



**Regional Report:
“Towards greater
accountability
-Participatory
Monitoring of
Anti-Trafficking
Initiatives”**

Executive Summary



Global Alliance Against Traffic in Women

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Introduction and Methodological Framework

The project of the Global Alliance Against Traffic in Women (GAATW), “Towards greater accountability - Participatory Monitoring of Anti-Trafficking Initiatives”, aims to reaffirm the right of surviving victims to express their voices, by monitoring initiatives that are intended to benefit them. The Project also aims to ensure that victims’ voices are properly considered in the design or implementation of laws, policies and programs to combat trafficking. In this sense, the main objective of this global project is to increase the accountability of State authorities, NGOs and other stakeholders involved in such design or implementation.

In the framework of this project, the International Secretariat of the GAATW carried out an investigation from the years 2013 to 2014 with the participation of sixteen GAATW member organizations from three global regions. The research study aimed to identify victims’ perceptions and views of the support services they received, which would be reflected in the respective country reports. The participant organizations in the research had provided some form of assistance to surviving victims that had participated in the study. Seven of the organizations that participated in the research are from Latin America and the Caribbean: *The Civil Human Rights Association of United Women Migrants and Refugees in Argentina (AMUMRA)* of Argentina; *Renacer, Hope Foundation* and *Space Corporation Foundation Women of Colombia*; *Ecuador Hope Foundation*; *Street Brigade Support Women “Elisa Martinez”*, *AC* of Mexico and *Alternative Forms of Human and Social Capital (CHS Alternativo)* of Peru. Thus, each of the participating organizations presented a separate country report following a similar structure, but with particular nuances according to the focus of the work of each organization.

The organizations referenced debated about the need and utility of having a regional investigative report. In this sense, this report below is first a document to raise awareness at both the national and regional level for the creation of better laws, policies and programs for the care of human trafficking victims. At the same time, the regional report compares the methodological approaches in the region to assist the victims, identifying the common regional challenges and the aspects that require a different approach according to the reality of each country.

Regarding the methodology used for the country reports, the samples of individuals who were interviewed are diverse both in quantity and composition. Sixty-nine total survivors were interviewed, the majority of whom were adult women (49); even though some teenagers were interviewed (8), boy children (6) and transgender persons (6).

In all the countries the study aimed to collect or detect evident or hidden signs indirectly linked to the situation of human trafficking. These victims were later treated in another space or referred to corresponding services for human trafficking. In all the countries, the study's participants had the opportunity to select the place and time of the interview. In all the cases, the questions were adjusted / reformulated according to the interviewee, for a better understanding according to their particular circumstances. At the same time, the interviewer received the victims' consent to publish the interview, with the commitment from each NGO that they would provide feedback and results to the victims after the investigation was over.

Principal conclusion of the country reports

In the case of Argentina, the country report pointed to a need to improve the conditions of accompanying and advising the victims in all stages of the police and judicial process. Another aspect pointed out by the surviving victims is the little information that they receive about their case from the authorities, organizations and professionals responsible for the follow-up of the human trafficking crime. In these cases the victims pointed out that when they signed documents or were transferred from the place of exploitation they didn't receive any information about what they were signing or where they were being taken. Simultaneously, the report highlights the need to create greater control and monitoring in the centers of care to which the victims are referred, in order to avoid greater violations of victims' rights and situations of re-victimization.

In the case of the Colombian report, it was pointed out that in some cases of trafficking of children and adolescents with the aim of sexual exploitation, these victims came into contact with sensitized public officials - either state or NGO employees - who were able to positively influence in the identification of the situation of trafficking and later successful place the victim in a program of protection and treatment. At the same time, the victims highlighted the importance of implementing concrete strategies that would allow for the development of their personal capabilities, especially regarding decision-making related to their future employment/ labor. In the Colombian case, the testimonies demonstrated that the legal assistance provided by NGOs was an important resource in the measure that it allowed them to get a sense of subjective justice, having been recognized as victims, and as a consequence, receiving damages for the pain suffered. In Colombia, for many victims of international trafficking, the victims' principal desire and expectation is to return home. In this sense, the labor of consular services has been very important and competent. The process of repatriation of the victims interviewed has been in the majority of cases voluntary, and the victims have been accompanied and informed of their rights.

At the same time, in Colombia many of the surviving human trafficking victims are not conscious of their rights, nor of the responsibility of the State to care for them. In this sense, many are not able to evaluate the quality of the services received of shelter, food or others. On the other hand, without the existence of protocols or guiding instruments, no clear reference exists with regard to the types of services that victims of human trafficking have a right to receive, despite the adoption of Decree 1069 in 2014 for the "regulation of the competencies, benefits, procedures and paperwork that should follow the responsible entities in the adoption of measures of protection and assistance to victims of the crime of human

trafficking.” Simultaneously, the report highlighted the importance of developing programs of mental health that adequately respond to the needs of the survivors.

In the case of Ecuador, the services that are most provided to victims include shelter, food, medical attention, psychiatric care, legal advice, training, care kits, among others. This variety does not imply that all victims can access all of the services, as this depends on the availability of the services at the moment in which the case is identified, as well as the needs of the individual. It has been found that the earlier a person is identified as a victim of human trafficking, the more possibilities that the individual has to receive a greater range of services. The report highlights the fundamental role that the civil society has played in the three areas analyzed: care, access to justice and support during the victim’s return. In the majority of cases, the victims that were interviewed were served by NGOs or international organizations, with very limited state intervention, restricted to cover certain services for a short period of time; and in general, has been restricted to the charges pressed by the victims and their collaboration with the judicial process.

In addition to trafficking case referrals between institutions, the victims are informed and access services through family, friends or through methods that NGOs have established to approach potential victims and spread their services in a direct way to the target population. In virtually all cases in which victims were interviewed, care is limited to the trafficked person; access to family support services is minimal and care has been provided only at specific times. Most people interviewed say they have been informed of the services available; however, in only a few cases have the victims been able to select the services. One of the main gaps highlighted in the report of Ecuador, is the lack of specialized psychological support for victims.

Ecuador’s report noted shortcomings in regard to access to justice in all its dimensions. Although almost half of the victims in the cases pressed charges, the court proceedings have been inconclusive, with little information provided about the state of the case and no monitoring. Victims who did not press charges expressed fear of retaliation, hopelessness and distrust in the justice system.

In the case of Mexico a strong connection was noted between the crime of human trafficking and organized crime, mainly associated with drug trafficking. Victims also noted a strong perception of corruption from the authorities as accomplices of traffickers. The report noted that it is common for traffickers to use motherhood as a strategy to control sex workers and victims of trafficking, through the retention or abduction of their children. The possibility of losing custody of their daughters / sons under the age of twelve is an underlying threat to the country’s victims, as legislation establishes as grounds for such loss engaging in "prostitution" or activities that are dishonest or contrary to good morals. In the case of Mexico, a side effect of the anti-trafficking fight is HIV / AIDS. This is due to the use of condoms as evidence to imprison people for the crimes of pimping, trafficking and organized crime; which then makes it more difficult for trafficking victims and sex workers to protect themselves from HIV / AIDS and sexually transmitted infections, as many exploiters or customers prefer not to use condoms to avoid being accused.

The Mexico report noted that often transgender people are not made visible as victims of trafficking, and consequently cannot initiate legal proceedings against traffickers. In Mexico, most victims of trafficking that come from sex work return to this practice for lack of other well-paid job opportunities; and the few who have alternative work or productive projects continue in sex work because their income is not enough to sustain themselves.

In the case of Peru, even though increasingly there have been several State actors involved and more aware of the problem of human trafficking, there is a lack of assistance from government services; NGOs have become responsible for most victim assistance, particularly involving families and following through reintegration and legal aspects of State responsibility. The testimonies relayed convey a sense of discontent with the quality of services that the victims expected to receive, and this reveals poor standards of care. However, despite the criticism of State institutions and the absence of formal and validated care protocols, they have reported cases of officials who have properly cared for a number of victims. A concerning aspect is that the mental health of the survivors is not considered a relevant element in the processes of care. The report also notes that NGOs should review their own procedures to stay informed about the legal process of the cases that they have served or are still serving, and establish a policy of more sustainable and complete monitoring over time for the survivor.

It has also been noted that the State is unlikely to provide useful information to the victim, such as the services available or the how court proceedings will be carried out against suspected traffickers. In general, the information received depends on the NGO and/ or the first person who has contact with the victim, either at the time of the victim's escape, at the time that they press charges, or in other spaces. With regard to access to justice in Peru, many victims felt that they were not believed, and/or were accused of having participated voluntarily in the situation of exploitation or of being accomplices to the traffickers.

From the testimonies analyzed in Peru, it was visible that the most vulnerable victims are minors, which are not consulted about the services they want to receive. Their right to privacy is often violated by the media. Another group that is particularly susceptible to re-victimization has been the indigenous population.

Regarding trends and common challenges encountered in the region, it is worth noting the lack of an integrated system of care on behalf of the State in regard to the provision of accommodation, emergency health care, and psychological attention, among others. The testimonies in the analyzed countries tend to account for a certain institutional instability and lack of interest of officials and operators, with some exceptions. Likewise, the reports of the countries analyzed recognize the need to prioritize the mental health care of the surviving victims from the time of release of the trafficking situation through the reintegration phase. The reports indicated which organizations of the civil society contributed most to the reconstruction of life projects of the victims, through their psychological, social and legal assistance.

The testimonies from the countries analyzed have coincided in showing the importance of prioritizing the identification of work and educational opportunities for the survivors.

With regard to providing shelter, this has been provided mostly to adolescent victims and has been mainly institutional, existing situations of rights violations within these locales/ shelters.

Concerning access to justice, the victims interviewed generally concurred in a general distrust of the judicial system and its authorities, for fear of retaliation from traffickers, to situations of corruption, violation of privacy and re-victimization. They have usually relied more on divine justice rather than in the judicial systems of the State. Overall the testimonies of victims generally agree about the lack of adequate public defense. Also, victims have highlighted the lack of information about their rights, about judicial proceedings, the punishment of traffickers and civil damages to which they are entitled.

Regarding the return of victims of human trafficking to their place of origin, most country reports highlight that this occurs voluntarily and in response to humanitarian and personal reasons. However, in Ecuador and Mexico cases have been reported in which victims of international trafficking have been forced to return home, as they are considered "illegal". Overall, institutions that provide support to survivors to exercise their right of return, should consider if the family is willing to receive the victim or has an attitude to reject the victim or re-victimize him or her.

Among the discordant aspects in the region, it is worth noting the existence of different contexts of vulnerability between the countries analyzed. Thus, while in Mexico and Colombia the strong presence of drug trafficking and organized crime favor the proliferation of the crime of human trafficking and its links to organized criminal networks; in the cases of Ecuador and Argentina trafficking networks appear less structured and sometimes familial.

Argentina, Colombia, Ecuador and Peru are countries that hold an appropriate definition of the crime of trafficking in persons. Whereas in the case of Mexico, it is necessary that the different federal States coordinate one common definition of the human trafficking crime, in accordance with the Palermo Protocol of the United Nations. Furthermore, the legislation of Ecuador, Colombia, Argentina and Peru has removed the consent of adult victims of age as a defense from responsibility of the traffickers. In contrast, in Mexico the adult victims' consent is necessary in order to proceed with charges and is a mitigating factor in punishing the traffickers.

The lack of empathy on the part of the public servants and officials that treat victims has been highlighted in the cases of Mexico, Ecuador and Argentina. In the case of Colombia and Peru some cases have been reported of officials who are clearly aware of the issues and establish empathy with the victims, although this has not excluded the existence of corruption and the lack of a strong judicial system for the restoration of victims' rights.

In conclusion, it can be noted that the surviving victims of the crime of trafficking require spaces that allow them to participate without stigma in building public policy on issues that affect them. In this sense, public policies in the region should incorporate spaces of monitoring to collect direct testimonies of the victims and assess the services available for their protection and assistance, as part of their strategies and national plans to combat trafficking.

REFLECTIONS FROM THE VOICES OF SURVIVING VICTIMS

This section is a collection of the stories of the surviving victims, from the strength of their testimonies, to the fear and hope that they maintain.

1. The care received from the perspective of the survivors

- **Survivors recognize the rescue, guidance and support** provided by non-governmental organizations (NGOs), and sometimes by public officials. In these processes, they value the ongoing contact, respectful and caring relationship of listening and dialogue, the existence of guided processes of emotional support, personal development and strengthening.
- **The sequelas in their emotional, physical and mental health** are consequences of physical and sexual violence, sexually transmitted infections, unwanted pregnancy, substance abuse, stress, anxiety and malnutrition. Survivors accessed primary health care services. However, only in a few cases were victims able to receive immediate psychological care. NGOs provide counseling. Psychological support generally has been insufficient or absent even though it is a prevalent need.
- **The care received from the State institutions depends on the public official providing the support** and his/her awareness and training, who can facilitate or hinder public processes in relation to survivors. The feeling that survivors perceive that government officials are suspicious of them and do not give them credibility, mark their relationship with public institutions. In cases in which they have felt welcomed and understood, the victims hold these services in higher esteem, which results in greater collaboration with institutions in areas such as the investigation of the crime.
- In the majority of cases, victims perceived **discomfort, indifference and discriminatory attitudes** from the service providers in State institutions and also from some NGOs.
- **They are re-victimized** with painful and traumatic feelings when subjected to repeated interrogations and interviews, when they do not receive sufficient information and are isolated in some shelters, or receive inadequate housing. They feel re-victimized by the lack of respect for their privacy and when their identity is disclosed to the public, which is most evident in the case of minors. They feel their right to privacy is violated, and feel humiliated or injured when data about their case and/or stories are published by the media without their consent.
- **They are empowered and strengthened** with a major positive impact on their self-esteem when they receive comprehensive services including emotional support, education and training, apprenticeship and trade opportunities.

- **They have been courageous and cooperative** during court proceedings even when they have had to appear in trials or confront the traffickers. For this, it was essential to have received specialized psychological and legal counseling.
- **They harbor feelings of resentment, anger, pain and sadness** towards their parents, which end up giving way to feelings of understanding, when psychological care processes include an approach to these elements.
- **They feel rejection** when services are imposed on them or when promises are broken which limits the effectiveness of care provided. This is more common in children, who feel they have not been informed or consulted as to the type of assistance they would have liked to receive.
- **In general, they live day to day without projecting into the future**, given the experiences of their lives, unfulfilled expectations or the difference between what is offered and what is understood when they receive information about services. Their lack of projection is also because their main concern is survival given their limited financial resources and their family obligations.

2. Access to Justice and Pressing Charges

- **The survivors expressed fear of retaliation, threats and mistrust of the justice system.** As a result, they do not usually press charges or seek help, and they often withdraw their complaint. Several of them, given their lack of confidence in State justice, have expressed that they are just waiting for divine justice. Also, they fear that traffickers are linked with the public administration; they fear for extortion that they have already experienced, fear that traffickers can locate them, and they distrust that the Justice System can locate the persons responsible. Corruption, complicity and impunity are declared in some cases, especially in Mexico.
- **They feel empowered** and feel that their complaint was important in cases where they know the results of the judicial processes and that these processes have been successful.
- **In general they felt uninformed or with no clarity** regarding the legal proceedings of which they were part, not knowing where to turn in the complaint, without adequate information about their rights and unaware of the existence of public defenders and their prerogatives.
- **They have felt incriminated** by the police or prosecutors, and treated as criminals by the judicial officers, being accused by officials of being involved voluntarily in their exploitation or of being accomplices of traffickers, when seen as sex workers without rights, or when pressed to give coerced statements.
- The survivors receive **judgments of guilt and moral responsibility** from some judicial officers, especially in cases of trafficking for sexual exploitation.
- **They do not have any expectation of compensation and reparation**, not expecting some kind of damages in most cases.
- **Survivors feel that they are in a situation of legal defenselessness.** Although in some cases NGOs have provided advice or legal guidance, the service is considered inadequate or absent in most cases, even among those who have denounced their situation to the State authorities.
- **They felt intimidated or pressured** to sign statements, reports or other documents, often signing without reading. Survivors usually do not remember

or they only vaguely recall the moment that they signed the legal documents, as well as the type of documents that they signed.

3. The processes for return and re-integration

- **Lack of knowledge or fear** of going to a State entity are factors in a return that is un-informed and unprepared. Fear that traffickers can locate them because they know where their homes are located and being rejected by their families and communities are additional factors.
- **Many of the survivors interviewed feel integrated**, while others live in a situation of distrust, have no adequate family relationships, and continue to live the consequences of re- victimization.
- **They are excited** to return to their homeland, back to their homes, as long as the return is voluntary.
- **They are disappointed by the neglect** of the State institutions and NGOs in the process of return and reintegration. For example, in many cases the return transport costs are covered by their families, partners or friends.
- Many of the victims interviewed in Mexico **feel obligated to return to sex work** due to lack of opportunities or insufficient pay in other jobs that they maintain simultaneously.
- They feel that **their return was imposed** by considering them as irregular migrants or not having other opportunities to stay due to their economic status or immigration laws. On these occasions, the return is not voluntary.

4. General Considerations

- **Their low educational level** is a barrier to communication, not understanding the processes of care, access to justice and return. Even some victims interviewed had difficulty understanding questions or signing documents.
- They are **willing to build and participate**, help and share in opportunities for reflection, training, group - therapy, etc.
- **They feel the burden of having to press charges to access care and protection** by the State and sometimes being a mandatory requirement for their recognition as victims, repatriation or support.

TENDENCIES AND COMMON ASPECTS IN THE REGION

This chapter is developed with its main source being the testimonies of surviving victims of trafficking in Argentina, Colombia, Ecuador, Mexico and Peru. With this, we intend to make public the way in which care services are currently being managed, as well as the main challenges and areas identified that need improvement in the region.

It should be noted that the victims interviewed expressed both their needs and expectations, and how the State, civil society and environment or community, responded in different moments of the process once they [the victims] were released.

8.1. Integrated Care

Comprehensive integrated care is embodied in the services to be provided, such as housing, emergency health care, food, counseling, among others. The protection of victims of trafficking is not limited to physical security but includes a series of measures to ensure their full recovery.

In all countries, the State is the principal guarantor of rights and services. The trafficked survivors revealed that in some cases they were offered care, however not without difficulties due to institutional instability and a lack of staff and operators.

While interviewed survivors were identified because they were supported or assisted by the NGOs, they recognized the help and support in psychological, social, and legal protection and assistance. Generally, they value and recognize that the intervention of the NGO has allowed not only for their immediate needs to be met, but also assist in the reconstruction of their life project/ plans. However, some testimonies called for maintaining support in the long-term, or until sanctions were brought against the trafficker(s).

The families of the victims have played an ambivalent role. In most cases, parents and/or siblings have come to the victim's aid, assuring housing and education. The situation has been different in cases in which victims were lured into the trafficking situation through false job offers or when the victim was a minor. On the other hand, the families did not represent a real support for the victims, either because they preferred to shift responsibility for assistance to the State, or because the activity for which the victims were exploited represented a high level of social stigma.

While retrieving the life stories of surviving victims regarding the termination of the exploitation, we identified that this occurred for reasons such as debt cancellation with the Trafficker, police intervention/ operatives in the place of exploitation, or the victim's escape and self-reporting. Whatever the case, the victims came to rely on the police or third parties that they previously did or did not know; and the police in turn, referred the victims to specialized NGOs. Victims from other countries usually have sought assistance from their respective consulate. There is agreement that a quality first contact is what determined victims' access to what we call comprehensive care.

Although the regulatory framework in the countries of analysis establishes as a protection strategy the accompanying legal, psychological and social counseling, the surviving victims agree that this is not provided in a comprehensive and sustained manner, often without considering their interests and opinions; and thus forcing them to turn to NGOs or go without the service.

The following describes the perceptions of victims in each of the actions shown below:

Medical Support

The surviving victims state that at some time they accessed primary health care services, especially those who suffered trafficking for sexual exploitation. However, they highlighted the need for specialized medical services that are part of an integrated care network, given the precarious physical and mental health of the surviving victims.

NGOs also played a key role in this type of medical support, to support health campaigns related to sexually transmitted infections.

Psychological Assistance

Most victims report having symptoms associated with depressive disorders, such as mood swings, feelings of constant fatigue, difficulty concentrating, suicidal ideation and sleep disorders, among others. However, the mental health of survivors is not considered a relevant element in the processes of care they receive from the State. It is the NGOs that are offering intake and counseling. The same organizations point to the need to improve and strengthen this support, as a repeated need mentioned by the survivors during interviews and in work with the cases.

Legal Assistance

The surviving victims recognized in the NGOs this type of temporary support, mainly at the stage of legally reporting the case. While in the cases of Colombia and Mexico no reference is made to the experience of victims with public defenders, in the case of Argentina, Ecuador and Peru they did not indicate any positive experience in their interactions with them. Also, in all countries, most evidence indicates that victims are kept in the dark about the status of their case and if the accused were sentenced.

Rehabilitation, vocational or job training and education

The victims' testimonies coincided in their interest to study some type of occupation or profession that would allow them to survive in a way other than through the mode of exploitation suffered. They also expressed their interest in completing unfinished schooling.

In all cases, the victims referred to the importance of job training that meets their characteristics, interests and needs, as some of the courses (cosmetology for example) did not match their abilities and tastes. Consequently, the victims in some cases abandoned the training, or concluded it, but knowing that it was not what they really wanted or needed emotionally.

The testimonies do not give evidence on job placement of the surviving victims. The lack of opportunities or working conditions are push factors for victims to live

again in situations of exploitation or for them to work in the informal market, which brings risks and violations of their rights.

Appropriate Housing

In the case of adolescents, adequate housing is essential as well as medical and psychological care, access to education and vocational training. Coincidentally, the adolescents expressed that their removal and placement in institutions or shelters took place without provision of necessary information about their situation and future, generating feelings of mistrust and anguish, in addition to the question of their status as victims of crime trafficking.

They also noted that while in institutions or shelters they benefited from psychological counseling by charge staff, resulting in some cases to the establishment of a bond with the caregiver. This assistance is provided more effectively given the condition of institutionalization.

On the other hand, in many instances the institutions violated the rights of the children and/ or adolescents and permanence in those shelters was unsustainable. Not only were episodes of abuse documented but the institutions failed to identify the resident as an individual which translated not only into a lack of personalized resources but a lack of a strategy for individualized care for the adolescents.

The teenagers interviewed, related that processes were carried out for their reintegration with their families of origin, some without proper advanced notice and preparation, resulting in tension with family and the victim's unexpected return to care centers. On the other hand, adult trafficking victims who were taken to care centers objected to the short duration of the service and the impulse to return them to their places of origin.

Identification of the victims of human trafficking

Testimonies from victims from different countries agreed that despite their being of legal age, they did not have government identifications, and even their children lacked them, making them unable to enter formal educational programs or get a formal job.

Additionally, the testimonies make evident the lack of a Registry of Victims of Trafficking in Persons, which beyond establishing statistics or counting the number of incidents and their characteristics, identifies the victims for the purpose of providing individualized assistance and protection and improving the quality of services. It should be noted that Peru has the Statistical Registry of the Crime of Trafficking in Persons and Related Crimes (RETA) which is handled by the Peruvian National Police and collects statistical data on the number of cases and their characteristics, but does not contain data on services that victims have received or quality.

8.2. Access to Justice

The surviving victims interviewed commonly demand justice and associate it with an end to the impunity of traffickers and the punishment that they should receive. In most countries, victims have greater confidence in divine justice than on earthly.

The first contact they have with authorities is through the police report and then the criminal court process. Victims feel the greatest sense of instability when they are unaware of the status of criminal proceedings.

Coincidentally, the surviving victims state that after their return to their places of origin after being trafficked in other countries, they are unaware of the types of sanctions of the traffickers, and the reparations or compensation that they deserve.

Distrust in the judicial system and its authorities is common, mainly mistrust of a righteousness that comes from the State, distrust to protect their privacy and image, allowing re-victimization, inconsistent results (impunity), and fear of retaliation from traffickers.

Distrust in the justice of the State

In interviews from various countries, there is Deep distrust in the possibility of access to justice through legal proceedings. Mostly, the survivors have not been informed about their rights and are unaware of the public defenders and their prerogatives. Survivors often confuse the institutions and what they could or should offer.

From their first negative experience, their yearnings for justice collide with a bureaucratic wall, the lack of effective counseling, and a lack of commitment to defend the rights of the surviving victim and pursue the case.

In all countries situations were described in which after the initial complaint and statement was made, victims were not provided with an opportunity to check their statements before signing them; and in the reports of Argentina and Ecuador it was noted that a translator was not available when the victim spoke another language.

Preserving Confidentiality

One of the guarantees for the effective reintegration of victims in society, is confidentiality. Since State officials have not always worried about this guarantee, distrust is generated. NGOs have acted more cautiously. For example, granting respondents interviewed absolute confidentiality of their personal data and informing victims about the content of the surveys or interviews.

Multiple victims from the five countries, referenced Trafficking cases that they were aware of that had not been reported, given the fear of being stigmatized, persecuted, recaptured by the traffickers or even killed.

The surviving victims from different countries report that their privacy has been violated and their information shared. They say that their identity and that of their family have been exposed to public opinion in the media (radio, television, press), which has generated negative effects of stigmatization and made impossible the reintegration of victims in their home community.

Fear of retaliation from the traffickers

It is common for survivors of trafficking in the five countries to tend to link the traffickers to organized crime. Therefore, in the countries studied, the victims who have offered their testimonies recognize that they were afraid of retaliation against them or their families for the threats. Among those interviews, there are no survivors of an attempt on their lives from denouncing their exploiters or traffickers. However, at the time they expressed fear of being assaulted or killed. Therefore, it is imperative to assess the risks and hazards that the surviving victims may suffer.

Contradicting results: impunity

Victims surveyed indicated that the people whom they reported are free and continue to commit crimes. Some point out that the penalties are very low compared to the damage they have caused. Similarly, victims indicate that the accused (not convicted and sentenced) are not always the real culprits, but second-tier criminals: the most important criminal leaders never fall. In Mexico, we see that the perceived alliance between corrupt police and pimps works more efficiently than state agencies and NGOs active in combating crime. Many survivors report having received information that the criminal proceedings were not continued or were concluded unsuccessfully.

Re-victimization

The surviving victims usually want to forget details of this period of their lives that was profoundly marked. The NGOs in each country that conducted interviews proceeded with prudence such that the level of confrontation with their memories does not constitute a new traumatic impact on the victims. However, there is evidence that police and judicial procedures do not always take care to practice these interview methods.

Many victims of the five countries say they have suffered at some point mistrust of authorities after they incriminated the victims in the situation, showed disbelief of the veracity of the allegations and even denied them their right to report.

8.3. Their Return

For the victims return and reintegration process into society, to their home and family, they relied heavily on the services offered locally in education, employment opportunities, counseling, among others. Institutions offering these

services are needed and challenged by the victims themselves to continue to monitor the case and provide continued support.

In the testimonies we identified that the return is voluntary in most cases. Temporary or permanent stay in the country of destination responds to humanitarian or personal reasons. However, reports from Ecuador and Mexico, show that victims are forced to return due to their status as "illegal" immigrants.

As noted, it is possible for there to be a return to the household or the community where the victim has formed and developed emotional skills. The institutions that support survivors to exercise their right of return, should take into account whether the family is willing to receive the victim and that no risk of rejection or victimization exists.

We therefore consider it important to mention the performance of international organizations, and the actions of a multinational character in the repatriation of victims of trafficking. The testimonies from the survivors of Ecuador, Colombia and Peru, highlights the participation of entities such as the International Organization for Migration and the International Red Cross, which built bridges for the safe movement of victims and relatives.

Consular support and the accompaniment of officials in the transfer of victims, has also been recognized in the interviews, and have been fundamental for a successful return.

DISCORDANT ISSUES IN THE REGION

This chapter, like the previous which is developed based on the testimonies of the survivors of Argentina, Colombia, Ecuador, Mexico and Peru aims to show evidence regarding different or conflicting aspects and trends with regard to care services for victims.

Disparity in the contexts of vulnerability

Both the Colombia and Mexico reports warn that the main context of vulnerability to trafficking is organized crime, either through drug trafficking or internal armed conflict. Victims recount situations where consistently before the situation of human trafficking, his or her physical and mental integrity had been found at high risk, enabling an environment for the crime of trafficking to flourish. In the case of Peru, the internal armed conflict also left deep sequelae and influenced, to a lesser extent, the vulnerability of population groups that were affected by the political violence of the 80s and early 90s (for example, some indigenous and Amazonian populations).

This situation differs from countries such as Argentina and Ecuador, where despite the levels of social conflict, organized crime does not become a decisive factor that characterizes most incidents of trafficking. In these countries references are

made to precarious organized crime networks, where there is no distinction of roles, or clear hierarchies and in some cases these are of a familial nature.

Legislative definition of the crime of human trafficking

Reports from Argentina, Colombia, Ecuador and Peru, indicate that the crime of trafficking is regulated as a human rights violation including the recruitment, transportation, transfer, harboring or receipt of persons for exploitation. The types of exploitation that are identified are cases of sexual or labor exploitation. In the case of Mexico, it is noted that the regulatory framework is defined at the individual State level, and defines trafficking within a variety of criminal offenses, with different penalties and aggravating circumstances. This legislative ambiguity makes it difficult for justice operators to consistently interpret and recognize the offense.

Another discrepancy concerns the consent of the victim in relation to their age. While in Mexico the consent of the adult victim is a mitigating factor to punish Traffickers, legislation in Colombia, Argentina, Ecuador and Peru makes the opposite occur. In these countries it has eliminated the consent of adult victims as a defense from liability of traffickers. Consequently, the consent of the victim is irrelevant regardless of the age of the victim and the means used to obtain it under Article 3 of the Palermo Protocol.

9.3. Performance of operators and officials

The human factor in the care of victims of trafficking was also evaluated differently in the testimonies of victims themselves. Reports from Colombia and Peru recognize appropriate police assistance and good initial care from officers that are sensitized and trained about this crime.

In some cases, facing the shortage of material resources to give appropriate assistance to victims, some police officers have provided aid using their own assets. Peru's report states that a police officer housed a victim in his own home, finding no care facilities available.

On the other hand, authorities in Mexico, especially the police, are identified as allies of traffickers and main guarantors of impunity. The victims highlight that corruption of officials and police officers is a common trend in their actions against the crime of trafficking. Additionally, the surviving victims indicated that they had been subjected to sexual abuse and extortion by the police. This, along with being a crime in and of itself, is a disincentive to victims to report the crime and the corresponding access to justice. In the case of Mexico, there is no evidence that emphasizes a sympathetic attitude on the part of police officers.

In the case of Argentina and Ecuador, victims expressed their displeasure regarding the non-empathic behavior of the operators and officials who had processed their cases; and agree that there was a lack of sharing of adequate information about the judicial process once they lodged their complaint. This also occurs in some of the cases presented in the report of Peru.

Work from the organizations with regard to the victims

The five country reports recounted the positive role played by NGOs in providing support to the surviving victims to take over care and monitor cases of trafficking.

Most of the victims referenced sustained feelings of depression or other psychological disorders as a result of the trafficking experience. However, Mexican surviving victims interviewed reflected greater resilience to adversity. This does not imply that the psychological impact of trafficking was smaller or less significant, but the surviving victims developed mechanisms of self-protection. The Street Brigade organization highlights the importance of emotional support to victims of trafficking and proposes the construction of a legitimate discourse on sex work independently without traffickers involved, which seeks to empower victims of sexual exploitation to lodge complaints. In this way, it aims to place voluntary sex work as a legitimate alternative to human trafficking and all forms of sexual exploitation. Such a view in the region presents a new approach to the one that NGOs have developed to combat trafficking.

Similarly, the Mexico report is the only one that highlights the need to provide sexual and reproductive health services to trafficking victims of sexual exploitation. This can translate into rapid tests for HIV/AIDS/STIs, condom provisions, Pap tests, colposcopy, and electro surgery to remove lesions caused by Human Papilloma Virus, contraception methods (emergency), and/or support during legal terminations of pregnancies.

CONCLUSIONS AND RECOMMENDATIONS

In general:

1. Trafficked victims provide important information for the evaluation and improvement of legal frameworks, policies and programs against trafficking. Therefore, we must establish mechanisms for the evaluation of public policies, programs and services for the surviving victims, including their involvement in a sensitive and constructive manner. This should be done taking into consideration that their perceptions and experiences are subjective and have been shaped by the context, history and background from their childhood to the present, as well as their level of education. Also, these depend on the level of information that the survivor has received and their understanding of the different phases of the processes of care: rescue, information, interviews, return, housing and others.
2. The main challenge for the region is the effective implementation of legislation against human trafficking, which promotes the restoration of the violated rights of the surviving victims. Although reports from Argentina, Colombia, Ecuador, Mexico and Peru highlighted the existence of comprehensive regulatory frameworks that are consistent with international instruments, testimonies of victims reflects the gap between the legal framework and the actual enforcement. The protection of victims is fragile and protocols and paths are unknown to the authorities and NGOs that are not specialized. This results in the wide skepticism of surviving victims about justice processes and doubt about the real impact of their participation in the process and the prosecution of traffickers; they have a minimum expectation regarding these processes. In

the case of Mexico, the dispersion and regulatory ambiguity has made the interpretation of the law by judicial officers more difficult; which results in a barrier to access to justice for victims.

3. The standards of care are poor and scattered as they vary depending on the institutions and organizations that offer them. Therefore it is recommended that common quality standards are established to ensure minimum standards; and to ensure, on the one hand, the rights of the surviving victims, and, secondly, that individual cases are adequately addressed in a timely manner and do not "fall through the cracks" of the bureaucracy.
4. The information received by the surviving victims is usually partial and depends on the actor who provides it. Their situation is further complicated by the confusion as to the actors and institutions that are surrounding them. A system or protocol to determine the obligation of keeping victims informed throughout the process, for example through pamphlets, establishing criteria to ensure that the information is complete and includes the services they should receive, the entities that will provide those services, in what timeframe and the decisions that they must make. Such pamphlets would be an important tool for professionals from both the State and from NGOs. They would enable service providers to visually convey the legal process in an easily understandable manner. In addition, information provided to survivors must be clearer about the procedures and the type of assistance to avoid confusion and lack of information.
5. The surviving victims should have spaces to be heard in order to participate without stigma in building legislation and public policies in matters that affect them. In this sense, the country reports do not account for the existence of structured participatory monitoring initiatives that are legally recognized. The reports reveal that NGOs are the main partners acting to channel the needs and priorities of the victims to the State. Public policies in the region should therefore incorporate monitoring spaces to collect the testimonies of the victims and assess in particular the services available for their protection and assistance, as part of their strategies and /or national plans to combat human trafficking.
6. The quality of the first contact deserves special attention because it determines the development of any subsequent process, both legally and in terms of comprehensive care that will decide who will receive or accept the surviving victims. Therefore, it is recommended to strengthen specific training on first attention to the professionals that can be found on the frontlines.
7. The intervention in the framework of specialized care programs should include specific strategies for surviving victims to develop their personal abilities, autonomy and independence in the different areas of their personal and social life, as determining factors for recovery and successful reintegration into their communities.
8. Families of the victims have played an ambivalent role. In many cases, relatives have come to victim's aid, assuring housing and education. In others, the survivors were stigmatized, emotionally abandoned or rejected by their families (and communities), due to improper care or repatriation without taking into account the levels of risk and stigma. Therefore, it is recommended that networks are created and/ or strengthened to support the surviving victims and their families throughout the process of repatriation, seeking justice and redress; and also considering the prevention of risks associated with

certain forms of socialization in marginalized communities such as drug use, the risk of pregnancy and harassment of potential sexual exploiters.

9. The quality of interagency coordination often depends on the political will, the level of knowledge of the authorities, or the willingness of officials and professionals, usually resulting in inefficient institutional response or re-victimization. Therefore, treatment protocols should include quality criteria and monitoring processes such that their execution does not depend on the will of those who must implement them.
10. The interviews strongly indicate links between Human Trafficking and missing persons, informal labor, sex work, labor or sexual exploitation, corruption, etc. It is important to address the transversality of Human Trafficking with these topics, through the coordination with the competent authorities.

Access to justice:

11. Reports from Argentina, Colombia, Ecuador and Peru, indicate adequate criminalization of trafficking. In the case of Mexico, a consistent definition of the crime of human trafficking at the level of all federal states adapting to the provisions of the Palermo Protocol is necessary; and the design of a protocol for the judicial police to make a distinction between sex workers and victims of trafficking, since in practice in the name of the fight against trafficking, the rights of women who are independently working as sex workers are violated.
12. In Ecuador, Colombia, Argentina and Peru advances have been made against the crime of trafficking, by eliminating the need for consent of adult victims as a defense from liability of traffickers. In contrast, in Mexico that consent is still a requirement, and a mitigating factor in bringing justice to the crime.
13. Figures such as Family Advocates or Ombudsmen were absent or blurred in many cases, indicating the need for a coordinated work with these actors to fulfill their mandate of protection, legal representation or other obligations in cases of human trafficking.
14. In all countries, the State is the principal guarantor of rights and services. However, the survivors of trafficking usually state that such services as shelter, accommodations, emergency health care, psychological care, were not comprehensively granted by the State. Conversely, evidence indicates institutional instability and a lack of interest of officials and operators. Trafficking victims require immediate psychological assistance from the moment of the release from the situation of exploitation through the judicial complaint. Some testimonies demonstrate that the victims manifest real depressive states that have not been treated in their actual magnitude, or the victims have not received any psychiatric care. Prioritizing the mental health of the surviving victims and the development of appropriate facilities for such care is a crucial aspect in the construction of public policies on the comprehensive care for victims of trafficking.
15. The gaps and challenges in access to justice and the ability for survivors to press charges are structural within the justice systems. Therefore, advocacy should not necessarily be specific to the fight against trafficking. In this sense, specialized organizations in the fight against trafficking should join advocacy efforts with specialized agencies and institutions in judicial reform in order to achieve more and better results.

16. States lack a Registry of Victims of Trafficking in Persons, which individualize victims to articulate due assistance and protection; and to monitor the qualitative aspects of the services received.
17. State institutions must ensure that the surviving victims fully understand the processes in which they are immersed, and their rights and obligations in them, so that their decisions are fully informed.
18. There is a lack of inter-sector coordination to promote and comprehensively implement the provisions of public policy, weak political will of local governments and a meager investment in the field. However, in Peru, Colombia and Ecuador, it is reported that there is an improvement in inter-agency coordination and attention is faster from those responsible.
19. The need to continue training programs for public officials to promote understanding, caring and inclusive attitudes of the victims, allowing enforcement of their rights is evident.

Integrated Care:

20. Civil society organizations have contributed to rebuilding the life projects of the victims. The testimonies recognize the work of psychological, social, legal assistance, and protection. The need to provide assistance on issues of sexual and reproductive health services to victims of trafficking for sexual exploitation as part of comprehensive care actions stands out.
21. The organizations participating in the research have different mechanisms for identifying and addressing the surviving victims; they have different target populations and diverse internal protocols. However, they agree on the identified gaps and offer recommendations. Since all of them are members of the GAATW; they recommend an improved exchange of information and training for technical growth, increasing the likelihood of better care and improvements in public awareness. Additionally, introducing a culture of self-assessment and more sustainable monitoring is recommended.
22. To work more effectively, it is important to have organizations that have a presence in the locality where the victim is located. In this regard, it is recommended that organizations expand their capacity beyond the capital and major cities.
23. The evidence indicates that families of victims of trafficking in some cases provided the necessary assistance to facilitate housing and education. In other cases they ignored the situation, and delegated the role of assistance to the State. Therefore, it is recommended to create and / or strengthen support networks for surviving victims and their families throughout the process of seeking justice and reparation; and also consider the prevention of risks associated with certain forms of socialization in marginalized communities such as drug use, the risk of pregnancy and the harassment of potential sexual exploiters.
24. The country reports indicate that the education of victims is not solid, with many cases of illiteracy and poverty. Therefore, education and identification of job opportunities are priorities for the reconstruction project of the life of the surviving victims to enable them to be accepted without discrimination, especially in cases of sexual exploitation. However, when these services were offered these did not always match the victims' interests and needs. Therefore,

it is important to guide and encourage the participation of the surviving victims in the education and work programs offered by the State and civil society.

25. As for accommodation, this has been provided mostly to adolescents and has been institutional. The testimonies show that rights violations have occurred within the shelters, where in addition to episodes of abuse, there is a lack of information about the victims' placement and end-date, as well as the lack of a strategy for individualized care for the adolescents.
26. From the interviews it appears that there are still no full guarantees for access to specialized health care services, generating lack of response and specialized care. The implementation of guidelines and protocols for the identification and care (physical and mental) of victims in the health sector is recommended.
27. The need to develop the freedom and confidence of the surviving victims to make critical judgments about the strengths and weaknesses of care programs is reaffirmed. Victims raised the need to generate a wider choice of job training and more work with their families. They also raised the need to more carefully plan the family reintegration processes to prevent further situations of victimization and ensure sustainability of the achievements in the process.
28. The labor and educational reintegration of the surviving victims, even when they are received by specialized services remains a major challenge. We recommend taking measures to promote the reintegration of the surviving victims in the labor, education and training area through new forms of partnership between different actors.

Legal proceedings and complaints:

29. The surviving victims are demanding justice and they relate it to the punishment that the traffickers should receive. They trust that this will come from a divine being, and in most countries it is common that they distrust the judicial system and its authorities, fearing retaliation, corruption, violation of their privacy and revictimization. The surviving victims live in legal helplessness after the complaint. His or her distrust of the State courts is due both to the lack of adequate public defense, as well as misinformation about their rights, about the state of the process, the punishment of traffickers and civil damages to which they are entitled. The testimonies demonstrate the lack of translators and the impediment to the victims to check their statements before signing them.
30. It also noted that victims often prefer not to report cases for fear of being stigmatized, persecuted, recaptured or killed by traffickers. They point out that the media have come to pay the authorities for breaking news stories and details, some very rough details, on their cases for the purposes of media hype. Therefore, there is urgent need to strengthen regulatory and ethical guidelines to ensure the confidentiality of the statements of victims of this crime; as well as continue the work to raise awareness and sensitivity with the media about this issue.
31. Collusion between corrupt police and traffickers has high impact on the victims of the crime of trafficking. In Mexico, an alliance of this type, which prevents proper prosecution of cases, is reported. It is therefore necessary to strengthen awareness, awareness and training of officials at all levels, from those who receive the complaint to the higher authorities. There should be strengthened mechanisms to identify and punish cases of corruption, including the

establishment of national observatories against trafficking, systems to channel complaints and reports about malpractices of officials, among others.

32. In all countries, the surviving victims said they had to give their testimony repeatedly during police and judicial proceedings, reliving traumas. They state that they were even blamed for the situation experienced or questioned about the seriousness of the allegations.
33. It is common in cases of trafficking for sexual exploitation that traffickers use motherhood as a strategy to control victims through kidnapping or retention of their children and the threat of possibly losing custody (due to the victims being immersed in improper/ immoral activities), commonly referenced in legislation surrounding custody. Women victims of trafficking for sexual exploitation thus suffer a double stigma, not only by the drama suffered, but also when it comes to the decision of custody of their sons and/or daughters, the judge could consider the situation of "prostitution" in which the victim lived.
34. The reports notes that the voluntary return of trafficked persons to their place of origin generally responded to humanitarian and personal reasons. In Mexico, testimonies existed in which victims were forced to return to their countries of origin because of their illegal immigration status.

Return and repatriation:

35. The return is one of the less "specialized" areas due to scarce resources, protocols with significant implementation gaps and multiple stakeholders. Poor assessment of risk factors and situations of stigma and social exclusion, make it necessary to improve the process of return from detection through the reintegration of the surviving victims.
36. The surviving victims recognized multinational actions taken for their safe repatriation. In this regard, the participation of international organizations and Consulates stands out. In the case of Consulates, they should be included in the protocols of treatment and referral of international trafficking cases in close coordination with the Ministries of Foreign / External Affairs in the Capital cities.
37. However, adolescent victims highlighted that the processes of reintegration with their families of origin are carried out without adequate notice and preparation of family ties, and thus resulting not only in family tensions, but also in unexpected returns to shelters. There were cases in which the authorities conducted a merely formal determination of the best interests of the child and/or did not consult adolescent survivors during that process, in contradiction with the provisions of the Convention on the Rights of the Child (a), Article 12 on the obligations of the State as to the procedures that guarantee the rights of the child.
38. The information obtained about the process of return, in which survivors lived through very different procedures, even being nationals of the same country, suggests that these procedures should be made consistent at least the national level. Thus, in some cases, the authorities intervene and facilitate processes, while in others, this does not happen; in some cases there is a risk assessment and real opportunities, they provide information to survivors or are advised on the process, while in others this does not occur. Therefore, it is recommended that steps be taken to consolidate the procedures for the return or voluntary

repatriation, as well as link these procedures with the return of migrants (internal and external) in each country.

For the NGOs:

39. The practices of NGOs-even when they are generally adequate- show significant divergences in the services that they provide to victims. Better coordination of programs and creation of common frameworks for action with minimal care protocols will contribute to the victims, regardless of nationality, receiving minimum quality services. Moreover, common protocols will allow for greater and improved impact with State authorities at the national and regional level.
40. Interviews indicate the great importance for the survivors to have options in their futures to ensure adequate reintegration, a dignified life and minimize the risk of exploitation. NGOs should pay more attention to developing integrated livelihood programs that include, but are not limited to, the establishment of seed capital funds to give real tools in the realization of life projects.¹
41. It is recommended that the GAATW-REDLAC and its member organizations in the region establish strong mechanisms of interagency coordination to encourage complementary actions in response to the situation of the surviving victims that strengthen the capacity of regional incidence, systematize good practices and identify gaps in the response of NGOs. In particular, it is recommended that a document be developed for advocacy to be used at the national and regional level to build and homogenize public policies for the care of surviving victims.

¹ The opening of a "Fund for victims of trafficking insertion GAATW-REDLAC" established and promoted by the Network and managed at national level so that each organization can develop their own fund.

