

Report of the Regional Thematic Meeting

To exchange information and experiences in tackling trafficking in human beings (THB) and smuggling of migrants (SOM) and share good practices was the aim of the Regional Thematic Meeting (RTM) held in Georgetown, Guyana between 12-14 March 2019. The meeting brought together representatives from ministries, law enforcement and civil society from across the Caribbean. Additionally, international and regional organisations working on trafficking in human beings and smuggling of migrants contributed to the deliberations of the meeting. The event was held under the framework of the ACP-EU Migration Action, a programme designed to provide concrete implementation to recommendations adopted by the ACP-EU Council of Ministers. It brought together government focal points and other key stakeholders who have been actively involved with technical assistance activities provided by the ACP-EU Migration Action in the Caribbean region. At the same time, taking advantage of the fact that the event provided a platform for many of the region's anti-trafficking specialists, the meeting incorporated a special session of the Regional Counter-Trafficking Network of the Caribbean Migration Consultations (CMC), a regional consultation process on migration.

The RTM was divided into a series of plenary sessions exploring investigation and law enforcement challenges, victim identification and assistance and regional cooperation. Plenary sessions were interspersed with a series of working group discussions to allow for in-depth discussion and exchange of information on the plenary topics.

The opening ceremony was attended by the **Minister of Public Security, Cooperative Republic of Guyana Mr. Khemraj Ramjattan** who stressed the importance of generating regionally relevant recommendations on THB and SOM. He noted that the crossing of borders in coerced conditions is on the rise with many smuggled migrants being left in debt which leads to their exploitation in sweatshops. People are seeking a better life but obstacles are placed in their way. Push factors for migration in the Caribbean include natural disasters such as the Haiti Earthquake and the 2017 hurricane season. There are numerous problems with labour laws and inspections, child protection, access to civil registration documents and police corruption. He recognised the new challenges being faced in relation to Venezuelan flows. Best examples cannot

focus on law enforcement alone but must involve prevention and provision of assistance and protection must be at the heart of any response, but this is dependent on resources.

The **IOM Regional Coordinator for the Caribbean and Chief of Mission of IOM Guyana, Mr. Robert Natiello** recalled that the ACP-EU Migration Action, launched in 2015, funded by the European Development Fund (EDF) and implemented by IOM, was geared towards implementation of the ACP-EU Dialogue recommendations in five areas including remittances, visas, readmission and trafficking in human beings and migrant smuggling and that this meeting would be looking at how Caribbean States had implemented the THB and SOM relevant recommendations and how the technical assistance provided under the Action had helped in this process. The **Head of Delegation of the European Union to Guyana, Ambassador Jernej Videtic**, emphasised that the overall aim for the EU development approach was to make migration better for all, in keeping with the SDGs and the EU agenda on migration. He also recalled that the Global Compact on Migration (GCM) represents an opportunity to strengthen international cooperation on migration. Fighting SOM is a clear priority for the EU and the recently adopted EU Action Plan on Smuggling aims to enhance the judicial response, improve data sharing and cross-border cooperation.

To provide context for the meeting, an overview of the ACP-EU Migration technical assistance in the Caribbean was presented alongside an introduction of the CMC. The Action received seven requests in relation to THB and SOM in the Caribbean which involved training and capacity building, awareness raising and policy and strategy development. Synergies had been sought with IOM country programmes to ensure sustainability, where, for example in Saint Lucia, recommendations developed under the ACP-EU technical assistance were being operationalised through the support of the programmatic work of IOM. The aim of the work had also been to identify and share good practices amongst Caribbean countries.

The Caribbean Migration Consultations was launched in 2016 by Caribbean countries with the support of IOM and UNHCR. It promotes discussion on migration and refugee topics in the interests of developing rights-based policies. Previous meetings of the CMC have focused on border management, refugee protection, emergency preparedness, counter trafficking, and data collection and management. An online platform has been developed to support online engagement and continuity on a variety of issues pertinent to the Caribbean regions. Topical priorities for the CMC in 2019 include this Counter-Trafficking Network meeting and formalising the structure of the CMC, its operating procedures alongside adoption of a regional plan of action.

The key challenges for the region were highlighted through a presentation of the ACP-EU Migration Action publication *'Trafficking in Human Beings and Smuggling of Migrants in ACP countries: key challenges and ways forward.'* Key characteristics of trafficking for the region include its intra-regional and domestic nature, that identified victims are primarily women and children, that there have been limited prosecutions, that there is an absence of data and few strong systems in place to protect and assist victims. Training has been provided under many technical assistance interventions but has been limited in impact due to the rotation of staff and lack of knowledge-sharing. There remain many gaps in legislative frameworks and weak action plans. Resource constraints to fund initiatives, fragile states, climate change, inadequate civil registration systems all play a part in undermining action. In terms of technical assistance under the action, few interventions had so far focused on victims' rights to remedies, either by perpetrators or through compensation funds or protection of victims when party to criminal proceedings.

The **first plenary session** on investigation and law enforcement challenges highlighted the ACP-EU Dialogue recommendations requiring adoption of laws compliant with the Palermo Protocols, implementation of those laws and the dismantling of criminal networks. In

terms of laws it was recognised that most countries in the region had adopted anti-trafficking laws, generally compliant with Palermo, although there were far fewer anti-smuggling laws. The adequacy of the laws in turn depended on whether they were applicable to the typical kinds of trafficking scenarios faced in the region including cases of sexual exploitation/labour exploitation/domestic servitude of national children sometimes organised by family members and not involving organised crime; labour exploitation of non-nationals in stores, restaurants, agriculture, health-spas and sexual exploitation of non-nationals. Criminal justice actors faced numerous constraints in implementing the laws; a fact reflected by the low rate of investigations and prosecutions. One of the aims of the ACP-EU Migration Action assistance has been to build capacity of criminal justice actors. Research from a UN-inter-agency body, ICAT, evaluating 15 years of anti-trafficking interventions globally revealed that much capacity-building activities have been less than effective. Often such activities failed to take into account (i) the foundations needed to support an effective criminal justice response, including an independent judiciary; (ii) the attitudinal changes needed amongst criminal justice actors, including biases against migrants or women, which if left unaddressed created barriers to

implementing new skills or knowledge and (iii) the need to tackle corruption and complicity. The session highlighted the importance of cooperation between immigration, police and counter-trafficking units alongside the centrality of protecting a victim who is giving testimony. Questions from the floor included the steps necessary to set up a specialised unit on counter-trafficking and how the countries were making use of and could receive the new IOM-developed training manual: 'Investigating human trafficking cases using a victim-centred approach.'

In the **breakout sessions on data**, information and research, participants were asked to reflect on the use being made of information and data generated on trafficking and smuggling in their countries, including the research reports developed under the ACP-EU Migration Action in Haiti and Trinidad and Tobago. It was reported that the Haiti research and accompanying action plan had built the capacity of the Haitian National Committee (CNLTP) and had allowed for the lobbying of funds for the implementation of activities linked to activities and outputs under the Action Plan. The report on smuggling of migrants for Trinidad and Tobago had flagged a number of gaps in the treatment of migrants and had led to improved screening of victims of trafficking/vulnerable migrants in immigration detention. Discussions also

focused on the concept of smuggling migrants for humanitarian purposes, and the conflicting views held, where smugglers were seen as providing necessary services on the one hand but criminalised on the other. The treatment and status of Venezuelans in Trinidad and Tobago was also discussed; many were being supported by civil society organisations in applying for asylum.

The need for more practical training on investigation skills was highlighted in the **breakout session on cooperation in investigation**; proposals for such initiatives could be circulated via the CMC CT Network and online platform. At the same time the CMC CT Network is a good practice in that it includes non-CARICOM countries and territories. Good practices from the Bahamas and Guyana were shared with respect to conducting victim identification (during police raids) involving social workers/probation officers alongside police to provide support for victims from the outset whilst the DR shared its perspective on the challenges encountered where trafficking investigations were conducted without reliance on victim testimony. Discussions included the interest of the governments in exploring how INTERPOL and IOM might support targeted trainings, based on in-country assessments, on TIP investigation in the future, and a related new guide forthcoming from INTERPOL.

The **plenary session on the protection of victims of trafficking and smuggled migrants** highlighted recent trends in the region including best practices associated with trauma-informed assistance provision and the creation of national referral mechanisms. St Lucia highlighted the introduction of a 60-day reflection period for victims with access to unconditional assistance. Aruba spoke of the challenges associated with shelter capacity, the legal status of victims and the costs of providing health care, assistance and security to victims. Media attention paid to the case of 'Foxy Lady' in Aruba had also compromised the identity of a victim who had to be relocated to another island for her security. The Bahamas shared its experience of collaboration with Jamaica in the investigation of a case which allowed for the interviewing of witnesses connected with the source of the crime and the protection of victims. In Haiti the crossing of borders by unaccompanied children into the Dominican Republic is widespread. The child protection agency in Haiti has seen a 10% increase in budget to better address protection of children and the CNLTP has also been designated a budget for the first time. Families are very vulnerable however in Haiti and difficulties are faced in implementing social policies whilst laws are plentiful but not implemented. Questions from the floor focused on whether the media could be prosecuted for breach of confidentiality. In

the Bahamas, the Anti-Trafficking law makes direct reference to criminal liability of the media for publishing the name of a victim. With respect to unconditional assistance to victims, it was clarified that victims were assisted in Aruba and St Lucia whether or not they cooperated with law enforcement.

A range of measures to improve victim identification and protection were discussed during the **breakout session on national protection efforts**. In Jamaica, a series of SOPs to improve identification had been developed for different stakeholders including health, labour, immigration and child services. Guidelines and standards were also in place for shelter care. A significant compensation payment to a Haitian victim of trafficking in Jamaica was also highlighted. The fact that victims may sometimes decline assistance where it does not meet their needs was raised by Belize. In a case involving Honduran nationals the victims, although at risk of harm, refused assistance. Efforts to connect the relevant authorities, including the child protection agency in the DR with children living (and working) in sugar plantations, some of whom may be trafficking victims, was highlighted by Save the Children in the DR. The situation of Haitian migrants in the Dominican Republic was also discussed.

With respect to protection issues connected with Venezuelan flows in the region, the experiences in Curaçao, DR, Trinidad and Tobago and Guyana indicated that although there exist good referral systems on paper, in reality the costs are constraining when faced with sharp increases in caseloads. In the DR there were new agreements with IGOs and NGOS to provide extra resources and discussions about regularising the immigration status of Venezuelan nationals. In Guyana migration policies had been relaxed providing Venezuelan nationals with an automatic 3-month permission to remain, and no returns. In Trinidad and Tobago there were challenges faced in locating qualified interpreters, the lengthy duration of proceedings, alongside resources for assistance provision and sheltering. Trends were noted across the four countries which shared their experiences, including increased cases of Venezuelan VoTs, high levels of vulnerability of these survivors, and challenges related to their longer stays in host countries assisting them.

The outcomes of the special session of the CMC CT Network were presented during the **final plenary session on the regional outlook for trafficking and smuggling**. Two working groups were to be formed including a regional CT information-sharing working group to collate existing counter-trafficking

statistics into a regional information brief for public distribution and a working group on how Venezuelan flows are impacting national counter-trafficking efforts, to share information on how the challenges are currently being faced, including addressing the high levels of vulnerability, providing sufficient shelter options, the residency and work permit options, dealing with longer stays, among other issues.

The development cooperation of CARIFORUM, under its Crime and Security programme, was also presented during the plenary session. It currently includes some training for national actors on fighting trafficking but before advancing other action, a human trafficking study on the region was foreseen, the launch of which had now been extended till November. CARICOM IMPACS also continues with its trainings on trafficking and smuggling in the framework of its Crime and Security Strategy. It noted that the revised threat analysis in 2018 had not upgraded THB and SOM, which remained a tier 2 threat and that deportation had been recognised as a new threat. The main constraints faced continued to be gaps in national frameworks and a lack of data and that collaboration was key for the region to be able to understand phenomena and respond.

The CARICOM secretariat highlighted the role of the CARICOM Single Market and Economy (CSME) providing for a single economic space and freedom of movement in the region. It also highlighted the developments with its rights-based framework for migrant health, requiring that Member States remove obstacles that hinder access to health care based on immigration status or that require reporting to authorities. The high incidence of gender-based violence was a concern in the Caribbean and a priority for the organisation too. Discussions from the floor focused on the readmission and reintegration of deportees including deportees from 3rd countries and within the CARICOM region. A sub-committee had been formed within CARICOM IMPACS to develop a policy paper on this topic. The question of freedom of movement for Haitians within the CARICOM region was also raised, it being noted that not all countries were party to the CSME.

In the closing of the Regional Thematic Meeting it was emphasised that IOM would continue to seek ways to support governments of the Caribbean region in tackling trafficking and smuggling. In this perspective, synergies like the ones established during the Regional Thematic Meeting between the CMC CT Network and the ACP EU Migration Action should be maintained and further explored as to maximize the impact of similar initiatives.

Final thanks were extended to the ACP-EU Migration Action, the IOM Regional Office in San José and the IOM Office in Guyana for organising the meeting and hosting the CMC CT Network special session. Thanks were also extended to UNHCR for their collaboration in facilitating the participation of some countries' representatives.