



UNITED NATIONS
Office on Drugs and Crime

UN.GIFT

United Nations Global Initiative to Fight Human Trafficking



 **HUMAN TRAFFICKING**  **A CRIME THAT SHAMES US ALL**

BRAZIL

National Conference:
Challenges to the Implementation
of the National Plan of Action Against
Trafficking in Persons

(Brasilia, 2-4 October 2007)

UNITED NATIONS OFFICE ON DRUGS AND CRIME
Vienna

Challenges to the Implementation of the National Plan of Action Against Trafficking in Persons

Regional UN.GIFT Meeting, Brasilia, 2-4 October 2007



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N.V. 34 years old

"I was 23 years old. And madly in love. My 'prince charming' promised me a better life in Holland. I could leave behind a life of poverty and family problems. But I couldn't fathom that I would be exploited by a criminal network. My "prince" was a monster. And I lived a nightmare. I had to work in a cheap brothel in Germany near the Dutch border. I had terrible problems with STDs. I also worked in a fancy mansion close to Amsterdam, with drugs, alcohol and wealthy clients. My body, my soul...my life belonged to a group of criminals who blackmailed me, threatened to kill me and were always saying they could harm my family back home. Now that I managed to escape to Brazil I want everybody to know about what happened to me so that no other human being becomes a victim of trafficking."



N.V. is a former victim of human trafficking in Western Europe and now lives in Brazil with her six-year-old daughter.

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This UN.GIFT event in Brazil has counted with the crucial collaboration of a number of partners.

Brasilia-based advertising agency Mr. Brain prepared the entire campaign pro-bono: a hot site (www.traficodepessoas.org.br), posters, all the seminar material, such as note pads and bags. The Italian Embassy was also an important partner and hosted the UN.GIFT launching event. Brazil's TV Globo, the world's fourth largest broadcasting company, kindly prepared a five-minute video on how human trafficking was portrayed in the soap opera *Belíssima*. Artists Tony Ramos, Maria Flor and Social Area Manager Flávio Oliveira, all flew to Brasilia on their own expenses in order to receive UNODC awards for the important awareness raising initiative. Producer Renata Dumont represented film director Rudi Lageman, who spent nine years researching on human trafficking in Brazil in order to create and produce a stunning movie called "Angels of the Sun". UNODC awarded a special prize for these various institutions and individuals that helped raise awareness on human trafficking.

In addition, artists Albano Dias, Ary Martini, Mirian Kosby and Roberto Castello prepared a special exhibit for the UN.GIFT launching event, while hip hop artists from a city in the outskirts of Brasilia prepared a special graphite board.

We would also like to thank the Ministry of Foreign Affairs, for kindly hosting the seminar at the Itamaraty Palace Auditorium. Supreme Court Minister, Judge Gilson Dipp, deserves a special thank you for the support and for helping turn UN.GIFT into prime level political events. Prominent authorities attended the opening ceremony at the Italian Embassy as well as the Seminar. We also wish to thank the Minister of Women's Policies, Nilcea Freire (who attended both events); Supreme Court President, Minister Ellen Gracie; Minister of Foreign Relations, Celso Amorim; Minister of Justice, Tarso Genro and the Minister of Human Rights, Paulo Vannuchi for their participation and for embracing the Initiative.

The Brazilian national government as a whole deserves a special acknowledgement for the overall UN.GIFT support. In particular we would like to thank the efforts of the National Programme of HIV and Aids for mobilizing its focal points in civil society to participate and speak for the first time in a national seminar on the theme of trafficking in persons, the Ministry of Health, the Human Rights Secretariat, the Gender Equality Secretariat, the Ministry of Justice, the Federal Labour's Prosecutor's Office, the Federal Prosecutor's Office, the Global Alliance Against Traffic in Women (GAATW-Brazil), the Lasso-UnB (Social lab of social science from University of Brasilia), Pastoral Service for Migrants of the Catholic Church, and all the other non-governmental organizations and individual experts that have contributed to make this debate possible and guarantee its plurality.

Executive summary

The Brazilian branch of the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) was considered a turning point in the national assessment of the theme. Both the launching event, on the evening of 2 October 2007 as well as the technical discussions during the two-day seminar on 3-4 October 2007, enabled over 300 people from governmental authorities to civil society organizations to gather for high-level technical discussions on prevention, repression and assistance to victims. For the first time, relevant social actors from diverse backgrounds exchanged ideas and experiences on how to provide services with respect to human rights, as well as on improving and implementing previous commitments made upon the ratification of the United Nations Protocol against Human Trafficking. A well-articulated network of governmental agencies, civil society groups—including major social and human rights movements—and international organizations was stressed as a crucial component in countering this crime.

Along with the United Nations Office on Drugs and Crime (UNODC), as lead agency, UN.GIFT in Brazil counted with the important partnership of other United Nations agencies: the United Nations Children's Fund (UNICEF), United Nations Population Fund (UNFPA), International Labour Organization (ILO) and United Nations Fund for the Development of Women (Unifem). The International Organization for Migration (OIM) was also invited to joint the initiative.

During the UN.GIFT launching evening, UNODC honoured contributions in raising public awareness in countering and preventing human trafficking in Brazil. Awards were given in recognition of individuals and institutions, including TV Globo (Brazil's largest broadcasting company) and actors from the soap opera "Belissima" which reached an audience of 50 million people, during 2005 and 2006. Renowned director Rudi Lagemann was also honoured for his dramatic depiction of internal trafficking of children and adolescents in "Angels of the Sun", a recent Brazilian film that sparked much debate in the country. For the substantial contribution in countering this crime, Swedish, Dutch, Norwegian and Swiss Ambassadors were also awarded for the important financial contribution to UNODC's projects with the Brazilian government. The United Arab Emirates' Ambassador also received a prize for the overall contribution to UN.GIFT.

The following two days marked a gathering of experts, students, authorities and international organization members to fully assess the progresses and challenges in addressing trafficking in persons in Brazil.

Protecting vulnerable groups

The sub-theme of the conference, the “Protection of Vulnerable Populations” reinforced a crucial message: repressing criminal activity needs to be aligned with protecting vulnerable social groups. The seminar brought together specialists in the areas of sexual exploitation of women and children and activists in gender issues, human rights and the fight against forced labour. The high-level discussions joined various social, political and legal interests in an unprecedented united front to counter this global issue in the national context.

The seminar presentations included an overview of the current situation of trafficking in Brazil with the latest data available, as well as descriptions of the varying regional characteristics, which reflect diverse realities and inequalities in South America’s largest country. Governmental authorities outlined the Policies Construction Process with public consultation and the difficulties in forging a consensus within the inter-ministerial working group in preparing the National Plan, based on the pillars of prevention, repression and support of victims of trafficking. Other panels assessed the relationship between forced labour realities and trafficking patterns, as well as trends in migration and human smuggling.

There was consensus in demonstrating the need to fight human trafficking on several fronts simultaneously, both domestically and internationally. Special vulnerabilities regarding sexual exploitation of children, adolescents, sex workers and “trans” (transsexuals, transvestites and transgender) were also emphasized, with a panel on links between HIV/AIDS and trafficking in persons. This particular panel enabled the participation of social groups that had never before been willing to discuss trafficking, such as sex workers and transsexuals. Participants agreed that Brazil’s highly praised HIV programme’s experience in prevention efforts, which involves different segments of civil society in the designing of public policy, could be used as a model for prevention efforts related to trafficking in persons.

Recommendations

Participants reached a consensus on a number of crucial recommendations. These include the importance of analysing the impact of anti-trafficking policies on human rights and on the mobility of specific groups such as women and irregular migrants in general. Furthermore, the Brazilian Penal Code needs to be harmonized with the proper definitions contained in the United Nations Protocol against Human Trafficking. The Code criminalizes the facilitation (and exploitation) of prostitution and does not fully address the elements of the Protocol.

Other recommendations included the need to increase cross-border protection and control of inter and intra-regional migration. This is especially valid for the movement of children and adolescents across Brazil’s borders with neighbouring countries. As a destination country for many South Americans, policies for protection and assistance of victims trafficked to Brazil need to be strengthened. Furthermore, if any anti-trafficking efforts are to be suc-

cessful, they must look into the links between patterns of trafficking, especially rural slave labour, and climate change and deforestation, environmental problems in general, models of economic development, among other issues. In Brazil and in many other countries of the region, especially in the Amazon area, slave labour is used on a large-scale for cutting down forests, exporting illegal timber, and for making pasture for cattle or for the production of agricultural commodities such as sugar cane, soy and others. Because there were great development projects thought for the Amazon over the past decades there was always an incentive on the part of the State for people to invest in specific culture or economic activity much of it as export goods. In consequence, this has driven the process of deforestation of great regions of the country for many decades and slave labour with trafficking patterns has been used as one of the pillars of these businesses.

In areas of comparatively late development, such as the Amazon region, the local population needs priority in drawing and implementing sustainable socio-economic policies. In addition, more attention needs to be given to urban and domestic forms of forced labour in Brazil on which there is little information available.

Altogether, the three-day event attracted hundreds of participants from various social sectors. It exposed the multifaceted challenges of human trafficking in Brazil and was highlighted by the most important television news programmes and prominent national newspapers. In addition, public inquiry and awareness about the subject has grown significantly as a result of the conference activities. Extensive dissemination of the seminar drew in large numbers of students as well as a range of professionals seeking to gain knowledge and exchange experiences. A clear result was the increase in networking efforts for collaborative actions within the common fight against human trafficking. Undoubtedly, one of the most significant achievements of the UN.GIFT event in Brazil was the demonstration of the collective commitment of the national government and diverse civil society groups in confronting an issue once regarded as marginal, and transforming it into a mainstream concern in the public policy agenda.

1. Regional overview of trafficking in persons

Human trafficking has become an increasing concern for Latin America and the Caribbean since the year 2000, with the signature of the Convention Against Organized Crime, commonly known as the Palermo Convention, and its three supplementing protocols on human trafficking, smuggling of migrants and trafficking in firearms. UNODC's "Trafficking in Persons: Global Pattern Report" (2006) shows that the continent has primarily source-countries for trafficking victims. But there has been an intensification of inter and intra-regional movement, causing growing needs for integrated public policies that focus on these places as transit and destination countries.

There have been increasing reports of trafficking for different exploitation purposes in the region, for sexual exploitation and for forced labour. The nature and complexities of this crime have been rapidly changing as governments adapt their national legislation to the Trafficking Protocol and its definition of trafficking in human beings.

According to a 2005 report of the International Organization on Migration (IOM), trafficking of women and girls for purposes of sexual exploitation has become a \$16-billion-a-year business in Latin America. Some estimates have suggested that this figure represents almost half of what is generated worldwide as trafficking profits. The United States State Department estimates that tens of thousands of Latin American women and children are trafficked for sexual exploitation each year. And although it tends to be under-reported, trafficking for forced labour is generally perceived to be a major and growing problem, as workers are exploited for slave labour both within the region, and increasingly often also ending up in situations of forced labour after migrating to Europe and the United States.

Children and trafficking

There is widespread concern regarding the lack of comprehensive data to profile victims as well as analysis regarding the patterns of trafficking, due to less research having been done on the extent and nature of this problem in Latin America and the Caribbean than in Asia and Europe to date. Most of the existing data, which has been gathered in the region, has largely focused on children as victims of sexual exploitation, largely due to the region having become a growing destination for sex tourism. This trend is exacerbated by the fact that many of the countries in the region have legislation, which establishes 14 years of age as the legal age of consent to work. And some studies show that while street and orphaned children are particularly vulnerable to trafficking within the sex industry, a large percentage of children who become victims may remain living with their families, engaging in commercial sex to boost the household income.

Studies additionally cite the growing use of children as soldiers in armed conflicts in some countries of the region, in addition to concerns that youth are increasingly being trafficked by drug gangs into urban warfare and forced begging.

The practice of children being forced to work as domestic servants, as a result of trafficking both nationally and across borders, also remains a major concern. In the last few years there have been many reports of children being forced to work in the agricultural and mining sectors. However, one hopeful sign was noted in a 2006 ILO report, stating that as a result of early and extensive attention to the exploitation of children as victims of trafficking in slave labour, this phenomenon showed a dramatic drop in the region between 2000 and 2004, in comparison to other regions of the world.

While children are trafficking victims for both sexual exploitation and forced labour, the majority of the cases made known to public regard men primarily trafficked as slave workers in harsh exploitative labour conditions, largely within agribusiness and mining sectors.

One of the reasons for the small number of reported cases of slave labour of women and girls is the fact that most of the exploitation of this group happens in urban areas and inside the homes. Public policy has been much less effective in dealing with these forms of labour exploitation due to the difficulty of entering the domestic environment for labour inspection. There is also the problem of challenging a long-standing cultural practice of taking young girls from the poor interior of the countries to large cities to work as household servants without guaranteeing basic rights. This is a practice seen by most of society as a way to help poor families to take care of their children. The legislation regulating domestic labour is also differentiated from that regarding other workers in most of Latin America, making this group more vulnerable to all kinds of exploitation.

Trafficking for forced labour

Low wages, inhuman working conditions and a lack of legal protection, combined with an ever-increasing demand for cheap labour and products, have resulted in growing numbers of forced labour abuses. Countries with major problems in this area include Brazil, the Dominican Republic and Peru, although Brazil was cited by the 2005 ILO report as having made concerted efforts to combat forced labour within its borders.

Although the United States State Department estimates that up to 50 per cent of all persons trafficked are minors, the majority of trafficking victims in the world today are believed to be of women used as sexual slaves. Women, who are trafficked for sexual exploitation in the region, in contrast to the situation of children, usually trafficked within national borders, are also taken to Europe, the United States and Japan. Major source and recruitment countries include Brazil, Colombia, the Dominican Republic, Suriname, Uruguay and Venezuela. The principle countries of destination for victims who are trafficked from Latin American and Caribbean countries include Spain, Germany,

Netherlands, Portugal and the United States. Intra-regional trafficking has grown increasingly in the last few years due to the disparity in the development levels of different parts of the same country or between nations of the region. The fact that Brazil has more than 8,000 kilometres of dry land frontier also makes it difficult for authorities to enforce border controls.

Trafficking and migration

The issue of trafficking and migration has posed growing challenges in a globalized world. With rising numbers of migrant persons seeking better opportunities, many countries with low birth rates and ageing populations are increasingly relying on both male and female migrant workers from Latin American to fill low paying agricultural, construction, service industry and domestic service jobs. At the same time, however, rising concerns about security and issues related to absorbing large numbers of foreign-born people are serving to simultaneously lead many developed countries to tighten their immigration policies, creating a growing market for criminal networks of human smugglers.

As the pull of economic opportunity grows, mounting pressures on irregular migration increase, Latin American migrants are often at high risk for both human rights violations, including trafficking in persons, and health dangers. There has been advocacy work from social movements throughout the continent to increase pressure on countries for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and members of their families, which is seen as a powerful instrument for preventing human trafficking.

Profiling of possible trafficking victims adopted by migration officers in most countries of Europe, especially Spain and Portugal, have negatively affected the mobility of young women from Latin America travelling alone. Authorities in Brazil, for example, have registered a significant increase in the numbers of refusal of entry cases of this Brazilians that match this profile into the European Union in the last four years. When questioned by Brazilian national authorities on the reason for such discrimination, many countries present this policy of refusing entry of certain types of people as a measure to prevent trafficking in persons. The reasoning would be that the refused match the profile of groups vulnerable to trafficking. Therefore, the point stressed at the seminar is that Brazil cannot accept allegations that policies based on profiling of “vulnerable groups” as anti-trafficking policy. In the end these policies end up restricting the mobility of the groups they say they wish to protect. So the conclusion of the seminar is that this kind of profiling should not take place at all, much less receive the label of anti-trafficking policy.

There has been growing concern that undocumented migrants are often sold into situations of forced labour or prostitution in order to recover their costs once smuggled across the borders. As countries impose tighter border security and immigration legislation, the incidence of migrant smuggling and potential exploitation by traffickers is increasing.

Discrimination and health-related risks

Trafficking victims who are sexually exploited are often more likely to suffer discrimination and lack of legal protection and usually have more limited access to education and health services, making them even more vulnerable than the general population to contracting HIV/AIDS. The same could be said about populations of irregular migrants. Integration of preventive efforts in the area of trafficking and HIV/AIDS could greatly increase the effectiveness of public policy in this area. In order for this to happen it is important to empower social groups historically excluded such as prostitutes and transsexuals, transgender and transvestites to participate in the designing and implementing of public policy.

Responses

Governments in the region have sought to improve their responses to the multiple challenges posed by trafficking. There has been considerable progress in many countries throughout the region in the signing and ratifying of the Trafficking Protocol and other relevant international instruments for the prevention and countering of human trafficking, as well as the creation of national task forces and development of national policies and plans to deal with this theme. The increase in the amount of national funds destined for anti-trafficking policies is also a measure of the growing commitment of government to this theme.

Nations of Europe and other parts of the world with specific interest in Latin American countries due to the fact that many of the victims found in these nations come from Spanish speaking nations, have provided some technical cooperation with a focus on assistance and information sharing.

In addition, there has been a growing articulation between non-governmental organizations (NGOs), clustering in pools to more effectively advocate for human trafficking public policies. The biggest difficulty for a more integrated action of NGOs in this area is the different visions present within feminist groups on prostitution. This has greatly affected the capacity of groups of prostitutes and other people engaged in the sex market to participate in the public debate on trafficking in persons, as well as to engage in preventive efforts as has been done in regard to HIV/AIDS with outstanding results.

Along with United Nations agencies, international organizations such as the Organization of American States (OAS) and the International Development Bank (IDB) are investing in projects in this area. The Inter American Development Bank has financed a major regional

study on the scope of human trafficking as part of its investment in citizen safety within the social sector programmes in the region. The OAS also actively promotes regional cooperation in this area with a view towards assisting governments in formulating better anti-trafficking policies. It continues to provide training seminars as well as developing and sharing new information among governments in order to foster a regional approach to human trafficking on the basis of cooperative and complementary strategies.

Currently, countries in the Americas are discussing the drafting of a hemispheric action plan against trafficking. The Mercosur (Common South America Market) has also been given much priority to the discussion of instruments for the promotion of safe migration and for the prevention of trafficking in persons, with a special focus on victims under the age of 18.

Brazil

UNODC Brazil's publication with the first results from the project with the Ministry of Justice (2005) revealed data from the two main states where victims originate (Goiás and Ceará), and the two main exit portals for international trafficking (Rio de Janeiro and São Paulo, with the country's main international airports). These preliminary studies showed that the majority of international trafficking victims were women, poorly literate, between 18 and 21 years old. The majority was single (68 per cent).

Most of the people involved in this crime were men. Over 32 per cent had university level education and 25 per cent had completed secondary levels.

A recent study from the Ministry of Justice, published in May 2007, confirmed that most of the Brazilians that seek better opportunities abroad are young and have low income. The research was done in a special centre built in the country's main airport, in São Paulo. It is run in a partnership between the government, civil society groups and international organizations. Its goal is to receive non-admitted or deported people. Of the 73 interviewees, 55 per cent were aged 20 to 29 years old. More than half earned between 1 and 3 minimum wages.

Certainly, tackling the push factors by guaranteeing more job opportunities, reducing poverty and gender inequalities are essential to countering human trafficking. These are inherent issues to achieving the Millenium Development Goals. Equally important is guaranteeing proper prosecutions with efficient criminal justice systems and implementing—de facto—the United Nations Protocol against Human Trafficking.

2. Overview of specific forms of trafficking in persons addressed at the event

The National Seminar on Countering Trafficking of Persons, held in Brasilia 2-4 October 2007, sought to assess the multifaceted and interrelated challenges in the fight against human trafficking and propose recommendations to improve a joint work between the public and private sector, civil society and international organizations. The launching evening and the two-day seminar presented a range of issues involved in forging consensus for the effective implementation of the new National Plan of Action Against Human Trafficking. Debates on multiple aspects of the phenomenon, from slave labour to sexual exploitation of women and children as well as links to migration and the spread of HIV/AIDS demonstrated the difficulties in seeking common definitions and solutions to effectively counter the problem.

The guiding principle is the overall need to ensure that human trafficking is simultaneously tackled with public policies that integrate repressive measures, preventive approaches—particularly among vulnerable populations—but also focusing on the protection, assistance and reinsertion of victims into society. Therefore, supply and demand for the victims' services need to be addressed. This underlying premise also serves as the basis for reviewing the current adequacy of Brazilian laws and enforcement strategies while examining the attitudes and structures in preventing this crime and protecting its victims.

By bringing human trafficking to the forefront of national policy discussions, the commitment sought by UN.GIFT and by national counterparts (government and civil society) is to place the issue as a priority in the political agenda so that it becomes a mainstream concern and no longer a marginalized subject. The national plan's construction process and its implementation show how the government seeks to guarantee human rights, as it exposes the difficulties in enforcing the rule of law.

Trafficking in Brazil: regional differences

Brazil has continental dimensions and specific regional and subregional characteristics. Therefore, blueprint solutions would be unable to tackle the range of variants involved in human trafficking. Historical and cultural factors, as well as different political, legal and social systems, demand diverse approaches.

Brazil's continental proportions (over 8.5 million square kilometres)—with 16,900 kilometres of extremely porous terrestrial borders with nine neighbouring countries, 67 airports (15 of which are international)—cause difficulties in combating and preventing human trafficking, both domestic and international. In addition, wide-ranging inequalities and regional characteristics bring an even greater challenge to countering the crime.

There is still an ongoing process of collecting national data on trafficking. And more needs to be learned about the specific regional and local conditions and patterns of exploitation in order tackle the types of trafficking being undertaken.

Regarding the northern region, panels assessed the need to link environmental policies to the lives of people in the Amazon region. Gender issues also need to be fully addressed, especially in regions where related abuses are most frequent, such as the northern and north-eastern regions. Women, children and adolescents—especially in rural areas—are particularly vulnerable to trafficking. Empowerment of women and education for girls are some recommendation made during the UN.GIFT seminar.

Illiterate men in this region—most evidently in rural areas—are most vulnerable to human trafficking for forced labour, in farms or in carbon and sugar cane production. Therefore, one of the challenges brought by the seminar’s participants was the need to further define slavery in Brazilian contemporary society in order to encompass other new forms of exploitations analogous to slavery.

In urban areas, for example, trafficking in persons for forced labour needs to be further assessed. The phenomenon also exists for children and adolescents who may additionally be trafficked as domestic workers, child soldiers or for adoption purposes. Children also suffer sexual exploitation within domestic borders, as do women and transgender persons. There is an ongoing number of transgender individuals who seek better opportunities abroad, but become victims of trafficking—also due to the vulnerabilities caused by their illegal status in foreign countries.

Trafficking for forced labour

In the seminar presentations dealing with forced labour as a trafficking crime, preliminary data has started to show the specific profiles of the origins and destinations of slave workers, as well as information on the methods used by their exploiters. Assessing these issues is essential in designing more effective prevention and repression strategies. Another important point that should be addressed is the need to improve awareness raising in reducing the demand for these services. Public awareness campaigns are crucial instruments in this process.

While progress has been made in tackling forced labour in Brazil, particularly in freeing men in rural areas who were exploited in the agribusiness and mining sectors, more information sharing and concerted actions are required to effectively combat this practice.

New strategies in combating slave labour practices have shown positive results. The Ministry of Labour published a “dirty list” of companies involved in forced labour. There was extensive media coverage on the subject. This may be seen as a “best practice” for other countries.

Other still under-explored dimensions are the illegal workers who come to Brazil as slave workers—especially in the textile industry. These victims come from neighbouring countries, especially from Bolivia. Integrated public policies to tackle this problem are still incipient. Altogether, more data needs to be collected on labour exploitation and trafficking in urban areas, as well as on the involvement of women, children and migrants.

Migration and trafficking

Discussions dealing with migration issues and trafficking exposed a variety of concerns. One of the most troublesome is the increasing perception that migrant women and transgender individuals who seek better opportunities abroad are primarily illegal sex workers. This often results in stereotypical discrimination and humiliating treatment upon arrival at foreign borders. While this is often viewed as an excuse for stricter immigration controls, it sparks discussion about the need to deal with the actual victims of trafficking as well as with illegal immigrants abroad that may become potential victims, being especially vulnerable due to their illegal status. Migration issues of men who are smuggled across borders and then exploited by those who prey upon their vulnerable status as illegals are also emerging.

Sex, trafficking and HIV

UN.GIFT events in Brazil counted with the valuable participation of relevant civil society members that represent groups vulnerable to trafficking, such as the national networks of transvestites and prostitutes. Panelists agreed that the need to regulate the status of sex workers is a key issue in tackling vulnerabilities of special groups. As mentioned earlier, prostitution and trafficking need to be fully distinguished in order to effectively address this crime. In addition, the special vulnerabilities of transgender individuals to traffickers was highlighted, as well as the increasing concerns regarding the spread of HIV/AIDS and how this relates to human trafficking. This vulnerable population frequently encounters prejudice and segregation, which prevents them from receiving equal consideration, assistance services and protection under the law.

Children and trafficking

Panelists assessed the vulnerability of children and adolescents to human trafficking and its relation to sexual abuse and violence. Not only is this group more susceptible to exploitation and trafficking—often stimulated by their own relatives—but the growing phenomenon of sex tourism also increased the number of trafficked children and lowered the age at which they are exploited. There is increasing concern about youngsters who are trafficked by drug gangs into violence and urban warfare. An important consideration in

relation to children and adolescents trafficked in various modalities, whether it be sexual exploitation, child labour or drug and violence-related abuse, is the need for differentiated approaches in victim assistance and special training for professionals who provide services and who work in shelters for these particular populations.

Vulnerabilities: tackling the “push factors”

In order to fully assess the human trafficking problem it is important to tackle fundamental issues underlying the “push” factors, such as low employment opportunities, social and economic vulnerabilities of women and female children as well as urbanization and migration. When individuals feel that they have limited or no options in situations of poverty or inequality, they may become vulnerable to persons and situations that lead to exploitation through trafficking. Unfortunately, examples of desperate situations are not infrequent: men trafficked into slave labour trying to find employment, female migrants who travel to other cities, states or countries seeking better opportunities at any cost, or children who may be forced by their own parents into prostitution to increase family incomes. Certainly, this forces the need to provide more equal opportunities for education, health, jobs and social mobility. These are inherent bases in dealing with the supply side of this problem.

On the other hand, the international community should also ensure that the demand side is tackled, with public awareness on the immoralities of exploitation in its various forms, as well as ensuring proper penalties for those who do not abide by the law. In all countries—rich or poor—it is crucial to guarantee rights for vulnerable populations, be they actual victims or potential ones.

A national plan: next steps

The lengthy process of constructing the national plan, joining concerns of various social movements was an essential prerequisite for enlisting broad public support in the challenges ahead. It also enabled the government to assess possible needs at local levels.

The next stage will require increased mobilization in ensuring the political commitments necessary at state and municipal levels for preventive and protective measures, as well as improving repressive measures to halt and prosecute these crimes.

Some of the challenges posed are the need to have widespread understanding of the exact definition, and knowledge of the dimensions and characterizations of human trafficking among the general public and very often among law enforcement and judicial authorities.

The national legal framework has improved, in accordance with the United Nations Protocol against Trafficking in Persons. But many challenges still lay ahead. Internal trafficking has been typified and there was a significant broadening of the definition of trafficking victims in order to include children and men—as well as women. While all modal-

ities of human trafficking are criminalized in various parts of the Penal Code, the general interpretation of trafficking of persons is still legally limited to understanding this phenomenon as linked to prostitution. The formulation of the national policy on trafficking for the first time extended the concept of exploitation in trafficking to encompass slave labour and also the removal of organs, in compliance to the United Nations Trafficking Protocol which Brazil has ratified. What remains is the important need for harmonizing the national penal code with the exact definition of trafficking in the Trafficking Protocol.

Gaining momentum

The power of pressure groups, such as the media, is crucial in raising awareness on human trafficking. For this reason, UNODC granted a special prize on the launching evening of UN.GIFT to Brazil's largest broadcasting company, TV Globo, (amongst other award winners) for including the topic in its main soap opera. "Belíssima" was viewed by more than 50 million people between 2005 and 2006 and told the story of a young Brazilian woman who wanted to become a dancer in Europe but ended trapped into a human trafficking criminal organization. This type of so-called "social merchandising" is clearly a very important means of reaching huge audiences, including more vulnerable groups, that do not always read the papers or are poorly literate.

The award was also granted to film director Rudi Lagemen who dramatically depicted a story based on several newspaper articles. Eleven-year old Maria was sold by her parents in a poor rural area in the north-eastern region. She was resold to a rich farmer who abused her and then sold her once again to a cheap brothel in a mining area in the Amazon. The film "Angels of the Sun" exposed the hideousness of child trafficking for sexual exploitation, including HIV-related problems. A story so close to the Brazilian public, and yet so indifferent to a vast majority.

United at the starting line

Nevertheless, much needs to be done in order to fully make human trafficking a priority in Brazil, with articulate networks of various governmental agencies (such as health, justice, security, women's policies and others), with civil society groups, international organizations and the private sector. Progress has been made, but as Minister of Justice advisor Barbara Campos stressed, "We have managed to arrive at the starting line. And this is already a tremendous progress. Our challenge now is to reach the finish line ... still many miles ahead."

3. FOCUS ON THE EVENT ITSELF

Special presentation: The Fight Against Human Trafficking in Brazil

Minister of Foreign Relations of Brazil, Ambassador Celso Amorim

Brazil has been at the forefront of the fight against trafficking in persons. In September of 2007, the drafting process of the National Plan of Action Against Trafficking in Persons (PNETP, in Portuguese) was concluded with the leadership of the Ministry of Justice, Especial Secretariat of Human Rights and Special Secretariat of Gender Equality and the active participation of the Ministry of Labour, of Tourism, of Social Development, of Health, of Education, the Federal Public Prosecutor's Office and civil society.

The Ministry of Foreign Relations, aside from participating in the drafting process, presided over the first meeting of the working group established to draft the Plan. This is an extremely important theme for this ministry because we have a great number of Brazilians living abroad (estimates are between three and four million people). These nationals count on our counselling services abroad for assistance and, at the same time, are targeted by organized criminal groups that operate with trafficking and other crimes described in the Palermo Convention.

Recently, ILO promoted a meeting with 15 counselling services of Brazil in Europe (Berlin, Brussels, Frankfurt, Geneva, Lisbon, London, Milan, Madrid, Nice, Paris, Rome, Rotterdam and Zurich) to discuss informative material on trafficking in persons, a pocket group for Brazilians living abroad that will be distributed in our counselling services.

We believe that the work to be done in this seminar will contribute to the consolidation of the National Action Plan and for the strengthening of this international effort against trafficking in persons (UN.GIFT).

Minister of Justice– Mr. Tarso Genro

The National Plan of Action against trafficking is a result of the National Policy against Trafficking in Persons. Its conception is based on three pillars: prevention, repression and assistance to the victims. The document was developed through joint efforts of different teams of experts from the various ministries since the end of 2005. The Plan is the result of a long process of consultation with different government secretariats, national and international institutions that have contributed to the results obtained.

The National Programme of Public Security with Citizenship (Pronasci, in Portuguese) has dealt with the theme in an effective manner. The National Plan of Action against Trafficking is within the range of Pronasci, the main policy of the federal government for promoting peace and security in Brazil, and therefore has significant resources for its implementation. The partnership to be established with states and municipalities, as well as with civil society, is crucial for this policy to achieve results in the long run.

It is also our belief that to be successful in countering trafficking in persons we must seek integration among different policy areas such as social assistance, health, education, labour, human rights, protection of children, adolescents and women, tourism and other national strategies to fight social exclusion. Exchanging practical experience is also fundamental. In this aspect, technical cooperation plays a vital role. It is important to recognize that we can learn from the practices adopted by multilateral organisms, such as the United Nations, adapting these examples to our own particular context.



Sandra Valle, representative of UNODC Headquarters

In March 2007, UNODC launched the “Global Initiative to Fight Human Trafficking” (UN.GIFT) of which this event is a part. The basic premise of UN.GIFT is that partnership between government, United Nations agencies, civil society organizations and the private sector is a necessary condition for the success of this initiative.

Latin America has a high index of origin of human traffic. The biggest tendency of those of Brazilian nationality is to go to Europe, for some sort of sexual exploitation, as well as work migration to the United States. UNODC has taken the responsibility, as the guardian of the Convention Protocol, to facilitate this process of fighting human traffic, which is found, dispersed all around the world, and by many other United Nations

agencies. Therefore, UNODC is a facilitator of communication among the various United Nations agencies. This initiative has also a management body, a committee that meets regularly in Geneva, with the same United Nations agencies. The Global Initiative to Fight Human Trafficking wants to identify the blanks there are still to be met.



Minister for Women Policies, Nilcéia Freire, ambassadors and prominent authorities take part of the UNGIFT launch in Brazil

Barbara Campos, coordinator of the fight against trafficking in the National Justice Secretariat

The drafting process of the National Policy Against Human Trafficking started at the end of 2005. It was the result of a joint work of the Ministry of Justice through the National Secretariat of Justice, with the Special Secretariat of Women Policies and the Special Secretariat of Human Rights, the Federal Prosecutor's Office, the Federal Labour Prosecutor's Office and ten other ministries. The multidisciplinary nature of this group was necessary to deal with the complexity of human trafficking.

The Executive Power produced an initial text for public debate that received contributions from various segments of society. A national seminar, at the end of June of 2006, was held to discuss the contributions sent and the main concepts of the document. After a period of adjustment and evaluation by the Presidency of the Republic, the national policy became a decree in October of that same year.

In the decree there was the provision for the elaboration of a National Plan of Action that would turn the guidelines, principles and ideas of the policy into something concrete, translating them into activities, distributing responsibilities among governmental partners and setting a time for the presentation of results. Representatives from civil society participated actively in all of this collective construction policy.

The Policy and the plan that followed it are divided in three main areas: prevention, repression and victim assistance. Other policies with direct links to trafficking in persons were analyzed and considered when drafting this document. As is the case of the national plan against sexual violence of children and adolescent, women policy, slave labour, child labour, among others. The Policy is in line with the definition adopted in the Trafficking Protocol addressing all modalities of human trafficking.

Maria do Socorro Tabosa, representative of the sub-Secretariat of Promotion of Children and Adolescents' Rights

The mission of the Secretariat of Human Rights is to articulate public policies to guarantee the protection of human rights. Since 2003, there has been a great articulation of the Government to work together with NGOs on the theme of human trafficking.

One of the tools that the Secretariat has to fight the human trafficking is the hotline 100. This hotline has been destined to receive denunciation of cases of sexual violence against children and adolescents. Since 2005 it has received human trafficking cases. Most of the calls received are urgent, and are forwarded immediately to the responsible institutions. In the case of human trafficking, there are a small amount of denunciations received. This is due to the fact that many people denounce the crime as simply sexual exploitation, which, in the end of a deeper investigation, turns out to be human trafficking. In the National Plan one of the activities foreseen relates to training of the hotline operators to become keener on identifying trafficking cases.



Ad Agency "Mr. Brain" director Andre Sartorelli receives UNODC award from UN.GIFT representatives in Brazil (left-to-right: Allanna Armitage (UNFPA); Marie-Pierre-Poirer (UNICEF); centre Giovanni Quaglia (UNODC), UN Resident Coordinator Kim Bolduc, representing UNIFEM, Junia Puglia, representing ILO, Felipe Penna.



Flavio Oliveira (TV Globo Social Marketing Representative); actor Tony Ramos; actress Maria Flor and author Silvio de Abreu receive UNODC award from Giovanni Quaglia and TIP expert Marina Oliveira



UAE Ambassador in Brazil receives UNODC Award for overall contribution to UN.GIFT

CASE STUDIES

On-going research:

The Atlas of Human Trafficking in Brazil

The University of São Paulo in partnership with the International Labour Organization (ILO) has set up a research team to elaborate the “Atlas of Human Trafficking in Brazil”. The first step is to define more clearly what exactly is contemporary slave labour. In the study it was considered to be forced labor or any work performed under threat or fear of retribution without the consent of the worker. This cannot be mistaken with low paying jobs or work under poor conditions. There must be a restriction of the freedom of the individual to choose to perform or not the work.

The main objective is to indicate regions of the country, with details of municipalities, vulnerable to the occurrence of slave labour. Using the information already available and different satellite technology it is possible to determine where slave labour or sexual exploitation of children and adolescents may be occurring. The methodology of the research will also allow to detect the current trends and to project future occurrence of the problem, making it possible to determine regions of vulnerability. Only official data has been used.

The work consists basically of crossing geographic locations where recruitment, exploitation and enslavement take place with information on health conditions, income, unemployment, per capita income and other social and economic indicators of those workers freed as the result of the work of the mobile group of the Ministry of Labour. Crossing this information should allow researches to know what geographic, social and economic characteristics put together make a certain region vulnerable to the occurrence of trafficking in its different modalities of exploitation.

The profile of social actors involved in modern slavery in Brazil

The research is a partnership between the research group of contemporary slavery, with headquarters at the Rio de Janeiro Federal University (UFRJ) and ILO. It shows that in the agricultural sector, the great majority of those freed from slavery are temporary workers, men, and young, not white, with less than five years of formal schooling. About half of them live in the states of Para and Maranhao and divide themselves into three basic categories:

- Those that live in the same state where they are found working as slaves, but because they are already migrants cannot return to their place of origin and perform any work to survive;

- Those that live their place of origin for having a very precarious situation and move to other states looking for better conditions, and risk a better life in Pará and Mato Grosso;
- Those with no fixed residence that move from one place to the other looking for work and usually start in a new job owing money to the contractor.

“Slave, never!” an experience in prevention of slave labour

The “Slave, never!” network is an initiative of ILO and the NGO Reporter Brasil and it includes 30 institutions, being 50 per cent of them national organizations, and 50 per cent international organizations, all working with the same goal. The project aims to, through the training of teachers, educators and popular leaders, in the areas of human traffic for labour exploitation reach the population at risk of falling victim to trafficking, as well as those who are already had this experience.

Today, the project is working in 23 municipalities of the States of Bahia, Maranhão, Tocantins, Pará, Mato Grosso and Piauí. More than 1,500 leaders have already been trained. The goal is to implement the project in more 40 municipalities, including other States that are not yet part of the network, but are in the area vulnerable to recruitment, until 2009.

The project consists of training, trying to establish, together with the community why slave labour happens in that specific place. This helps to change their understanding of the reality around them where exploitation is usually naturalized. The basic conception is that slave work is not a problem in itself, but a consequence of various conditions. To fight slave work there is a need to work on other crimes as well such as environmental ones.

During the training, a participative diagnosis is made. The community indicates where, in the city, the recruitment takes place. And after the training, they still keep on doing activities to fight the problem, and applying the methodologies learned. In those cities where the project happened, the communities started their own projects against slave labour and have been pressuring local governments to take steps to counter this problem and its causes. The subject of work exploitation has also been integrated into the curriculum of local public schools.

The Humanized Post for Migrants at São Paulo International Airport

The non-governmental organization from Guarulhos, municipality in São Paulo where the international airport is located, Associação Brasileira de Defesa da Mulher, da Infancia e da Juventude (Asbrad), started ten years ago to deal with trafficking in persons upon demand of mothers who were looking for their daughters that travelled to Europe and never called. Others were looking for someone to look after their children because they had received proposals to work or get married abroad, but could not take their children.

The Federal Police would also ask for help with the reception of women returning to Brazil after spending some time in prison in Europe and did not have the means to return to their place of origin.

After two rounds of research in 2005 and 2006 to confirm the existence of trafficking victims among Brazilians that return to the country as the result of processes of deportation or refusal of entry, Asbrad started a pilot project with support from the Ministry of Justice and Cordaid, in December of 2006.

The service aims to identify trafficking victims, with a special focus on women, children and adolescents and trans (transvestites, transsexuals and transgender) among the Brazilian deportees that arrive in the airport. Immediate assistance is given to those identified and there is also an attempt to find other services in the place of origin of the supposed victim that can provide long-time support for the person. All the information is being gathered in case studies that will allow the victims identified to be profiled and to establish a basic methodology for similar immediate assistance at frontier points. All personnel from federal organs that work in the restricted area of the airport, including immigration officers, have received training in the theme of trafficking and its connections to migration.

The team of attendants use a T-shirt that says: “do you want help?” to differentiate them from the Police and other personnel that work in the same area. Only those that want to have contact with the service receive assistance. This pilot project has been incorporated into the National Action Plan against Trafficking in Persons.

Migrant support centre, São Paulo

The Migrant Support Centre, in the city of São Paulo, belongs to the Migrant Pastoral Service of the Catholic Church, under the National Conference of Brazilian Bishops (CNBB). In Brazil this pastoral focus on migrants with temporary work, either in the interior of São Paulo state in the sugar cane plantations or in the urban areas in sweatshops dedicated to the production of cheap clothing.

The Migrant Support Centre started in 2005 and has taken care of 13.000 people from more than nine nationalities, most of them from Bolivia, Ecuador and Peru. The main objective is to promote the integration of people with irregular migratory status in Brazil. A good number of them have fallen victim to trafficking networks for the purpose of labour exploitation. The centre provides support to help them attain regular migratory status since only after this question is solved the migrants apply for help from government programmes of social assistance. They also give legal support, psycho-social assistance, train leadership within the Latin American community of migrants to identify cases of exploitation and make people aware of their rights, and provide IT courses.

The estimated number of Bolivian migrants in São Paulo of around 160.000. Slave labour is a reality for most of them as well as its consequences of social exclusion. The process of bondage happens through debt and the fear of deportation to the country of origin. They have no contact with the world outside the sweatshops since their workload is usually 16 to 17 hours a day and they live and work in the same room. Entire families including children are confined to one small, poorly-lit room to work in the machines.

One of the main aims of the service is to provide regular migratory status for these people as a matter of human rights. The National Plan of Action Against Human Trafficking foresees the creation of a special visa for victims of slave labour, as well as free transit and residence for them in Brazil.

Programme of Assistance to Children and Adolescents Victims of Trafficking for Sexual Exploitation (USAID/Partners of the Americas)

The Programme of Assistance to Children and Adolescents Victims of Traffic for Sexual Exploitation worked for two years to develop a methodology that would enable the identification and provision of care to girls and boys victims of trafficking for sexual exploitation in Brazil. The programme worked in 10 cities, in different states of the country and the methodology developed was constructed from the experiences already on course in these places.

There was a strong focus on shelters from the beginning. However, during implementation the need to do outreach work to find the victims and bring them to the service was developed as a way to channel the target population to the shelters available. The experience was developed from the work of NGOs that had already worked with sexual abuse and commercial sexual exploitation of children and adolescents such as ASBRAD, CEDECA, ANDI, MPH, among others. The public sector participated, as one of the main partners to guarantee that the methodology developed would be incorporated as public policy.

A workflow was built including all the institutions of the municipality that work with possible victims, based on the guidance of the Statute for Children and Adolescents. Each institution defined together its role in the workflow. The initial reality found was that the shelters were usually very isolated from the general system of protection of the rights of children and adolescents.

There was also a need to understand that victims of trafficking need to be given more autonomy than usual in order to build a relationship of trust with the shelters and its professionals. Boys and girls need to be the protagonist in making decisions about their lives. A collective administration of the facilities with the participation of these adolescents is also important to make them want to stay in these safe houses.

In most cases, after the victims either returned to their families or went to live on their own, there needs to be a continuous follow-up of these cases of up to two years after they leave the shelters. A new network of partners had to be mobilized to provide for this monitoring.



Panel on children and adolescents and vulnerability to trafficking in persons: Moderator Helena Araujo (UNICEF);
Neide Castanha, National Committee against sexual violence of children ;
Leila Paiva, coordinator of the Programme on Assistance of children and adolescents (Partners of the Americas/USAID);

4. Recommendations and conclusions

Recommendations

- To analyse the impact of anti-trafficking policies on human rights and mobility of specific social groups such as migrant women and irregular migrants, in general.
- The National Penal Code needs to be harmonized with the definition of the Trafficking Protocol
- The current article referring to trafficking in persons in the Penal Code needs revision because it criminalizes the facilitation of prostitution and does not contain the elements of the Protocol.
- To apply labour legislation to the sexual exploitation of adults may be a way to deal more effectively with trafficking for this purpose, following the experience of the fight against slave labour in Brazil.
- To recognize the professional relationship of the prostitute to her boss and to the establishment where he/she works will help in the process of applying this labour legislation.
- To increase control over the movement of children and adolescents in the land frontiers of Brazil with other South American countries.
- Brazil is a country of destination for many South Americans. Policies for protection and assistance of those trafficked to Brazil have to be strengthened.

Conclusions

- National policy against trafficking in persons advanced in establishing guidelines for the intervention of the Federal Government in accordance with the Trafficking Protocol.
- It is important to note that all modalities of trafficking described in the Protocol are somehow criminalized in Brazil, but are not dealt with as trafficking in persons.
- Labour legislation in Brazil has many more protective measures of the person exploited than other types of legislation currently in place and hence needs to be more widely used.

- The most important policy to counter trafficking is not in the realm of specific anti-trafficking measures, but on guaranteeing access to basic rights of certain populations historically excluded and vulnerable to trafficking (health, reproductive rights, education, justice, labour, etc.)
- Brazil needs to develop its own model of assistance based on its specific needs and not simply follow the guidelines established by international cooperation.
- The National Policy and the National Plan of Action against Trafficking represent an important step by the Brazilian government to establish a national agenda in this area in accordance to its needs and independent of foreign funding.

Annex I. Panel meetings

PANEL 1: Proposal of a national plan of action against trafficking in persons

Recommendations

- The process of implementation of the PNETP will necessarily need to bring more and more relevant partners into play such as the private sector and other segments of civil society not engaged in the drafting process in order to be successful.
- The intensification of the discussions between different networks of civil society and government institutions has to be promoted in order to overcome difficulties in the implementation of the activities envisioned in the Plan.
- Projects of international cooperation in Brazil from now on need to have their activities oriented by the PNETP, working in a more articulate manner to produce better results and impact in the long run.

Conclusions

- The most important merit of the Plan was to integrate the networks of social actors and public institutions that worked with the different modalities of trafficking without really seeing their efforts as anti-trafficking.
- The participation of civil society from the drafting of the National Policy to the proposal of the PNETP was fundamental in guaranteeing technical expertise in the discussions as well as an open and critical debate.
- Important points of the implementation of the PNETP still need to be discussed as the execution of the activities unfold.
- The Policy and the PNETP were very successful examples of how to bring a theme as complex and usually marginal as trafficking in persons into the public policy agenda.

PANEL 2: Regional characteristics of trafficking in persons

Recommendations

- If anti-trafficking efforts are to be successful, they must look into its links to deforestation, environmental problems in general, models of economic development, among others. Research is an important instrument to make this possible.
- Trafficking is made possible by a combination of variables that need to be better understood and dealt with in more general policies: environmental, economic, gender, income distribution, etc.
- In areas of more recent development such as the Amazon, the local population and their needs have to start to be given priority in the drawing and implementing of economic development policies.

Conclusions

- One of the main challenges in the fight against slave labour (and by consequence of trafficking) is defining what slavery is in a contemporary society.
- If we can define criteria for the vulnerability of specific social groups to trafficking, we should be able to stop its cycle by working on more general policies with a focus on these populations.
- In the Amazon region the state is to blame for the occurrence of trafficking and other forms of human rights violation, since it has historically ignored the existence of the locals when designing and financing development projects for the region.

PANEL 3: Exploitation of labour and its links to trafficking in persons

Recommendations

- Brazil has to reflect on the social/human costs of the increase in ethanol production and take measures to avoid the worsening of the slave labour situation in the country.
- Brazil needs to look more into the urban and domestic forms of slave labour for which there is little information available.

- Rural slave labour is clearly associated with environmental crimes and this relationship needs to be further understood and used as inputs in anti-trafficking policies. This will alter the orientation of public policy in the area.
- To create and implement policies that will guarantee that those that use slave labour lose money when adopting this practice.

Conclusions

- Brazil has advanced much in the fight against a specific type of slave labour that is rural and victimizes men. Much has to be done in order to attack the exploitation of labour in cities and in the homes that affect mostly women, adolescents and children.
- There are few experiences of prevention projects in the fight against slave labour. Most of the measures adopted up to this point in Brazil have had a repressive nature. It is fundamental to intensify preventive efforts in this field and the exchange of information with networks that have dealt with sexual exploitation may be very fruitful to this end, since in the fight against sexual exploitation the national response has been stronger in the area of prevention.
- The practices adopted by slave labour have greatly changed in the past years to avoid the efforts of the State to repress it. It is important to understand these new methods and trends that usually have no longer need the figure of the “recruiter” to be prepared to counter this problem.

PANEL 4: Migration and Vulnerability to Trafficking

Recommendations

- Countries need to question positions that label all irregular migration as trafficking.
- To review all policies that are restrictive of immigration under the label of anti-trafficking measures.
- To review the immigration law of the country, not compatible with the times of globalization we live in.
- It is important to clarify when a case of smuggling of migrants becomes a trafficking situation and establish procedures for dealing with these cases.

Conclusions

- There is a fusion between the sex market of developed countries and the “wedding market”. This makes it extremely hard to differentiate between trafficking as described in the Palermo Protocol and many other situations of greater or lesser exploitation that take place when people invest in their dream of migrating, using many times a “love relationship” with a foreigner for this end.
- Restrictive immigration policies have created a booming market for criminal networks that smuggle migrants in Brazil and most of South America.
- People trafficked to Brazil, are usually urban, temporary workers, most of them originally from Bolivia, Peru and Ecuador. The money sent back to these countries by migrants has a very significant weight in national economies.
- In the cases of victims found in Brazil it is clear that the criminal networks that operate with the smuggling of migrants also deal in human trafficking. It is extremely hard in real life, therefore, to apply the differences in concept contained in the Palermo Protocols between smuggling and trafficking because many times the exploitation begins after the migrant has paid a criminal to cross borders.
- The Brazilian Labour Justice has recognized the labour rights of irregular migrants working in Brazil. This is an important precedent to work on in order to guarantee the rights of all migrants.



Panel on HIV and human trafficking: (left to right) Nara Santos (UNODC), Silvia Reis (Roraima Association for Sexual Diversity as a representative of the Transvestite Network); Ivo Brito (HIV prevention director, National Programme of DST/HIV/AIDS, Ministry of Health); Gabriela Leite, NGO Davida, representing the sex workers network

PANEL 5: HIV and trafficking, discussing vulnerabilities

Recommendations

- Organizations of prostitutes should be included in the debate on trafficking in persons.
- Brazil has to decide what it wants to do with prostitution: regulate it as a profession or make it illegal. This is fundamental for the engagement of sex workers in the national efforts to counter trafficking in persons.
- The experience of the national HIV programme in the area of prevention, with the full inclusion of social groups vulnerable to HIV and Aids in the designing and implementing of public policy, should be “imported” and adapted to the context of prevention of trafficking in persons.
- The National HIV programme and the other ministries involved in the implementation of the PNETP should work together on the following topics: international migration, seasonal internal migration for work, frontier issues, informal work, “fun” industry associated with the sex industry but including other activities.

Conclusions

- There is no consensus on what is commercial sexual exploitation and what could be sex work. It is a fundamental challenge to come to a consensus in order to enable the participation of social movements connected to groups of prostitutes in the national debate on trafficking in persons.
- The fact that prostitutes occupy a marginal position in society due to the limbo situation in which they find themselves (not work, but not illegal) diminishes their capacity to prevent trafficking, to have their human rights respected and to work in partnership with governmental and non-governmental organizations in many different themes such as trafficking.

PANEL 6: Children and adolescents at risk of violence and their vulnerability to trafficking in persons

Recommendations

- To establish criteria for identifying children and adolescents vulnerable to trafficking as a starting point for policy in this area.
- An internal working group in the Ministry of Health will define how each one of the areas in the ministry will join the national efforts to counter trafficking. The results of this work group should be presented by the end of 2008.

- Shelters for children and adolescent victims of trafficking have to work in a differentiated manner and cannot expect these youngsters to stay the first time they come to the service. A relationship of trust needs to be established and the victims have to be allowed to come and go as they wish until they chose to stay permanently.
- Follow-up of the victims sheltered needs to continue for at least 1 to 2 years after they leave either to go back to the family or to start life on their own.
- A minimum curriculum for professionals that deal with assistance to children and adolescent victims of trafficking needs to be developed as a tool for establishing a National Referral Mechanism for assistance of this group.



General view of Seminar participants

Conclusions

- The theme of trafficking as a modality of commercial sexual exploitation of children and adolescents has yet to gain momentum inside the social movements and in public policy oriented towards this age group. Sexual abuse and sex tourism have dominated the discussions and efforts.
- The fact that civil society is not a unified body and has different interests and focuses makes it difficult sometimes to build consensus for joint efforts in themes such as trafficking in persons, that is a many sided issue with connections to larger social contexts such as migration, poverty, gender, human rights, sexual violence, etc.
- For the health services the theme of violence, though it has been publicly recognized as a health problem in Brazil since 1998, is still a hard issue to deal with.

- The discussions of the National Policy against Trafficking in Persons were fundamental for the health system to realize that it is engaged in the efforts to counter trafficking, but did not think of the work done in these terms.
- Shelters that were supposed to receive children and adolescent victims of trafficking in persons were not very integrated into the network of institutions that usually identify the victims.

Annex II. Outcomes

The major outcomes of the regional conference on Challenges to the Implementation of the National Plan of Action Against Trafficking in Persons held in Brasilia on 2-4 October 2007, have been important both in the international and in the national realm. The events and mobilization were contributed to UN.GIFT's international efforts and in enriching the continuing work in Brazil and the region. In preparation for the upcoming global forum in Vienna, the seminar's recommendations, case studies, lessons learned, best practices and also special publications and media productions will be used to enhance the understanding of this region's special characteristics and relevant dimensions to the human trafficking problem.

It is first important to note that the timing of this conference itself was a significant outcome in coinciding with the culmination of a lengthy process in the development of the National Plan Against Human Trafficking in Brazil. Not only was the seminar able to serve as a platform for announcing the overall strategies, considerations and objectives sought in the plan, but it replicated the range of constituencies that worked together with government to develop this action plan and bring it into mainstream discussions. The audience was able to witness the collaborative work of the ministries of Foreign Affairs, Justice, Human Rights and Women's Policies, along with other representatives of the intergovernmental working group, interacting with partners in corresponding legal, political and social civic movements. In addition, the public presentation of the major outlines of the plan was an opportunity for further debate, feedback and refinement of actions and strategies contemplated with the audience conformed by students, professionals, media, academic and NGO representatives as well as members of the diplomatic and international community.

As a result of the conference and related public awareness campaign, major media coverage further served to disseminate information about the issues discussed and to help raise public conscience on human trafficking.

UN.GIFT's website in Portuguese (www.traficodepessoas.org.br or www.ungift.org/brazil) was prepared for the seminar events in order to increase awareness-raising on the subject. This enabled the public to easily access information from various United Nations agencies, to inform against offenders, to access relevant documents, etc.

The Seminar highlighted the need to employ both repressive and preventive strategies in an integrated manner at local as well as national levels in order to effectively prevent and halt trafficking, while also offering protection to its victims. However, an important point must be further addressed: tackling the demand for victims' service at the national and international level.

As the next stage of the plan calls for mobilizing broader public participation in order to ensure that state and municipal governments make this issue a priority, the holding of this conference was a key element in calling for national support and advocacy in this effort.

As the sub-theme of the conference was the protection of the most vulnerable populations, a variety of outcomes relate to further actions needed, including awareness-raising. Of special note is the public commitment made by the Health Ministry representative who pledged to define an integrated plan by the end of 2008 involving various agencies within the national health system. Additionally, representatives from other ministries were further sensitized to the need to pay special attention to specific marginalized groups vulnerable to trafficking. This includes sex workers and transgender individuals as well as HIV/AIDS victims, as well as potential slave labourers who might be migrants or seasonal workers. All of these groups often suffer discrimination or are ill-served by health, education and other social services, including access to full employment rights.

One group which has long been known to be especially vulnerable and often lacking adequate protection against trafficking are children and adolescents. While many groups exist to assist children through a variety of programmes, these were often not well-integrated into anti-trafficking efforts, including identifying potential and actual victims, and better understanding of the frequent links among drugs, sexual abuse and violence in child trafficking patterns. Special concerns emerged regarding child sex tourism, and related entertainment industries employing children, which have potential trafficking connections. Specific recommendations at the conference called for differentiated treatment for children trafficking victims, providing special training for professionals who work with them and ensuring the integration of various other services to be made available.

Another set of outcomes and recommendations dealt with migration and its relationship to trafficking, mainly in terms of sexual exploitation and forced labour issues. It is crucial to improve awareness, and take vigorous action against the growth of organized crime which is increasingly taking advantage of illegal migration trends to exploit and traffic individuals. In addition, policies and awareness-raising material need to fully address the importance of reducing the demand for potential victims services. Furthermore, migration and trafficking links should be actively pursued both when Brazilians travel/migrate abroad and when foreigners come to Brazil illegally.

Highlighting significant differences in trafficking patterns, victims and modalities in various regions of Brazil was an important outcome of the conference. Panelists exposed the urgent need to prepare tailor-made policies which address specific necessities for groups in different regions. There is no blueprint solution for all trafficking situations. While actions should be coordinated with national objectives and integrated with multi-sectoral approaches to the situation in a specific region of the country, strategies must also be created bottom up by public authorities working with local communities to find appropriate solutions for specific needs. Many regions have experienced little consultation between state and municipal authorities with the local populations who are directly affected by trafficking activities. Links between the creation of regional economic development plans

and the increased potential for sexual exploitation and slave labour must be better understood, including further impacts caused to economic development plans, including collateral damage to the environment.

Finally, recommendations in the legal area included the need to harmonize the Brazilian Penal Code to fully comply with the Trafficking Protocol. Improved international cooperation was seen as a crucial instrument to fight human trafficking in the region. Additionally, suggestions were made to further explore the relationship of applying Brazilian labour law to situations of trafficking, and also enhancing protections given to migrants in Brazil relative to potential trafficking vulnerabilities, in the development of the new Law for Foreigners.



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