

Integration of Services for Trafficking in Persons (TIP) and Gender Based Violence (GBV) Victims

Target Stakeholders

Government policymakers determining access to services for GBV and TIP victims (i.e., members of the National Anti-Human Trafficking Task Force)

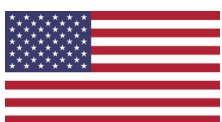
Summary and Problem Statement

In Sri Lanka's Penal Code, trafficking in persons (TIP) is clearly defined as a serious crime. However, the number of investigations into the crime has remained low. For example, between the five-year period spanning 2015-2020, on average, less than 15 investigations per year have been conducted by the Sri Lanka Police. The nature of support services received by victims when identified is also unclear especially those aimed at helping them rehabilitate and reintegrate with their family and society. Since TIP is a form of violence that affects all genders, it is important to understand how victims are supported in Sri Lanka; what services are available, how they can access services, the gaps in service delivery and how to respond to these gaps. In the face of limited availability of services, a key question is whether the services available to victims of Gender Based Violence (GBV) can be extended to TIP victims and if so, how these services can be better targeted.

The Centre for Poverty Analysis, in collaboration with The Asia Foundation, conducted a research study, *Optimizing Screening and Support Services for Victims of Gender Based Violence and Trafficking in Persons*, to identify promising practices for separating or integrating services for TIP victims and victims of all forms of GBV. The Office to Monitor and Combat Trafficking in Persons of the United States Department of State funded the study, as a multi-country research project that includes Nepal, India and Sri Lanka.

The respondents of the study recognized the importance of maintaining separate services for TIP victims. But the findings also indicate that in practice, what exists in Sri Lanka is a hybrid model – TIP victims have access to public services like health, counselling, legal aid and livelihood support that largely respond to GBV. Since the public sector offers most of these services and the Government has only limited funding and human resources to maintain two separate service frameworks, respondents agree for a pragmatic way forward where TIP victims' access to existing services are improved.

Access to shelter services is very important as it supports not only the victims but also the investigation into the crime. Among these public services on offer however, TIP victims' have very limited access to shelters. The limited number of shelters available, the strict protocols for admitting victims, and the reluctance of victims to access shelters, act as deterrents in their accessing these services. In response to this finding, this Issue Brief focuses on how shelter services can be made accessible and improved for TIP victims.



Research Approach

The research adopted a qualitative approach to data collection. To arrive at concrete findings and evidence-based recommendations, the research study collected information from multiple stakeholders working on GBV and TIP in the districts of Colombo, Matara, Nuwara Eliya, Batticaloa and Jaffna and Mulaitivu. These districts were selected because all of them had a shelter, except for Nuwara Eliya, which is a high migration district. The selected districts also represent other diverse aspects, including being multi-ethnic and multi-religious, directly affected by war, as well as urban, rural or plantation areas.

In total, CEPA interviewed 78 respondents. They included service providers (non-governmental organizations/NGOs providing services for both GBV and TIP victims, Migration Development Officers, Women Development Officers, Counselling Assistants/counsellors and Social Services Officers of identified Divisional Secretariat Offices, representatives of Mithuru Piyasa and staff in government and non-government operated shelters), law enforcement officials (police officers, the Criminal Investigations Department of Sri Lanka Police, judges, the Attorney General's Department and the Department of Immigration and Emigration) and victims who had received shelter support. The data collection phase coincided directly with the imposition of a nation-wide curfew in Sri Lanka in response to the spread of COVID-19 in March 2020. As a result, the mode of data collection was changed from physical field visits and in-person interviews to remote data collection via phone interviews. Due to internet connectivity issues, interviews were conducted over the phone. This limited the collection of rich data, as in-person interviews allow for more interaction and non-verbal cues to be observed. Where possible, CEPA conducted field visits especially to conduct interviews with government officials.

Key Research Findings

The key findings are explained below and point to the gaps in securing access to services for both GBV and TIP victims.

Narrower understanding of what constitutes GBV

Respondents recognise GBV as a form of violence that can affect any individual but believe most victims are women. Many focus on domestic violence, with sexual harassment, cyber violence and psychological violence receiving relatively less attention. The focus on women is also because reportedly, over 95% of the reported GBV cases are related to women.

But this takes attention away from how men and LGBTQI+ individuals are also victims of GBV. Respondents also view men as mostly the perpetrators of violence; LGBTQI+ individuals are viewed mostly through the existing legal lens which criminalises same-sex relationships. Further, there is little focus on specific groups like sex workers. These groups therefore, are far more likely not to seek nor receive services, unless they try to access public health services on their own.

Weak understanding of what constitutes TIP

Understanding of TIP is quite weak among the respondents except those in law enforcement. This includes the Criminal Investigation Department (CID), the Attorney General's Department and the Department of Immigration and Emigration. The prevalence of TIP within Sri Lanka – especially among those working as domestic workers, individuals engaged in sex work as well as those employed in the Export Processing Zones – does not receive as much attention since TIP is perceived as impacting mostly female migrant workers employed overseas. This also takes attention away from male migrant workers who are also vulnerable to forced labor and other forms of labor or sexual exploitation.

Victims are increasingly referred to public services

Since there is only a limited number of dedicated NGOs working with victims of violence, victims are mostly referred to state-led service providers. Services are available through officers such as the Women's Development Officer, Migration Development Officer, Social Services Officer or the Counsellors attached to the Divisional Secretariat Office, or the Grama Niladhari in their area for either TIP or GBV victims. The types of services on offer include legal aid, shelter, psychosocial support and at times, livelihood support. Legal services and economic support remain accessible but with major limitations, through the Legal Aid Commission and Divisional Secretariat Offices. Psychosocial support is accessible through multiple service points including hospitals. But the study finds that mostly GBV victims access services through these points.

Limited availability and challenges in accessing shelters by GBV victims

Shelter services are one of the most difficult services for victims to access since not all districts have a dedicated shelter. Presently, the government operates 10 shelters across the country for victims of GBV with some NGOs offering shelters as well. Generally, the duration of stay at these shelters is limited to a few days or weeks, although at times this could extend to months depending on the individual case. Pending court cases, as well as the evaluation by the shelter provider of the victim's need for extended stays determine the length of stay at a shelter.

Shelter providers observe certain admission guidelines when providing shelter support. Typically, a counsellor interviews the victim to assess the need for shelter. Thereafter, the shelter provider lodges a complaint with the nearest police station indicating that the victim has experienced a form of GBV and will be staying at a shelter. Boys under the age of 16 years and girls below 18 years can accompany their mother who is the victim, but often, the children cannot access school during their stay. Some shelters are unable to admit victims during the evenings and nights, because of security concerns and because the admission guidelines cannot be completed during that time.

During a victim's stay at a shelter, the shelter provider extends legal, counselling and health services. A care plan is also arranged for post-shelter service provision. At the shelter, the counsellor is the focal point for case management during a victim's stay. If the victim needs to leave the shelter for a specific purpose such as attending court, an officer of the shelter always accompanies her. Since case management is comprehensive, gaining access to shelter services can determine the quality of re-integration for the victims.

Limited access to shelter services for TIP Victims

TIP victims attempting to access shelter services face additional challenges. While they too can use these same shelter services, they may not be correctly identified as victims of human trafficking, and at times, are also reluctant to come forward to seek support. One of the biggest challenges a TIP victim faces in accessing a shelter is that the victim has to be referred to a shelter by a Magistrate's Court order which can happen several days or even weeks after a victim has been identified. Furthermore, there is an absence of dedicated organisations offering services for TIP victims, which makes it far more difficult for such victims to access services. The law enforcement officials also lack trust of NGO-led efforts to support victims, mainly because of the potential interference of a victim's legal process, which can derail a legal case. The resultant lack of referral of victims to NGOs also impacts victims of trafficking receiving proper services.

Currently there is no dedicated TIP shelter in Sri Lanka. The government-run dedicated shelter which was established in 2005 and in operation until 2019 was closed because of under-utilisation. However, a limited number of spaces are available for TIP victims in an existing government-run GBV shelter. In comparison to GBV victims, access to shelter for TIP victims depends largely on a victim's willingness to be part of a legal procedure, as the referral of a TIP victim to a shelter is done by the courts. As victims are unable to access a shelter directly and quickly, and because accessing a shelter is linked to a court procedure, TIP victims often wish to return to their homes. This is troubling as their safety can be compromised, which in turn undermines the investigations of the crime as victims may be influenced to withdraw their complaints.

Integration of services

At present, the reality of providing separate service systems for GBV and TIP victims depends on Sri Lanka's existing public service framework. As the closure of the TIP shelter highlights, the financial cost and human resources required from the government to maintain two separate service delivery systems for TIP and GBV victims are high. Therefore, it is clear that rather than maintain separate Shelters, what is required is better access to existing Shelter for both GBV, and especially, TIP victims. Since the public sector already provides – to some extent – many of the needed services, strengthening the existing GBV service framework will ensure better access for TIP victims. But for integration to happen in a manner that adequately supports TIP and GBV victims, extensive planning needs to be done. To this end, the following recommendations are made, especially regarding access to shelter for TIP victims.

Recommendations

The research study offers diverse recommendations that provide guidance on improving services. The recommendations below focus on enabling and improving shelter facilities for TIP victims. While many recommendations below apply to enabling and improving services for GBV victims as well, the focus of this Issue Brief is on shelter facilities for TIP victims which is an urgent need in Sri Lanka.

The specific recommendations below will add value to shelter services - for whom?

1. Link with the Policy Framework and National Plan of Action for addressing Sexual and Gender Based Violence in Sri Lanka

- Use the Policy Framework and National Plan of Action for addressing Sexual and Gender Based Violence in Sri Lanka as the key reference document as it clearly identifies TIP as a form of GBV. It emphasizes the importance of extending the same set of basic services – public health, legal aid, economic support and shelter services - to TIP victims. The National Plan places the onus of such service provision on diverse stakeholders, including government stakeholders. Using the National Plan as a guiding document will help TIP victims gain access to existing shelters as many GBV shelters are managed by the Women's Bureau, which functions under the Ministry with the portfolio for Women and Child Affairs and is named as a key stakeholder in the National Plan. Use a uniform service delivery framework which will provide clarity regarding who is responsible for service provision to TIP victims. A single focal point such as the Women's Bureau can make necessary referrals to shelters and other services and also develop reintegration plans for TIP victims with inputs from other stakeholders recognised as implementing agencies in the National Plan's dedicated section on TIP.

2. Identify TIP victims

Target Stakeholder: Government/Non-Governmental Organizations offering training opportunities

- Improve understanding of TIP, and knowledge on screening and identification of TIP victims among officers at the local level so that they can improve the screening and identification of TIP victims. Furthermore, provide specialized training tools to enhance their responses to TIP victims. These officers include Police officers, Counselling Assistants, Women Development Officers, Migration Development Officers and public health officers, including the staff of the Mithuru Piyasa units in government hospitals. This will lead to better access for TIP victims to health counselling, shelter and other services, as well as referrals to Police if required.
- Ensure that specialised training programmes which emphasize a victim-centric approach are conducted to respond to gaps in knowledge in identifying the needs of a TIP victim, what types of needs would require more concerted efforts and how to develop trauma-informed care plans and case management. Ensure that training

interventions include the need to provide access to services, including shelter services, to all victims of TIP equally, regardless of their sex, gender identity, occupation or any other issue. Making shelter services more responsive to recognizing the needs of vulnerable and at-risk groups such as sex workers and LGBTQI+ individuals will require a clearer understanding of issues of heightened vulnerability and the specific needs of such groups

3. Manage integrated shelter services for TIP and GBV victims

Target Stakeholder: Government (Anti-Human Trafficking Task Force/Ministry of Defence; Ministry of Women and Child Development)

- Study currently available resources and provide for adequate financial support and the necessary human resources to GBV shelters that expand their services to TIP victims since including TIP victims within existing shelters can increase the financial burden on the existing facilities. There will also be a need to upgrade safety and security protocols within each shelter. Addressing this will help minimize any disruptions of services provided to victims of other forms of GBV.
- Revise existing Guidelines for Shelters to include provisions for TIP victims. This will include developing additional and focussed standards of care and other shelter specific provisions required for TIP victims.

4. Address the issue of access to shelters for all

Target Stakeholder: Government (Anti-Human Trafficking Task Force/Ministry of Defence; Ministry of Women and Child Development)

- Discuss the issue of discrimination faced by male TIP victims and TIPs of other genders who do not have access to TIP shelter services due to the fact that all shelter services in Sri Lanka (for GBV victims and TIP victims) are offered only to women. This requires a policy level discussion and remedial interventions so that key policy documents such as the National Labour Migration Policy and the Policy Framework for Addressing S/GBV addresses the expansion of services to all genders.

To improve access to shelter services for TIP victims, this Issue Brief is supplemented by a guideline and checklist document “Guidelines and Checklist to Follow when including Victims of Trafficking in Persons (TIP) in Shelters for Gender Based Violence Victims (GBV)” that could be used by shelter service providers. The guideline and checklist document recognizes that TIP victims may require additional services and serves as an annexure to the existing GBV shelter guidelines in Sri Lanka.

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