sense, the notion of 'trafficked women' not only brings the shame to the nation but also shame to men's masculinity and shame to his family, and trafficked women's perceived sexuality is altered being 'pollution' to being 'impure' to preserve *izzat* and the generation of patrilineage. Such common denominator exists, despite their being categorised as Hindu, Buddhist, Muslim and Christian and 'upper' or 'lower' caste, across the social groups women included in this study. By doing this, I have established that the experiences of trafficking regardless of purpose and places becomes a metaphor for the violation of Hindu norms because trafficking, as a phenomena, polluted women and subsequently polluted women polluted their *izzat* of the institutions of families and kin by shaming them. Analysing the women's complex and traumatised experiences, I have documented across the thesis that the trafficking of women is linked with migration, gender, poverty, work, sex, money, power and violence, where legal and social labelling of women affects all aspects of their lives. As a consequence, as I argued in Chapter five, trafficked women have no 'space' in society.

In my analysis, the policy context of trafficking in Nepal appeared to be complex. Although I found support services from the government were not explicitly outlined in policies and plans (MWCSW 2001) to address the needs of women associated with *samajik bahiskar*, for example housing, citizenship and legal support, NGOs, however, are encouraged to implement broad government policies to offer these services to women on their return.

I mentioned in Chapter one, that NGOs and feminist groups supporting trafficked women are divided across two main positions that influence the policies of government institutions and NGOs' approaches. I also analysed that since formulation and enforcement of TVPA 2000 has not only contributed to the deepening feminist debates, but also informed the approaches of NGOs, which I found aligned to the US policy framework and CATW. Throughout this study, I have observed that such a division that frequently takes trafficked women as victims or slaves by one and migrants by others, affected trafficked women's access to the services of NGOs, their claim to their citizenship and on their family resources when they return. All of the women included in this study were neither slaves/victims nor migrants however they were trafficked through various processes, into different places in Nepal and India, for various purposes, including being forced into what has traditionally been called 'prostitution'. I have argued in this study that there is no mystery that many women aim to leave home to explore opportunities and increase life chances within this globalised world. Coming from same socio-cultural and political contexts this study was conducted, working away from home and having, personally, been privileged materially, and supporting emerging middle ground of feminist position on trafficking debates, I have no reason to endorse prevailing socio-cultural practices and policies that construct and enforce *samajik bahiskar* attached to identity of women who were forced to work in various sectors including into prostitution to respond their specific circumstances.

I have also observed that although NGOs affiliated with both feminists positions seemed to be recognising the need to address *samajik bahiskar*, however, as this study goes on to suggest, women supported by NGOs affiliated with AATWIN had similar experiences of *samajik bahiskar* to that of the women assisted by NNAGT, for example, by NGO staff refusing to take food prepared by trafficked women, restricting women's visits to their families, forcing women into blood testing for HIV, and making trafficked and HIV identities of women known to families and public via the media without the consent of the women themselves. Some women were not even given wages for their work in NGOs.

In my analysis I also found that the policy approach taken by the Nepalese government has largely been influenced by the approach legislated in TVPA 2000,

which is contributing to the stigmatising the women and encouraging *samajik bahiskar*. This study raises questions regarding the implementation of policies involving police and local authorities by forming Vigilance Committees at district level to implement the National Plan of Action 2001. Some of the women I have interviewed raised a concern about such Vigilance Committees which they think primarily stigmatised women who have been working as migrants' elsewhere in Nepal and abroad.

Analysing women's accounts of stigmatisation and *samajik bahiskar* in this thesis I have found a complex relationship between womanhood, gendered roles and obligations, violence, denial of their citizenship, and social, cultural and economic exclusion that can be summarised in the following five levels:

- a) in their childhood many of the women experienced discrimination based on their gender (for example early marriage, denial of education, among others), which led them to leave home;
- b) in the process of travelling and trafficking women were often given wrong information (lured for work or forced into marriage) by the pimps and traffickers;
- c) in the work place women were frequently beaten, forced to serve customers sexually, and were not paid by the buyers and customers;
- d) while leaving trafficking settings women experienced violence from agents of state institutions, for example rescuing officials (the police, immigration officials) and were labelled as prostitutes and denied services;
- e) on their return to their own country/home/village by the NGOs, media and wider society labelling them and the stigmatising processes that followed from their families and communities who enforced *samajik bahiskar* on women.

Looking forward: voices of hope

I would like to conclude my findings by highlighting trafficked women's courage to break their silences. In this thesis, I have shown how the accounts of trafficked women recounted in this study are not the accounts of those whose return to home/society has been greeted with joy and happiness, and who have been

welcomed. These accounts represent a complex and wounding experience. Although there was evidence in the accounts of trauma, humiliation and powerlessness, those were also accounts of both anguish and anger that denounced the discriminatory practices against women in general and trafficked women in particular, which perpetuated violence and the construction of *samajik bahiskar*. During the interviews, trafficked women's ways of denouncing was echoed in this way:

'I think we trafficked women must organise and work together to challenge discrimination and bring justice by solving our problems'. (Sharmila, 24)

Moreover, the accounts analysed in this thesis are also the accounts of hope to deconstruct *samajik bahiskar* by both negotiating and fracturing the power embedded within the key social institutions and social sites which women interacted with on their return. I have found that women applied various strategies to tackle *samajik bahiskar* and the consequences it posed to their daily lives. I have documented that many women were able to make a transition from being seen as prostitutes, 'bad women' and 'shame maker' to being seen as wives, members of Shakti Samuha, trainees of various charities, beauticians and staff of NGOs. Although such a transition may not mean that the women were able to shake the foundations of the power structure I mentioned earlier in this thesis, by which processes women are stigmatised and *samajik bahiskar* is constructed, the analysis evidenced that women were able to a certain degree to negotiate their space within the institution of family and their communities. However, this can be seen as an attempt (as a process) of trafficked women to make a transition from being seen/taken as 'victim' to having 'agency'.

Limitations of the research and questions to address

I mentioned earlier in Chapter one and elsewhere in this thesis that there has been limited academic research on understanding the situations of returnee trafficked women in Nepal, and that what there is has been conducted mainly by NGOs and UN agencies focusing on flows across borders and that it is dominated by concerns about labour migration and prostitution rather than what happens when women return. In

this context, as I argued earlier, this research is both timely and original and will fill an important gap in knowledge regarding the situation of trafficking in women in Nepal. However, I also identified that there are limitations. I summarise some of the limitations below:

- a) This study focused on the process and context in which *samajik bahiskar* is constructed, defined and enforced on women and concluded with some of the strategies women employed to tackle it. However, the study could not explore details on how these strategies might or might not be effective in the long term to change the power relationship between women, as individuals and collectively, and the key social institutions and sites women encounter and belong to.
- b) While the majority of the women included in this study were trafficked due to difficulties they faced in their childhood, largely in supporting their own livelihood and their families, some of the women were trafficked while escaping their experiences of gender based violence within the family and in marriage. On their return from trafficking, according to the women's accounts, *samajik bahiskar* was justified by their immediate families and relatives, particularly male members, who blamed the women on their return that they were unable to preserve *izzat* and brought shame instead. Despite my initial thoughts to interview men, as I mentioned in Chapter three, the research could not include the views of men or any other members of the families, and explore what they think of experiences of *samajik bahiskar* among their family members. Understanding views of male members of the families trafficked women represented on key concepts, for examples *izzat* and *samajik bahiskar*, relating to trafficking could be an area for the future research.
- c) One of the consequences of *samajik bahiskar* all of the women recounted was difficulty in sustaining their livelihood. Working with NGOs, doing daily wage labour, living in NGOs' shelters and entering into marriage were some of the options women had chosen, in addition to tackling *samajik bahiskar*, to support their livelihood. Although this study could not explore what other options, besides these, might have been available to women on their return, this could be an important area to explore in future work.

- d) It would also have been useful to extend the study to include these areas: to examine the trends of trafficking in recent years in Nepal, particularly growing cross border migration since the adoption of liberalised economic policies (Academy 1998; Acharya 2000; Adhikari 2006), in the emergence of a new political context after ending a decade long conflict through a peace accord; and the livelihood strategies in general that women applied on their return, for example migrants, and women who have experienced *samajik bahiskar* in particular. This is particularly important in the given political context in Nepal in which a new constitutional process has been initiated recently within which a new policy framework will be formulated. This is an important area to consider for future research.

Despite these limitations, this study hopes both to contribute to the literature and add to existing knowledge about the situations of women in Nepal after leaving trafficking settings. To conclude, as I have argued in this thesis, this study also sought to encourage trafficked women to speak out about their *samajik bahiskar*, social exclusion, the violence they have experienced, their economic vulnerabilities, cultural marginality and denial of citizenship rights. I will end with a quote that concludes this thesis in a positive way:

*'I think there is no option but to make our campaign stronger and continue to fight for our rights; I'm hopeful that one day we will get our rights claim, I'm really looking forward and this is just a beginning'.
(Usha, 25).*

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Appendix 1: Interview schedule

1. Childhood life

1. First, tell me about your life before you left home. How would you describe your life when you were a child?
 - Where did you live?
 - Did you live with your parents?
 - Did you have any brothers or sisters?
 - Did they live with you?
 - Did you have many relatives living near by?
 - Did you see them regularly?
 - Did you have many friends when you were young?
 - What job did your father (and mother?) have?
 - What sort of things did you do with your family? And your friends?
 - What was your school life like?
 - (depending on age at being trafficked) Had you left school? Did you have a job when you were young?
 - Would you say that you had a happy childhood?

2. Process of trafficking

1. Why did you leave your home/village?
2. When did you leave? How old were you?
3. Who decided you to leave home?
4. Did you go by yourself?
 - Who travelled along with you?
 - Where did you meet that person?
 - How long did you know each other?
 - Who advised you to go with that person?
5. What happened then when you left your home for...?
 - How did it happen?
6. Where did you go?
 - How long did it take to reach there?

- Where did you stay before you reached there?
- 7. How did you feel when you reached...?
- Would you like to share more about what happened then?
- 8. How long you were there?
- 9. How did you return home?
- When did you return?
- Who helped you?
- Would you like to talk more about this?

3. Life since returning to Nepal

Now I'd like to talk with you about your life since you returned to Nepal

1. Tell me about yourself since you returned to Nepal.
2. How do you describe yourself?
 - Do you think of yourself as a trafficked woman?
 - Do other people see you in this way?
 - Are there certain situations when people identify you as a trafficked woman then everyday life?
 - Would you mind sharing when that likely to happen?
 - Any specific places you would like to mention?
3. Do you think you have changed since you left home?
 - Would you mind sharing an example with me of what has changed?
 - Do you think you will change in future?
4. When you go to public places such as hospitals, schools, governments offices, temples, social gatherings do people think of you as a trafficked woman?

If they do think of you as a trafficked woman then -

 - What are these places?
 - Why might they identify you as a trafficked woman in ...?
5. How would you feel, when this happens?
6. What does it mean for you to be seen as a trafficked woman?
 - What are the consequences you might face after being seen as a trafficked woman?
 - Can you give me some examples?
7. Have you felt that people have treated you differently in any way since returning to Nepal?
 - Are these connected to being trafficked?
 - Can you give me some examples in what ways?

- Why do you think this happened?
- 8. Has this affected the sorts of things you do?
 - Can you give some examples?
- 9. Do you attend social functions in your villages?
 - What functions you have attended since you return Nepal?
 - Where was that function organised?
 - Who invited you to attend?
 - How did you know about that social function?
 - How do you feel when you attend the social functions?
 - What were the reactions to you attending that function by others in the village?

4. Support on return

1. What happened when you
 - a) Got back to Nepal?
 - b) Got back to your village?
 - Where did you go?
 - Why did you go there?
 - Who advised/invited you to go there?
2. Did you know about the support available for women in your situation in Nepal?
 - How did you know?
 - How did you get to know? (if she did know on her return)
3. What types of support are available?
 - Can you give me examples of some of the activities related to support that is available for women in your situation?
4. What do you think about support mechanisms available for trafficked women when they return?
 - Can you give me some examples?
 - How might they be improved?
5. Have you ever been in any agencies supporting women in your situation?
 - Where did you go?
 - When did you go there?
 - Why did you go there?
 - Did they help you?
 - Can you give me some examples of support they offer to you?

6. Are you aware about government plans to support women in your situations?
 - How did you know?
 - What do you think about these plans?
 - Do you think support-giving agencies understand the needs of women in your situation?
 - How might they be improved?
7. Who has been the most important source of help for women in your situation?
 - Why you think so?
8. How did you find out SS?
 - How long you know SS?
9. What is your relationship with SS?
 - How you become a of SS?
 - How do you feel working with SS/ being a member/volunteer/supporters/group member of it ?
 - How can it be improved to help women in similar circumstances?
10. What are the key challenges SS is facing now?
 - How have they emerged?
 - How would you tackle them?

5. About *samajik bahiskar*

1. How do most people think about trafficked women?
 - Did you find people happy to see you on your return?
 - How were your family friendly towards you?
 - And what about your friends?
 - Was there anyone who was particularly friendly towards you? Who were they?
 - Why do you mention these people?
 - Can you describe what happened when you first met them again?
 - And was anyone particularly unfriendly towards you?
 - And who were they?
 - Why do you mention these people?
 - Can you describe what happened when you first met them again?
2. When people know a trafficked woman - what they think about her?
 - Does that change the way people think about her?
 - In what ways?

3. How do people behave with trafficked women in Nepal?
 - Can you give me an example?
 - Why did this happen?
4. What does the term *samajik bahiskar* mean for you?
5. Are you able to go home?
 - What makes you easy to go home?
 - What makes it difficult for you to go home?
6. Do you think this is common experience for women in your situation?
 - Why do you think this is common for women in your situation?
7. What does home and family mean for you?
8. Do you feel you are out of your own family?
9. What does society mean for you?
 - Are you in touch with your friends in the village?
 - How was contact established?
 - When did they contact you?
 - How do they think about you?
 - Do you feel you are out of your society?
10. Where do you currently live?
 - How long have you been in this place?
 - Are you living alone?
 - How long will you be in this place?
 - Who is with you?
 - How long will you be together?
11. How you feel about your safety in the current place?
 - Do you feel threatened by the traffickers?
 - Do you feel threatened by the police?
 - How do you feel about local government administration on safety?
12. Did you leave your village since you returned?
 - Where did you go?
 - How often?
 - How do you travel?
 - How do you feel when you travel by bus?
 - When you travel by bus, do you feel you are identified as a trafficked woman?

- By whom?
 - How do you feel in that situation?
13. Do you know any of your political representatives in the village?
- How do you know them?
 - How do they think about you?
 - Why do they think so?
 - Have you received any assistance from them?
 - Can you give me examples?
 - How do you assess their assistance to you and other women in your situation?
 - How might they be improved?
14. Have you ever been approached by the media since your return?
- What type of media they were (GOs/private/print/TV/electronic/local/foreign)
 - How often?
 - What did they ask with you?
 - How do you assess the media's role on women in your situation?

Closing

Do you want to share any information that I missed in this interview?

Do you have any questions to me about this interview?

Thank you very much for your time and information, and my solidarity in your struggle.

5. Questions for anti trafficking campaigners/supporters

1. Tell me about your work to support trafficked women
 - what specific support are you offering to trafficked women on their return?
 - can you give me some examples ?
 - (if, training, what type of training, what specific skills training ?)
 - why you are offering this support?
 - how did you decide these were issues to focus on ?
 - how long have you been supporting trafficked women?
 - how long would you continue this support?
2. What do you see as the more important for you as a supporter?
 - what are the challenges you are facing supporting trafficked women ?
 - how do you tackle them?
3. What do you think are the more important for trafficked women themselves?
 - what are the problems ?
 - how have they emerged?
 - how do you tackle the problems?
4. What are the main forms of rejection women experience on their return?
 - what is your view on rejection?
 - do you agree with this ?
 - why might women be rejected ?
 - when might they be rejected?
 - why do women have to return home?
 - Is it usual for women to go home on their return?
 - Is rejection attached only to trafficked women?
 - Why do you think so?
 - (If any different - What forms of rejection d trafficked women face that are different then others?)
 - why do you think this occurs?
5. what role are anti trafficking NGOs playing to support trafficked women ?
 - how you assess the programmes of anti trafficking NGOs in Nepal?
 - how might they be improved?
6. what are the government plans to support trafficked women when they return?

- how you assess them?
 - how might they be improved?
8. Do you think trafficked women have a role in the programme development processes of NGOs where they are sheltered?
- what role might they have?
9. Do you think survivors' views are important to develop the anti trafficking programme?
- how could that be done?
 - Is it possible?
7. Where do the women go when they return?
- why do they go there?
8. How long do women usually stay in the shelter?
- why you think they stay that long?
 - what are the circumstances of them leaving?
 - how you ensure women are staying with
 - what responses do you get when you send women back home?
 - who particularly in the family/villages responds?
9. What role could NGOs play to reduce/stop rejection?
10. What role you think government could play to reduce/stop rejection?
11. Do you see any role of the media in social rejection?
- what role you see?
 - why you think so?
 - how to tackle them?

Add more questions that emerged through conversation.

Closing:

Would you like to share information which, you think, I missed in this interview?

Do you have any questions to me about this interview?

Thank you very much for your time and information and best wishes for your work.

Appendix 2. Profile of the research participants

Interviewing name	Organisation affiliation
Anita	Shakti Samuha
Anu	GMSP
Beena	Shakti Samuha
Diya	Shakti Samuha
Kalpana	ABC/Nepal
Maili	Nava Jyoti Centre
Maya	Shakti Samuha
Muna	GMSP
Namuna	In the process of joining Shakti Samuha
Nani	Shakti Samuha
Niru	In the process of joining Shakti Samuha
Nita	Shakti Samuha
Preeti	Shakti Samuha
Rachana	Shakti Samuha
Rita	Shakti Samuha
Rupa	Shakti Samuha
Sandhya	Shakti Samuha
Sangita	Shakti Samuha
Sanu	Nava Jyoti Centre
Sapana	Shakti Samuha
Sharmila	Shakti Samuha
Sita	ABC/Nepal
Sunita	Shakti Samuha
Sushila	Shakti Samuha
Tara	Shakti Samuha
Thuli	Shakti Samuha
Ujeli	Shakti Samuha
Usha	Shakti Samuha

Appendix 3. Access letter to Shakti Samuha

6 June 2005

Dear Charimaya and Januka,
Greetings from Newcastle

Sub: My research and your support

Hope all members in Shakti are fine. Glade to know that, despite of current political turmoil, programmes are still running and you all are doing well. I'm fine and began to prepare my field work in Nepal.

Following our conversation during the public hearing on trafficking last year in December at Kathmandu and subsequent emails, I'm approaching you to explore whether I can work with Shakti Samuha in my PhD research.

This work involves mainly SS's members those I interview for my research. It is not the kind of work I used to do with you and you used to do with me in the past, for example project trainings or fund raising etc. It will be entirely for my PhD studies.

It's only me will be interviewing members who wish to talk and be recorded, no other person(s) involved, no translator required, no photographs, I will translate into English. But interviews will be recorded in tapes and I will transcribe (type in my laptop), no any other person will be allowed to hear. But my two supervisors (staff/teachers of Newcastle University) will be reading interviews in English (both of them are British). No other people in Nepal and UK will be reading/hearing/seeing interviews. I will not use your real name and I will ask you for your advice for false name during the interviews (like we do in public hearings).

The objective of this research/studies is to know your experiences/views/comments on how *samajik bahiskar* happens and what consequences (impact on lives of trafficked women) it brings when woman return to home/Nepal.

I aim to interview 20 women who have experience of trafficking for any purposes, not limited to sexual. I would like to discuss with you and your executive board if that is ok for you and Shakti team (or not). I also like to make clear that you do not have to say yes, if you feel/think you prefer not to be involved. Please do not feel that you should say yes because I'm asking. I leave you/Shakti team to decide and let me know.

If all goes well, I'm planning to start my fieldwork in December this year and hope to meet you all there. This is my proposal, if you let me know your views it would be very helpful,

Very best wishes for you work,

Meena

Appendix 4. Access letter from Shakti Samuha

Dear Meena didi,
Nameste

Thank you for mail and remembrance, we are fine and working. Political situation is not good, difficult to travel and do field work. Our friends are facing problem in the field.

After your letter we met and decided to help you in your research, our members are happy to give you interview and we wish your PhD success. When are you coming to Nepal? When you are here we will call a meeting for you and we have new members also will meet you.

Send us mail when you are coming.

Didi we want to do capacity building training for our new friends, we request you to give us some time and train us when you are in Nepal. OK didi we will talk later.

Thank you,

Charimaya
President

15 June 05

Appendix 5. Access letter to ABC/Nepal

5 June 2005

Dear Durga didi,
Greetings from Newcastle

Sub: My research and your support

Hope you are fine and programmes are going fine despite the current political turmoil.

I'm fine and begin to prepare my field work in Nepal.

Following our conversation before I left Kathmandu in December last year, I'm approaching you to explore whether I can work with ABC in my PhD research.

This work involves mainly two trafficked women being supported by ABC, and perhaps a staff member to talk about their experiences of working with trafficked women. I would like to interview them for my research.

It's only me will be interviewing women who wish to talk and be recorded, no other person(s) are involved, no translator required, no photographs. I will translate into English. But interviews will be recorded on tapes and I will transcribe, no-one else other than my two supervisors at University will be allowed to read the interviews in English

I will not use their real names and I will ask the women themselves for their interviewing name during the interviews.

My objective of this research is to explore the process and consequences of *samajik bahiskar* trafficked women experience in Nepal when they return from trafficking settings.

If all goes well, I'm planning to start my fieldwork in December this year and hope to meet you all there.

This is my proposal, if you let me know your views would be very helpful,

Very best wishes for you work,

Regards,
Meena

Newcastle University

Appendix 6. Organisation contacted for access GMSP

Organisation	Gramin Mahila Srijansil Pariwar (GMSP)
Persons Contacted for access	Ms. Kalyani Nepal, Chairperson Ms. Devi Adhikari, Programme Director and executive member
Contact address	Lamosanghu, Sindhupalchock Email: srijansil@gmail.com
Description	GMSP was founded in 1994 as women's rights NGO, working at grassroots level in Sindhupalchock, coordinating free legal support, promoting social re- integration and counselling. GMSP also helps rural women in the district to get interest free loans from the local bank to do income generation programmes. Member of Alliance Against Trafficking of Women and Children in Nepal (AATWIN) also coordinating the alliance for 25 member NGOs working to prevent trafficking in Nepal.

Appendix 7. Organisation contacted for access ABC/Nepal

Name	Agro-Forestry, basis Health and Co-operatives Nepal (ABC/Nepal)
Person contacted for access	Mrs. Durga Ghimire, Chair and Director
Contact address	ABC / Nepal PO Box:5135 Koteshwor, Jadibuti Kathmandu, Nepal Tel: (+977) 1 6630346 Fax: (+977) 1 6630072 email: abc@transit.wlink.com.np Website: http://www.abcnepal.org.np/abc/index.php
Descriptions	<p>ABC/Nepal is a non-profit human rights organisation with a special focus on the trafficking of women and children for the purpose of sexual exploitation. The organisation advocates gender equality by promoting women's education and economic empowerment.</p> <p>The overall vision of ABC/N is to prevent the trafficking of women and children and to create a society free from violence and exploitation. Organisation has adopted a two-tier approach: the first harnesses an integrated community development approach to bring about socio-economic improvements to the target groups at the grass roots level. The second works to sensitise the government and public to women's issues, the trafficking of girls for forced prostitution and HIV/AIDS.</p> <p>ABC runs education and awareness programmes in trafficking prone communities; provide skills training and create savings and credit cooperatives for women; run 3 transit homes for victims of trafficking, domestic violence, rape and other forms of displacement; provide formal and non-formal education for girls and women; and also basic medical services at field clinics and the transit homes.</p> <p>Source: http://www.abcnepal.org.np/abc/index.php</p>

Appendix 8. Organisation contacted for access Nava Jyoti Centre

Organisation	Nava Jyoti Centre
Persons Contacted for access	Sister Roslyn, In-charge of the centre Ms. Dilu Shrestha, Trainer/Counsellor
Contact address	Navajyoti Centre GPO Box 3675 Kathmandu , Nepal Telephone: 00977 1 426453
Descriptions	The aim of the centre is to educate the mentally handicapped and to help achieve some measure of personal independence and happiness. Through recognizing and respecting the handicapped as valuable members of the society, we recognize their potential to grow, as well as their ability to make a contribution to our communities. And by providing self-help and language skills and recreational activities.

UNIVERSITY OF
NEWCASTLE UPON TYNE



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