Integration and Settlement for Survivors of Human Trafficking in Southeast Asia and Australasia

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Paper presented at
The Pontifical Academy of Social Sciences
Human Trafficking: Issues Beyond Criminalization
17 – 21 April, 2015
Casina Pio IV, Vatican City

Introduction

As several scholars have noted recently, issues of integration and settlement have received relatively little attention in human trafficking research (Schloenhardt and Loong 2011, Lyneham 2014, Surtees 2013). Most of the few studies that exist focus on the United States, which has had a formal resettlement and integration program for trafficked persons (under the TVPA, or Trafficked Victims Protection Act) for over a decade (for example, Brennan 2010, 2012, Shigekane 2007, Haynes 2004). Yet the post-exit trajectories of trafficking survivors are crucial to the extent that they can either reduce or heighten vulnerabilities of trafficked persons, including where this may lead to their re-trafficking. Successful integration and/or settlement can be key to the process of nurturing survivor resilience through reducing the factors that led to their trafficking initially. This paper examines settlement and integration of trafficked persons in Australasia (principally Australia and New Zealand) and Southeast Asia (principally Vietnam, Cambodia, Singapore and the Philippines). Comparative reference is made in the paper to other countries which have a framework for survivor settlement and/or integration, particularly the United States.

While more fully examining settlement and integration in human trafficking is an urgent task, it is one also beset by the complexities of the phenomena. Settlement and integration can occur across international borders (in cross-border trafficking) or within a country (in internal trafficking). Although the challenges facing survivors are often similar, there are significant differences which in large part emerge from immigration and visa issues where trafficking is cross-border. Further, settlement and integration may not occur together; many trafficked persons are deported to their home countries after their period of cooperation with authorities in the trafficking destination has ended, for example. Upon returning home they may or may not be formally (re)integrated. In addition, there are complicated geographies in integration and settlement patterns, largely stemming from whether a person returns to their home community (where they lived prior to trafficking) or elsewhere. Finally, a person may re-settle after trafficking outside the parameters of formal government interventions under an anti-trafficking framework. These ‘clandestine’ trajectories have hardly been examined at all. These issues will be examined in the following sections of the paper. But first I will define the key terms of the paper; integration and settlement.

Defining Integration and Settlement in Human Trafficking

Settlement issues for trafficked persons normally involve their formal, legal recognition as residents in the trafficking destination country. They are, therefore, predominantly issues of immigration status. Settlement is highly variegated and depends on how the principle is applied in national legislation. One may best conceive of settlement in terms of degrees along a continuum, which largely relate to how long a trafficked person may remain and with what rights and responsibilities. In many countries which have a visa program for trafficked persons there are categories of stay, ranging from permanent to just a few months. Permanent settlement is, across contexts, remarkably hard for survivors to secure. Indeed, one may argue that (uncertainty around) their eligibility for the settlement process, and indeed the immigration requirements for more permanent settlement, may prove a source of ongoing anxiety for many survivors. It is also worth noting that countries that offer settlement to trafficked persons are nearly always developed, northern states. In Southeast Asia, for example, no country (including so-called developed countries, such as Singapore) has a settlement program for trafficked persons. It is also important to bear in mind that settlement (relating to legal/immigration status) does not automatically guarantee successful integration.

Whilst we generally consider settlement in relation to cross-border trafficking, (re)integration can be either a phenomenon associated with cross-border or internal trafficking. Derks (1998) defines (re)integration as more
than simply a geographic movement of a victim of trafficking back home or to a new place. As she states, “To integrate means to unify, or to put or to incorporate (parts) together in a whole; reintegration assumes that this unification or incorporation has been achieved” (p. 7). Thus, (re)integration requires that a trafficking survivor achieves acceptance and a sense of belonging in either their home community upon return or within a new community if they are unable or unwilling to return home. Importantly, the vast majority of (re)integration occurs outside of the parameters of official supports. Assisted (re)integration, in other words, remains proportionally a much smaller phenomenon that that which is independent of the involvement of any organization. This may either be by choice, or by default. (Re)integration processes contain many, often inter-related aspects, such as economic supports, health interventions (both physical and psychological), and awareness-raising in communities for building understanding and social acceptance of victims. As Surtees and de Kerchove (2013) point out, the complexities of (re)integration often make it unattractive to donors and governments: “…resources have not been forthcoming for various reasons, including a failure to distinguish between short-term assistance and long-term re/integration; the complex, messy and unpredictable nature of re/integration work; the risk of failed re/integration; the high cost of re/integration services and case management; lack of budget allocation for national and local governments; and a lack of interest in re/integration from international donors and foundations”. These barriers are often palatable for trafficked persons and organizations interested in supporting their welfare beyond the short term.

International Norms and Rights of Victims

The UN Trafficking Protocol (2000) contains a number of provisions relating to return (repatriation) of trafficked persons (Article 8), and appropriate measures for victims to remain in the trafficking destination country (Article 7). The IOM also emphasizes that return and reintegration should always be voluntary (by the choice of the trafficked person) and assisted where appropriate to ensure that the process is safe. Unfortunately there is significant evidence from different contexts globally that trafficked persons are not always returned voluntarily and may indeed be subject to more coercive forms of removal from the territory of the destination country, as in deportation (see Seagrave 2009).

There are at least two reasons why deportation as a means of offshoring trafficked persons persists despite the provisions laid out in the Trafficking Protocol and other documents (such as IOM’s Direct Assistance to Victims Manual) for a right-based and protection-centred approach to trafficking. First, many states do not have adequate victim identification procedures. Raids on worksites, including brothels and bars, continue to be one of the key means of identifying trafficking victims, even though raid as a means of victim identification has been subject to extensive critique (see especially Agustin 2009). One study in the United States of law enforcement views of the effectiveness of raids found that they were almost universally ineffective as an anti-trafficking tool because they undermined trafficked persons trust in authorities and reinforced pre-existing fears amongst trafficked persons (Ditmore 2009, see also Ditmore and Thukral 2012). Due to fear and other factors women are often reluctant to disclose details of their situations to authorities, especially in dramatic and violent events such as raids (Brennan 2005). The second reason for lack of victim identification is because there still appears to be a more extensive focus in many countries on the sex industry than other sectors, such as farms and construction sites and private households, where trafficked persons may be located. Despite many countries widening the scope of their trafficking legislation to include labour trafficking, including Australia, Vietnam, Cambodia and Singapore, the perception that trafficking is primarily a phenomenon associated with the sex industry still prevails. In 2012 in Singapore, for example, of the victims detected by authorities that year, 80% were female minors in the sex industry.

Beyond problems relating to victim identification, the key premise of informed choice is often not upheld in the provision of repatriation and (re)integration supports (see, for example, Lyneham 2014 on reintegration of trafficked persons from Australia to Indonesia). In Singapore, my research with women in the sex and nightlife entertainment sector (see Yea 2014) and with trafficked fishermen (see Yea 2013) found that victims were “repatriated” in the absence of the following norms: informed choice about being received in their home country by police or other government authorities; the option to remain in Singapore to attempt to reclaim lost wages and other costs; the option of being put in touch with counterpart support organisations (including local NGOs) in home countries. As I noted in relation to women in the sex industry, consulates and embassies of the women’s home countries often attempt to arrange for women to be met off the plane upon arrival in their home countries by police and then escorted back to their family homes. Many women related that they did not ask for this service, but were told by their respective embassies that it is ‘procedure’, and that police may wish to make a trafficking investigation in due course. As one of my Filipina participants who was subject to this process related, “I do not want to be met by the police at the airport. If they take me home my husband will know what happened to me. He will be angry for me losing the money [paid to finance her migration] and for selling myself in Singapore. It is making a lot of stress for me, coz I managed to keep these problems from him [husband] while I was in Singapore”. This participant experienced incredible anxiety at the prospect of being ‘exposed’
to her family and her community through the very visible escort back home. Importantly, for discussion in this paper, she was not given a choice about this process (Yea 2015).

With other women in sex industry and men in sectors such as offshore fishing trafficked to/through Singapore, what happens after they are detected as victims presents other problems. These include lack of access to legal and economic justice in Singapore and swift deportation with only their airfares paid on their behalf. For example, fishermen from the Philippines, Indonesia and Cambodia who present at a dedicated drop-in centre at Jurong Fisheries Port in Singapore are assisted with their repatriation by provision of an air ticket only. Men are not provided with information about how they may access avenues to seek economic justice, either in Singapore or in their home countries, and are not provided with contact information for support organisations once they return home. This is a crucial gap in repatriation because it effectively thwarts any possibility of victims being able to avail short-term support or longer-term reintegration services once they are repatriated. If victims return home without the choice/option of support and in the absence of financial stability that could be sought if economic justice were applied (for example, though compensation or restitution) victims remain vulnerable. It is in this type of situation that the risk of re-trafficking or other high-risk choices are often made by victims. Initial results of a study I am currently undertaking with returned trafficked fishermen in Cambodia indicates that around 80 to 90% of victims re-migrate for similar work because they do not receive the necessary supports for successful reintegration once they return to Cambodia. Lack of choice, lack of access to justice (especially in the trafficking destination), and lack of appropriate information in victims’ own language weaken the already tenuous possibilities for building resilience amongst victims once they return home, and is inconsistent with a victim-centred and rights-based approach to human trafficking.

Settlement: Proving One’s Victimhood & Getting On With Living

There are two key issues worth examining in relation to the settlement of trafficking survivors in a new country. First is the process of achieving recognition as a victim, which is tied to proof of victimhood and the degree of assistance/cooperation a victim provides to authorities. Australia is the only country of the eight that are considered in this paper to have a resettlement program for trafficking victims. This program however, has been subject to some critique (see, for example, Anti-Slavery Project no date), which primarily relates to the difficulty victims have in gaining access to a permanent settlement visa for Australia. Australia’s Permanent Witness Protection (T) Visa is tailored to victims and their immediate families. Yet the number of victims provided with T Visa’s has remained consistently low since the introduction of the program in the mid-2000s. In 2012, for example, only 12 T Visas were granted. One of the key problems with issuance of this visa is number of approval hurdles a victim must jump through; the visa is only granted if the Attorney General certified the person has made a contribution to, and cooperated closely with police or prosecutors in a suspected case of trafficking or exploitation and; the Minister for Immigration considers the person would be in danger of they returned home. Apart from these ambiguous approvals, victims must first prove their victimhood in order to remain in Australia on a short-term trafficking visa. This can lead to re-traumatisation as victims recount intimate and difficult aspects of their trafficking experience for the purposes of validating their story.

New Zealand, by contrast, does not have a settlement program for trafficked persons, who will be granted a maximum stay of up to 12 months ‘temporary residency’ before being repatriated to their home country. Singapore, the only other ‘developed’ country considered in this paper, does not have any kind of settlement program; victims may remain in Singapore on a legal visa (called a Special Pass) for the duration of their involvement in a trafficking or related investigation or legal proceedings. They are deported at the conclusion of these proceedings. Importantly, unlike in the Australian and New Zealand cases where victims may be eligible to social security and may be able to avail employment, in Singapore victims are not supported beyond their internment in shelters where they are provided accommodation, food and some basic health services. Again, this type of situation does not assist in efforts of victims to build resilience, since they will eventually be deported in circumstances similar to those that compelled them abroad to work in the first place.

The second issue facing trafficking survivors who are resettled in a new country concerns their longer-term status, opportunities and socio-economic situations. Very little research has documented these processes (for an exception see Brennan 2010 and 2014). As Denise Brennan (2010: 158-43) found in researching trafficking survivors in the United States, “Their interest in finding jobs soon after they escape or rescue is particularly striking. Formerly trafficked persons seek to work right away, and strive to build new networks of friends and colleagues, behaviours that challenge the simplistic media portrayals of “trafficking victims” as passive dupes… Work is the reason they came to the United States in the first place and finding new jobs after forced labour allows them to carry out plans their exploiters interrupted”. Resettlement that enables survivors to work towards realizing these unfulfilled economic goals is therefore vital to ensure their economic resilience (and that of their families back home, see below), and can also significantly reduce their stress. Further, enabling survivors to form networks and forge a sense of community within a new and often quite foreign environment, is an important social indicator of resilience.
Busch-Armendariz et al. (2011) have identified a dimension of resettlement that is almost completely neglected in the literature on human trafficking; namely the resettlement of children and other family members with resettled trafficking survivors. They argue that both children and the trafficking survivor (normally a woman) face significant issues in resettlement of family members, and that, “participants were very concerned about their lack of understanding of the legal immigration process, if and when their children would eventually join them in the U.S., and how they would care emotionally and physically for them once they arrived” (p. 5), which they labelled “social and familial equilibrium”. Many of the Thai female participants of my research with survivors of trafficking in Australia (see Yea and Burn 2010) were also confused about the legal immigration process and what services they were able to avail, with many women not availing services because they did not know of their eligibility. Some of these women had “illegitimate” children out of wedlock and this also made the possibility of securing a visa for family reunification even more tenuous a prospect. Unfortunately, as with many women who are trafficked, they are often the sole breadwinners for their children and therefore not only face the mental strain of uncertainty about their status and welfare ‘back home’, but also the immediate and often pressing financial responsibilities that can only be achieved through their remittances.

(Re)integration: Stigma, Shame, Space & Support

As with this above discussion of settlement, this part of the paper addresses two key issues with (re)integration: first, the relationship trafficked persons can have with their home communities, and; second, the types of supports trafficked persons may need and/or avail. I also briefly touch on question of why trafficked persons may decline reintegration assistance. Discussion of victims’ relations with home communities is treated in the context of the other two issues, since it overlaps with and informs these other concerns significantly.

Trafficked persons can require a range of physical and psychological health interventions and these have been discussed in detail on other studies (most recently Kiss et al. 2015). Though it is difficult to generalize, research tends to suggest that shorter-term health needs relate to physical health (injuries, malnutrition, poor immunity due to substandard living and working condition, and minor disease problems, such as skin problems). Longer term health interventions in the context of (re)integration include for permanent disability and terminal diseases such as HIV/AIDS, and for psychological rehabilitation from the trauma of the trafficking experience. Yet, what I wish to emphasize here is that we should not assume all trafficked persons are ‘damaged’, particularly in their mental health (Yea 2015). Careful assessment of individuals, rather than presumptions of damage should be the main concern of those who provide health supports in the context of reintegration. Further, in some cases re-integrated persons can appear distressed and in need of some form of therapy or counselling, but these signs may relate to other circumstances besides trafficking, thus begging researchers and practitioners to consider the causes of these problems and, indeed, whether dedicated responses under post-trafficking interventions can or should address these other concerns. For example, in a joint study with the Hanoi-based NGOs SHARE and CSAGA, I found that some women reintegrated after being trafficked to China were highly distressed when we conducted interviews about their experiences of reintegration, only to find that women’s relationships with their husbands and/or mother-in-laws were the key cause of their emotional states, rather than anything directly related to their trafficking experiences. Indeed, it is such familial relations (in Vietnam, at least) that compel many women to seek opportunities to re-migrate. Community integration outside the home community/family may have been a more suitable and sustainable option for many of these reintegrated women and draws out exactly how reintegration, as opposed to integration elsewhere, may bring about vastly different experiences of acceptance, belonging, and moving on.

If there are sometimes some unhelpful and broad-based assumptions about health needs/problems of trafficked persons, there are often also assumptions about how best to support them socially and financially. Previous research has noted, for example, that many livelihood projects for (re)integrated trafficked persons are inappropriate (they may not generate adequate income for survivors because the product/service is not needed in their home community), the skills/projects are not of interest to the recipients (they may be based on gender stereotypes, such as that it is ‘appropriate’ for women to learn sewing or hairdressing, or men to train as a mechanic, or children to be put back into school) (see, for example, Derks 1998, Yea 2015c). In a study with children trafficked for forced labour from central Vietnam to Ho Chi Minh City to the south, children’s reintegration into home communities with the assistance of a local NGO demonstrated some innovative and appropriate options for the children. Rather than presuming the children should all return to school, for example, specific livelihood and training options were provided to children in consultation with them. Many children stated that they did not feel academically inclined and that, because some time had passed since their previous enrolment in school, they would feel out of place in a classroom with children who were possibly much younger than themselves. The NGO supported these different aspirations as best they could, but practical considerations, particularly financial constraints on supporting training and livelihoods were nonetheless a major concern in delivering these economic supports. What this example does nonetheless indicate is the
importance of listening to trafficking victims in ways that reflect participatory and inclusive approaches to designing appropriate intervention with trafficked persons[1]

My research with Filipina and Russian women trafficked to South Korea as entertainers and trafficked fishermen in Cambodia and the Philippines reveals that many victims of trafficking deliberately avoid reintegration supports. Yet, some of these women and men are unable on their own to overcome the vulnerabilities that lead to their trafficking in the first place, sometimes leading to a new round of out-migration for precarious and poorly understood job opportunities. This raises important issues about why trafficked persons reject supports in the context of (re)integration and, sometimes, immediately post-trafficking in shelters and other institution. Brunovskis and Surtees (2007) have addressed this issue, suggesting that there can be a variety of reasons for trafficked persons to decline assistance. Many of my participants emphasized the same concerns, including the lack of ability of (re)integration supports to meet their financial and livelihood needs (often in the context of lack of compensation for their initial trafficked experiences), the relations and social networks they form in trafficking destinations, which can yield information about opportunities for work and provide some degree of social support, and the wish not to have their experiences disclosed within their home communities (see also Brunovskis and Surtees 2012, Lisborg and Plambesh 2009). Some of my participants also disclosed that their traffickers lived in the same communities as themselves (and were sometimes distant relatives or peers/friends) and in these cases accepting trafficking supports would bring tension in their relations within their communities.

In a study with women and girls trafficked and prostituted in Cebu, the Philippines, I found an additional concern, namely the inability to find an appropriate place to integrate post-rehabilitation/shelter. In that study I conducted in-depth interviews with over thirty women and girls trafficked into Cebu’s multifarious sex and nightlife entertainment sector. Over 70% of these participants were vulnerable to trafficking initially because of family crisis and domestic problems. When the period of rehabilitation in the shelter (up to two years) concluded, reintegration into home communities was simply not possible for many of these survivors. Women and girls recounted experiences of being raped by a family member (usually a brother or the step/father), witnessing a domestic violence, including the violent death of a family member, or being forced into child labour by a family member. For these participants there was simply no supportive place they could integrate into, raising questions not only about how (re)integration should occur, but also where it should and could actually take place (Yea 2010b).

In sum, the problems with (re)integration can be divided into two areas: first, those associated with belonging and community, and; second, those related to the delivery/absence of a range of different (but often inter-related) supports over the longer term. At present, supports for reintegration in both Australasia and Southeast Asia are delivered in a piecemeal way, which is generally a reflection of lack of capacity and (funding) interest in reintegration in counter-trafficking programs. There are also important questions about how long support should be delivered for, and how progress towards successful integration is measured (a monitoring and evaluation question). In particular, the delivery of ongoing supports can work to create a sense of dependency amongst trafficked persons, and can act to dilute, rather than build, their resilience.

Conclusion

This paper has explored the challenges of (re)integration and (re)settlement for trafficked persons and the organisations that purportedly serve them. I have drawn on several studies I have conducted over the past ten years, including in Singapore, Cambodia, Vietnam, the Philippines and Australia to inform discussion. I have suggested that there are two major concerns with (re)settlement, namely proving status as a bonafide trafficking victim, and moving on with life (particularly economically and socially) in the place of resettlement. With regard to (re)integration I have argued that two particular challenges are: recognizing the importance of family/community context in evaluating where and how a victim of trafficking is integrated, and critically reviewing socio-economic and health interventions based on broad assumptions and stereotypes of victim types. In depth research with trafficked persons reveals a complexity to experiences both in different countries and between sectors where trafficking has taken place, as well as nuances in victims individual experiences and broader lives. There is much that remains to be done in the field of research and interventions in the longer term after trafficked persons exit their situations of exploitation. This paper has aimed to raise some of these issues and, in the last, I reiterate my calls for more attention to this hitherto neglected side of anti-trafficking.

References


[1] A brief search of the use of participatory approaches to design appropriate interventions with trafficked persons yielded only one reference, oriented to prevention (rather than protection): V. Samarasinghe and B. Burton 2007. ‘Strategising prevention: a critical review of local initiatives to prevent sex trafficking’, Development in Practice 17 (1): 51-64. There is arguably much more scope to expand the use of these tools to achieve more effective reintegration services, amongst other interventions.