SEARCHING FOR SAFETY
CONFRONTING SEXUAL EXPLOITATION AND TRAFFICKING OF VENEZUELAN WOMEN AND GIRLS

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FIELD REPORT | AUGUST 2019
Cover Photo: Venezuelan former sex worker and policewoman Pamela, 20. Venezuelan migrants who fled their country due to the crisis, turn to prostitution in Colombia for the lack of opportunities to work in other trades. Photo credit: Raul Arboleda/AFP/Getty Images.
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SUMMARY

When people are forced to flee their homes, they are at greater risk of exploitation. Human trafficking has been a persistent problem in Latin America and the Caribbean. However, the continuing exodus of Venezuelans—the largest in recent history in the Western Hemisphere—demands urgent and increased attention to human trafficking prevention and response.

As of June 2019, more than 4 million Venezuelans have fled the economic and political chaos of their country.\(^1\) Access to food, water, and medicine is severely limited, and public services are breaking down. Victimized by widespread crime and targeted political persecution, Venezuelans continue to flee the country in search of safety and to meet some of their most basic needs.

The large numbers of Venezuelans seeking refuge in neighboring countries are straining the capacity of some regional governments to cope. Countries like Colombia and Ecuador, which have experience in responding to internal displacement or hosting refugees, are being challenged by the sheer size of the Venezuelan caseload. Other countries like Trinidad and Tobago and Curaçao are struggling to set up even the most basic systems of international protection. When resources within Venezuela are scarce and options to seek safety and economic opportunities outside of Venezuela shrink, the threat of human trafficking becomes more acute.

The majority of victims of trafficking (VoTs)\(^2\) detected globally are women and girls, and while not true in certain regions, overall, trafficking for the purposes of sexual exploitation is the most common form.\(^3\) It is important to note that men and boys are also victims of all forms of trafficking and that labor trafficking has also been reported as a problem for Venezuelans in the region. However, this report focuses on women and girls for two reasons. First, the number of reported female Venezuelan victims is on the rise.\(^4\) Second, women and girls face distinct risks.\(^5\)

Over the last year, Refugees International has carried out field research on the plight of Venezuelan refugees and migrants in four countries: Colombia, Ecuador, Trinidad and Tobago, and Curaçao. In all four countries, a few key themes have emerged. First, if Venezuelans have safe and legal pathways to enter host countries, they will be less likely to fall into the hands of traffickers. Second, regularizing the status of Venezuelans already within a host country is vital if victims are to feel safe in reporting incidents of trafficking to the authorities. Third, without the right to work, displaced Venezuelans are at a higher risk of falling prey to exploitative situations to survive financially.

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2. Throughout this report, Refugees International uses the term “victim” to describe trafficked persons. As explained in the National Sexual Violence Resource Center’s Guide for Victim Advocates, “this is not to connote powerlessness or a lack of resilience, but to convey the acute conditions under which someone who has suffered from trafficking often encounters an advocate, as well as the magnitude of the crime that has been committed against him or her. The terms perpetrator and trafficker are used interchangeably to describe individuals who recruit and traffic women, men, and children for labor or sexual servitude.”
If these factors are not addressed, the risk of Venezuelan women and girls being trafficked is heightened. However, the full nature and scope of human trafficking in the context of the Venezuelan refugee and migrant crisis remains elusive. Information is hard to come by and the coordination of measures to prevent or mitigate human trafficking across host countries remains ad hoc at best. The result is a higher degree of vulnerability. International organizations and host countries alike have a responsibility to coordinate their anti-trafficking efforts, aggregate data, and share lessons learned.

Governments carry much of the responsibility for confronting human traffickers and providing services to their victims. However, civil society also has an important role to play. In general, international donors need to do more to support civil society organizations in host countries to help meet the needs of victims. For its part, the United States should utilize its unique ability to monitor human trafficking worldwide through its yearly Trafficking in Persons (TIP) Report to create incentives for regional governments to do better.6

Country-specific anti-trafficking programs must be supported while at the same time prioritizing a regional and comprehensive approach. This dual approach is the only way to protect women and girls, who are increasingly at risk.

RECOMMENDATIONS

To host country governments in the region, including Colombia, Ecuador, Trinidad and Tobago, and Curaçao:

- **Expand legal pathways for Venezuelans to enter host countries.** In countries where Venezuelans can enter, but which currently require documents that are nearly impossible to obtain, governments should find practical alternatives to these entry requirements.

- **Regularize Venezuelans’ legal status.** If Venezuelans are already in a country but are undocumented, host country governments need to create mechanisms whereby Venezuelans can register and obtain legal status, including the right to work. Venezuelans are less likely to report trafficking if they fear becoming known to the authorities.

- **Ensure that any victim of human trafficking can file a complaint with the local authorities—regardless of the complainant’s legal status in a host country.** Reporting needs to be encouraged and victims should not be penalized—either through prosecutions or deportations—as a result of their legal status.

- **Inform trafficking victims of their basic rights and provide access to legal assistance.** Legal protection is critical for victims to feel secure. Governments should organize education sessions with incoming Venezuelans and distribute materials about victims’ rights in Spanish. Governments should also provide legal assistance for trafficking victims.

- **Increase assistance for victims of trafficking, including housing and psychosocial support.** Safe accommodation and psychological support are key elements needed for victims

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6. The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003 requires foreign governments to provide the U.S. Department of State with data on trafficking investigations, prosecutions, convictions, and sentences to fully meet the TVPA’s minimum standards for the elimination of trafficking.
to heal. Governments should prioritize reintegration programs that provide these support services.

- **Provide alternative income-generating opportunities to women to reduce the risks of recruitment/trafficking.** Financial insecurity is a significant reason why Venezuelan women and girls are susceptible to trafficking and exploitation.

- **Screen for human trafficking indicators among incoming Venezuelans.** Government officials, especially those working in immigration and humanitarian assistance, need to be trained to identify human trafficking cases and respond appropriately.

- **Coordinate anti-trafficking efforts and service provision for victims across the region.** Police and prosecutors in host countries should have regular referral mechanisms whereby cases can be tracked and pursued across borders. Service providers should also have strong cross-border communication so that, with the consent of the victims, they can share the needs of specific cases and improve service delivery.

**To donors and United Nations agencies:**

- **Provide increased technical and financial support for governments’ prevention and response systems.** Even if host countries have sound anti-trafficking plans in place, limited capacity hinders implementation. Donors and governments need to provide adequate funding and technical expertise to support host countries’ anti-trafficking efforts.

- **Support international nongovernmental organizations (NGOs) and local groups that are providing services and support for trafficking victims.** NGOs and other civil society groups are engaged in remarkable work to assist vulnerable Venezuelan women and children, but there are too few and they are often poorly funded.

- **Support research into the trafficking threat facing Venezuelan women and girls, as well as strategies for prevention and response.** International organizations and UN agencies have the ability to coordinate comprehensive research across multiple countries to better understand human trafficking in the region. This kind of research is crucial in developing effective, evidence-based prevention and response programs.

**To the United States government:**

- **Launch a regional initiative to strengthen coordination across host countries in Latin America and the Caribbean.** This initiative would improve communication between those working to prevent or to mitigate the impact of trafficking of Venezuelans in the region. It would also strengthen the capacity of the relevant law enforcement agencies and service providers in host countries. The Office to Monitor and Combat Trafficking in Persons at the State Department could provide funding and expertise for the initiative.
BACKGROUND

Although Colombia, Peru, Chile, and Ecuador currently host the greatest numbers of Venezuelan refugees, asylum seekers, and migrants, the entire Latin America and Caribbean region has been affected by the crisis in Venezuela. Most Venezuelans who have fled their country are desperate to find safety wherever they can. Millions of vulnerable Venezuelans have sought refuge in more than a half-dozen nearby countries to try to survive and leave the deterioration of their country behind. In 2018 alone, Venezuelans lodged over 340,000 asylum applications—more than double the number of Venezuelans seeking international protection during the previous four years combined. Of the Venezuelans who have left and crossed international borders, it is estimated that at least 40 percent are female. The proportion of women and children among those traveling is increasing as they seek to join male family members who already have traveled ahead. Both the travel involved in reaching these countries of asylum and the reception upon arrival have inherent risks that disproportionally affect women and girls. One specific risk affecting Venezuelan women and girls is that of human trafficking.

10. When referring to human trafficking or trafficking in persons, Refugees International uses the UN definition: “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the 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
**RESEARCH OVERVIEW**

Refugees International sent teams to Latin America and the Caribbean to assess the needs of those who fled Venezuela and the capacity of neighboring countries to host newly arriving Venezuelans. Teams traveled to Colombia in October 2018, Trinidad and Tobago in November 2018, Curacao in February 2019, and Ecuador in March 2019. They returned to Colombia in March 2019 and Curacao in May 2019. Refugees International visited these four countries because they represent a cross-section of the challenges confronting both Venezuelans on the move and the countries and communities in which they seek refuge. Researchers interviewed civil society groups, nongovernmental organizations (NGOs), government officials, members of law enforcement agencies, members of host communities, and displaced Venezuelans. This report consolidates information gathered during each of these trips regarding trafficking and sexual exploitation of women and girls, which was a key concern in many of the interviews, thus warranting a more comprehensive regional analysis.

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**Human trafficking**

The prevalence of human trafficking worldwide led the United Nations to include in its Convention Against Transnational Organized Crime a Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, known as the Palermo Protocol. This legally binding instrument was the first step in the global recognition that all states need to address trafficking of women and girls because, of the victims currently detected globally, they are significantly affected. According to the Protocol, Trafficking in Persons is defined as follows:

> recruitment, transportation, transfer, harbouring or receipt of persons, by means of the 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.11

The United Nations Office of Drugs and Crime (UNODC) indicates that the most common form of detected human trafficking worldwide is sexual exploitation; in 2018, approximately 72 percent of all known trafficking victims were women and girls.12 When countries experience conflict or are economically depressed, the risk of human trafficking can increase because institutions do not function properly, people are forced to migrate, and many people become desperate to gain financial sustainability.

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The regional challenge

According to organizations operating in the region, Venezuelan women and girls who have fled to neighbouring countries, particularly within the last 18 months, often arrive malnourished, with few possessions, and extremely limited financial resources. Sex work has long been established as a means for migrant women to earn a living in the region. Because it usually is unregulated, the risk of exploitation is high. With the crisis in Venezuela continuing to escalate, NGOs working in the region have told Refugees International that this commercial sex work often starts voluntarily, but sometimes becomes involuntary and, in effect, sexual slavery. The vulnerable position of Venezuelan women and girls living in host countries with uncertain legal status creates this potential for exploitation. The desperation to support family members can also lead Venezuelan women and girls into situations of survival sex and being forced into and trapped in situations of trafficking and commercial sexual exploitation.

Traffickers often advertise to Venezuelan women and girls that they will be provided with a job and legal status in another country. However, once they arrive, they are unable to leave and find themselves either working for no pay or engaging in sex work when they expected to be doing something else.

One of the key challenges in addressing this issue effectively is that there is a lack of clear data on the trafficking and exploitation of women and girls affected by the Venezuelan crisis. However, a significant number of people in the region with whom Refugees International spoke noted that trafficking and sexual exploitation of Venezuelan women and girls is a growing problem.

“Campaigners and the United Nations say Venezuelan migrant women and men selling sex in Colombia are at high risk of being trafficked into forced prostitution, but little is known about the true scale of the largely invisible problem.” Whether in Colombia or elsewhere, the data that do exist on complaints and prosecutions for trafficking give a limited picture of the extent of the problem because so few Venezuelan women and girls make complaints, and even fewer complaints result in convictions.

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A lack of data is one consequence of most such cases going unreported. Victims often fear that reporting could lead to violent repercussions against themselves and their family members by traffickers. Trafficking is also underreported because undocumented women and girls may fear negative consequences, such as deportation, if they make themselves known to the authorities by making a complaint. Furthermore, given the lack of adequate support for trafficking victims, it is unsurprising that the number of complaints and prosecutions is low, and the official data thus do not reflect the full picture. However,

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13. For the purposes of this report, Refugees International defines “survival sex” as exchange of one’s body for basic subsistence needs, including clothing, food, shelter, and medicine.
trendlines exist that give serious cause for concern.

**COLOMBIA**

**Overview**

Colombia hosts 1.3 million Venezuelans migrants and refugees—the largest number by far of any host country impacted by the regional crisis. The sheer volume of the flow puts Colombia near the top of the list of host countries of concern. Data from the Colombian Ministry of Interior reveal that between 2013 and 2018, there were 422 registered cases of victims of trafficking within the country. More than 200 of these cases involved sexual exploitation of women; inevitably, there also were additional unreported cases. Furthermore, there are credible reports that Colombian criminal networks are increasingly targeting destitute Venezuelan women and girls through their sex-trafficking rings.

The main areas of concern lie along the border between Colombia and Venezuela, in La Guajira Department and Norte De Santander Department, where the abuse and exploitation of Venezuelan women has reached alarming levels. Refugees International visited La Guajira in October 2018 and Norte De Santander in October 2018 and March 2019. Colombian prosecutors have indicated that “The number of [victims] is very big ... at the border.”

One main driver of this human trafficking is the legal requirements needed to enter the country. Venezuelans must have a national ID card or passport, which is nearly impossible to obtain or renew inside Venezuela. It was only in March 2019 that Colombia announced it would begin accepting passports up to two years past their expiration date. Venezuelans without these documents, however, are forced to enter the country via unofficial or informal routes, some of which are run by illegal armed groups. Organizations in the area told Refugees International that women and girls are often forced to “pay” for passage by providing sexual services. A women’s organization in the border town of Arauca reported that armed groups routinely sexually assault women and girls as they cross the border.

In addition, a Refugees International team was informed about trafficking in Ipiales and Cúcuta. A local government official explained as follows:

> There is trafficking of children ... Some of the women and girls have been directly recruited from Cúcuta where they arrived in Colombia and have been transported down here to Ipiales. But we have not been able to take one case to court. No one will make a complaint.

Once they have entered the country via an

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illegal route, these women and girls must survive without official documents. Colombia has taken the positive step of registering and regularizing large numbers of Venezuelans. Of the more than 440,000 people recently registered by the Colombian government, approximately 280,000 also obtained residence and work permits; as of April 2019, just over 670,000 Venezuelans had regular status in Colombia. However, the United Nations High Commission for Refugees (UNHCR) estimates that, as of July 2019, there are still almost 490,000 Venezuelans in Colombia with irregular status and without appropriate documentation.22

According to the newly released 2019 U.S. TIP Report, Colombia is currently a Tier 1 country, meaning that it meets the minimum standards of efforts to fight trafficking. However, as more Venezuelans arrive, the country may not retain that designation if it does not address the key factors exacerbating the problem. As the TIP Report states, “Venezuelan migrants are particularly vulnerable to trafficking …Venezuelan women and girls made up a significant portion of victims identified in sex trafficking during the year.”

### National legal and policy framework

In 2003, the Colombian government signed the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol). To comply with the provisions of the Convention, the Colombian government passed Act 985, which includes measures to gather information regarding human trafficking, fund prevention activities, assist victims of human trafficking, strengthen law enforcement, and collaborate domestically and internationally. Act 985 also created Colombia’s Interagency Committee for the Fight against Trafficking in Persons (ICFTP), which includes representatives from 14 national agencies and is responsible for coordinating all government departments, municipalities, and private actors to implement the government’s anti-trafficking strategy, and provide victims with emergency and medium-term assistance.

Despite this crucial law and the existence of the ICFPT, the fact remains that victims of trafficking who lack legal status fear making official complaints because they worry that they could be subject to deportation. A women’s organization informed Refugees International that when the group tried to report cases on behalf of undocumented women to the Ministry of Social Protection, the ministry explained that first the cases must be referred to the Migración Colombia (known as the Migration Department) for a decision, potentially resulting in the victims’ deportations. The organization explained that “The problem is the practice, not the rules—the rules don’t state that the legal status of the victim matters, but in practice they may deport with no due process if you complain. We only have one case we can bring, as women are too scared to report.”

### Anti-trafficking efforts by the Colombian government and other actors

The Colombian government has taken some important steps in the fight against...
trafficking by “launching a new national anti-trafficking information system, investigating and prosecuting officials allegedly complicit in trafficking crimes, and convicting the first case of domestic servitude.” The Colombian authorities recognize that Venezuelans are at particular risk of being trafficked, so the government recently conducted a study on the vulnerability of Venezuelan victims.

Refugees International interviewed the head of the ICFTP, who explained that in addition to state institutions, this group also has 88 local anti-trafficking committees, which are responsible for partnerships with NGOs. As part of a prevention strategy, government authorities and NGOs are training police, migration officials, prosecutors, and lawyers on issues related to human trafficking, including victim identification, referral mechanisms, and legal assistance for victims of trafficking. International organizations are also involved in anti-trafficking initiatives. In June 2019, the International Organization for Migration (IOM) launched an awareness raising campaign designed for Venezuelans in Colombia so they can understand the dangers of trafficking and better protect themselves. Some agencies and NGOs are also providing income-generating alternatives to commercial sexual exploitation.

**Challenges that need to be addressed**

**Lack of adequate support for victims**

Despite these efforts, Colombia lacks adequate support for victims of human trafficking. The ICFTP operates a “victims program” that provides emergency assistance. However, according to the U.S. TIP Report, “the national government did not have dedicated funding for specialized victim services, and it relied solely on individual departments for the provision of services.” Although shelter is provided to VoTs for up to 10 days as part of this emergency assistance, victims are subsequently released without housing support and often have nowhere to go. As a result, they can once again become vulnerable to exploitation.

In coordination with local actors, IOM and the Red Cross also provide some support for victims, such as health care and assistance with their immediate needs, followed by activating referral mechanisms for further assistance if necessary. UNODC recently presented a pilot project to assist victims in Norte de Santander and Arauca—two areas that share a border with Venezuela. However, assistance is needed in more than just these two locations because trafficking of Venezuelan women and girls is a problem across the country.

**Prosecutions**

According to the ICFTP, victims must go to the Fiscalía General de la Nación (General Prosecutorial Office of the Nation) and the police if their cases are to be prosecuted. The Fiscalía determines whether the person will enter the victims program. However, many victims choose not to enter this system, preferring to focus on working—whether informally or with a work permit if they are able to obtain one. Currently, criminal investigations of trafficking cases can take as long as two to three years. With such overstretched social support systems for Venezuelans in Colombia and the responsibility to support family members back in Venezuela or living with them, many women must work to meet their basic needs. If women who report trafficking cases always received assistance in obtaining residence and work permits, it would likely facilitate more reporting. In 2018, no trafficking prosecutions resulted in convictions.

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29. IOM, “Awareness Raising Campaign.”
In addition to implementing the relevant regional host country recommendations set out at the beginning of this report, the government of Colombia should:

• Encourage trafficking victims to report the abuse they have experienced by ensuring that trafficking complaints do not have to be passed via the Migración Colombia (Migration Department); and ensure that these victims can obtain residence and work permits while they are participating in criminal investigations.

The increase in human trafficking is due in part to significant changes in the composition of the refugee and migrant population from Venezuela.

Ecuador

Overview

During a Refugees International visit to Ecuador in March 2019, several NGOs, UN agencies, and government officials expressed their concerns that, in tandem with the dramatic increase of Venezuelan arrivals, the level of human trafficking has also risen. Government institutions do not have the capacity to effectively curb human trafficking, and adequate services do not exist for survivors. The director of a shelter for abused and trafficked children has observed that the risks faced by vulnerable Venezuelans are overwhelming.

Ecuador was designated by both the 2018 and 2019 U.S. TIP Reports as a Tier 2 country, meaning that the government “[does] not fully meet the Trafficking Victims Protection Act’s (TVPA) minimum standards but [is] making significant efforts to bring [itself] into compliance with those standards.” The 2019 TIP Report noted that Ecuador had identified and assisted more victims in 2018 than the previous year, but echoed the findings of the Refugees International team that much work remained to be done. For example, specialized services are still unavailable in most parts of the country, and the government initiated fewer investigations in 2018 than in 2017.

The increase in human trafficking is due in part to significant changes in the composition of the refugee and migrant population from Venezuela. Aid agencies working in the Colombian-Ecuadorian border city of Túcán noted that the first wave of arriving Venezuelans were mostly men who were relatively well-educated and had relatively high incomes in Venezuela. They often had previous ties in Ecuador or Peru to which many were heading as their destination country.

However, over the course of the crisis, these agencies observed that newer arrivals in Ecuador generally had fewer resources, were less educated, and exhibited greater protection needs, including single mothers, pregnant women, and teenage Venezuelans—all of whom are at a high risk for trafficking. The overall number of women as a percentage of new arrivals also increased. Most recently, according to interviews conducted by the Refugees International team,

many new arrivals are people in situations of extreme vulnerability, including unaccompanied children\textsuperscript{35} and survivors of assault, some of whom were recruited by criminal groups in Colombia.

**National legal and policy framework**

Ecuador ratified the Palermo Protocol in 2001 and enacted a new penal code in August 2014 that carries appropriate penalties for human traffickers. Additionally, protection for VoTs is part of a 2006 national plan and the 2017 Organic Law on Human Mobility.\textsuperscript{36} However, despite the domestic legislation against human trafficking, actually being able to protect VoTs and holding their perpetrators accountable has thus far proved elusive. According to the 2019 TIP Report, “the absence of comprehensive anti-trafficking legislation remained one of the biggest challenges in the fight against trafficking.”\textsuperscript{37}

**Anti-trafficking efforts by the Ecuadorian government and other actors**

The Ecuadorian government recognizes that it needs to increase its efforts to prevent, identify, and prosecute cases of human trafficking. In 2018, authorities conducted awareness-raising events on human trafficking throughout the country. To improve identification, the government supported a program that trains those migration officials and organizations assisting incoming Venezuelans on trafficking indicators. It also developed a victim identification manual and a case management database—both crucial to designing effective social service support programs.\textsuperscript{38}

Successfully prosecuting trafficking cases is critical for accountability. The government of Ecuador should be commended for providing high-quality survivor-centered training for its Anti-Trafficking Unit. However, a considerable shortfall in funding means that this unit is understaffed and cannot effectively investigate and prosecute cases.

**Challenges that need to be addressed**

**Obstacles to reporting**

Refugees International heard from several agencies working with Venezuelans that most women do not report sexual assault, exploitation, or trafficking. Many are undocumented and fear that filing a police report will put them at risk of legal punishment. A UN official in Quito told Refugees International that the judicial system and police force are unable to effectively deal with trafficking because, without a written report of assault, the police cannot take any action. Alarmingly, at the time of Refugees International’s field visit, the Fiscalía General del Estado (State Attorney General’s Office) did not have any offices on the border that address human trafficking. Women must travel to the office in Quito to file a denuncia (report). Even if they can get

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\textsuperscript{35} Women’s Refugee Commission, “The Time to Act Is Now.”


\textsuperscript{37} U.S. Department of State, “2019 Trafficking in Persons Report.”

\textsuperscript{38} U.S. Department of State, “2019 Trafficking in Persons Report.”
to Quito, they are often afraid to do so because they are in Ecuador irregularly. As a result, the Fiscalía has relatively few cases it can credibly pursue.

**Lack of services for survivors and economic opportunities**

NGOs working in Ecuador told the Refugees International team that there were just a handful of shelters or casas de acogida (shelters for abused women and girls), and these are small shelters run by NGOs. However, most women who stay in them are survivors of intra-family domestic violence. The shelters are overstretched and they lack adequate security to keep their residents safe.

As of early 2019, there were only two shelters in the entire country, apart from the casas de acogida, specifically for female survivors of sex trafficking. In 2018, the Ecuadorian government reduced funding for these shelters for the second year in a row, despite the massive influx of Venezuelans and the rise in sex trafficking among this population. Additionally, although the Ecuadorian police have an anti-trafficking subdivision, at the time of writing the report, no one from that division appears to have been deployed to the Colombian-Ecuadorian border. The 2019 U.S. TIP Report notes that specialized services for victims of trafficking are largely unavailable in most of Ecuador.

An added challenge is the lack of employment opportunities. Prostitution is legal in Ecuador, and some Venezuelans come to the country with plans and contacts to engage in sex work. However, when sex work morphs into sexual exploitation or is survival sex, victims have difficulty in gaining legal recourse to justice. UNHCR is providing some Venezuelan women at high risk of survival sex with cash transfers to help meet their basic needs. But the scope of the need goes far beyond the capacity of such ad hoc interventions.

In addition to implementing the relevant regional host country recommendations set out at the beginning of this report, the government of Ecuador should:

- Increase funding for the Anti-Trafficking Unit (ATU) under the National Police Unit for Crimes Against Children and Adolescents (DINAPEN).
- Decentralize the Fiscalía General del Estado and open satellite offices in various cities throughout the country.
- Provide more funding to shelters housing female victims of trafficking.
- Deploy officers from the anti-trafficking subdivision to the Colombian-Ecuadorian border.

**TRINIDAD AND TOBAGO**

**Overview**

Trafficking of women and girls is not a new phenomenon in Trinidad and Tobago. However, with the influx of some 40,000 Venezuelan refugees and migrants in recent years, there is strong anecdotal evidence that it is on the rise. During and subsequent to Refugees International’s fieldwork, humanitarian agencies on the ground repeatedly indicated seeing a large increase in trafficking cases of Venezuelan women and girls. One agency reported that in 2018 the number of referred trafficking cases spiked during the summer months, from the usual handful to close to 30 between May and July alone. Last year, all trafficking victims identified by the government were Venezuelan.

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41. Through international NGOs.
In April and May 2019, two boats sank off the coast of Trinidad with at least 50 Venezuelans presumed dead. Nine of the 10 survivors were arrested for human trafficking. The traffickers had reportedly kidnapped teenage girls from Venezuela and were transporting them to Trinidad and Tobago for forced sex work. Subsequent to the two shipwrecks, several more people have been arrested in Trinidad and Tobago for human trafficking.43 Also, there have been reports that government officials from both Venezuela and Trinidad and Tobago were involved in the trafficking ring.44

Finally, the 2019 TIP Report designated Trinidad and Tobago as a Tier 2 country and noted the following:

Travellers are increasingly targeting vulnerable foreign women and girls between the ages of 15 and 21. Because of deteriorating economic conditions in their home country, Venezuelans are particularly vulnerable to trafficking and there has been a large influx of Venezuelans to Trinidad and Tobago in recent years.

National legal and policy framework

Trinidad and Tobago has passed strong anti-trafficking legislation and ratified the Palermo Protocol in 2007. In 2011, it passed the Trafficking of Persons Act and subsequently established a Counter-Trafficking Unit (CTU) to conduct operations. Although there have been some arrests over the past few years, no one has been convicted under the 2011 anti-trafficking law. Furthermore, few victims appear to be reporting, presumably because they fear exposing their irregular legal status or being penalized for crimes that occurred during their exploitation.45

When a victim is identified, the government works through the CTU, the children’s protective services agency, the Office of the Prime Minister’s Gender and Child Affairs Office, and NGOs to provide a minimum level of support services.

Anti-trafficking efforts by the government of Trinidad and Tobago and other actors

The 2019 U.S. TIP Report states that the Trinidad and Tobago government is doing the following:

... increasing anti-trafficking training for its officials, initiating investigations against three potentially complicit officials, initiating more prosecutions, establishing a new intelligence task force to improve investigations, and developing a new memorandum of understanding between its children’s authority and anti-trafficking unit to better protect child victims.46

In addition to efforts spearheaded by the government of Trinidad and Tobago, IOM has been training police on how to address trafficking. This approach is important because there have been reports of cases of the authorities detaining Venezuelans before properly screening them for trafficking indicators.47

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Challenges that need to be addressed

Fear of arrest, detention, and deportation

Trinidad and Tobago recently took the important step of registering Venezuelans living in the islands during the first two weeks of June 2019 with a view to granting them residence and work permits for up to one year. Although it is likely that at least 40,000 Venezuelans live in Trinidad and Tobago, the authorities registered only some 16,500 individuals, leaving the rest lacking legal status in the country.48 Without legal status, many victims of trafficking inevitably fear speaking to the police because they risk arrest, detention, and deportation.

Furthermore, no domestic law is in place recognizing the rights of refugees and asylum seekers, and even people granted refugee status have not been given the right to work legally. Given that there are likely more than 20,000 Venezuelans who remain unregistered—and it is possible that refugees and asylum seekers fall into this unregistered category—it is no surprise that the government’s ability to identify trafficking victims and provide them with support is limited.

Most Venezuelans interviewed by Refugees International were too frightened to leave their houses for fear of police or migration officials. They even feared accessing services to which they were entitled, such as primary health care. An individual from a humanitarian agency that provides support to Venezuelans stated that the agency offers to refer the cases of trafficking victims to the CTU, but noted “Often they don’t want to, as they are scared of repercussions back home.”

Lack of services for survivors

When victims do report, the CTU often lacks the resources to adequately assist victims of trafficking. This shortage holds true for accommodations and psychological support in particular. To fill this gap, one agency began providing some shelter for adult victims of trafficking. However, agency officials told the team that many victims leave the shelters because their main aim is to send money back home to family members in Venezuela. As with all services for Venezuelans in Trinidad and Tobago, there is also a lack of adequate bilingual support and access to translators.

Lack of presence, resources, and capacity

Although some of the structures and institutions needed to address trafficking are in place, many are not yet truly effective. The National Task Force Against Trafficking in Persons involves key ministers but is largely inactive. UNODC covers trafficking in Trinidad and Tobago but has no physical presence in the country. The government’s CTU is operational, conducting investigations into allegations of trafficking and offering counseling to victims, but it has very limited capacity and resources.

In addition to implementing the relevant regional host country recommendations set out at the beginning of this report, the government of Trinidad and Tobago should:

- Train customs and law enforcement authorities to screen Venezuelans for indicators of trafficking so victims are not be penalized for noncompliance with immigration requirements.
- Enact legislation on refugees and asylum that enshrines the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the Palermo Protocol in domestic law, and includes a right to work and access to education.
• Hire interpreters to improve communication between victims and the government and service providers.

CURAÇAO

Overview

In Curaçao, there is no effective asylum system and no real access to residence permits for recent arrivals from Venezuela. As a result, the vast majority of Venezuelans in the country are undocumented. Best estimates put their number somewhere between 10,000 and 13,000. This population is in an extremely vulnerable situation. Curaçao has enforced an “active removal strategy,” under which it detains and deports these Venezuelans. Refugees International interviewed many on the island who described a life of hiding behind closed doors, in constant fear of the authorities. These policies put Venezuelan women and girls in Curaçao at serious risk of abuse or exploitation. Refugees International also interviewed women who had been brought from Venezuela and forced to work in “snack bars” to repay the costs of the journey. These women were reportedly told they would serve drinks but actually are required to engage in sex work. As a social worker who focuses on women’s health explained to Refugees International, “Many Venezuelan women are now arriving with a debt to pay back, so they often have to get their earnings with sex work as trago meisjes—a situation that is immediately exploitative.”

Therefore, it should come as no surprise that the 2019 U.S. TIP Report downgraded Curaçao from Tier 2 to the Tier 2 Watch List, in large measure because the government of Curaçao did not devote enough resources to prosecute alleged traffickers. The Tier 2 Watch List includes countries making some attempts to meet the minimum standards of the TVPA, but where the number of trafficking victims is increasing and efforts to combat trafficking have not improved from the previous year. The 2019 TIP Report notes that “undocumented migrants are at particular risk, including the influx of Venezuelan nationals.”

National legal and policy framework

Article 2:239 of Curaçao’s penal code criminalizes sex trafficking. However, the law focuses on traffickers, not victims. For Venezuelan victims of trafficking or exploitation, the current system is inadequate and ineffective. A major part of the problem is that trafficking victims have an extremely limited window to avail themselves of an opportunity to seek protection in the face of Curaçao’s active removal and

50. A trago is a commission on drinks ordered by customers at bars. As described in the Refugees International report on Curaçao cited in Note 50, trago meisjes are girls or women who work in bars and are expected to both serve customers drinks and have sex with them. Bar owners require the additional sex work so that Venezuelans repay their debts from being brought to Curaçao and provided with a position in the bars.
51. The 2019 TIP Report explains that the Tier 2 Watch List includes the following: “Countries whose governments do not fully meet the TVPA’s minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which: a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.”
deportation strategy. In theory, protection from deportation should be available under the European Convention on Human Rights (ECHR). Curaçao is part of the Kingdom of the Netherlands and thus is bound by the ECHR. Under Article 3 of the ECHR, individuals cannot be deported to their country of origin if there is a real risk they would be subjected to torture or other ill-treatment.  

The reality, however, is that Curaçao has made these rights exceptionally difficult for Venezuelans to access. The relationship between the Kingdom of the Netherlands and Curaçao is complicated. Safeguarding human rights within Curaçao is the responsibility of the Kingdom, but handling migrants within Curaçao is an internal matter. According to the Ministry of Justice of Curaçao, if a foreigner does not apply for international protection under Article 3 immediately upon arrival at a legal port of entry, he or she forfeits the ability to do so later. For victims of trafficking transported to Curaçao by irregular means and victims whose movement is restricted by those exploiting them, it is not possible to meet this procedural requirement.  

**Anti-trafficking efforts by the government and other actors**

Despite the procedures for accessing international protection being incompatible with the situation of most victims, Curaçao has made some general efforts to prevent and respond to human trafficking. In recent years, the government approved the 2017–2021 National Action Plan (although there is no budget dedicated to its implementation) and has finalized a newly developed referral mechanism. As part of its action plan, the government set up a victim assistance hotline to help identify trafficking cases and connect victims with the services they need. Additionally, the Public Prosecutor’s Office and the Ministry of Social Affairs are currently conducting research on the prevalence of child trafficking and the tactics traffickers use to recruit child victims.  

**Challenges that need to be addressed**

**Fear of arrest, detention, and deportation**

As noted above, most Venezuelans are afraid to leave their houses because they worry the police will apprehend them. In addition to the women forced to work in bars, Refugees International interviewed several women who were experiencing domestic violence. These women were fearful of calling the police or getting treatment for their injuries because of their irregular status. Research from the United States has shown that, like undocumented women experiencing domestic violence, undocumented women who are exploited or trafficked rarely report crimes for fear of being detained or deported.  

**Forced cooperation**

To receive assistance, those identified as victims of trafficking must agree to cooperate with the authorities in the case against their traffickers. Not only will Curaçao withhold desperately needed social services if a victim does not work with law enforcement, but the victim can also be punitively deported. Several of the reasons that Curaçao is now on the TIP Tier 2 Watch List are the

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54. Leghtas and Thea, “Hidden and Afraid.”  
Authorities detained and deported victims, including Venezuelans, who did not immediately agree to cooperate in the case against their traffickers and did so without referring them to care services or without consideration of possible abuse in their home country.”

These practices violate international human rights law and the international obligations of Curaçao as a constituent country of the Kingdom of the Netherlands. According to the Office of the High Commissioner of Human Rights (OHCHR), “Even if they are outside their country of residence, international law is clear that trafficked persons cannot be discriminated against simply because they are non-nationals.”

Lack of legal pathways for entry

Many Venezuelans in Curaçao arrive via air travel and overstay their visas because they fear returning to their country. However, earlier this year, Curaçao restricted all flights from Venezuela onto the island for a period of time. With no way to get to Curaçao other than by irregular means, the risk of trafficking and exploitation increases.

“The moment you have people in need and no other way out, that is when you have a big problem.”

- STAFF MEMBER OF A WOMEN’S ORGANIZATION IN CURAÇAO

In addition to implementing the relevant regional host country recommendations set out at the beginning of this report, the government of Curaçao should:

- Prioritize granting residence permits to suspected victims of trafficking, which give them the right to work and access to health care, including during an investigation.
- Revise the National Action Plan to allow victims of trafficking to receive social support services even if they choose not to cooperate with law enforcement.
- Allocate sufficient resources for anti-trafficking efforts, including implementation of the National Action Plan.

The Ombudsman of Curaçao should:

- Carry out an independent investigation into trafficking for sexual exploitation in Curaçao.

The government of the Netherlands should:

- Ensure that laws and policies that apply to asylum seekers, refugees, and migrants in Curaçao meet the obligations of the Kingdom of the Netherlands under international human rights law.

CONCLUSION: LACK OF LEGAL STATUS HAMPERS THE FIGHT AGAINST TRAFFICKING

The Colombian government’s lead official on migration told Refugees International that he was calling for all states in the region to har-

monize their criminal laws on anti-trafficking, and that regional cooperation was needed to work with global efforts against international trafficking. This statement is true, and it is clear that Colombia, Ecuador, Trinidad and Tobago, and Curaçao are making some efforts to address the terrible abuses that Venezuelan women and girls are suffering as victims of trafficking.

However, these efforts will never be successful if they do not address the key problem: that so many victims of trafficking are too frightened to make complaints to national law enforcement systems because of their lack of legal status. Colombia, Ecuador, Trinidad and Tobago, Curaçao, and other countries hosting Venezuelans must ensure that their national systems never penalize complainants because of their lack of legal status. Without progress on this front and enhanced regional cooperation, there will be little progress in the fight against trafficking and exploitation of Venezuelan women and girls.
GLOSSARY

Definitions according to the U.S. Government’s Victims of Trafficking and Violence Protection Act of 2000

Coercion means
• threats of serious harm to or physical restraint against any person;
• any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
• the abuse or threatened abuse of the legal process.

Commercial sex act means
• any sex act on account of which anything of value is given to or received by any person.

Debt bondage means
• the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Involuntary servitude includes a condition of servitude induced by means of
• any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or
• the abuse or threatened abuse of the legal process.

Severe forms of trafficking in persons means
• sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
• the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Sex trafficking means
• the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

Victim of a severe form of trafficking means a person subject to
• sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
• the recruitment, harboring, transportation, provision, or obtaining of a person for labor
or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

**Victim of trafficking** means
- a person subject to either “severe forms of trafficking in persons” or “sex trafficking” or both.
ABOUT THE AUTHORS

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ABOUT REFUGEES INTERNATIONAL

Refugees International advocates for lifesaving assistance and protection for displaced people and promotes solutions to displacement crises around the world. We are an independent organization and do not accept any government or UN funding.