

Reintegration of Victims of Human Trafficking: Approaches and Practices in Nepal

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Abstract

This research paper tries to analyze the shelter services and care supports to reintegrating the victims of human trafficking at the family and community level. Primarily, the study applied the qualitative approach by adopting both primary and secondary sources of information. For substantiating secondary information, 40 qualitative in-depth and key informant interviews were conducted. It was found that priorities of shelters are crucial for providing composite and comprehensive services for sustainable and dignified reintegration of victims of trafficking. The shelter care and services mainly orient to victim-centric approach to provide composite service package to victims. Immediate, short-term and long-term services play crucial role for successful reintegration in family and community. The multiple packages in shelter's lone effort was observed to be the best for delivering the best care and services. The widely applied approach of shelters was found victim centered approach, shelter based approach and the community approach. Among these approach, shelter based comprehensive service oriented approach found suitable for sustainable and dignified reintegration of victims of trafficking.

Keywords

Reintegration, approach, practice, victim of trafficking, restore, dignified.

Article information

Manuscript received: April 6, 2023; Accepted: April 26, 2023

DOI <https://doi.org/10.3126/jki.v9i1.53942>

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1 Introduction

Nepal is considered as a source, transit and destination country for human trafficking. Trafficking in Nepal is diverse and it is cross-border, international and internal. According to the report published by NHRC, about 35,000 people were the victim of human trafficking in the year 2018 [1]. They were

trafficked for various purposes: sexual exploitation, removal of organ, for forced labour etc. Nepal has made significant efforts to control human trafficking by ratification of international conventions like United Nations Convention against Transnational Organized Crime and Palermo Protocol, and has enacted Human Trafficking and Transportation (Control Act) 2007.

The establishment and operation of anti-trafficking bureau of Nepal Police is a milestone in terms of investigation and control of human trafficking. However, controlling human trafficking has been very daunting, and reintegration of trafficking survivors is also a major challenge. Reintegration of trafficking survivors requires providing them shelter care, health and psychosocial support, income generation schemes, positive social perception and accepting them into the society.

Human trafficking is one of the greatest challenge as well as the gravest violations of human rights. United Nations defined the human trafficking as the process of recruitment, transportation, transfer, harboring or receipt of persons by means of 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. Exploitation shall include, at minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. Trafficking in Nepal is diverse, and it is characterized by cross border, international and internal trafficking of men, women, and children. Nepal is the source, transit as well as destination country for human trafficking, mainly of women and girls. There is not exact data of victims of human trafficking however Nepal's human rights commission's report on Trafficking in Person estimates that around 35,000 people were the victims of the crime in 2018 [1].

The victims of human trafficking often faced multiple challenges and bitter experiences. Once trafficked, victims especially girls and women often face intense stigma and are ostracized when they return home, leaving them further vulnerable to marginalization and exploitation [2]. In such a situation, victims of trafficking require shelter care and services with best approach for successful reintegration. Victims of human trafficking have often suffered from complex trauma that cause long-term psychological and physical effects [3] need especial care and services for their recovery and reintegration into family and society.

Reintegration is the process of recovery and economic and social inclusion following the trafficking experience. It basically includes—living in a stable and safe environment, access to a reasonable standard of living, physical well-being, mental well-being, opportunities for personal, social economic development and access to social and emotional support [4].

Reintegration is a multidimensional process, enabling individuals to re-establish the economic, so-

cial and psychosocial relationships needed to maintain life, livelihood and dignity and achieve inclusion of civic life [5]. The reintegration of victims of trafficking is a difficult, complex and long-term process and victims reintegration trajectories are often complex and non-linear [4]. Successful reintegration is a state in which victim is able to survive with dignified life, escape from poverty and achieve acceptance and connection with family and society [6].

Reintegration primarily involves the reconnecting and reestablishing oneself in family and society which is challenging and complex task [6]. The reintegration services should be voluntary, confidential, non-discriminatory, non-judgmental and in line with the human rights principles. The services provided by shelter should be trauma-informed, victim-sensitive, child-friendly, gender-sensitive and culturally appropriate (Ibid.).

The shelter-based care and practice is one of the most important prerequisites of reintegrating victims of TIPs in family and society. The successful and dignified reintegration of victims depends on the best care and practice of shelter. Shelter care is defined as group residential care [7]. Despite the differences among shelters in terms of location, size, cost, length of stay and the population that the shelter serves, group residential rehabilitative facilities or shelters provide essential services to victims for recovering and moving toward reintegration into society [6].

Generally, shelter offers a safe and protected environment in which victims of TIPs can begin the recovery process and access range of services including legal, medical, psychosocial, long-term training and economic packages in a single location. The prosecution process also becomes easier if victims of trafficking place at shelter [8]. Shelter provides a safe place for victims to protect them from abuses and provides a range of services like legal, therapy, education, vocational training and economic opportunities (Ibid). Timely and effective support and care to victims of human trafficking is important to ensure their recovery and reintegration. Shelters like emergency shelters, transit shelters, short-term shelters, long-term shelters, transitional houses and reintegration centers provide the care and services to victims for their reintegration process.

Shelters approaches and practices have significant role in terms of reintegration of victim. Basically shelters provide variety of services including safety from perpetrator, health care, psychosocial support, education and vocational training, legal information and representation and reintegration into family and community. The shelters have great and ample role to provide care and services to victims of trafficking during crisis phase, transitional phase and reintegration and inclusion phase. The knowl-

edge, skills, sensitivity of practitioner also matters in quality care and services to victims in the shelters. The lack of well-trained staff working in shelter hinders the continuous care for victims based on personalized care services [8,9]. The comprehensive service package for successful reintegration should include—housing, accommodation or care options; medical assistance; psychological support and counseling; education, training and life skills; economic empowerment opportunities, administrative assistance and support; legal assistance and support, including during legal proceedings; safety and security measures; case management/legal proceedings; family mediation; and counseling assistance to family members and return assistance [4].

2 Statement of the Problem

Reintegration is the process of recovery and economic inclusion that includes the living in a stable and safe environment, access to reasonable standard of living, physical and mental well-being, opportunities for personal, social and economic development and access to social and emotional support [4]. The victim of trafficking often experience trauma, physical harm, psychological effect and stigma and blame from family and society. In such situation, victims cannot be easily adjusted or reintegrate into family and community. The government of Nepal has given high emphasis only on prevention and protection however; reintegration of victims of TIP is less priority area. Most of the shelters or rehabilitation centers adopt need base approach rather than right based approach due to which main focus of shelters are concentrate on the short term services which cannot contribute to successful reintegration.

The lack of regularity of fund, lack of skilled human resources, lack of appropriated and sufficient premises of shelters, lack of appropriate co-ordination among local governments, shelter homes and families of victims also stands as a hindering factor for successful reintegration of victims of human trafficking. Despite having the legal and policy provisions, shelters are not able to provide the care and services to all victims as stated in the Standard Operating Procedure (SOP) on Rehabilitation Shelters, 2068 (2011) and National Minimum Standard (NMS) on Victims of TIP Care and Protection, 2068 (2011) [10]. Such incomplete and irregular shelter services cannot contribute to the reintegration process of victim in their family and community. In most of the cases, shelters are donor driven that are providing care and services to victims are not sustained and regular. The increased levels of support and care services available to victims are pertinent but its effectiveness and efficiency across the country are the main issues of concern. In this

context, there is a pertinent need to study about the role of shelter services for effective and successful reintegration of victims in Nepal.

3 Objectives of the Study

The main objective of this research paper is to explore the approaches and practices of reintegration of victims of trafficking in Nepal. The specific objective is to analyze the shelters services and care support to reintegrating the victims in family or community.

4 Data and Methodology

The study employed the qualitative approach for analyzing the existing approaches and practices of shelter for reintegrating the victims of human trafficking. The study used both primary and secondary sources of data for collecting the required information. Altogether 40 qualitative interviews were carried out to substantiate the secondary information. Out of 40 interviews, key informant interviews were carried out with 20 key stakeholders, shelter managers and policy makers whereas 20 in-depth interviews were carried out with victims of human trafficking from three shelters of Kathmandu viz. Pourakhi Nepal, Maiti Nepal and Shakti Samuha. Both verbal and written consent was taken from respondents and research ethics was maintained during study period. The sources of secondary data includes the journal article, books, periodicals, reports of different organizations and existing legal and policy provisions of reintegration services in Nepal.

5 Review of Literature

Reintegration of TIP victims is the most important aspect for restoring their livelihoods, identify, dignity, self-dependence and participation. The multiple factors are associated with reintegration process and successful reintegration of TIP victims in their family or community is ultimate aim of shelter services. As a composite package, it involves basic needs, psychosocial counseling, skill related trainings, empowerment, provision of soft loan and seed money. Such support helps to improve the emotional, physical and social aspects that contribute to dignified and sustainable reinsertion and a normalized life [11]. The process of inclusion and rebuilding relationships within community in the country of origin includes the four levels—physical, socio-economic, socio-political and cultural are essential for successful reintegration. After reintegration, financial and sustainable independence, level of self-confidence and empowerment also increased.

The Constitution of Nepal 2015 forbids human trafficking and considers it a punishable act [12]. It has significant provisions prohibiting all forms of discrimination and guaranteeing the right to a dignified life. The ample provision of the Constitution of Nepal has provided the ground for formulating necessary laws and policies for the best shelter care and reintegration services for victims of TIP in Nepal. Similarly, the Human Trafficking and Transportation (Control) Act 2007 and its Regulations 2008 are regarded as the key legal instruments for ensuring the best shelter care and successful reintegration of victims of TIPs [10], gon2008human. Section 13 of the Human Trafficking and Transportation (Control) Act 2007, and Rule 16 of the Human Trafficking and Transportation (Control) Regulations 2008 have the provision to establish rehabilitation centers for victims of trafficking for providing care and services to victims of TIPs. Furthermore, these centers also provide physical and mental treatment, social reintegration and family reunification [13].

Reintegration programs have emerged as part of the regimes of care for victims of human trafficking. However, empirical analysis of the reintegration outcomes for victims remains limited. While there integration programs might address the procedural aspect of reintegration, the achievement of substantive reintegration remains incomplete. This is because of the structural conditions of the context within which reintegration is supposed to occur [14].

The victims of human trafficking tend to experience physical, emotional and psychological trauma need special care and packages for them to reintegrate into society. Broadly, reintegration assistance encompasses the provision of services related to the physical, psychological, economic and social recovery of victims of human trafficking. Victims to some extent depend on family members for support during recovery and reintegration. Safe, supportive and protective environment of family also play positive role for successful reintegration. An important element of reintegration of victims of trafficking is their economic empowerment through job placement, micro businesses and social enterprises [4].

A study carried out by Kasper Chiang (2020) in Bangladesh and Cambodia revealed that better financial services and borrowing options, family recognition and acceptance, social recognition and acceptance, healing from trauma, ability to generate income and increased control over one's life and life skills and vocational training contribute to successful reintegration.

The problems and issues among victims differ. However, common issues face victims include depression, anxiety, posttraumatic stress disorder, hostility, self-harm, shame, mistrust of others, social withdrawal, loneliness and loss of self-esteem.

For managing and solving such types of problems and issues, the systematic and comprehensive care is required. Wellness restoration is usually a long and complex journey that initially includes victims' immediate needs for safety, shelter, and medical care [15].

There are number of NGOs and organizations for providing shelter care and reintegration service. Among them different shelters, Shakti Samuha has four shelters, including safe homes in two different places, an emergency shelter home, and a women's rehabilitation center. Through these shelters victims' need base basic needs as well as empowerment packages have been providing to victims to contribute to their reintegration [16]. The Ministry of Women, Children and Social Welfare carried out a study in 2073 that revealed the fact that rehabilitation centers were not met the criteria of standard of Rehabilitation Centers Operation Guidelines. There are multiple factors for determining shelter care and services including regularity of fund, own shelter house, human resource management and case finalization [17].

The victims who are successfully reintegrated experiences well-being in all aspects—safe, satisfactory and affordable accommodation; physical health and well-being; mental health and well-being; legal status and access to services; access to justice; safety and security; economic well-being; educational and training opportunities; healthy social environment and personal relationships; and well-being of family and dependents [4].

The government of Nepal has the provision of three layer of committees i.e. at central level, at district level and at local level. As per provision there is National Committee on Controlling Human Trafficking, District Committees of Controlling Human Trafficking and Local Committees on Controlling Human Trafficking. Under the referral process of these committees, shelter usually provides the shelter care and services to victims of human trafficking however not all districts have formulated the committee and the case of local level is miserable which is critical point to ponder. The Ministry of Social development at the provincial level- runs rehabilitation fund and centers [1].

Koirala (2014) [18] argue that there are number of different programs and services are for successful reintegration though reintegration of victims of TIPs remains a challenge in which mental and social factors could be more difficult to address than the economic challenges of reintegration. So, in such a situation comprehensive shelter based approach could play functional role for the successful reintegration of victims of human trafficking.

6 Results, Analysis and Discussion

The priorities and contributions of shelters seem significant in term of providing conducive environment for best and effective reintegration as shelters provide the comprehensive services as well as care for victims for their successful reintegration. For this, shelter assesses the victims needs necessities and provide them required counseling for orient them in positive life apparatus and also provide the long term training program for empowering them socially and economically. The provision of education, skill enhancing training, empowerment packages as well as provision as well as linkages of employment significantly contributes to victims of human trafficking. The National Minimum Standard on Victims of TIP Care and Protection, 2068 (2011) has set the minimum criteria for care and protection of victims of human trafficking [19].

National Minimum Standard has the provision of primary protection and care services and secondary protection and care services in its Section 33. As per this provision, the primary protection and care service includes the health treatment, psycho-social counseling, legal aid, complaint filing and investigation, prosecution and court process. Similarly, the secondary protection and care encompasses the education of both types i.e. formal and informal, skill related training and seed money. As per this standard, shelters should have the minimum provision of primary as well as secondary protection and care services.

6.1 Shelter Services

The shelter care and services play crucial role for successful and dignified reintegration of victims of human trafficking. The offered care and services varies from shelter to shelter in Nepal even though there is provision of national minimum standard set by government of Nepal. Basically, three types of services are offered by shelter as immediate, short-term and long-terms services. The consultation with key informant and shelter managers revealed that the types of shelter care services are determined by multiple factors. The major factors includes the regularity of fund and donor support, status of core fund of shelter, management of staff, trainer, counselor, legal officer, ownership of office, availability of infrastructure and coordination and collaboration of shelters with other agencies. In general, shelters have broadly applied the victim centric approach and in most of the cases it was found that shelters tried to provide composite comprehensive services to the victims of human trafficking. Most of the shelters found that they use the preliminary assessment of need, interest as well as physical condition of victims to provide the best shelter services.

From the interview and secondary sources, it was found that most of the shelters have provided the fundamental need based services like basic needs, health services, counseling, appropriate shelter and police coordination. The figure 1 demonstrates the immediate shelter services provided by shelter.

Similarly, the short-term needs of victims are also not the same which varies with the status and individual needs of victims. Victims reported that the short-term needs range from the basic needs to skill development training and case handling are crucial for empowering them for economically and socially. It on the one hand promotes them to be skillful whereas on the other hand facilitates for involving in different income generating sectors. The finding from key informant interview and in-depth interview found that following are the short-term needs that were provided by the shelters (Figure 2).

The Key informant from Anti-Human Trafficking Bureau of Nepal Police shared her view that the long-term needs of victims generally includes the skill development based on victims interest, family connection, counseling to family and community of victims before reintegration, legal aid as well as legal service till the settlement of case, empowerment packages, education of both types formal and informal, employment opportunities, market linkages and medical support including long period of counseling. Similarly, shelter managers shared their views that the long-term services are not necessary to all kinds of victims and it is often regarded as costly and time consuming services. It takes for up to six months and more period shelter services. The capacity of shelter house determines the number of victims to remain or keep in the shelter. But, practically speaking, there are limited shelters that are providing long-term shelter services in Nepal.

The stigma and humiliation hinder victims of trafficking to reintegrate in family or community. So, empowerment package to victim especially economic empowerment plays significant role for successful reintegration. Financial empowerment ensures the income which intricately linked up with fulfillment of basic as well as additional needs that ultimately enhance the confidence level and dignity of victims. The fundamental elements are essential to provide to victims before reintegrating them into family or community for successful and dignified reintegration.

Survivors' capacity development is crucial and it is also important to provide seed money and soft loan for their financial self-reliance. The provision of link up and network with private sectors including employers are crucial for engaging victims in different types of employment per see. So, it is found that shelter services included the skill focused and

capital forming activities for the successful reintegration of victims of human trafficking.

6.2 Good Practices of Shelters

The interview with shelter managers revealed that continuous and long term services are the pertinent to successful reintegration as it enhance both the capacity and moral status of victims. On the other hand it empowers victims to reintegrate into family and community whereas on the other hand it encourages them to get involve in different social, economic, cultural and political activities. The provision of need and interest based services of shelter is claimed as the good practices. Need assessment

of each victim on the basis of their personal characteristics and actual status and psychosocial counseling for orienting them into positive life course is another good practice that shelter offers. Similarly, good network mechanism, provision of one-stop crisis management centre (OCMC), legal and policy provision and allocation of budget for shelter services are the best practices that enhance for successful reintegration. The short, medium and long term need based skill trainings to victims really contribute to get the employment opportunities which enhance economic empowerment. So, the good practices of shelters have contributing role for successful and dignified reintegration and hence replicable.



Figure 1: Immediate shelter services.



Figure 2: Short-term shelter services.

6.3 Approaches for Addressing Varied needs of Victims

The findings of the study show that different approaches are suitable for different victims. The approach for providing services to victims rescued from foreign employment and victims rescued from brothel differs. The physical, mental, psychological, social and economical status of both types of victims differs significantly so their needs are specific and shelter need to treat them differently. The shelter service providers shared their views that the approach of delivering the services to victims are need based rather than right based approach. Due to constraint of resources, shelters provide the shelter care and services on the basis of specific need and necessities of victims. Official from Anti-Trafficking Bureau of Nepal Police shared her experiences that "victims of foreign employment return in faster than that of victim from brothels. So, treatment and program as well as package should be different for rescued from brothel whose traumatic condition is different than those other types of victims."

In most of the cases, shelter provides multiple packages in a solo effort whereas in specific cases shelters also apply referral approaches to provide

the services. A administrator in Jhapa shared his views that integrated and comprehensive shelter based approach would be better to adopt for the best service and best reintegration but such approach is not available due to which the reintegration work is not effective so far. The study team has come to conclusion that basically three approaches viz. victim centered approach, shelter based approach and community based approach have been adopted by shelters to deliver the services to victims with diverse characteristics (See Figure 1).

Victim Centered Approach is about a systematic focus on the needs and concerns of the victims to ensure that they get services in a non-judgmental manner. There is assurance for victims who will not be re-traumatized and get ultimately empowered. They should be engaged in the overall process of reintegration. Shelter based approach could be the best approach for successful reintegration as all required services are available in the shelter in the collective method. A composite shelter-based approach is recommended by stakeholders and key informants for the best and successful reintegration of victims of human trafficking. The community approach could be better if the victims are not severe and if victims want to go to family and community

immediately. The process of reintegration encompasses not only the individual trafficking victims but family members and society so they cooper-

ate and support the victims without traumatizing them.

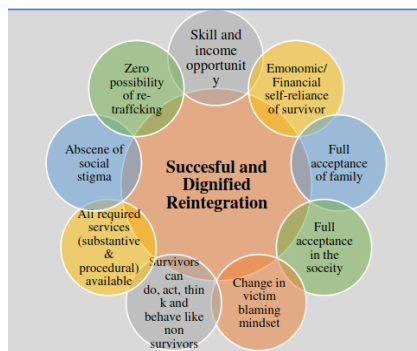


Figure 3: Key elements for Successful and Dignified Reintegration.

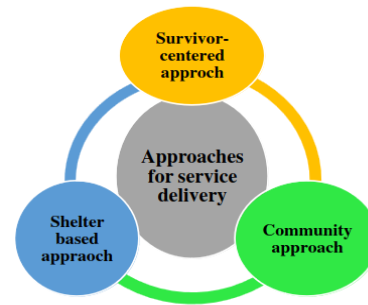


Figure 4: Approaches adopted by shelters to deliver care and services.

7 Conclusion

Since, the shelter approaches and services are determined by the regularity of fund, ownership of shelter and objectives of the organization. Mainly, immediate, short-term, long-term and services prior to reintegration are the services offered by shelters. As per constitution of Nepal, the victims should be protected by nations and special care and services should be provided for their recovery and reintegration [12]. The services offered by shelters are not enough and services received by victims are not adequate as most of the shelters provide only immediate and short-terms services which are not sufficient for dignified and successful reintegration. In most of the cases, care and services offered by shelters fulfill only the materials and physical needs which cannot fulfill the mental and emotional. The lack of regular fund, lack of own shelters and lack of skilled human resources are the main challenges of shelter. On the other hand, government, in the recommendation of national committee of controlling human trafficking, allocate nominal fund to privately run shelters.

Three forms of approaches are being adopted by shelter as shelter based approach, community approach and victim-centric approach. Among these approaches, shelter based approach with composite and comprehensive package could be best from where victim can take all services required for them in a single place.

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