



Nepal Factsheet

Advantages and challenges of integrating services for victims of Gender-Based Violence and Trafficking in Persons

Purpose

This three-country research of India, Nepal, and Sri Lanka aims to identify promising practices, gaps, and challenges in integrating or separating services for victims of Trafficking in Persons (TIP) and Gender-Based Violence (GBV) in order to optimise screening and support services.

Approach

Primary research was carried out in Kathmandu as well as in Morang, Sunsari and Banke, three districts bordering India, mainly for information on victims of TIP.

A total of 72 interviews and two focus groups were conducted among stakeholders, consisting of service providers, law enforcement officials, judges, prosecutors, and other government officials.

A total of 60 women and 25 men were interviewed. Some of these interviews took place over online communication platforms owing to COVID-19 restrictions. Victims of GBV and TIP were interviewed by individuals associated with the organisations running the shelter homes where the victims were being housed.

Key issues identified

Understanding of concepts and prevalence of TIP and GBV

- Deeper understanding of GBV and TIP: There is a growing understanding about the need for clarity regarding the mutually reinforcing intersections between migration, trafficking, and smuggling. GBV is the leading cause of TIP in Nepal, with trafficking perpetrators preying on victims of GBV who come from an unstable environment at home.
- Availability of information on TIP and GBV: Information on GBV is available although rife with various shortcomings. In the case of TIP, information is sparse, scattered, and incomplete. There is almost no data on violence faced by men and people of other genders. Under-reporting is widespread, arising mainly out of fear of both retaliation and stigmatisation.
- Statistical discrepancies in data from NGOs and state sources: This indicates the likelihood of TIP cases not receiving due and diligent attention. Due to the unavailability of this information, the different scales of internal trafficking and transnational trafficking is not known either. Furthermore, it is seen that human smuggling and irregular migration are often conflated with human trafficking.
- TIP cases high among women: Women fall prey due to not having a good understanding of the foreign employment process. Restrictions on women's migration have forced them to use irregular channels to migrate, rendering them all the more vulnerable to exploitation.

Screening and identification of victims

- NGO collaboration: NGOs actively assist law enforcement officials from the Nepal Police and the Armed Police Force, in the screening and identification of victims at checkpoints along the border with India.
- Location of screening: Screening is conducted at various checkpoints along the Nepal-India border. They also conduct screening in hotels and public places along the border. Despite the high incidence of internal trafficking in Nepal, the focus of the law is found mainly on trafficking across borders, resulting in a clear lack of attention to internal trafficking.
- Lack of operating protocols: Checkpoint inspections at the border focus almost exclusively on female travelers. There is no operating procedure or protocol for the identification of victims of trafficking or GBV. Officials rely mainly on visual cues and their experience to identify victims.

- Dependence on NGOs: Victims and individuals facing potential risks are entirely dependent on the work of NGOs. Rescue and repatriation efforts mostly take place outside the state system, without engaged participation of and monitoring by government representatives.
- Institutional gaps: Anti-trafficking efforts are hampered by the failure of the law to reflect changes taking place on the ground. Institutional gaps also hinder proper screening and identification of victims, with victims being forced to reconcile with perpetrators or accept payments.

Legal Framework Governing TIP and GBV

- In Nepal, GBV and TIP are covered by a number of laws including the Constitution of Nepal and the National Penal Code along with landmark judgements from the higher courts.
- Several gaps and challenges exist in the implementation of laws and legal procedures. Fraudulence in labour migration, human smuggling and trafficking, and victims engaged in commercial sex being conflated with TIP is a concern.
- Contradictions among existing laws leave open the possibility of manipulation, while complex legal proceedings act as a barrier to victims when they seek legal redress.
- A marked gap in dissemination of information on the authority, duties and limitations of the various agencies handling the complaint process, along with a lack of trained officials and poor attitude of law enforcement officials toward victims.

Services and Service Delivery

- Victims are mostly referred to shelters by law enforcement officials, local governments, and NGOs, with services concentrated in the cities and border regions.
- Standard Operating Procedures (SOPs) have been developed on different aspects related to TIP and GBV. However, not all of these procedures are followed to the letter, with some of these remaining unknown to relevant officials.
- Psychosocial support, physical health care, vocational training, and economic security, legal aid and counselling, and life skills and education are available to victims in shelter homes.
- Significant challenges remain to effective long-term service provision due to resource constraints.
- Shelter homes conduct risk assessments to ensure that there is no risk to the victim from their family and community, before initiating reintegration.

Integration or Separation of Services

- Most victims thought integrating services would be better mainly because of the emotional support the two kinds of victims are likely to provide each other when staying together and also because parity would be ensured for both sets of victims.
- Some service providers believed integration is better primarily because of cost savings since most services provided to victims are similar and also allow for victims to bond with and support each other, while others felt the two groups have different needs and so services should be provided separately if possible.

Recommendations

For shelter homes and service providers

- Ensure effective screening and identification of victims, including males and those of other genders, in coordination with law enforcement agencies.
- Avoid clustering of services in urban and border areas.
- Ensure interactions between victims in shelter homes do not impact them negatively.
- Raise public awareness to eliminate social stigma and discrimination against victims as well as inform the general public about services available to victims.

For law enforcement agencies

- Expand screening and identification to locations beyond official border crossings and expand the focus from female victims to cover potential male victims and those from gender and sexual minorities.
- Establish systems such as 24-hour hotlines to report both GBV and TIP crimes.
- Use trauma-informed language when dealing with victims, and practice victim-centric investigation procedures and victim-participative criminal justice processes, including making provisions for witness protection.
- Provide intensive GBV- and TIP- specific training to all law enforcement personnel.

For other government officials

- Ways to identify GBV and TIP must be included in the training modules for government officials, so that both forms of violence are clearly understood.
- Enforce existing laws to protect victims while also revising them to reflect new developments in the sectors.
- Implement and monitor standardised protocols for all operations relating to TIP and GBV.
- Streamline information and establish an information system, including specifying functions, roles, and duties of the federal, provincial, and local governments.
- Allocate an annual budget to support shelter homes and service providers and increase the number of shelter houses across Nepal that cater to the needs of men alongside other gender and sexual minorities as well.
- Conduct periodic monitoring of shelter homes and service providers.
- Raise public awareness regarding what constitutes TIP and GBV, the related laws, and services available to victims.

Integration of Services

Requires less financial and human resources

Provides a common platform for victims of both groups to support each other

Encourages interactions between TIP and GBV victims which can help raise awareness of the types of violence women face in Nepal

Organisations

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