

## **Declaration of the Ibero-American Network of Prosecutors against Trafficking in Persons and Smuggling of Migrants - REDTRAM of AIAMP.**

### **Background**

In consideration of the commitment made by the specialized prosecutors of Ibero-America at the **V Meeting of the Network on Trafficking in Persons and Smuggling of Migrants REDTRAM** (February 19-21, 2020, Santa Cruz de la Sierra, Bolivia) in which the Network, through the creation of a Working Group on Trafficking in Persons and Smuggling of Migrants in the context of migratory flows, pledged to advance on the coordination and articulation of mechanisms between the public prosecutors of Ibero-America to strengthen the prosecution and response to these two crimes in the context mentioned above, this commitment was reaffirmed after 4 meetings held by the public prosecutors of Ibero-America, The following declaration is hereby subscribed due to the risks of trafficking in persons and smuggling of migrants in the context of the current migratory situation and the measures adopted in the region to confront the pandemic, for which the REDTRAM prosecutors state the following:

### **The impact of migration and the current health situation on human trafficking and smuggling of migrants .**

The economic crisis generated by the pandemic, and its scope, one we cannot yet glimpse, has especially affected Latin American countries and the most precarious sectors of the economy of our countries<sup>1</sup>. The measures adopted by the States have included forced quarantine, curfews and confinement, travel restrictions and limitations on economic activities and public life. The health crisis caused by the Covid-19 pandemic has had a strong and differentiated impact on the most vulnerable sectors in Latin America, the Caribbean and the Iberian Peninsula that make up this Network. This situation, in addition to the added to the mixed migratory flows phenomenon faced for some years now, has deepened the risks of an increase in the occurrence of the crimes of human trafficking and migrant smuggling, among others, seriously affecting the human rights of migrants<sup>2</sup>. Additionally, , as stated by the Office of the United Nations High Commissioner for Human Rights *"...migrants and people on the move face the same COVID-19 health threats as host populations, but may face particular vulnerabilities due to the circumstances of their journey and the poor living and working conditions in which they may find themselves"*<sup>3</sup>.

According to the latest UNODC Global 2020 report on human trafficking in Latin America and the Caribbean, although most of the cases reported are internal trafficking, the cross-

---

<sup>1</sup> REDTRAM Statement on Issues and Challenges in the Detection and Investigation of Human Trafficking and Migrant Smuggling Crimes during the COVID-19 Pandemic (July 2020)

<sup>2</sup> The Impact of COVID 19 on Venezuelan refugees and migrants vulnerable to human trafficking and migrant smuggling. Regional sub-sector of human trafficking and smuggling R4V

<sup>3</sup> <https://ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=25730&LangID=S>

border modality continues to have cases reported with a defined pattern from south to north in the countries of Central America and the Caribbean and a little more limited in South America between countries that share borders. In this context, women and girls represent the majority of the victims identified in the two sub-regions, 79% in Central America and the Caribbean and 74% in South America. In this sense, the search for new migration routes increases the risks of human rights violations against migrants, as they are exposed to more dangerous conditions due to topography and climate, in addition to the possibility of falling into the scenarios of other criminal manifestations used by national and transnational organized crime networks, such as drug trafficking routes.

Therefore, in accordance with the common interests identified by the Prosecutors of the Ibero-American Network REDTRAM to combat these crimes through a frontal fight against criminal organizations dedicated to these crimes, and taking into account the obligations and duties of protection in terms of human rights of the migrant population assumed by the States, we consider imperative to propose and adopt a series of strategies to address the occurrence of these criminal phenomena within the framework of the protection of people regardless of their nationality or immigration status.

In consideration of the above, and following the Report of the Working Group on Trafficking in Persons of the Conference of States Parties to the Convention against Transnational Organized Crime held in Vienna from September 6 to 8, 2017 where Recommendations on effective criminal justice responses to trafficking in persons were identified, focused on addressing the protection and assistance needs of different groups and types of victims, with special reference to victims of trafficking in mixed migratory movements the Ibero-American Network a of Prosecutors against Trafficking in Persons and Smuggling of Migrants - REDTRAM, recommends:

- 1. Generate knowledge about the phenomenon and the routes to strengthen the exchange of information and international and inter-institutional cooperation among the countries of Ibero-America.**
  - a. Identify trends, patterns and dynamics for the detection of criminal structures that operate to the detriment of the migrant population and in order to profit from human trafficking and migrant smuggling, among other crimes.
  - b. Recognize that trafficking in persons and smuggling of migrants are distinct phenomena that, while they may be related, require different policy, operational, assistance and protection responses.
  
- 2. Strengthen action and coordination between criminal justice authorities and national and local mechanisms for the implementation of anti-human trafficking and migrant smuggling policy, including migration and law enforcement authorities, to guarantee the protection of the human rights of migrants at risk or victims of human trafficking and migrant smuggling.**
  - a. Promote cross-border protection and assistance between countries of origin, transit and destination;

- b. Develop the capacity of front-line personnel, including humanitarian assistance personnel, to identify victims of trafficking in persons in mixed migratory movements in a timely manner;
- c. Promote capacity building of diplomatic and consular personnel to enable them to recognize and assist victims of human trafficking;
- d. Disseminate information to border authorities, especially military and police personnel, as well as to the migrant population, highlighting their rights, indicators of human trafficking and migrant smuggling, and the routes and mechanisms for reporting them;
- e. When providing assistance to victims, ensure that interpretation is available into languages that victims understand, including, to the extent possible, local dialects and sign language.

**3. Guarantee the rights of the migrant population who are victims of human trafficking and migrant smuggling.**

- a. Avoid, "hot returns" that threaten the migrant population, especially those who may be victims of human trafficking and migrant smuggling within the framework of international commitments.
- b. Provide assistance and protection services to all identified victims regardless of their nationality or immigration status, with a gender- and age-responsive approach.
- c. Promote the application of protocols or guidelines for action at a multisectoral level in the countries, in order to cover the basic and urgent needs of the migrant population, as well as their migratory regularization, if applicable.
- d. Ensure that measures are put in place to properly coordinate assistance and protection services, including during the criminal justice process, and that all relevant stakeholders are appropriately trained to implement such measures
- e. Ensuring that victims have access to representation of their legal interests in the criminal process

**4. Adopt all measures aimed at not criminalizing the migrant population, especially the victims of human trafficking and migrant smuggling.**

- a. Without prejudice to the power of States to pursue and prosecute those who commit crimes in their territories, it is essential that in the framework of protection of migrant victims of human trafficking and migrant smuggling that they are not criminalized on the basis of their migratory status.
- b. In accordance with international standards and practices, consider national legislation and the discretionary powers of the Public Prosecutor's Office, the possibility of not punishing or prosecuting victims of trafficking in persons for illegal acts committed as a direct consequence of their situation as victims of trafficking in persons or for having been forced to commit such illegal acts. Ensure, to the extent permitted by domestic laws, the immediate non-

criminalization of the migrant population; especially when there are suspicions that they may be subject to smuggling of migrants and/or victims of trafficking in persons.

- c. Implement, whenever domestic legislation permits, the recommendations contained in the Guide entitled: "COVID-19 AND THE HUMAN RIGHTS OF MIGRANTS" prepared by the Office of the United Nations High Commissioner for Human<sup>4</sup> Rights. In particular, those related to border management.

**5. Promote coordinated work between different authorities and networks to face transnational organizations in the region.**

- a. Promote spaces for international and inter-institutional cooperation among Ibero-American countries to combat head-on the criminal structures dedicated to human trafficking and migrant smuggling in the mixed migratory context.
- b. Given the complexity of the phenomenon, and the possibility of concurrence of criminal activities along migratory routes, such as human trafficking, migrant smuggling, drug, and fuel trafficking, among others, it is essential to promote the coordination of different authorities, agencies and networks to combat these criminal structures.
- c. Encourage regular coordination meetings between REDTRAM contact point prosecutors, Interpol ISON Network officials and the immigration authorities of each country, in order to share and analyze relevant information on routes, collection of money and others, in order to obtain useful information to initiate investigations or provide background information to investigations already underway.
- d. Coordinate with the various AIAMP networks, especially with the International Criminal Cooperation Network, the Network of Anti-Drug Prosecutors and the Anti-Corruption Network, a permanent information analysis mechanism that will allow alerting about phenomena that may affect the behavior of migratory flows in the region.

---

<sup>4</sup> [https://www.ohchr.org/Documents/Issues/Migration/OHCHRGuidance\\_COVID19\\_Migrants\\_sp.pdf](https://www.ohchr.org/Documents/Issues/Migration/OHCHRGuidance_COVID19_Migrants_sp.pdf)