Background Notes – Trafficking in Persons
August 2020

Context

The identification of Venezuelan Victims of Trafficking (VoT) by national competent institutions is estimated to be in the dozens every year across Caribbean countries. This figure hardly reflects the magnitude of the issue, that is closely connected to the humanitarian crisis in Venezuela and the outflow of Venezuelan refugees and migrants to the subregion since 2017, resulting from deteriorating political and socioeconomic situation in the Latin American country.¹

With a current estimate of 113,000 Venezuelan refugees and migrants, Aruba, Curacao, the Dominican Republic, Guyana and Trinidad and Tobago are the five Caribbean countries, hosting the highest number of Venezuelans, who usually travel irregularly or on tourist visas² and are left with few options to obtain a residency or work permit. The vast majority of them do not have regular migratory status and remain undocumented; their access to asylum procedures or any form of protection is extremely limited.³

Due to the high proportion of refugees and migrants relative to host populations and the perceived absorption challenge, in 2019 the Dominican Republic, Aruba, Curacao and Trinidad and Tobago made entry visas a requirement.⁴

In Trinidad and Tobago, for two consecutive years, Venezuelans represented over 90% of the identified victims of trafficking: 14 victims were Venezuelans out of a total of 14 in 2018 and 33 victims were Venezuelan out of a total of 34 victims in 2019, Trafficking in Persons Report, June 2019 and June 2020, Department of State, United States of America.

² Trafficking in Persons Report, June 2019, Department of State, United States of America.
³ With the exception of Guyana, where refugees and migrants from Venezuela can travel without a visa.
⁴ In Curacao, the reduced the number of flights in 2019, made very difficult to access the territory. In late 2029, Aruba and Curacao also announced the implementation of a visa requirement. In March 2020, “due to the COVID-19 outbreak, the implementation of the visa requirement for Venezuelans scheduled to start on 1 April was postponed until further notice. Venezuelans remain visa exempted for all Caribbean islands of the Kingdom of the Netherlands, though they are affected by the border closures”. Aruba & Curacao Situation Report, April 2020.
smuggling and trafficking\(^5\) as well as dramatic shipwrecks, which have taken the lives of over a hundred people while others have gone missing.\(^6\)

Long before the Venezuelan crisis, human smuggling and trafficking were a reality in the sub-region. Colombian, Dominican and Haitian nationals, as well as people from other nationalities, have continuously been lured to the Caribbean countries on false promises of high-paying jobs in tourism, construction, hotels/restaurants/bars, domestic work and mining.

Recruitment tactics of trafficking networks usually involve fellow nationals, sometimes former victims themselves who, in exchange for a fee, contact vulnerable individuals in the country of origin. Once in the host country, job offers turn into sexual exploitation or forced labor, being coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers, limitation of movement or threats of denunciation to immigration authorities.\(^7\)

Given the needs emanating from the humanitarian crisis in Venezuela, these trafficking networks have increased numbers of potential victims within easy reach.\(^8\)

### Overview

The Dominican Republic, Guyana and Trinidad and Tobago are signatories to the United Nations [Convention against Transnational Crime and Protocols]\(^9\) and the Kingdom of the Netherlands has confirmed that these also apply in the case of Aruba.\(^10\) In recent years, all five countries have taken significant steps to fight smuggling and trafficking, adopting legal frameworks and establishing national institutions that identify and assist survivors as well as specialized police forces and law enforcement units in investigating and prosecuting trafficking crimes. Budgets were allocated to the prevention and protection of victims, with dedicated and trained staff, although they are not fully meeting the needs. Moreover, governments set up a Caribbean Migration Consultations (CMC)\(^11\) Counter-Trafficking Network in 2016 to enhance cross border collaborative efforts.

Despite progress in the fields of prevention, protection, prosecution and partnerships, and the support of R4V partners, trafficking trends in the sub-region are on the rise with many victims remaining unidentified or inadequately assisted and with reports of a worrisome proportion of teenage girls possibly affected by a situation of trafficking. Additional resources are urgently needed to conduct prevention actions and to identify and assist victims.

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\(^5\) This is true for Aruba, Curaçao and Trinidad and Tobago. Venezuelans reach the Dominican Republic by plane.

\(^6\) “So far in 2019, at least three incidents of shipwrecks were reported, claiming the lives of over 80 people.” April and May 2019, Situation Report, R4V Coordination Platform for Refugees and Migrants from Venezuela in the Caribbean.


\(^8\) [Venezuelans' Vulnerability to Exploitation, Trafficking and Discrimination, Central America and the Caribbean, July 2019, DTM, The UN Migration Agency (IOM).](https://www.iom.int/sites/default/files/documents/2019/07/Venezuelan_vulnerability_to_exploitation_trafficking_and_discrimination_central_america_and_salt_f.pdf)

\(^9\) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air.


\(^11\) The CMC is a consultative forum of governments and international organizations, which exchange information and best practices on migration issues.
Investigations and prosecutions are lengthy, and few perpetrators are brought to court and sentenced. Trafficking continues to reap large profits and impunity prevails.

In early 2020, with the COVID-19 pandemic and the subsequent restrictions and loss of formal and informal livelihood opportunities, the situation of Venezuelan refugees and migrants in the Caribbean further deteriorated, forcing many people, especially the most vulnerable to resort to negative coping mechanisms.  

**Aruba**

In 2006, the Aruban parliament amended the criminal code and criminalized the trafficking of persons for labor and sex work under Articles 2:239, 2:240, and 2:241 to 2:247 of the penal code, in alignment with international treaties. A year later, the government established an interdepartmental and interdisciplinary task force under the supervision of the Ministry of Justice and issued a National Anti-Trafficking Action Plan (2018-2022) to prevent trafficking, protect victims and prosecute offenders. Additionally, the Bureau of Victims’ Assistance operates a special hotline for victims of all crimes, including trafficking.

Although trafficking networks linked to Aruba’s tourism-dependent economy continue to trick vulnerable individuals into exploitation, the identification of victims is declining. The government did not report identifying any Victims of Trafficking (VoTs) in 2019, in stark contrast to the seventy-one (71) identified victims in 2017 and despite the simultaneous increase in the number of Venezuelans seeking safety and livelihoods in Aruba.

Victims are granted a six months temporary immigration stay but may be deported after this period. Adding up to an already challenged protective system, this may discourage victims trusting institutions and filing complaints. To provide an effective response on counter trafficking, in 2019, R4V partners initiated a dialogue on trafficking in persons with the government and conducted an awareness raising campaign in early 2020.

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14 Trafficking in Persons Report, June 2019, Department of State, United States of America, p. 81.
Curaçao

Curaçao has legalized and actively regulated the business of prostitution, but Articles 2:154, 2:239 to 2:247 of its penal code criminalize sex and labor trafficking and prescribe penalties of up to nine years’ imprisonment or fines for offenses involving a victim 16 years or older, and up to 12 years’ imprisonment or a fine for those involving a victim under the age of 16.

The Government established a Counter Trafficking National Task Force and developed referral mechanisms and a national action plan (2017-2022). In May 2019, the Office of the Public Prosecutor announced the establishment of a new directive concerning human trafficking and human smuggling. Furthermore, a Non-Governmental Organization Stichting Slachtofferhulp (Victim Support Unit/Foundation SSHC) has been contracted by the Government to provide assistance and manage a hotline for human trafficking victims. Additionally, with a limited budget from the Government of Curaçao, the Victim Support Unit cooperates with an umbrella organization, consisting of twenty-six (26) NGOs active in Gender-Based Violence (GBV) prevention and response. In 2020, the Government has also assigned the University of Curaçao the task of mapping out the nature and scope of human trafficking to improve response and prevention.

Even though trafficking networks continue to be active in Curaçao, authorities have reported a decrease in the number of identified victims from forty-four (44) in 2018 to three (3) in 2019. Additionally, the government reported difficulties in providing adequate assistance, particularly related to shelter and specialized services targeting trafficking victims. In 2018, thirty-three (33) Venezuelans possibly affected by a situation of trafficking, who had not cooperated with law enforcement against their traffickers were detained and deported to Venezuela.

There is no asylum system in Curaçao and, although this constituent country of the Netherlands is bound by the European Convention on Human Rights, it is difficult for Venezuelans to access protection against refoulement. Most of the 16,500 Venezuelans who live on the island are undocumented and live in fear of being reported to the police and removed from the island.

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15 The law allows foreign women in the island with a three-month working permit to engage in legal prostitution.
17 “This directive is valid as of 1 May 2019 and elaborates on the core concepts and punishments for these acts. The legal basis of this directive lies within Curaçao, Sint Maarten and BES Islands’ (Bonaire, St. Eustatius and Saba) Criminal Law. Among others, the policy’s provisions intend to penalize those who provide shelter to undocumented persons in Curacao”. April and May 2019, Situation Report, R4V Coordination Platform for Refugees and Migrants from Venezuela in the Caribbean.
19 Trafficking in Persons Report, June 2019, Department of State, United States of America, p. 177.
20 Trafficking in Persons Report, June 2018, Department of State, United States of America, p. 166.
21 Articles 3 of the European Convention on Human Rights provides protection against returns to a country where “one shall be subjected to torture or to inhumane or degrading treatment or punishment”.
In this context of acute needs, R4V partners carried out training for government counterparts on victims’ identification, protection and assistance (including interviewing techniques) and supported the drafting of Standard Operating Procedures (SOPs) on identification and protection of trafficking victims to improve referral mechanisms and coordination.

Dominican Republic

In the Dominican Republic, the 137-03 Law on Human Smuggling and Trafficking was enforced in 2003. It criminalizes all forms of labor trafficking, some forms of sexual trafficking and provides for penalties of 15 to 20 years of prison and fines.22 A National Plan against trafficking and smuggling was adopted for the period 2017 to 2020 and a special unit of the Attorney General’s Office23 was made responsible for counter trafficking activities such as investigation and prosecution or the management of a shelter for survivors of trafficking. Additionally, the Ministry of Women currently runs shelters for victims of GBV, where victims of trafficking can be accommodated as well.

In recent years, the Dominican Republic has prosecuted fewer cases, moving from forty-nine (49) and forty (40) cases respectively in 2015 and 2016 to a meagre five (5) cases in 2018 and twenty-two (22) in 2019. Convictions have also declined, moving from twenty-two (22) convictions in 2018 to five (5) in 2019.24 In 2020, due to the COVID-19 pandemic, rescue interventions diminished and restrictions imposed on bars and night clubs due to the state of emergency, led to the use of private apartments, making sexual exploitation schemes far less visible for the authorities.

According to NGOs, as challenges and needs increase, further specialization and coordination are needed in governmental services to assist victims. R4V partners have supported the Attorney General’s Office and the Ministry of Women with training and technical assistance and with the provision of relief to survivors by upgrading shelters and services. Partners have also advocated for Law 137-03 to be amended to align it with international standards. Legal provisions like the requirement to prove force, fraud and coercion of child victims25 should be amended, and further access to permanent residency for victims should also be clarified, by detailing the administrative rules to obtain resident and work permits. This process will continue with the new parliament sworn in office in August 2020.

Guyana

Guyana’s parliament passed the Combating of Trafficking in Persons Act in 2005 and established a national task force two years later, including a Trafficking in Persons force in the National Police and a Counter Trafficking Unit in the Ministry of Social Protection. A hotline for trafficking victims, two shelters and two transitional facilities are also run by the Ministry of Social Protection, renamed Ministry of Human Services and Social Security in August 2020.

R4V partners’ efforts to support counter trafficking in Guyana resulted in the development of SOPs for the prosecution of traffickers and assistance to victims of trafficking, prevention campaigns and training workshops. Additionally, a network of international and national organizations named N-TIP was established to improve coordination and referral mechanisms.

Despite governmental and R4V efforts, according to the inter-agency GBV assessment carried out by R4V partners in March 2019, trafficking is among the most prevalent protection risks for Venezuelan women in Guyana.26 The identification of victims remains challenging, especially in remote areas with weak institutional presence and fast-developing mining industries. Settlements in the vicinity of mines in Regions 1, 7, 8 and 9 are areas of high concentration of hotels, bars and night-clubs, where sex traffickers exploit vulnerable individuals,
including Guyanese citizens from Amerindian communities. The number of identified victims decreased from 156 to 102 between 2018 and 2019.\(^\text{27}\) When Venezuelan victims are identified, language barriers to access services and communications with authorities are also an issue. Additionally, the absence of work permits for Venezuelans hampers the ability of victims of trafficking to secure formal livelihoods and to integrate. With the objective of overcoming some of these difficulties, a new Combating of Trafficking in Persons Act was drafted and presented to the government but has not been sent to parliament yet.

In late 2019 and early 2020, R4V partners supported the biometric registration and documentation of some 2,000 newly arrived Venezuelan refugees and migrants by Guyanese Immigration Services. Registration and documentation come along with a renewable three-month stay permit and a provision against forced return. Albeit the stay permit does not allow work and grants limited access to essential services, it is a very positive step towards protecting refugees and migrants against smugglers and traffickers.

**Trinidad and Tobago**

In 2011, Trinidad and Tobago adopted the *Trafficking in Persons Act*, which established an investigative branch, the Counter Trafficking Unit (CTU) comprising of police and immigration officers as well as a legal counsel. The act also designated an operational branch in charge of providing direct assistance to victims; the National Task Force Against Trafficking, installed to incorporate efforts of different government agencies responsible for providing for physical and psychosocial needs of the victims.

Trafficking cases involve mainly young Venezuelan women and girls, between the ages of 15 and 21.\(^\text{28}\) The young age and gender of the victims and the vulnerable situation of Unaccompanied and Separated Children are concerning trends in the Caribbean country, and require greater coordination between the CTU, the Children’s Authority and other relevant stakeholders, to respond to the needs of these groups through a multi-sectoral approach. To that effect, a Memorandum of Understanding was signed with R4V partners.

As the humanitarian crisis continues and the number of suspected cases increases, the state’s capacity and resources to adequately respond to cases, identify victims and provide them with specialized services as outlined in the Trafficking in Persons Act, are strained. Often, undocumented victims are reluctant to report incidents as there is distrust of authorities and fear of arrest, detention and deportation. There is also a fear of retaliation against their families in their countries of origin.

While CTU interventions have led to the identification of victims and the detention of perpetrators, there is a need for strengthened capacity of the judicial system to aid in prosecution and convictions as victims may become weary of drawn out judicial processes. To date, although the CTU’s law enforcement efforts have brought 30 charges against six suspects following trafficking investigations in 2019, there has not yet been a conviction of human trafficking perpetrators under the Trafficking in Persons Act (2011).

In 2019, R4V partners cooperated with national authorities to ensure assistance and protection to 157 presumed victims of trafficking, including legal aid, emergency shelter, medical care, psychosocial support and food assistance to meet their most urgent needs. Partners have also supported capacity development for government officials by providing training on the international legal framework and referral pathways and facilitated a multi-stakeholder dialogue to raise awareness on human trafficking and sexual exploitation in the twin-island country. Among the participants were students, civil society, government officials, the private sector and nongovernmental organizations.

In June 2019, the Government of Trinidad and Tobago announced an amnesty for all Venezuelans regardless of their immigration status and conducted a two-week registration exercise to regularize registered individuals and reduce vulnerabilities and risk of exploitation. Through the registration process, 16,523 approved and verified Venezuelans were granted work permits for 6 months with the possibility of extension.\(^\text{29}\)

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\(^\text{27}\) Trafficking in Persons Report, June 2019, Department of State, United States of America, p. 237.

\(^\text{28}\) “Searching for safety, Confronting Sexual Exploitation and Trafficking of Venezuelan Women and Girls”, Devon Cone and Melanie Teff, Field Report, August 2019, Refugee International. See also https://guardian.co.tt/news/4000-venezuelan-women-trafficked-in-last-4--years-6-2.1140713.b7d79d8797bclid=6xwR3iH4RyqD5osbmbIKrH4z1CHHeX1W2M2dMUR5cbo92qgR1_3AWxGLK

\(^\text{29}\) The Government of Trinidad and Tobago announced that the permits would be extended until the end of December 2020. https://newsday.co.tt/2020/06/13/cards-for-venezuelans-until-december/
Achievements

Throughout the subregion, R4V partners have contributed to establishing or improving referral pathways, to guarantee access to appropriate services and assistance for victims of trafficking such as legal advice, medical care, psychosocial support, shelter and food assistance. They have supported the drafting of SOPs to ensure a consistent and structured response, as well as, respect for confidentiality and full safety of victims. In addition to this, government and non-government officials and front-line responders have been trained to use referral mechanisms and to apply protection principles when required and sensitization campaigns were carried out throughout the sub-region.

Issues related to Trafficking in Persons have also been discussed in Protection Working Groups, that bring together UN agencies, International and National NGOs and civil society organizations to promote a rights-based and survivor-centred approach to counter-trafficking activities. Finally, R4V partners participated in Caribbean Migration Consultations (CMC) and the Caribbean Community (CARICOM) efforts to enhance multi-country cooperation and joint operations in the sub region.

PEOPLE REACHED WITH ASSISTANCE RELATED TO TRAFFICKING, 2019–2020

1,215

Figure 2: Who does What and Where. Source: RMRP 2020.

Figure 3: Activities by type in the 2020 RMRP
Challenges and gaps

In a context of porous borders and irregular movements, the identification of victims is one of the main challenges faced by counter trafficking in the Caribbean. After the implementation of visa requirements and the growing use of irregular border crossing, identification has become increasingly difficult, and there is consensus that underreporting of cases of Venezuelan victims of trafficking is leading to inaccurate estimation of numbers. At official entry points, the identification task is also challenging as many immigration officials are not specifically trained to detect signs of trafficking and victims may be reluctant to come forward or seek assistance for fear of reprisals or deportation.

Regarding assistance to identified victims, the counter trafficking institutional structure in Caribbean countries tends to respond to authorities that fight transnational crime and is ill prepared to provide adequate support, as it lacks specialized care services to protect and assist victims. Psychosocial, legal and medical support offered by social services are generally not adapted to cater to the special needs of survivors of trafficking and lack a gender and child friendly approach. Its structure relies on GBV services which are not always available in Spanish where this is not an official language. Specialized shelters inclusive of all needed services, a crucial element in keeping victims safe and out of reach of traffickers, are insufficient throughout the sub-region. The shelter situation is compounded by the high rental costs, which put vulnerable individuals at risk of eviction and of falling again prey to dangerous criminal networks.

Options are limited when it comes to long term solutions and empowerment of the survivors. In many of the countries, legal pathways to regularize migratory status and obtain long-term permits, hence access to formal labor markets, are scarce. Survivors can only resort to informal livelihoods, which is not conducive to sustainable integration in the host country.

Prosecution processes continue to be lengthy and often discourage victims from pursuing the judiciary path. Building trust between victims and law enforcement actors is also an area that needs improvement to strengthen victims’ identification and prosecution processes. Finally, regional cooperation within the existing frameworks of the CARICOM and CMC needs to be enhanced through increased confidential data, information sharing agreements and joint investigation processes. Cooperation with the country of origin also needs to be strengthened.

The outbreak of the COVID-19 and the subsequent lockdown measures have further hindered the identification of victims and integration processes. COVID-19 has indeed not only interfered with daily social interactions and livelihoods but has also deeply modified the natural environment of human trafficking. The virus has not cut down on human trafficking but led traffickers to switch their modus operandi and locations and use less conspicuous modalities. In parallel, the presence of COVID-19 has prompted humanitarian actors to prioritize emergencies and lifesaving activities. In so doing, reduced resources became available to support the sustainability of counter trafficking mechanisms, at least in the initial phase of the pandemic. The areas of security and healthcare have also been negatively impacted by an induced staff rotation in strategic positions during the COVID-19 pandemic, although areas such as telemedicine and communications have made giant leaps thanks to technological support.
Way forward

The R4V will continue to support national efforts in the fields of Prevention, Protection, Prosecution and Partnerships.

- **Prevention** will consist of bilingual awareness raising campaigns in public places and outreach activities to host and support displaced communities, with strong messages against the normalization/acceptance of sexual and labor exploitation that prevails in some countries of the sub-region. Prevention and awareness campaigns should also shift their focus from the victims and survivors to changing cultural patterns and behaviors of perpetrators. Assessment exercises to take stock of the specificities of the trafficking and smuggling situation in the 5 countries should also be conducted.

- **Protection** activities will seek to improve identification of victims and offer an enhanced protective and integrative response in the long term, with access to residency, sustainable livelihoods and national protection systems. Advocacy to establish and strengthen asylum systems and access to international protection will be pursued. At the regional level, efforts will be made to take part in a victims’ protection scheme that will allow relocation to third countries when suitable solutions within the receiving country are not available.

- **Protection and Prosecution** will also be supported through capacity development for care providers and law enforcement actors, with the objective of reinforcing the survivor-centered approach. Service providers will be assisted in adjusting their working modalities to physical distancing as long as the COVID-19 pandemic impacts the operational context. Where requested, R4V partners will provide legal advice to update, harmonize and improve national legislations, so they become consistent with international obligations and adjust to the numerous challenges faced by Counter Trafficking activities in the Caribbean.

- **Partnerships** will involve enhanced sub-regional and regional coordination and collaboration with multi-country activities and the regular sharing of information.