

Report: Combating Trafficking in Persons: Protecting Women's Rights. Good practices from Latin America and Europe.

December 13, 2022

On Tuesday, December 13, 2022, the Unidas network organized the virtual open space "*Combating Human Trafficking: protecting women's rights. Good practices from Latin America and Europe*", with civil society panelists from Mexico, Colombia, Chile, and Germany, and government officials from Germany and Colombia, in which around fifty people participated. The event analyzed the international instruments for the prevention and responses to human trafficking, the role of transnational and cross-sectoral cooperation, civil society organizations in protecting victims, and the relationship of human trafficking with social injustice and gender inequalities.

Introduction

The event started at 15h30 (Berlin time) with the introduction of Dr. Silvia Cabrera, DW journalist, and moderator. Dr. Cabrera mentioned some of the most crucial aspects of the phenomenon of human trafficking. On one hand, it is the third most widespread and lucrative illicit market in the world, after drug trafficking and counterfeit consumer goods. In addition, it disproportionately affects women (including transgender women) and girls, especially those in situations of extreme vulnerability.

Dr. Cabrera also referred to the situation in Latin America and Germany. Central America has more victims per 100,000 inhabitants than any other region. Sexual exploitation and forced labor remain the primary purposes of this crime in the Americas, and girls and women represent 74% of the detected victims. However, human trafficking is a global phenomenon: more than 130 countries have reported cases.

In Germany, recent official reports warn about the increase of human trafficking in the country, where migrant and refugee status are additional conditions of vulnerability.

The panelists then gave a brief presentation of their organizations:

- **Carolina Rudnick**, who directs the *Fundación Libera in Chile*, referred to the six axes of work of the organisation: dissemination, education, training and advice, research, assistance to victims, articulation in national and international networks, and promotion of freedom.
- **Rosi Orozco**, president of *Unidos vs Trata*, highlighted the importance of having shelters for victims of trafficking. She also insisted on the importance of the Mexican General Law to prevent, punish and eradicate crimes related to trafficking in

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persons, whose approval she championed in Mexico in her role as a Member of Parliament.

- **Claudia Quintero**, activist, survivor of human trafficking, and director of the *Empoderame Foundation*, spoke about the work of her organization on the Venezuelan border, where the humanitarian crisis is increasing the vulnerability of migrant girls and young women.
- **Ana Milena Corzo**, a Specialised Professional for the Delegate for Women's Rights and Gender Affairs of the Ombudsman's Office of North Santander, also referred to the situation on the Colombian-Venezuelan border and the strategy that Colombian institutions are implementing to prevent and punish trafficking.
- **Sophia Wirsching**, who currently heads the *German NGO Network against Trafficking in Persons -KOK*, spoke about the importance of building networks among civil society to protect victims.
- **Dr. Elena Torres** works at the *German Federal Foreign Office*. She is responsible for UN resolutions on human trafficking at the Human Rights Council in Geneva and the Third Committee on Social, Humanitarian, and Cultural Affairs.
- **Florian Wehner** is a member of the Division for Human Trafficking and the Protection of Sex Workers at the *Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth*. He concentrates on the international dimension of human trafficking ("Palermo Protocol", Council of Europe Convention on Action against Trafficking in Human Beings/GRETA, OSCE, EU, and Council of the Baltic Sea States/CBSS).



In the centre, from left to right: Dr. Silvia Cabrera (DW), Carolina Rudnick (Fundación Libera), Sophia Wirsching (KOK), Rosi Orozco (Unidos vs Trata), Claudia Quintero (Fundación Empoderame) and Florian Wehner (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth).

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The international dimension of trafficking in persons: humanitarian crises and international instruments for prevention, response and victim care

The international dimension of human trafficking was the first topic discussed at the event. The panelists agreed that trafficking is a phenomenon that intensifies during humanitarian crises. On the situation in Ukraine, **Sophia Wirsching** pointed out that those fleeing the war are also at risk of becoming victims of human trafficking. The UN and the European Union have warned of this risk and have been working on prevention programs. In Germany, however, there is still no official data on the number of people trafficked from Ukraine to the EU, highlighting that we do not yet know how the phenomenon is developing. However, there are many instances where Ukrainian women have reported labor exploitation, and the KOK has observed that many of these reports coincide with situations of labor trafficking.

In the case of the humanitarian crisis in Venezuela, human trafficking for sexual exploitation remains the main problem, as highlighted by **Claudia Quintero** and **Ana Maria Corzo** from Colombia. The latest wave of migration from Venezuela, which is the migration of the most vulnerable population, has taken place in contexts of major human rights violations. Venezuelans cross the continent on foot with a devalued currency, as **Ms. Quintero** insisted. When crossing the border, women face a continuum of violence. Organized criminal groups (OCGs) exploit these vulnerabilities to misuse girls, adolescents, and women in various ways. Servile marriage has been identified as a new modality of trafficking. Families on the border allegedly adopt the girls and then force them to marry. On the other hand, boys are primarily victims of recruitment in OCGs. In this sense, understanding the regional context (in the case of LAC, the presence of OCGs) is essential to address the phenomenon adequately.

Similarly, Mr. **Florian Wehner** warned of the importance of proper crisis assessment to prevent human trafficking. Understanding the causes and geopolitical conditions in which crises unfold allows, for example, to know in advance the migration flows of those fleeing and the potential incentives of criminal trafficking networks. Precisely because of their connection to migration, one of the most effective ways to reduce the vulnerabilities of refugees is to have reasonable migration regulations that give those who flee not only the right to stay but also the possibility to build a life in the country of arrival. The receptiveness of governments and individuals and cooperation with civil society are determining factors in preventing the trafficking of persons in countries of arrival.

The link between human trafficking and border crossings makes it essential to address the phenomenon with the instruments of international law. **Dr. Elena Torres** referred to the UN's mechanisms to prevent and respond to the problem. In particular, she pointed to measures established in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention

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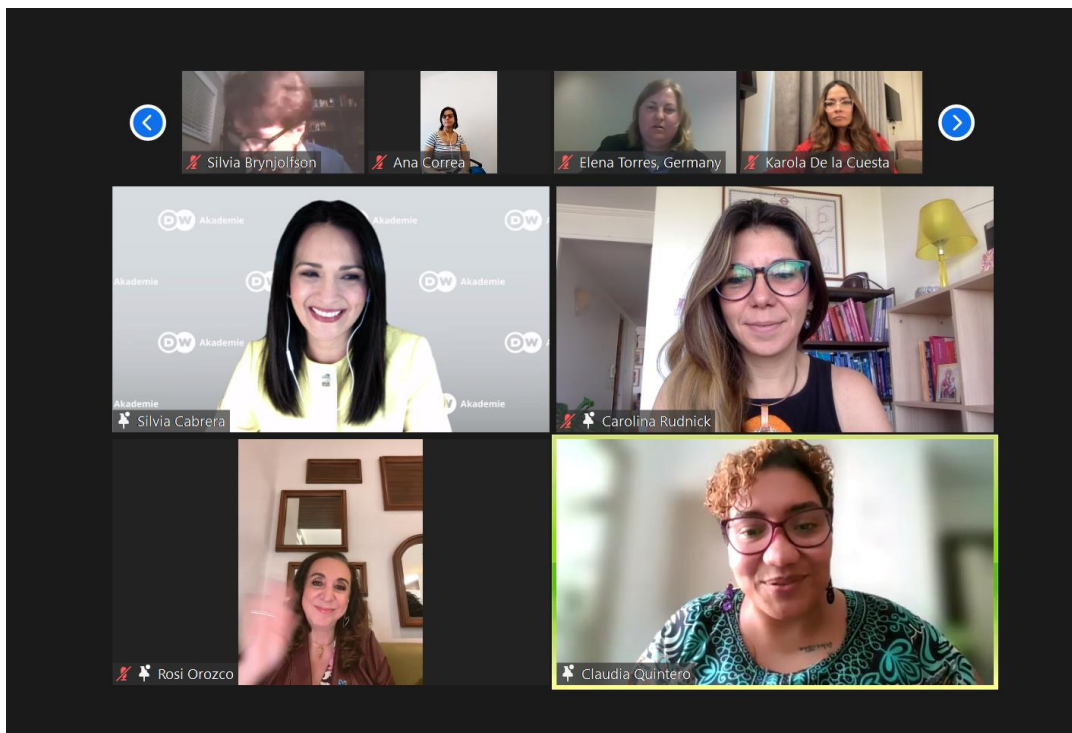
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against Transnational Organised Crime (hereafter referred to as "the Protocol"). In this document, the international agreement to jointly combat trafficking in persons materialized for the first time. Although the recommendations in the Protocol are not binding, they set a policy standard in which the human rights of victims and survivors are at the center ("victim and survival-centre approach"). However, the successful implementation of this Protocol depends mainly on cooperation between member states, whether on strictly legal issues such as extradition or joint criminal investigation or issues such as multilateral financial support.



In the centre, from left to right: Dr. Silvia Cabrera (DW), Carolina Rudnick (Fundación Libera), Rosi Orozco (Unidos vs Trata), Claudia Quintero (Fundación Empodérame). Above: Dr. Elena Torres (Federal Foreign Office of Germany)

On this point, **Ms. Wirshing** highlighted the regional cooperation mechanisms of the Council of the European Union. In practice, these platforms are more critical than UN regulations because they allow for more direct work between countries in prosecuting the crime and providing assistance to the victims. The OECD also plays a crucial role in this regard.

Human trafficking and legalization of prostitution/sex work. Discussion and common grounds.

Members of the audience raised the issue of the impact of the legalization of prostitution/sex work on the increase in human trafficking. The panelists agreed that this remains an issue for debate.

Ms. Wirshing insisted on differentiating between sexual exploitation and sex work. In Germany, as in most countries, sexual exploitation is criminalized. The importance of this difference was evident during the pandemic. The prohibition of prostitution forced the activity underground, which led to increased violence against sex workers.

Mr. Wehner added that studies linking the regulation of prostitution to the increase in human trafficking are not clear in their methodology and data analysis. For this reason, the German government is researching the issue. The most important thing, he reiterated, is that the debate does not lead to divisions within the feminist movements, as the problem of trafficking requires joint work.

For her part, **Ms. Quintero** raised the need to consider regional contexts when addressing this debate. It is possible that in countries such as Germany, prostitution is a choice for women. On the other hand, in countries such as Colombia or Venezuela, prostitution is not a choice but the only alternative that women find to survive hunger, conflict, and lack of state protection. Therefore, discussions should not solely focus on the dilemma of prostitution but on comprehensively guaranteeing women's human rights.

Human trafficking: a social justice issue

Dr. Cabrera raised the discussion on the structural dimension, in particular the gender dimension, of human trafficking.

Ms. Carolina Rudnick pointed out that human trafficking is a crime and a violation of human rights that embodies the modern conception of slavery and the objectification of individuals. There is a problem in the way the phenomenon is dealt with since it is often perceived as mainly a security issue. Trafficking is a problem of organized crime but, above all, a problem of social justice, discrimination, and violence against women. This structural dimension needs to be addressed urgently. Anti-trafficking policies replicate discrimination and stereotypes against women. If a society devalues women, then it is inevitable that the police, health service members, prosecutors, and lawyers will also devalue women.

In Chile, the most pronounced problem is that of forced begging. Weak and deficient state responses accompany the pressure of the Venezuelan migration crisis. Sexual exploitation

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has also increased, as has forced labor. As Latin American countries mainly produce raw materials, trafficking manifests itself in the fishing, agriculture, and construction sectors.

Ms. Rosi Orozco agrees that trafficking is contemporary slavery. She interviewed more than 100 survivors of trafficking in Mexico City during the passage of the anti-trafficking law. The interviewees agreed that the phenomenon leaves severe physical and psychological consequences, so much so that the trauma is comparable to having lived through a war. Most of them are not from Mexico City but from the peripheral regions of Mexico, who come to the city in search of opportunities. In many states in Mexico, places for prostitution have been closed, which has helped to reduce violence. The key is to end the objectification of women. Only when women are no longer treated as objects to be bought and sold can violence against them be reduced.

Good practices from Germany and Latin America. Cooperation with civil society as the main tool for preventing and reacting to human trafficking.

In the last part of the discussion, the panelists shared good practices from civil society and the government to prevent and combat human trafficking.

Ms. Ana Milena Corzo, from the Colombian Ombudsman's Office, indicated that prevention policies in the country focus on promoting and disseminating the domestic and international regulatory framework against human trafficking. Specifically, diplomas, courses, and training workshops are conducted with grassroots women's organizations. The Ombudsman's Office uses these inputs to influence public policy on the issue in inter-institutional committees led by the Ministry of the Interior. However, one problem that has been detected is that the institutions receive cases of human trafficking only when multiple acts of violence have already occurred. In other words, the state receives "the tip of the iceberg" of the problem. This makes it difficult to provide timely attention to victims and survivors.

On the other hand, there are several challenges in institutional care. First, it is essential to sensitize justice officials and other entities so that they do not continue patterns of discrimination and violence against victims. International cooperation has been essential. GIZ and the German government support projects to strengthen institutions, including the creation of gender duos (lawyers/psychologists) as well as the application of an intersectional and human rights approach.

Among the good practices, **Ms. Corzo** highlighted the *articulated work with women leaders and human rights defenders in the regions*. Direct interaction with the women allows for a clearer vision of the reality that the victims are experiencing. It has been observed that with this work, the achievements of public policies are more effective. In addition, it is necessary *to strengthen regional information systems to have a systematic vision of the*

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cases that reach the institutions. When patterns in case narratives are identified, it is possible to create more effective prevention processes. Finally, there must be a *shift towards the mental health of victims*, as this issue has so far been completely ignored.

Similarly, Claudia Quintero insists that *survivors of trafficking should participate in policy-making processes and NGOs working on the issue.* They are the ones who know the victims' situation in depth and have the experience to accompany them, guide them, and build trust.

Mr. Florian Wehner said that the phenomenon of trafficking itself is changing, and the solutions have to change as a consequence. *Therefore, long-term and sustained cooperation with civil society organizations is vital to generate and disseminate knowledge on the issue.* In this respect, he highlighted KOK as an example of successful cooperation between governments and civil society.

Furthermore, he insisted that global social injustice is what allows this phenomenon to exist and grow. In particular, he pointed out that human trafficking is also a crisis of migration regimes that treat immigrants as enemies. *A good practice is to ensure that victims can stay in the countries of arrival to heal, settle and be in a place to make self-determined decisions about their lives.*

Ms. Carolina Rudnick agreed with the other panelists and added that *states should focus on protecting victims in criminal proceedings, avoiding their re-victimization.* For example, in Chile, one advancement is that in criminal proceedings, it is no longer necessary for the victim to testify in court to be convicted. Finally, she again insisted on the need for cooperation between civil society organizations and between the state and civil society. Last year, the British Institute for International Comparative Law published research on the determinants of a country's progress in trafficking policy. The evidence is clear: when the state is open to working with civil society, everything from the state's response to the instruments and impact improves.

Finally, **Ms. Rosi Orozco** reiterated the need to include victims in the processes and highlighted the UNODC's "Let the victims lead the way" campaign.

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