



The Asia Foundation
Improving Lives, Expanding Opportunities

EXECUTIVE SUMMARY

Gender-based violence (GBV) and trafficking in persons (TIP) continue to be major concerns in India, Nepal, and Sri Lanka. In India and Nepal, the number of both GBV and TIP cases is high. In Sri Lanka, while GBV is high, there are comparatively fewer registered cases of TIP. Commercial sexual exploitation and forced labour are the two dominant forms of trafficking in India and Nepal while in Sri Lanka, trafficking for forced labour (especially of outward-bound migrants) emerges as more common. Research suggests that female victims are more significantly affected by TIP. In 2018, for every 10 victims detected globally, about five were adult women and two were girls. In the 2016-2018 data period, 46% victims were women and 19 % girls. Through a gender lens and a case law analysis, UNODC noted intersections between human trafficking and domestic and intimate partner violence, where victims were subjected to multiple forms of GBV prior to and while being trafficked.

A composite understanding (or the absence) of GBV and TIP and their intersections directly affects the identification and screening of victims. This deprives them of seeking justice and accessing services which may be limited, inadequate and uncoordinated, and with several in-built barriers.

This research study undertaken in three countries namely, India, Nepal, and Sri Lanka is premised on exploring a deeper understanding of the intersections of TIP and GBV, their resultant impact on identification of victims, and subsequent service delivery to victims. The study also explores whether services in need of integration or separation.

The individual country reports are based on desk review of existing literature and legal frameworks, key informant interviews, and focused group discussions. Considering the size and scale of each of the countries, the study identified certain geographical areas which were either source or transit or destination for trafficked persons. In each country a total of 70 key informant interviews were conducted with three groups of stakeholders – Law Enforcement Officials (Police, Prosecutors, Judges, Border and Immigration Officials), Service Providers (Shelter homes, NGOs, and Government Officials), and Victims (TIP and GBV).

The regional analysis is based on the findings and recommendations of the three country reports, drawing upon their similarities and differences, challenges in identification of victims of trafficking in persons and gender-based violence, and its consequential impact on service delivery to the victims.

An analysis of research findings from the three countries revealed that gender-based violence (GBV) and trafficking in persons (TIP) is highly prevalent in various forms in India, and Nepal; whereas in Sri Lanka, GBV is highly prevalent, but TIP shows comparatively fewer registered cases. Commercial sexual exploitation and forced labour are the two dominant forms of trafficking in India and Nepal; whereas trafficking for forced labor (especially of outward-bound migrants) emerges as a more common form in Sri Lanka. In their understanding of GBV and TIP, a majority of the interviewed respondents fell short of comprehending the entire spectrum of violation, as well as the various forms of TIP. Common challenges identified in the three countries in screening and identifying victims of TIP underlined the lack of protocols and specific set of indicators, insufficient awareness and appropriate training and capacity building among the first responders (police, border and immigration), inadequate understanding among victims, victims' perception of shame, stigma, and societal pressure, and lesser priority and focus on internal trafficking especially in Nepal and Sri Lanka.

The Covid-19 pandemic had a potentially far-reaching and long-term negative impact on trafficked persons and those facing GBV. Although at this stage, it is not possible to assess the full impact of the pandemic on human trafficking, it is clear that the socio-economic consequences have led to exacerbated vulnerabilities of already marginalized people to trafficking and exploitation.

While the three countries have a wide array of laws dealing comprehensively with both TIP and GBV, however, their implementation for effective justice delivery is lackadaisical. In terms of service delivery while India and Nepal have robust frameworks for TIP, it is not the same in Sri Lanka., although common services can be tapped through the larger public services. Challenges around financial and human resources are common denominators that impact the economic rehabilitation of victims.

An overwhelmingly large number of respondents in India believe that services should not be integrated for GBV and TIP victims. Majority of the interviewed victims in Nepal advocate integration of services, whilst the NGOs and law enforcement agencies are equally divided between integration and separation of

service delivery. Most of the service providers in Sri Lanka support separate services for TIP and GBV as an ideal situation, whereas law enforcement officers believe that access to a safe shelter is paramount over maintaining a separate shelter. Even with divergent opinions in Sri Lanka on separate or common shelters, almost all stakeholders believe that services can and should be integrated wherever possible.

Perspectives on integration or separation of services are predominantly based on the existing service delivery frameworks 'in theory' vis-à-vis their implementation 'in reality', availability of financial and human resources; and the lived experiences of the victims and service providers. The question on whether support services for TIP and GBV victims should be of integrated or remain separate would need to be explored with a deeper contextual understanding of the following – i) availability of state and non-state resources, ii) understanding and capacity of services providers to deliver through an integrated system, iii) legal provisions guiding the delivery mechanisms of different services, and iv) the socially driven perspectives of stigma and discrimination that drives a victims' choices and options. The research found that the conversation is relatively new and must be contextualised keeping in mind the challenges listed above.

Some common recommendations for improving screening and identification of victims and improving service delivery from India, Nepal and Sri Lanka are:

Recommendations for the government

- Comprehensive laws on TIP and GBV should be framed for a more effective response to TIP and GBV.
- Enforce strict implementation of all laws that relate to TIP and GBV so that successful convictions act as a deterrence to perpetrators.
- Monitor the functioning of various government and non-government institutions mandated to support GBV and TIP victims in terms of their adherence not only to the law but also to follow the various guidelines issued or adopted by the government.
- Strengthening capacity of law enforcement officials and other first responders towards early identification of victims of TIP.
- Conduct public awareness programs for especially in the vulnerable areas to help understand the crimes and laws of TIP and GBV.
- Coordination at the government level to be strengthened between different Ministries and Departments relevant to TIP and GBV, and between the government and non-government stakeholders for more coherent responses.

- Ensuring reach and access of services in smaller towns and rural areas, by setting-up shelter homes where they are currently not available to ensure equitable geographical distribution depending on the scale of the problem.

Recommendations for law enforcement agencies

- Strengthening law enforcement responses through training and capacity-building of police, prosecutors and judges, for increased efficiency of screening and identification of victims and criminal justice delivery.
- Comprehensive training on the legal framework for police, prosecutors, and judicial officers, for building a thorough understanding on the substantive and procedural aspects of the laws on TIP and GBV and their application.
- Ensure victim-centric investigation procedures and victim participative criminal justice processes to encourage reporting of crimes.

Recommendations for service providers

- Sensitization and awareness building on human trafficking within communities and the general public, especially highlighting the modus operandi of traffickers.
- Ensuring reach and access of services in smaller towns, rural and remote areas, in partnership with the government, by setting-up more help-centers/shelter homes.
- Develop effective referral mechanisms that allow victims to access services at the nearest location possible.
- Individual care and exit plan for rehabilitation and reintegration, to enable victims availing shelter home services for rehabilitation (especially economic) and re-integration within the community, either with or without their families, based on their involved participation in the process.

This research was funded by a grant from the United States Department of State.

The opinions, findings and conclusions stated herein are those of the author[s] and do not necessarily reflect those of the United States Department of State.