
HUMAN TRAFFICKING IN LATIN AMERICA

JULY 9, 2004

On July 9, 2004, the South America Project hosted a breakfast discussion on human trafficking in Latin America. Guest speakers included Claire Antonelli, from Global Rights; Phillip Linderman, of the Office to Monitor and Combat Trafficking in Persons at the State Department; and Laura Langberg, Trafficking in Persons Specialist for the Inter-American Commission of Women, part of the Organization of American States. Beth Hetzler, from the CSIS South America Project, mediated the discussion.

Antonelli began her presentation by offering a definition of what human trafficking is: the transportation, harboring, and/or the receiving of persons for the purpose of forced labor. Human trafficking is usually associated with sexual exploitation, however it also includes different forms of forced labor, such as factory work, agricultural work or forced domestic labor. Trafficking can occur across borders or within a country, and women and children are particularly vulnerable. Antonelli mentioned that it is crucial to differentiate between human trafficking and smuggling. The latter is a crime against the state, while human trafficking constitutes a crime against a person. Thus, in order to develop a comprehensive and effective response to human trafficking, it is important to establish a clear and concise definition of the crime.

According to Antonelli, human trafficking is an international crime that requires coordination between countries. In order to develop an effective regional response, governments in Latin America still need to recognize the seriousness of the crime. Human trafficking is not a new phenomenon, but only recently governments have begun to address the problem through legislation. A unique feature in the fight against human trafficking today is the participation of international organizations and civil society. However, different sectors of civil society push for different laws protecting specific groups. A comprehensive strategy that addresses all vulnerable groups is still lacking. Antonelli mentioned the importance of distinguishing between victims of human trafficking and illegal immigrants. In both situations, deportation is still the primary response. According to her, trafficked people should be treated as victims of a crime against human rights. Instead of being deported, these victims should receive assistance and protection from governments.

Linderman argued that human trafficking is an issue that receives considerable attention in the U.S. government. The Office to Monitor and Combat Trafficking in Persons at the State Department, and landmark legislation by the U.S. government to combat human trafficking, are evidence of the recognition that this is a problem both inside and outside the U.S. The challenge is to coordinate efforts with governments in the region. Every year, the Office releases a "Trafficking in Persons Report," which investigates the situation of human trafficking in the world and examines governments' response to the problem. Once it is established that there is a human trafficking problem, countries are rated according to their efforts to fight trafficking. Tier 1 includes countries that meet minimum standards in preventing trafficking. Tier 2 consists of countries whose efforts still need to be improved. Tier 3 contains countries that are not making the necessary efforts to combat human trafficking; these countries face sanctions in U.S. assistance. There is also a tier 2 "watch list," with countries that are on the brink of falling into tier 3. In the Western Hemisphere, Canada and Colombia are the only countries in tier 1. Seven countries are in tier 2 and ten countries are in the "watch list." Venezuela, Cuba, Guyana and Ecuador are included in tier 3. In Ecuador, there are five thousand minors working as sexual commercial workers. Venezuela is a significant transit and destination country for trafficked persons. Guyana's government has not responded to the problem with the urgency and attention it needs. And Fidel Castro has rejected the report altogether designating it another U.S. imperialistic tool. It is estimated that eight hundred thousand people are trafficked work wide every year. In the Western Hemisphere the figure is around ten

thousand, with the major source countries including Brazil, Colombia and the Dominican Republic.

Langberg emphasized that human trafficking is a human rights problem, but it may also involve other types of criminal activities, such as kidnapping, drug trafficking and sexual abuse. It is difficult to detect trafficking victims, and cooperation efforts to fight trafficking in the region are recent and generally involve Latin American governments and the OAS, international organizations, NGOs and civil society. In 2000, the Inter-American Children's Institute and the Inter-American Commission of Women initiated a study on human trafficking focusing on sexual exploitation of women and children in the region. The report was finished in 2002 and it attempted to present a complete perspective on the nature of human trafficking, and concluded that trafficking of persons is being fueled by sex tourism. Among its recommendations, the report proposed that Ministries of Tourism in the region recognize the links between sex tourism and human trafficking and take the necessary steps to address the problem.

In order to ensure further regional cooperation to combat trafficking, Langberg suggested a conference where national authorities and international organizations could hold discussions on the subject and develop a plan of action for the hemisphere. Langberg also mentioned that the institutional response from national governments in the region should be strengthened. A major obstacle to combating trafficking is the lack of adequate legislation. Although most of the countries in the region have ratified conventions and treaties on human trafficking, governments still need to adopt proper legislation in accordance with these international instruments. Finally, Langberg emphasized that most of the efforts against human trafficking in the region have been carried out by NGOs and civil society, and that it is imperative that the NGO community participate in regional initiatives to fight trafficking.

During the question and answer session, participants asked about the "Trafficking in Persons Report" and efforts of specific countries in the region. Linderman argued that, in the case of Mexico, there is no national law that specifically addresses human trafficking and that efforts to assist victims have been modest. Linderman acknowledged that the sex tourism industry in Mexico is often fueled by demand from U.S. citizens, and suggested law enforcement cooperation between the two countries. Regarding Brazil, Linderman mentioned that there are around 75,000 Brazilians in organized prostitution in Western Europe. The Brazilian government recognizes the problem but there is a need for increased cooperation between European governments and the Brazilian government. When asked about Panama, Linderman replied that the country appears in the report for the first time; Panama is one of the top recipients of victims of trafficking and a stopping point on migration routes. Linderman mentioned that the national response has been impressive and that Panama has one of the best laws for fighting trafficking in the region. Concerning Venezuela, Linderman argued that the U.S. is not trying to further antagonize the Chavez government, but the fact is that there has been no effort to discuss human trafficking in Venezuela. Linderman emphasized that the report was written for the U.S. Congress in the context of U.S. law.

Miguel Diaz, Director of the CSIS South America Project, asked about the possibility of developing an organized police force with intelligence and military capability to fight human trafficking in the region. Langberg replied that only recently the OAS created an office dedicated to human trafficking. It took four years for the office to be created and they face a serious problem of lack of funds. Linderman argued that even good neighbors have problems cooperating in police efforts. Steps to improve the bilateral and multilateral capacity of governments to fight human trafficking are in progress, but countries should worry about defining basic guidelines, such as legislation to combat the crime, before they move forward.