



## 人权理事会

## 第二十六届会议

## 议程项目 3

增进和保护所有人权公民权利、政治权利、  
经济、社会和文化权利，包括发展权

## 贩运人口、特别是贩运妇女和儿童问题特别报告员齐伊·恩 格齐·艾塞罗的报告

增编

对伯利兹的访问\* \*\*

### 概要

特别报告员在对伯利兹进行正式国家访问后，认识到该国政府为应对贩运人口问题采取了积极步骤，该国批准《联合国打击跨国有组织犯罪公约关于预防、禁止和惩治贩运人口特别是妇女和儿童行为的补充议定书》以及其他相关国际人权文书即体现出这一点。特别报告员还欢迎该国颁布新的法律以及加强有关贩运人口的国内法，并依法设立预防贩运人口委员会。

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为了提高伯利兹应对贩运人口问题和为受害者提供充分支持的能力，特别报告员向该国政府提出了一些建议。

\* 迟交。

\*\* 本报告的概要以所有正式语文分发。报告本身附于概要之后，仅以提交语文分发。



## Annex

[English only]

### **Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, on her mission to Belize (12–16 December 2013)**

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## I. Introduction

1. The Special Rapporteur on trafficking in persons, especially women and children, conducted an official visit to Belize from 12 to 16 December 2013, at the invitation of the Government.
2. During the visit, which took her to Belize City and Belmopan, she met with various officials including from the Prime Minister's Office, the Special Envoy for Women and Children, the Ministry of Foreign Affairs, the Chief Justice, the Ministry of National Security, the Belize Police Department, the Ministry of Human Development, Social Transformation and Poverty Alleviation, the Ministry of Labour, Local Government, Rural Development, National Emergency Management, Immigration and Nationality as well as the Ministries of Health, Education and Tourism. She held meetings with the Ombudsman and the Anti-Trafficking in Persons Council as well as civil society organizations and victims of trafficking, including potential victims,
3. The Special Rapporteur expresses her sincere gratitude to the Government for its support before and during the mission, as well as for welcoming her as the first United Nations special rapporteur to visit the country. She hopes that the visit will pave the road for further engagement with other special procedures mandate holders, as well as with the Office of the United Nations High Commissioner for Human Rights. She also thanks the United Nations country team as well as civil society partners for the support provided during the visit.

## II. Main findings

### A. Forms and manifestations of trafficking in persons

4. Belize is a destination and transit country for victims of trafficking, mainly from Central America, but also from Asia, as well as a source country. The strategic geographic location of Belize and its permeable borders, linking Central America to North America, make it a transit route for migrants en route to the United States of America, creating an environment prone to a migratory flux including trafficking in persons for sexual and labour exploitation.
5. Trafficking in persons in Belize disproportionately affects women, who are mainly trafficked for commercial sexual exploitation; particularly women and girl children from the neighbouring countries of El Salvador, Guatemala and Honduras who are forced into dancing and offering sexual services in bars. Information was provided on the increasing number of bars offering exotic dancing in border communities in the southern and northern parts of Belize, and the increasing number of women believed to be brought from El Salvador and Honduras to work informally as prostitutes. The 2010 population census of Belize revealed that the top four countries of origin of migrants were El Salvador (7,067), Guatemala (18,876), Honduras (6,904) and Mexico (2,305). In 2012 migration authorities in Belize reported that over 250 undocumented migrants had been intercepted and detained, while 50 had been refused entry.
6. Sexual exploitation also affects Belizean women and especially teenage girls trafficked for commercial sexual exploitation by family members. This phenomenon is said to be prevalent within the Creole communities, whereas the Mayan and Hispanic girls affected have been subjected to the *fichera* phenomenon, especially in border towns. It was reported that Belizean women and girls are trafficked internally to work in bars, nightclubs and brothels, primarily in the areas of San Pedro, Cayo District and Belize City. This

phenomenon seems to be concentrated in areas where tourism is important and where reports indicate that Belizean girls are made to provide sexual services to tourists. A study conducted by the International Labour Organization (ILO) on the commercial sexual exploitation of children and adolescents in Belize (2006) reported on a phenomenon commonly called “Hit me on the hip” which consists in soliciting young girls to become commercial sex providers in the tourist industry. The Special Rapporteur expressed concern with regard to the growing problem of crimes against children, especially sexual exploitation of young girls from poor families. The *fichera* phenomenon was brought to the attention of the Special Rapporteur; it refers to a practice whereby men pay a higher price to drink in the company of adolescent girls or young women who work in bars. The practice has been identified as a gateway to prostitution. *Fichera* has been found by investigators to be a common thread in many suspected cases of trafficking in persons. Information received suggests that adolescent migrants working in bars as waitresses or dancers are often victims of trafficking.

7. On the other hand, Belize, a middle-income country, has been perceived as offering many economic opportunities in the subregion. It thus favours an influx of smuggled migrants, as well as trafficking for labour exploitation in the agricultural, fishing, construction and service sectors, migrant workers being lured by the promise of better job opportunities. Men and children from neighbouring Central American countries are most often trafficked for exploitation in the banana industry, while Chinese, Indian and Nepalese migrants have been identified as victims of trafficking for labour exploitation in restaurants, shops and construction companies owned by persons of the same nationalities as those trafficked. Women from Central America are also reportedly exploited as domestic workers.

8. The traffickers’ modus operandi includes moving victims mainly by land routes, but also by sea, confiscation of their identification documents, debt bondage to repay the cost of travel, sequestration, psychological and physical threats and violence. Some victims are brought to Belize on tourist visas or temporary work visas and end up falling into irregular status after their documents are confiscated. Traffickers are usually women, reportedly acting alone rather than as part of organized networks. They travel with their victims and upon arrival they act as “madams”, monitoring and coordinating the delivery of sexual services. The average fee for sexual services is 150 Belize dollars (US\$ 75) of which 50 dollars automatically goes to the owner of the premises.

9. One of the victims that the Special Rapporteur met, a girl from Guatemala, now 18 years old, was smuggled into Belize when she was 13 on a promise of a babysitting job. Instead, her trafficker, a woman originally from Guatemala who grew up in Belize, took her to work in a bar in a small village where she was made to provide sexual services, was never paid, was deprived of her freedom for one year, threatened with detention for entering the country irregularly and mistreated with the complicity of a local police officer who also abused her sexually. The Special Rapporteur also received information about a woman from El Salvador who was promised domestic work. Upon arrival in Belize, her passport was withheld on the promise of regularizing her situation; instead, she was kept hostage for two months and made to work in a bar in a small village. Her trafficker exercised control over her by withholding her small child. Those two victims were both able to escape with the help of local inhabitants who alerted law enforcement officers.

10. The scale of trafficking in Belize seems to be more pronounced than that reflected in the limited data readily available. The phenomenon remains difficult to quantify, given the lack of capacity and will to identify victims. Moreover, the Special Rapporteur notes that reliable statistical data remain unavailable as she was provided with very few data with regard to the number of victims identified and their characteristics, the number of cases prosecuted, convictions or sentencing. This underlines a serious gap as data collection is paramount to determine the magnitude of the problem of trafficking and, especially, to

understand the trends, forms and manifestations of trafficking in persons in order to design and implement informed policies.

## **B. Legal, policy and institutional frameworks for combating trafficking in persons**

### **1. Legal framework**

#### **International and regional framework**

11. At the international level, the Government of Belize has signed and ratified international instruments, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime (hereafter the Trafficking in Persons Protocol); the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography; ILO Conventions No. 29 (1930) concerning Forced or Compulsory Labour and No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; the International Convention on the Protection of the Rights of All Migrant Workers and Their Families; the International Covenant on Civil and Political Rights; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Belize has not yet ratified ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers.

12. Belize is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and acceded to the 1954 Convention on the Reduction of Statelessness in 2006. However, the mechanism in place to process the cases of people in need of international protection has not been active since 1997, which has had a negative impact on the provision of assistance to all persons in need of humanitarian protection.

13. At the regional level, Belize is a member of the Organization of American States and has ratified the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women as well as the Inter-American Convention on International Traffic in Minors.

#### **National framework**

14. The Constitution of Belize guarantees to all persons the rights to life, liberty and security of the person, and the protection of the law.<sup>1</sup> Trafficking in persons was first defined and criminalized in the national legal framework by the Prohibition of Trafficking in Persons Act 18/2003 which adopted, verbatim, the definition contained in article 3 of the Trafficking in Persons Protocol. That Act was repealed by the Trafficking in Persons (Prohibition) Act 2013, a stronger piece of legislation which improved on the previous one in that it (a) specifically provides that the law applies to both national and international trafficking, and covers violations carried out by individuals or criminal groups; (b) gives extraterritorial jurisdiction if trafficking is committed by a Belizean national or a person who is resident in Belize; (c) establishes the Anti-Trafficking in Persons Council with wide powers, including the formulation of policies for the protection of victims and the establishment of committees to carry out specific activities; (d) defines a number of trafficking-related offences, such as trafficking in children for the purposes of adoption,

<sup>1</sup> Belize Constitution Act, chap. 4 of the Laws of Belize, R.E. 2000–2003.

child prostitution or exploitation, as well as profiteering from and advertising trafficking in persons; and (e) empowers the court to impose higher sentences in aggravated cases. The new legal provisions raised the offence of trafficking from a “summary offence” tried in the lower courts to an indictable offence tried before the Supreme Court. The new law criminalizes the prostitution of children as well as the utilization of children or images of children in, and the distribution of, child pornography. It also criminalizes the practice of using adolescents in *fichera* activities.

15. The Office of the Special Envoy for Women and Children has developed and implemented several initiatives to address the issue of the commercial sexual exploitation of children in Belize, resulting in the adoption of the Commercial Sexual Exploitation of Children (Prohibition) Act 2013. The Act defines a child as a person below the age of 18 years and spells out a large array of offences, among others child prostitution, child sexual exploitation, child pornography and trafficking of children, together with associated penalties. The Act includes several references to the provisions of the Trafficking in Persons (Prohibition) Act 2013, relating to assistance and protection for victims, as well as sentencing.

16. Other relevant legislation may be invoked to prosecute trafficking-related offences. The Criminal Code<sup>2</sup> defines carnal knowledge offences, rape, procurement, defilement by force or fraud or administration of drugs, assault and battery, unlawful imprisonment, child stealing, abduction, kidnapping and forcible marriage. With regard to the sexual exploitation of minors, the Code sets the age limit for sexual consent at 16, and makes a distinction between children of less than 12 years of age and those between 14 and 16 years of age when prescribing sentencing. In the days preceding the Special Rapporteur’s visit, the Code was amended to increase penalties for perpetrators of sexual violence against children and to define rape for both genders.

17. The Summary Jurisdiction (Offences) Act<sup>3</sup> establishes the offences of keeping a brothel, trading on prostitution, loitering for prostitution and also provides that:

where it is made to appear to a magistrate by information on the oath ... that any woman or girl is unlawfully being detained for immoral purposes by any person in any place within his jurisdiction, the magistrate may issue a warrant empowering and authorising any member of the Police Department to enter the said place ... search ... and detain in a place of safety, such woman or girl until she can be brought before a magistrate. (17 (1))

18. The Act criminalizes any acts causing, procuring or encouraging any child to beg or gather alms (4 (1) (xxxi)), a provision which could also be used to prosecute potential cases of trafficking of children for the purpose of forced begging.

19. The Labour Act sets out minimum labour protection standards, including: minimum wages, the limitation of working hours, the provision of paid leave and overtime. It criminalizes forced labour and defines it as work or service which is extracted from any person under the menace of any penalty and for which the said person has not consented to voluntarily. The Act also provides for the protection of domestic workers. With regard to child labour, it defines a child as any person who is under the age of 14 and prohibits the employment of children under the age of 12 (art. 169 (a)) as well as the employment of children under the age of 15 on a maritime vessel. However, the Special Rapporteur notes with concern that the legislation does not provide a consistent definition of a “child” and other legislation presents different ages.

<sup>2</sup> Chap. 101 of the Laws of Belize, R.E. 2000–2003, title VI.

<sup>3</sup> Chap. 98 of the Laws of Belize, R.E. 2000–2003, arts. 15, 17, 18.

20. The Families and Children Act (art. 2.1) defines the offence of child abuse to include, but not be limited to, the infliction on a child of physical, psychological, emotional or sexual harm, injury, abuse or exploitation, and the ill-treatment or neglect of a child.

21. The Immigration Act (2000) criminalizes irregular migrants and stipulates that punishment for the first offence shall not be less than a fine of 1,000 Belize dollars (US\$ 500) and the punishment for a second or subsequent offence shall not be less than a fine of 3,000 Belize dollars (US\$ 1,500) or imprisonment for one year (art. 34 (3)). According to testimonies gathered by the Special Rapporteur during her visit to the Kolbe Foundation, Belize Central Prison, the country's sole penitentiary facility where irregular migrants are detained with criminals, first immigration offenders have systematically been made to pay fines of between 1,000 and 2,000 Belize dollars (US\$ 500–1,000) and/or sentenced to six months' imprisonment. Most detained irregular migrants that the Special Rapporteur interviewed declared that they had paid a fine and had also been sentenced to between 6 and 12 months detention for first-time offences. They also reported that all their belongings, including identification papers, had been confiscated by immigration officers and had never been returned.

22. At the time of the visit, there were 171 foreigners detained in the prison, of whom 66 were being held for the offence of irregular entry (24 Hondurans, 17 Salvadorians, 14 Guatemalans, 5 Indians, 3 Cubans, 2 Mexicans and 1 Italian).<sup>4</sup> The Special Rapporteur also received information that repeat offenders may find their sentences doubled or tripled. Upon completion of their prison terms, Guatemalan and Mexican nationals are often taken to the border with an Order to Leave without any resources to make their way home; while other nationals are kept in prison until funds are available to finance their return to their home countries, which has in some cases proven to take a long time. This is all the more alarming considering that unaccompanied minors are also detained in the prison: underage males are kept with juvenile offenders, while underage females are housed in the quarters reserved for female inmates.

23. The Special Rapporteur expressed concern with regard to the indiscriminate criminalization of irregular migrants, as the routine practice of immigration officers is to strictly apply the immigration law, that is to say to prosecute, convict and/or fine immigrants even before giving them an opportunity to tell their stories or be identified as victims or potential victims of trafficking. This is all the more unjustified considering that the Immigration Act (art. 27 (1)) stipulates that an immigration officer may order an irregular migrant (a) to leave Belize and proceed immediately in the same vessel in which he arrived; or (b) leave Belize within 60 days of entering Belize and, if an immigration officer thinks fit, by a specified vessel; or (c) arrest and bring such a person before a magistrate's court so that a removal order is issued. However, the policy in place has mainly favoured the implementation of clause (c) of the said article. In this regard, the Special Rapporteur warns that the criminalization of irregular immigrants is not in line with international human rights standards and practices, especially given the inhumane conditions of detention that prevail at the Belize Central Prison which is overcrowded and has very poor sanitary conditions and facilities. The Special Rapporteur also notes with concern the absence of basic assistance to inmates, including the possibility of making phone calls to contact their families, embassies and lawyers.

24. The Special Rapporteur is concerned at the absence of a functioning asylum system, as persons in need of international protection, including potential victims of trafficking, might not be identified and might be subjected to refoulement. Moreover, existing

<sup>4</sup> Kolbe Foundation, Belize Central Prison, Records and Processing Section daily headcount, 12 December 2013.

memorandums of understanding, such as the one between the Governments of Belize and Cuba requiring the return of all Cubans who enter Belize without a visa, might also put potential asylum seekers and victims of human rights violations at risk.

25. The Special Rapporteur was also informed that employers have taken advantage of the restrictive immigration policies to exercise pressure on and exploit migrant workers from Central America.

## **2. Policy framework**

26. In 2012, the Anti-Trafficking in Persons Council developed the Anti-Trafficking in Persons Strategic Plan of Action 2013–2015 in cooperation with the International Organization for Migration (IOM). It was elaborated through the revision of existing legislation, policies and plans relevant to trafficking and the consultation of relevant stakeholders in an effort to enhance anti-trafficking responses by minimizing duplication and better targeting human and financial resources.

27. The Plan reasserts that trafficking cannot be addressed through crime control and prosecution alone and therefore aims at fostering a human-rights, victim-centred approach encompassing all aspects of effective remedies for victims of trafficking. It clearly delineates the roles and responsibilities of each key agency within the Anti-Trafficking in Persons Council and defines specific activities to be undertaken as well as estimated budgetary needs. The Plan spells out six core principles, including a rights-based, victim-centred approach, fostering accountability while guaranteeing confidentiality and non-discrimination through a multisectoral partnership; it focuses on the three Ps — prevention, protection and prosecution — outlining goals, objectives and activities along with the necessary coordination mechanisms as well as capacity-building needs, and sets out provisions for monitoring and evaluation. However, at the time of the Special Rapporteur's visit the Plan had not been submitted for approval by the Parliament as, she was informed, it is the prerogative of the Cabinet (the Executive) to decide whether plans will be submitted to Parliament. In that regard, the Special Rapporteur raised the issue of the Plan needing legal grounds in order to receive a consistent and sustainable budget allocation for its proper implementation.

28. The Anti-Trafficking in Persons Council reported that the Revised National Gender Policy, adopted in 2013, included human trafficking in its definition of gender-based violence and advocated the establishment of a cohesive, human rights-oriented legal framework that would include protection from, and redress for, all forms of gender-based violence, with special emphasis on sexual offences.

29. The Government has developed the National Plan of Action for Children and Adolescents (2004–2015), which gives priority to action in the areas of education, health and child protection. One of the strategic objectives of the Plan is addressing child labour, including the worst forms of child labour. The Plan advocates the revision of current child labour legislation, the development of inter-agency coordination, increasing institutional capacity to enforce legislation, strengthen child labour prevention programmes, and raise awareness.

## **3. Institutional framework**

30. In 2003, the Government established a task force to coordinate its efforts to prevent and combat trafficking in persons and to provide support and protection to victims. In December 2005, the Executive changed the status of the task force to that of a committee. The status of the committee was legally elevated to that of a council by section 5 of the Trafficking in Persons (Prohibition) Act 2013, which mandates the institution with the following tasks: identify and rescue the victims of trafficking in persons; provide the



necessary legal, medical, psychological, employment and other assistance to the victims for the duration of their stay in Belize; grant victims legal status in Belize for the duration of their stay in the country; and investigate and prosecute traffickers. The multisectoral Anti-Trafficking in Persons Council is chaired by the Chief Executive Officer of the Ministry of Human Development, Social Transformation and Poverty Alleviation and is composed of representatives of the Ministry of Foreign Affairs, the Attorney General's Ministry, the Immigration, Police, Labour and Public Prosecutions Departments, the National Committee for Families and Children and the Belize Tourism Board. Council membership has been extended to the National Organization for the Prevention of Child Abuse and Neglect and the Youth Enhancement Services. However it appears that cooperation with civil society remains at its infant stage and is very limited.

31. In accordance with section 9 of the Trafficking in Persons (Prohibition) 2013 Act, the Anti-Trafficking in Persons Council established three committees to implement anti-trafficking activities: the Operations Committee, responsible for considering and confirming suspected cases of trafficking in persons, providing direct assistance to victims and ensuring the prosecution of perpetrators; the Information, Education and Communication Committee, responsible for conducting public awareness campaigns; and the Monitoring and Evaluation Committee, responsible for data collection, analysis, evaluation and reporting. The Special Rapporteur advises that monitoring and evaluation should be conducted by an independent institution, such as a national rapporteur, able to assess objectively and report on the implementation and impact of the Anti-Trafficking in Persons Strategic Plan while providing information on progress made and remaining challenges in cooperation with the Council and its subcommittees. The Special Rapporteur also notes that the institution does not have a dedicated executive body with dedicated staff as the current members have other responsibilities within their respective ministries and agencies.

32. The Department of Human Services of the Ministry of Human Development and Social Transformation and the Belize Police Department are the leading institutions mandated with directly processing and assisting victims or potential victims of trafficking.

### **C. Identification of victims of trafficking**

33. The Anti-Trafficking in Persons Council provided information on the standard operating procedure developed to ensure effective identification, rescue, protection and support of victims, and to increase the prosecution of offenders. The procedure defines the screening process to identify victims or potential victims accurately; it also provides a standard form for reporting potential cases of trafficking, as well as a comprehensive interview questionnaire to be used by social workers to ascertain the status of victims. It also delineates the responsibilities of each agency involved in anti-trafficking activities. Despite the standard operating procedure and the distribution of indicator cards carried by police and immigration agents, the identification rate remains very low and reflects on the low rate of victim rescue and of prosecution.

34. The Government has developed and implemented an operational protocol (the CARE Model) to coordinate the protection, care and monitoring of sexually exploited and trafficked children. The protocol outlines the role of the Department of Human Services and the police in receiving allegations of the commercial sexual exploitation of children, making referrals to other agencies for services and protecting children from future exploitation.

35. Between 2010 and 2012, 104 interrogations were conducted, leading to the arrest and prosecution of nine persons charged with eight counts of trafficking in persons, attempted trafficking in persons, and rape and aggravated assault resulting from trafficking

in persons. Over the same period, five cases of commercial sexual exploitation of children were reported and referred to the court. Two successful convictions by magistrates' courts were recorded in 2013. The Special Rapporteur regrets that despite her request for information on the trials of trafficking cases, no details were provided.

36. While the Department of Human Services reported that it receives few direct referrals from the general population, there is no formalized national referral system, and civil society organizations working with potential victims are not directly involved with the identification of victims. Identification has mainly occurred through police and immigration operations, which have proven to be rare in recent years.

37. Identification remains challenging also as a result of the restrictive immigration policies. The cases of four women detained for irregular entry were brought to the attention of the Special Rapporteur. In those cases, it was alleged that, although the women had attempted to explain to the magistrate that they had been victims of human rights abuses, the emphasis of the immigration officer on their irregular status had reportedly weighed more heavily. While the Anti-Trafficking in Persons Council subsequently intervened in those four cases, that situation testifies to the poor implementation of identification protocols and the dire need to strengthen the capacities of key actors. Another factor affecting identification is the alleged corruption of law enforcement, immigration and customs officers involved in trafficking operations, who are also reported to turn a blind eye to traffickers. The Special Rapporteur also learned that sting operations are sometimes botched through the complicity of officials, leading to mistrust and complicated rescue plans to avoid leaks.

38. Information was also provided about the identification of victims of trafficking through interviews with asylum seekers and irregular migrants carried out by non-governmental organizations (NGOs). References were made to the cases of two persons who had been detained in prison and, upon interview by an NGO, had been referred to the Department of Human Services, which had subsequently taken action to assist them. Furthermore, the Special Rapporteur received information on the failure of border agents to properly assist unaccompanied minors at border points; they are most often simply returned without any assistance, thus aggravating their situation of vulnerability, in violation of human rights standards. More alarming is the fact that while visiting the prison, the Special Rapporteur interviewed two 17-year-old girls, one of them two months pregnant. According to the stories they told, they had not been screened at all and inconsistencies in their interviews might have been signs that they had been brought to Belize under unclear circumstances. It was further reported that in the week preceding the Special Rapporteur's visit, 12 women had been arrested during a raid in a bar and sentenced to serve time in prison without having being screened.

39. The Department of Human Services reported that social workers are present during interviews conducted by the police, to ensure that victims are treated with respect and duly informed of their rights. However, according to information received, police interviews are often conducted in the absence of social workers when the victim is not a minor, and the lack of trust in law enforcement agents has led to low numbers of victims coming forward to denounce their situation of exploitation. Moreover, other operations, such as the ones conducted by immigration and labour authorities, are not accompanied by social workers, thus leaving the identification of victims to law enforcement agents alone. The standard operating procedure does not clearly define the role of the Department of Immigration in detecting and referring cases of trafficking, whereas it should be one of the leading institutions involved and trained in recognizing victims. One of the main challenges is the centralization of all initial screenings to only one investigator dedicated to trafficking in persons for the whole country.

40. The Government reported that labour investigations are often conducted on the basis of complaints. The standard operating procedure of the Anti-Trafficking in Persons Council advises labour inspectors to conduct investigations into labour complaints and to refer them to the Council when it considers that elements of trafficking are present. The Social Security Board also has inspectors who in the past have made referrals to immigration authorities with regard to the employment of irregular migrants, although the Board is not a member of the Council and consequently not involved in identifying potential cases of trafficking.

41. One civil society organization involved in responding to the needs of victims of sexual violence submitted the information that in 2013 counselling had been provided to four women who had indicated that they had been victims of trafficking. However, the counsellors had not been given consent to disclose the details of their cases to the Anti-Trafficking in Persons Council. This shows that foreign victims are reluctant to interact with the State system, which they perceived to be heavily centred around law enforcement.

## **D. Assistance to victims**

### **1. Protection, redress and recovery**

42. One of the main goals of the Anti-Trafficking in Persons Strategic Plan (2012–2014) is the protection of victims. The Plan reasserts that the protection of and support to victims of trafficking, with respect for their human rights, are critical to their successful reintegration into society and the successful prosecution of cases. The Plan provides that victims should be granted direct services, such as medical and psychological services, housing, skills training and employment opportunities, and regularized immigration status or safe repatriation.

43. The Ministry of Human Development, through its Department of Human Services, is mandated to provide shelter to and meet the needs of victims of trafficking while they are in Belize, for the duration of the criminal proceedings. The needs of victims should be assessed by the Department on a case-by-case basis, taking into consideration the specificities of each victim, including psychological, psychiatric and other health conditions. However, those measures are yet to be enforced.

44. According to the standard operating procedure, support activities should be coordinated with civil society entities. However, all the information gathered shows that there has been very little implementation in this regard, as is the case for the entire victim assistance system, which remains ad hoc and weak. No information was provided with regard to the total number of victims assisted since the enactment of the first anti-trafficking in persons legislation in 2003.

45. The standard operating procedure provides that, upon confirmation of their victim status, individuals should be placed in safe houses, or foster homes in the case of victims below 18 years of age. Belize does not have any dedicated shelter for victims of trafficking because, as the Government explained, it is difficult to keep such places confidential and therefore they could be detrimental to the privacy and safety of victims. The Government has rented a facility that provides rescued victims with housing, but it does not provide proximity services, such as an on-site counsellor and psychosocial support. It is mainly used to house rescued foreign women awaiting repatriation.

46. The Special Rapporteur visited the shelter run by Help for Progress, a local non-governmental agency, which since 1999 has served as the implementing partner of the Office of the United Nations High Commissioner for Refugees (UNHCR). Help for Progress has assisted asylum seekers by offering them shelter, lodging their asylum claims, conducting preliminary interviews and forwarding the claims to immigration authorities.

The organization informed the Special Rapporteur that it had sheltered few victims of trafficking in persons awaiting repatriation at the request of the Anti-Trafficking in Persons Council. Despite its efforts, Help for Progress cannot offer up-to-standard facilities and services to victims owing to its limited financial capacity.

47. The Child Development Foundation, a non-profit social justice organization focusing on sexual exploitation and trafficking in persons for sexual purposes, expressed its intention to establish a shelter facility responding to the necessary standards, to assist victims of trafficking through in-house counselling, psychosocial support, legal assistance, skills training and other rehabilitative services. It was developing a proposal and plan for a small facility to provide accommodation for four or five women. The Special Rapporteur encourages such initiatives and stresses that the Government, through the Anti-Trafficking in Persons Council, should strengthen partnerships with civil society organizations with regard to the identification of and assistance to victims by providing financial support to that type of project.

48. The Ministry of Health provided information on the social security system which is being implemented in the south of the country bordering Guatemala and Honduras and which allows access to public hospitals even in the absence of identification papers. That system of free upfront health-care services has benefited many migrants who cross the border for medical care. Victims of trafficking have been provided with medical services at no cost. However, the Anti-Trafficking in Persons Council did not provide detailed information on the process of medical and psychological screening of rescued victims.

49. Access to employment and work permits is of paramount importance to rescued victims, as they contribute to economic self-sufficiency, professional realization and skill-building, and thus facilitate the overall process of successful reintegration. The standard operating procedure lays out the role of the Labour Department in issuing, in coordination with the immigration authorities, work permits to victims under the protection of the State. The guidelines also provide for the Immigration Department to grant residence status to victims of trafficking for the duration of their stay in Belize or to facilitate the safe repatriation of victims who wish to return to their country of legal residency. However, the Trafficking in Persons (Prohibition) Act 2013 makes the delivery of a residence permit conditional on victims' cooperation with investigators and prosecutors (art. 14), which is not in conformity with the Trafficking in Persons Protocol; no details were provided with regard to the delivery of any work or resident permits for victims who had been rescued. Information received indicated that persons under the protection of the State on humanitarian grounds had been requested to pay 500 Belize dollars (US\$ 250) to obtain work permits, which is an obstacle that further exposes them to seeking work in the informal sector and increases their vulnerability.

50. The Special Rapporteur notes that basic services have not been provided to victims. One victim interviewed reported that, once law enforcement officers had rescued her in the Cayo district, she was taken directly to Belize City, where she was interviewed by the police and subsequently placed, for eight months, in an institution catering for vulnerable teenagers, before being placed in a foster home. This is a sign that anti-trafficking efforts and capacities are concentrated in the capital city, whereas trafficking also occurs in rural areas. It is also important to note that that victim's foster parents had never received specific training on providing adequate assistance to victims of trafficking and commercial sexual exploitation. Moreover, the victim had been provided with very little psychosocial assistance and confessed that she had had suicidal thoughts more than two years after being rescued. Moreover, the same victim was never granted any resident status in Belize or any other type of permit to stay. The Government explained that during the three years she had spent under its protection, there had been no effective coordination and communication with the consulate of her country in Belize in order to process her passport. It appeared that

only two requests for the victim's identification documents had been made, with no serious follow-up, thus leaving her with undetermined status on Belizean territory and facing de facto statelessness.

51. That victim never received any vocational training during those three years. The social worker who visited the foster family from time to time explained that vocational training would be provided once the victim had acquired the necessary language skills. However, English language learning support had been provided in the form of tutoring rather than formal language classes, thus significantly reducing the potential for quick language adaptation. No details were provided about other victims who might have benefited from any of the support services stipulated in the standard operating procedure.

52. Of further concern is the fact that, despite the victim's cooperation with the investigation and prosecution, the perpetrator does not seem to have been sentenced to serve time in prison, nor has she been made to pay compensation to the victim. No information was received about the fate of the law enforcement officer who was accomplice to the victim's exploitation and abuse.

53. The new legislation provides for restitution to victims (art. 24) as well as for the seizure and forfeiture of traffickers' assets to finance prevention and rehabilitation programmes (part 5). The Trafficking in Persons (Prohibition) Act 2013 allows for the possibility of requesting compensation. At the time of the Special Rapporteur's visit, a request for compensation made on behalf of a victim following the sentencing of the trafficker was before the magistrates' court. In cases of labour exploitation, the Labour Department assists in calculating the benefits owed to the victim so that they are added to the restitution sought by the victim. The new legislation allows the Office of the Director of Public Prosecutions to seize assets found during the requisition even before submitting an application for compensation, and to enforce a decision to compensate the victim even if the said victim has been repatriated. However, the seizure and forfeiture of assets are not systematically used to provide compensation and/or restitution to victims. Moreover, the granting of compensation has not been enforced in any of the court cases tried thus far. It was also reported that there might be reluctance on the part of the court to award monetary compensation to victims, as some views were expressed that that could open the way for persons to declare themselves victims just to obtain monetary compensation. However, such a view is untenable as it is the responsibility of investigators to gather evidence and prosecutors to assess the validity of the claim, and if a victim has suffered violations, compensation should be granted in compliance with national and international legal standards.

54. Another important means of redress, specifically for victims of labour trafficking, is the recovery of unpaid wages. The Labour Act stipulates that: "any employer who ... fails to pay any worker the average or other pay to which he is entitled ... commits an offence, and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months, or to both" (133 (b)). Article 134 further provides that the court may order the employer to make any payments which ought to have been made in respect of the period of employment concerned. In that regard the standard operating procedure mentions that the Department of Labour should assist and guide victims in suing the offender in civil proceedings to recover moneys owed for unpaid work where no criminal proceedings are brought against the offender, or where such proceedings are not successful.

## **2. Repatriation and reintegration**

55. The Trafficking in Persons (Prohibition) Act 2013 provides in article 16 (1) for the option of safe repatriation of victims if they so wish. However, the plan for safe return has not been implemented yet, although the standard operating procedure requests the

Immigration Department to take the necessary measures to facilitate victims' safe return to their country of origin. The Anti-Trafficking in Persons Strategic Plan also provides for the development of formal agreements with the main countries of origin with a view, inter alia, to establishing repatriation procedures. After the Special Rapporteur's mission, the Government reported that since 2008, 77 individuals had been repatriated in cooperation with diplomatic missions present in Belize. In that regard, 60 Nepalese nationals, victims of labour exploitation by a Chinese company, had been repatriated.

56. The Special Rapporteur expressed serious concerns about the victim assistance programmes, which are ineffectively implemented in practice. Without comprehensive assistance, victims can hardly recover from the grave abuses to which they have been subjected, have no prospects of reintegrating into society be it in the country of destination or origin and remain in positions of vulnerability.

## **E. Investigation, prosecution and punishment**

57. The Police Department is charged with investigating and requesting the prosecution of trafficking cases. The Sexual Offence and Family Violence Units of the Police Department conduct investigations of those crimes. The Police Department is involved in: intelligence gathering; rescue operations; obtaining statements from victims; conducting a complete investigation of the trafficking offence; gathering the necessary evidence regarding the commission of the offence; proffering charges against traffickers; preparing case files for submission within a reasonable time to the Office of the Director of Public Prosecutions; and collecting data on operations. However the Anti-Trafficking in Persons Council reported that at the national level there is only one dedicated, permanent investigator, who leads a team of trained officers brought together on an ad hoc basis to conduct rescue operations. As a result of the very limited human resources allocated to the investigation of trafficking cases, the number of victims rescued and traffickers prosecuted has been very low. The standard operating procedure assigns to the Labour Department responsibility for conducting investigations into labour complaints and referring them to the Operations Committee. The Department should also advise on criminal actions to be brought against the offenders and provide the prosecutor with all relevant information.

58. The Ministry of Labour informed the Special Rapporteur that it has 25 labour inspectors in 10 offices throughout the country, all of whom had received training related to trafficking in persons and child labour. The Ministry had mandated labour inspectors to conduct a minimum of four inspections per week and approximately 2,000 inspections a year. However, due to resource constraints, the actual rate of inspections was lower than mandated. No data was provided on the number of investigations resulting in the detection of cases of trafficking in persons.

59. The Office of the Director of Public Prosecutions is responsible for: advising the Operations Committee throughout the planning and execution of rescue operations; advising the Police Department during the course of investigations and prosecutions on charges to be proffered against a trafficker; reviewing case files submitted by the Police Department; informing victims of the progress of the criminal court proceedings and advising them of their right to seek compensation. Since 2008 the Office has been solely responsible for the prosecution of trafficking in persons offences, but does not have investigative powers and relies on police and other agencies to be able to bring charges against offenders. A protocol has been established within the framework of the Anti-Trafficking in Persons Council whereby the police ensure that any information containing elements of trafficking is duly brought to the attention of the Office at the outset. Beyond its limited investigative capacity, Belize only has 10 prosecutors for the whole country and

there is a need to increase that number for the effective processing of all criminal cases, including those that involve trafficking-related offences.

60. The Office of the Director of Public Prosecutions reported that since 2008 no more than 10 confirmed offenders had been brought before the court on charges of trafficking in persons. Some cases had been dismissed for lack of evidence and others because of their sensitive nature, involving corruption of government agents. It was also reported that all the persons tried so far had been convicted, but the majority of cases were outstanding due to lengthy judicial processes. Offenders were mainly women from Guatemala and Honduras.

61. Until the promulgation of the new anti-trafficking legislation, prosecutions of trafficking cases were made at the magistrates' level; under the new legislation all offences have to be tried before the Supreme Court. The Special Rapporteur was pleased to learn that, as a result of that development, all prosecutors would receive training in trafficking-related matters and that a budget had already been allocated for that purpose.

62. Trials in the Supreme Court allow for harsher sentencing, while in magistrates' courts the maximum sentence is 10 years' imprisonment. Today there is a serious backlog in the justice system of Belize, and at the time of the Special Rapporteur's visit, 200 cases were awaiting trial in the Supreme Court and suspected offenders were said to have remained in custody for five to six years before being tried. Several interlocutors referred to the need for summary trials to be reintroduced for trafficking-related offences, as it is a burden on victims to remain in safe houses for years. Once they chose repatriation, it was impossible to have them come back for the trial and there was no cooperation mechanism in place with countries of origin to facilitate continued judicial process in cases of safe repatriation.

63. Article 12 of the Trafficking in Persons (Prohibition) Act 2013 provides for the granting of protective hearings for victims of trafficking. The Ministry of Human Development is responsible for the safeguard of witnesses. The Chief Justice reported that common-law rules had been modified to allow victims' statements to be used in court as evidence, without further testimony. The judicial authorities were also exploring the use of provisions of the Electronic Evidence Act (2003) to introduce the use of video recording as well as video links, so that victims could testify without being intimidated.

64. The Families and Children Act (2003) requests that "the name of an abused child or any information relating to the circumstances of the abuse shall not be published through any medium or otherwise disseminated" (para. 13). Paragraph 13:01 of the same Act stipulates that a child shall give evidence in a child abuse case from behind a screen or other means of concealment in order to ensure the child's privacy and protection.

65. The Trafficking in Persons (Prohibition) Act 2013 prescribes punishments of one to eight years' imprisonment and determines aggravating circumstances, including the trafficking of minors (up to 12 years' imprisonment) and sexual assault (up to 25 years' imprisonment). However, little information was provided on sentencing. Mention was made of two cases in which the offenders had only been fined; however that could be explained by the fact that presumed offenders are often held in jail for a long time before being tried.

## **F. Prevention**

66. The Anti-Trafficking in Persons Strategic Plan lays out prevention as one of the major axes of the fight against trafficking in persons. The Plan therefore aims at sensitizing the general population on the nature and consequences of trafficking in persons.

67. The Special Envoy for Women and Children has implemented a number of public awareness activities, including the development of brochures for public officials to be

sensitized on the commercial sexual exploitation of children and push for legal reforms in that regard.

68. The Special Rapporteur was informed that, from January to December 2013, IOM had provided, through its local partner, sensitization training to more than 5,300 persons within communities at risk in Belize. Furthermore, it had given support to the Government for the development of material for sensitization through media outlets, including radio public service announcements in Creole, English and Spanish, and the production of 3,500 posters in English, Mandarin and Spanish, 11,000 brochures in English, Mandarin and Spanish, and 190 flip charts for sensitization efforts in schools. However, the Government had yet to distribute those materials extensively and engage in sustained awareness-raising.

69. Tourism continues to be a major source of income for Belize and sexual exploitation in the tourism industry is a growing concern. Efforts to address that concern have been supported by the Belize Tourist Board and the Belize Tourism Industry Association promoting the Global Code of Ethics for Tourism among businesses associated with tourism. One of the measures under the Code is that only registered guests can gain access to hotel rooms. Furthermore, the Board has trained 478 persons, including tour guides, agents of the tourism police unit and students by means of a four-hour presentation to raise awareness and provide basic tools for the identification of potential victims and perpetrators. It has also developed ad hoc training for bartenders to assist them in recognizing signs and making referrals to the police. The Board reported on the commitment of the private tourism and hotel associations to fight trafficking and to put to use the training received on the issue of sex exploitation.

## **1. Safe migration**

70. The Special Rapporteur has advocated the establishment of safe migration pathways to prevent trafficking in persons, bearing in mind that Belize needs a foreign workforce. In that regard, section 16 (1) of the Immigration Act provides that “a temporary employment permit may be issued by the Director of Immigration and Nationality Services to any person ... described in a current voucher issued ... by or on behalf of the Minister responsible for Labour.” However the work permit is tied to the employment specified in it, thus tying the employee to his employer (see sect. 16 (1)–(3) of the Act), which may exacerbate vulnerability. It is possible, however, upon specific conditions determined by the Director of Immigration, for the holder of a temporary employment permit to be allowed to work for another employer, but that remains discretionary. No data were provided by the Government on the number of permits issued and the conditions upon which the Ministry of Labour requests the granting of temporary work permits.

71. The Anti-Trafficking in Persons Council informed the Special Rapporteur that there was a policy in place restricting the delivery of temporary work permits to certain categories of workers, including waitresses, babysitters, domestic workers and bar workers. However, the Special Rapporteur recommended that, because Belize needed the foreign workforce and because those categories of workers were more vulnerable to exploitation, the Government should establish a protection policy to reduce the negative incidence on those who are employed informally.

## **2. Addressing the root causes**

72. The Government reported that several pro-poor policies had been implemented with the aim of reducing disparities as well as improving the living standards of the most vulnerable and marginalized components of society. The expected long-term impact of those initiatives included the development of opportunities that could reduce child abuse and neglect as well as the commercial sexual exploitation of girls and boys from the most disadvantaged families.



73. The Government has implemented the Building Opportunities for Our Social Transformation (BOOST) programme, funded in part by the World Bank, to help combat national poverty. The initiative provides monetary incentives for families to maintain the annual school attendance of their children, aged 5 to 17, at least 85 per cent, and to ensure the immunization of children aged 5 and under. In 2012, the Government expanded the BOOST programme to provide higher payouts to boys in an effort to lower the rate of male school dropout.

## **G. Cooperation and partnership**

74. The Special Rapporteur reiterates the need to take into consideration the transnational nature of trafficking, which requires the participation of source, transit and destination countries to prevent and combat trafficking in persons. The Government did not provide information on existing bilateral agreements, but the standard operating procedure developed by the Anti-Trafficking in Persons Council emphasizes the need to establish and strengthen cooperation and partnership with countries of origin.

75. Within the framework of the Regional Conference on Migration, Belize participated in the development of the *Procedures Manual on Trafficking in Persons for Secretariats and Ministries of Foreign Affairs in Central America and Mexico*. That initiative, sponsored by IOM, is aimed at building the capacity of diplomatic and consular entities to address trafficking in persons. It forms part of the Consular Authority Training Programme created as a result of resolutions adopted at the twelfth Regional Conference. The manual details specific actions to be implemented to rescue and provide comprehensive assistance to victims of trafficking, as well as prosecute perpetrators through mutual legal assistance protocols, and delineates responsibilities for different agencies.

76. Since 2011, Belize has participated in a four-year global project to combat child labour, in partnership with the United States. The project supports child labour survey activities, which could help in understanding the scope of trafficking in children for labour exploitation in Belize. It also provided training for Belizean officials and other actors on how to identify cases of human trafficking, provide protection to the victims and help prosecute traffickers.

## **III. Conclusions and recommendations**

### **A. Conclusions**

77. **The political commitment to end human trafficking clearly exists in Belize and is first demonstrated by the ratification of international legal instruments including the Trafficking in Persons Protocol; the revision and strengthening of the national law to combat trafficking in persons, and the establishment by law of a multisectoral body empowered to carry out the fight against trafficking in persons.**

78. **The engagement of the Government with international partners to enhance capacity and raise awareness on trafficking in persons and the commercial sexual exploitation of children is a positive first step and such partnerships should be expanded and sustained.**

79. **However, efforts at addressing trafficking in persons in Belize remain at their infant stage and numerous problems subsist. The lack of capacity and willingness to identify victims or potential victims of trafficking, especially those in mixed migration situations, has been exacerbated by the indiscriminate criminalization of irregular**

migrants which has contributed to driving the phenomenon of human trafficking further underground. Despite the existing standard operating procedure and the indicator cards carried by police and immigration agents, the identification rate remains very low. That is reflected in the prosecution rate of trafficking cases, which is also very low.

80. Moreover, reliable statistical data remain unavailable, as the Anti-Trafficking in Persons Council does not have any consistent or disaggregated information on rescued victims, traffickers and prosecutions, which puts into question the effective implementation of laws and policies that it has developed.

81. In Belize, irregular migrants are imprisoned with common criminals and some are held for indefinite periods of time. The practice of criminalizing irregular migrants is against international human rights standards and practices, especially given the inhumane conditions of detention and the absence of basic assistance, including in establishing contacts with families, embassies and lawyers. It is also worrisome that persons from the Central American subregion are incarcerated for such immigration offences when they could easily be sent back to their respective countries. It is particularly disquieting that children under 18 years of age, and unaccompanied minors, are also punished for breach of immigration laws and kept in prison.

82. Moreover, the absence of a comprehensive and structured victim protection and assistance programme is problematic. While acknowledging the innovation in placing trafficked persons in shelter homes, especially with residents from their countries of origin, there is a need to balance that with victims' need for privacy, confidentiality and specialized care to aid their recovery. The lack of specialized shelters as well as other support services, including psychosocial and legal assistance, jeopardizes the effective recovery of victims.

83. The implementation of the Anti-Trafficking in Persons Strategic Plan of Action 2012-2014 appears weak and fragmented. Since the Plan was adopted prior to the new anti-trafficking law, there is a need to review it and ensure that it is not only in conformity with the law but that it becomes a vehicle for the translation of that law into practice.

84. Concerns have been raised about the lengthy judicial processes and the lack of speedy judicial trials, including for cases of trafficking. Those concerns have been heightened by the 2013 Act, which provides that trafficking cases can no longer be tried summarily by the magistrates' courts but only by the Supreme Court, which is experiencing a substantial backlog of cases.

85. The corruption and involvement of law enforcement agents, especially immigration and police officers, in criminal activities, including trafficking in persons offences, are highly detrimental to their critical role in identifying and investigating potential cases of trafficking in persons and rescuing victims.

86. Public awareness of human trafficking is still very poor and prevention activities through the sensitization of the general population are yet to be fully carried out.

87. In view of the above observations the Special Rapporteur makes the following recommendations to the Government of Belize:

## **B. Recommendations**

### **1. International framework**

88. Ratify, without delay ILO Convention No. 189 concerning Decent Work for Domestic Workers.

89. Take proactive measures to establish bilateral agreements with countries of origin, especially those within the subregion of Central America, to address the issue of irregular migration, safe returns and greatly enhance safe migration options. Cooperation should be established with the governments and embassies of other countries, especially China and India, to combat migrant smuggling and trafficking in persons, including for labour exploitation.

### **2. National framework**

90. Reconsider the restrictive immigration policy that further compounds the problem of human trafficking and undermines efforts to combat and prevent human trafficking. Urgently establish a separate migrant holding facility. Take all necessary measures to avoid double victimization of those subjected to trafficking and subsequently detained as irregular migrants. Amend relevant laws to decriminalize irregular migrants, especially those who are the victims of trafficking.

91. Halt the practice of detention and deportation of children, as this contravenes the principle of the best interests of the child and the principle of non-discrimination enshrined in the Convention on the Rights of the Child, to which Belize is a party.

92. Ensure the effective implementation of existing legislation, namely, the Trafficking in Persons (Prohibition) Act 2013, as well as the Commercial Sexual Exploitation of Children Act 2013.

93. Review the existing provisions for the delivery of seasonal or temporary workers' permits.

94. Provide the implementation of the Anti-Trafficking in Persons Strategic Plan of Action 2012-2014 with a legal basis and ensure that adequate funds are allocated for the effective implementation of the activities set out in the Plan, including monitoring and evaluating its impact.

95. Establish efficient and coordinated data collection tools to enhance the existing system for the collection of data on trafficking in persons, and gather information, disaggregated by, inter alia, age, gender, nature of trafficking and nationality of victims, with the assistance of United Nations agencies, funds and programmes.

96. Provide a secretariat and appoint without delay a national coordinator/chief executive officer for the Anti-Trafficking in Persons Council, with a view to improving capacity, coordination, cooperation and effectiveness in dealing comprehensively with the problem of human trafficking.

97. Establish without delay a national human rights institution which complies with the Paris Principles. The State should provide the necessary financial and human resources for such an institution to work effectively and independently, with the assistance of United Nations agencies, funds and programmes if required.

### **3. Identification, training and capacity-building**

98. Enhance the existing standard operating procedures for the identification of victims and expand capacities for their proper implementation, swiftly and accurately identifying victims of internal and international trafficking in persons.

99. Develop a national referral mechanism that will involve social workers, the Ombudsman, NGOs and faith-based organizations, including service providers and IOM in the screening and identification of potential victims of trafficking. In this regard establish national hotlines in Creole, English, Hindi, Mandarin and Spanish allowing for free and anonymous referral of potential cases.

100. Improve partnerships with civil society organizations, including faith-based groups, and involve them in the identification and protection of and assistance to victims of trafficking, as well as in creating awareness at all levels, especially in rural communities, on the forms and manifestations of human trafficking, its causes and consequences and their role in reporting and referring potential cases.

101. Scale up the training of law enforcement agents, including the police, immigration and customs officers and labour inspectors, and, more importantly, ensure their retention for a reasonable number of years with appropriate career incentives, in order to enhance capacity to ensure continuity in their work of identification and investigation of cases of trafficking in persons. This could be achieved in cooperation with United Nations agencies, funds or programmes.

102. Enhance investigative capacities and the number of dedicated officers working in the specialized unit investigating trafficking-related cases, in order to improve effectiveness in surveillance and rescue operations as well as the gathering of necessary evidence that would assist in the apprehension and indictment of traffickers. More stringent inspection of entertainment and other businesses should be guaranteed, to ensure that absolutely no person under the age of 18 is engaged in prostitution and that trafficking victims are not exploited in the sex trade.

#### 4. Support services for victims of trafficking

103. Adopt a comprehensive victim protection and assistance programme, including the establishment of specialized shelters with appropriately trained personnel and the provision of continuing psychosocial care; separate shelters for child and adult victims of trafficking should be made available, taking into consideration the gender perspective as well. Ensure the provision of information and adequate legal assistance in a language victims understand.

104. Ensure that trafficked persons are provided with temporary residency permits and give due consideration to the granting of permanent residency status on humanitarian grounds.

105. Ensure the effective implementation of the Trafficking in Persons (Prohibition) Act 2013 with regard to the provision of compensation to victims of trafficking in persons, especially section 24, which recognizes the need for restitution to victims of trafficking and provides for the tracing of proceeds of trafficking crimes and seizure of assets of traffickers to assist the recovery/rehabilitation of victims. In this regard, develop greater collaboration between the investigation of trafficking cases and the investigation of international financial crimes.

106. Ensure the safe return of trafficked victims to their country of origin, having due regard to the need, if any, for international protection of the victims and the application of the principle of non-refoulement, in collaboration with IOM and UNHCR.

#### 5. Prosecution

107. Initiate reform of the justice sector to fast-track the lengthy prosecution of trafficking cases, more so now that trafficking in persons is an indictable offence for

which only the Supreme Court has jurisdiction. In this regard, the administration of the criminal justice system should be strengthened, including through enhanced capacity-building of specialized prosecutors, magistrates and judges and mainstreaming a human rights-based approach into the justice sector, in collaboration with United Nations agencies.

108. Amend the current Trafficking in Persons (Prohibition) Act 2013 to create hybrid offences that could be tried either by the Supreme Court or by magistrates' courts.

109. Enhance efforts to combat impunity for crimes against children, especially sexual exploitation of young girls and boys from poor families through the "Hit me on the hip" and *fichera* phenomena, by implementing existing relevant legal provisions.

110. Entrench a culture of zero tolerance for corruption and the complicity of public officials with traffickers, including officials who demand and obtain sexual favours from foreign female migrants, or exploit workers in vulnerable situations in order to provide the assistance required of them as law enforcement officials. Such cases should be prosecuted and offenders adequately punished as deterrence in line with part 2, article 3 (1), of the Trafficking in Persons (Prohibition) Act 2013.

## 6. Prevention

111. Step up efforts to raise awareness amongst the general population of all forms of trafficking in persons, including domestic servitude, forced labour and sexual exploitation, through the dissemination of information on human trafficking and migrant smuggling as well as on the Trafficking in Persons (Prohibition) Act 2013 and the Commercial Sexual Exploitation of Children (Prohibition) Act 2013. Information should be made available in print in Creole, English, Hindi, Mandarin and Spanish. This will enhance community participation and involvement in the identification of cases of trafficking in persons, as well as the rejection of practices and values that encourage child prostitution and trafficking for sexual exploitation.

112. Scale up public information campaigns in the tourism sector to prevent sex tourism, and encourage private-sector operators to adopt a zero tolerance approach in order to eradicate the sexual exploitation of children in the informal sex tourism industry.

113. Take urgent steps to deal with growing youth unemployment, poverty, inequalities and social exclusion, while continuing current efforts to tackle the problem of youth violence that may foster a culture of impunity and sexual violence against women and girls.