

---

**Advance Unedited Version**Distr.: General  
11 June 2014

Original: English

---

**Human Rights Council****Twenty-sixth session**

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Report of the Special Rapporteur on trafficking in persons,  
especially women and children, Joy Ngozi Ezeilo****Addendum****Mission to Belize\* \*\****Summary*

Following an official country visits to Belize, the Special Rapporteur acknowledges the positive steps taken by the Government to combat trafficking in persons, as reflected by the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime alongside other relevant international human rights instruments. The Special Rapporteur also welcomes the enactment of a new and improved domestic legislation on trafficking in persons as well as the establishment by law of the Anti-Trafficking in Persons Council (ATIP- Council).

However, The Special Rapporteur raised a number of concerns including: the absence of comprehensive identification protocols coupled with important capacity gaps; the absence of reliable statistical data and assessment of the phenomenon at the national level; the rampant and indiscriminate criminalization of irregular migrants leading to the detention and deportations of potential victims. She further expresses concerns with regards to the absence of a comprehensive victim protection and assistance program still to become institutionalized.

She makes various recommendations to the Government, in order to enhance its capacity in addressing trafficking in persons in Belize and provide adequate support to its victims.

---

\* Late submission.

\*\* The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission only

## Annex

[English only]

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

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–3	3
II. Main findings .....	4–76	3
A. Forms and manifestations of trafficking in persons .....	4–10	3
B. Legal, policy and institutional frameworks for combating trafficking in persons	11–32	5
C. Identification of victims of trafficking .....	33–41	9
D. Assistance to Victims .....	42–56	11
E. Investigation, prosecution and punishment .....	57–65	13
F. Prevention .....	66–73	15
G. Cooperation and partnership .....	74–76	16
III. Conclusions and recommendations .....	77–113	17
A. Conclusions .....	77–87	17
B. Recommendations .....	88–113	18

## **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 this visit which took her to Belize City and Belmopan, she met with various Government 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 National Services as well as the Ministries of Health, Education and Tourism. She held meetings with the Ombudsman and the Anti-Trafficking Council as well as civil society organizations and victims, including potential victims of trafficking.
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 UN Special Rapporteur to visit the country. She further hopes that this visit paves the road for further engagement with other Special Procedures mandate holders as well as with the Office of the High Commissioner for Human Rights. She further tanks the United Nations Country Team as well as civil society partners for the support provided during this visit.

## **II. Main findings**

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

4. Belize is a destination, transit and a source country for victims of trafficking mainly from Central America but also Asia. Belize strategic geographic location and permeable borders, linking Central America to North America, makes it a transit route for migrants en route to the United States of America, creating an environment prone to mix migratory flux including trafficking in persons for sexual and labour exploitation.
5. Trafficking in persons in Belize disproportionately affects women mainly trafficked for commercial sexual exploitation; particularly women and girl children from the neighbouring countries of Guatemala, El Salvador 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 informally work as prostitutes. The 2010 Belize population census 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 Belize migration authorities reported that over 250 undocumented migrants were intercepted and detained, while 50 were 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 affected Mayan and Hispanic girls have been subjected to the 'fichera' phenomena 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 on the Commercial Sexual Exploitation of Children in Belize (2006) reports on a phenomena communally 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 concerns with regards to the growing problem of crimes against children, especially sexual exploitation of young girls from poor families. The 'fichera' phenomena was brought to the attention of the Special Rapporteur and refers to a practice whereby men pay a higher price to drink in the company of adolescent or youth women who work in bars. The practice has been identified as a gateway introduction 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 sub-region thus favouring migrant smuggling influx as well as trafficking for labour exploitation in the agriculture, fishing, construction and services sectors whereby migrant workers have been lured on 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 Indian, Nepalese and Chinese migrants have been identified as victims of trafficking for labour exploitation in restaurants, shops and constructions companies owned by persons of same nationalities as those trafficked. It was further reported that women from Central America are also exploited as domestic workers.

8. Traffickers' *modus operandi* include 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 irregularity after their documents are confiscated. Usually traffickers are 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 Belizean dollars (75 USD) of which 50 dollars automatically goes to the owner of the premises.

9. One of the victims that the Special Rapporteur met, a now 18 year old girl from Guatemala 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 sell sexual services, never paid and was deprived of her freedom for one year, threatened of detention for entering the country irregularly and abused with the complicity of a local police officer who also sexually abused her. The Special Rapporteur also received information about a woman from El Salvador who was promised domestic work, but upon arrival her passport was withheld on the promise of regularizing her situation; instead she was kept hostage for 2 months and made to work in a bar in a small village. Her trafficker exercised control over her by withholding her small child. The 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 noticeable than what the limited data readily available reflects. The phenomena remain difficult to quantify, given the lack of capacity and will to identify victims. Moreover, the Special Rapporteur notes that reliable statistical data remains unavailable as she was provided very little data with regards to the number of identified victims and their characteristics, 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

trend, forms and manifestation 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 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 Palermo Protocol); the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; the Forced labour Convention (ILO n°29) and Worst forms of child labour Convention (ILO n° 182), the Convention on the Protection of the Rights of All Migrant Workers and their Families (CRMW), the International Convention on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT). Belize has not yet ratified ILO Convention 189 on 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 UN 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 negatively impact assistance of all persons in need of humanitarian protection.

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

#### *National Framework*

14. The Constitution guarantees to all persons in Belize the rights of life, liberty, 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 Palermo Protocol. This Act was repealed by the Trafficking in Persons (Prohibition) Act 2013 (hereafter TIPPA, 2013) a stronger piece of legislation which improves the previous one as follows: (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 the trafficking in children for the purposes of adoption, child prostitution, exploitation, as well as profiteering from, and advertising trafficking in persons; (e) empowers the court to impose higher sentences in aggravated

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

cases. The new legal provisions elevated the offense of trafficking from a "summary offence" tried in the lower courts to an indictable offense tried before the Supreme Court. The new law criminalises prostitution of children as well as the utilization of children or images of children in and the distribution of child pornography. It also criminalises the practice of using adolescent 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 and associated penalties including, among others, child prostitution, child sexual exploitation, child pornography, trafficking of children. The Act includes several references to the provisions of the TIPa (2013) namely 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 regards to the sexual exploitation of minors, the Criminal Code sets the age limit for sexual consent at 16, and makes a distinction between children 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 Criminal 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 also 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 Labour Act also provides for the protection of domestic workers. With regard to child labour, the Act defines a child as any person who is under the age of 14 and prohibits the employment of children under the age of 12 (article 169.a) as well as 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 different legislation present different ages.

20. The Families and Children Act (article 2.1) defines the offence of child abuse to include but not 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.

---

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

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

21. The Immigration Act (2000), criminalises irregular migrants and stipulates that punishment for the first offence shall not be less than a fine of one thousand Belizean dollars (USD 500), and the punishment for a second or subsequent offence shall not be less than a fine of three thousand Belizean dollars (1,500 USD) or imprisonment for one year (article 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 between 1000 to 2000 Belizean dollars (USD 500-1000) and/or sentenced to six months' imprisonment. Most detained irregular migrants that the Special Rapporteur interviewed declared that they had paid a fine and were also sentenced between 6 to 12 months detention for first time offences. They further informed that all their belonging, including identification papers, had been confiscated by immigration officers and were never returned.

22. At the time of the visit, there were 171 foreigners detained in the prison of which 67 were being held for the offence of irregular entry (24 Hondurans, 17 Salvadorians, 14 Guatemalans, 5 Indians, 3 Cubans, 2 Mexican 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 prison terms, Guatemalan and Mexican nationals are often taken at 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 when considering that unaccompanied minors have also been detained in the prison: underage males are kept with juvenile offenders while underage females are housed in the quarter reserved for female inmates

23. The Special Rapporteur expressed concerns with regards to the indiscriminate criminalization of irregular migrants as the routine practice of immigration officers is to strictly apply the immigration law, namely 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 (article 27-1) stipulates that 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 sixty days of entering Belize, and, if the immigration officer thinks fit, by a specified vessel; or (c) arrest and bring such 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 prevails at the Belize central prison which is overcrowded and has very poor sanitary conditions and poor capacities. The Special Rapporteur also notes with concern the absence of basic assistance to inmates including access to phone calls to contact families, embassies and lawyers.

24. The Special Rapporteur is concerned with 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 memoranda of understanding such as the one between the Governments of Cuba and Belize 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.

---

<sup>4</sup> Kolbe Foundation, Belize Central Prison, Records and Processing Section Daily Headcount, 12th December 2013.

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 (ATIPS) developed the Anti-Trafficking in Persons Strategic Plan of Action 2013-2015 in cooperation with the International Organization for Migration. 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 ATIPS and defines specific activities to be undertaken as well as estimated budgetary needs. The Plan spells out 6 core principles namely a rights based, victim-centred approach, fostering accountability while guaranteeing confidentiality and non-discrimination through a multi-sectorial 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 was not submitted for approval by the Parliament as she was informed that it's the prerogative of the Cabinet (the Executive) whether the plans will be submitted to Parliament. In this regard the Special Rapporteur raised the issue of the plan needing legal grounds in order to receive consistent and sustainable budget allocation for its proper implementation.

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

29. The Government also developed the National Plan of Action for Children and Adolescents (2004-2015), which prioritizes actions 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 for the revision of current child labour legislations, the development of interagency coordination, increasing institutional capacity to enforce legislation, strengthen child labour prevention programs, 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 a Council by Section 5 of the TIPA 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; investigate and prosecute traffickers. The multi-sectorial Anti-trafficking in Persons (ATIPS) Council is chaired by the Chief Executive Officer of the Ministry of Human Development, Social Transformation and Poverty Alleviation and composed of representatives from 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. The ATIPS membership was 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 2013 Act, the ATIPS established three committees to implement anti-trafficking activities including: the Operations Committee responsible to consider and confirm suspected cases of trafficking in persons, provide direct assistance to victims and ensure the prosecution of perpetrators; the Information, Education and Communication Committee responsible to conduct public awareness campaigns; and the Monitoring and Evaluation Committee responsible for data collection, analysis, evaluation and reporting. The Special Rapporteur notes that monitoring and evaluation should be conducted by an independent institution such as a National Rapporteur able to objectively assess and report on the implementation and impact of the anti-trafficking strategic plan while providing information on progress made and remaining challenges in cooperation with the ATIPS and its sub-committees. The Special rapporteur further notes that the institution does not have a dedicated executive body with dedicated staff as all the current members have other responsibilities within their respective Ministries and agencies.

32. The Department of Human Services (DHS) 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 ATIPS provided information on the Standard Operating Procedure (SOP) developed to ensure effective identification, rescue, protection, victim support, and increase the prosecution of offenders. The SOP defines screening process to accurately identify victims or potential victims; 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 agencies involved in anti-trafficking activities. Despite the SOP and the distribution of indicators card carried by police and immigration agents, identification remains very low and reflects on the low rate of victims' rescue and prosecution.

34. The Government has developed and implemented an operational protocol (the CARE Model) to coordinate protection, care, and monitoring of sexually exploited and trafficked children. It 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 the 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, 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 magistrate 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 they receive few direct referral 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 was brought to the attention of the Special Rapporteur in which it was alleged that although they 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 reportedly weighed stronger. While the ATIPS subsequently intervened in these four cases; this situation testifies of the poor implementation of identification protocols and the dire need to strengthen capacities of key actors. Another factor impacting identification is the alleged corruption of law enforcement, immigration and customs officers involved in trafficking operations and who are also reported to turn a blind eye to traffickers. The Special Rapporteur also learned that stint 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 the interviews of asylum seekers and irregular migrants by NGOs. References were made to the cases of two persons who were being detained at the prison and upon interview by an NGO were referred to the Department of Human Services, which subsequently took action to assist them accordingly. Furthermore, the Special Rapporteur received information on the failure of border agents to properly assist unaccompanied minors at border points as 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 was two months pregnant, and according to the stories they told, they had not been screened at all and inconsistencies in their interviews might be signs that they were brought to Belize under unclear circumstances. It was also reported that in the week preceding the Special Rapporteur visit, 12 women had been arrested during a raid in a bar and sentenced to prison time without being screened.

39. The Department of Human Services reported that social workers are present during the 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 victims' identification to law enforcement agents alone. The SOP does not clearly lay 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 ATIPS Standard Operating Procedure advises labour inspectors to conduct investigations into labour complaints, and to refer them to the Council when it considers it elements of trafficking. The Social Security Board also has inspectors who in the past have made referral to immigration authorities with regards to the employment of irregular migrants although; it's not a member of the ATIPS and consequently not involved in identifying potential cases of trafficking.

41. One civil society organization involved in responding to the need of victims of sexual violence informed that in 2013 counselling was provided to 4 women who indicated that they were victims of trafficking. However, the counsellors were not given consent to

disclose the details of their cases to the ATIPS. This confirms that foreign victims are reluctant to interact with the State system that they perceive as heavily centred around law enforcement.

## **D. Assistance to Victims**

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

42. One of the main goals of the Strategic Plan (2012-2015) is victims' protection. The plan reasserts that the protection and support to victims of trafficking with respect for their human rights are critical to their successful re-integration into society and the successful prosecution of cases. The plan provides that victims should be granted direct services such as medical, psychological, housing, skills training, 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 and needs to victims of trafficking while they are in Belize for the duration of the criminal proceedings. Victims' needs are to be assessed by the Department on a case-by-case basis taking into consideration the specificities of each victim including psycho-psychiatric and other health conditions. However, these measures are yet to be enforced.

44. According to the SOP, support activities should be coordinated with civil society entities. However, all information gathered show that there has been very little implementation in this regard as is the case with the entire victim assistance system, which is 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 person legislation in 2003.

45. The SOP provides that upon the 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 as the Government explained that it is difficult to keep such places confidential and therefore it could be more detrimental to victims' privacy and safety. The Government has rented a facility that provides housing to rescued victims but it does not provide proximity services such as an on-site counsellor, and psycho-social support. It is mainly used to house rescued foreign women awaiting repatriation.

46. The Special Rapporteur visited the shelter run by Help for Progress (HfP), a local non-governmental agency, which has served as UNHCR's implementing partner since 1999. HfP has assisted asylum-seekers by offering them shelter, lodging their asylum claims, conducting preliminary interviews and forwarding them to immigration authorities. The organization informed that they sheltered few victims of trafficking in persons awaiting repatriation at the request of the ATIPS Council. Despite efforts made by the NGO, due to its limited financial capacity it cannot offer up to standard facilities and services to victims.

47. The Child Development Foundation (CDF), a non-profit social justice focused on sexual exploitation and trafficking in persons for sexual purposes, expressed the intention to establish a shelter facility responding to the necessary standards to assist victims of trafficking including in-house counselling, psycho-social support, legal assistance, skills training and other rehabilitative services and was developing a proposal and plan for a small facility to provide accommodation to 4/5 women. The Special Rapporteur encourages such initiatives and stresses that the Government through the ATIPS should strengthen partnerships with civil society organizations with regards to identification and assistance to victims by providing financial support to this type of project.

48. The Ministry of Health provided information on the social security system which is 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. This system of free up-front 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 ATIPS 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 these contribute to economic self-sufficiency, professional realisation and skill building, and thus facilitate the overall process of successful reintegration. The SOP 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 that the Immigration Department should grant residence status to victims of trafficking for the duration of their stay in Belize or facilitate safe repatriation of victims who wish to return to the country of legal residency. However, the Trafficking in Persons (Prohibition) Act 2013 makes the delivery of residence permit conditional on victims' cooperation with investigators and prosecutors (article 14) which is not in conformity with the Palermo Protocol; no details were provided with regards to the delivery of any work or resident permits for those victims who were rescued. Information received reported that persons under the protection of the state, on humanitarian grounds, have been requested to pay 500 Belizean dollars (250 USD) to obtain work permits which is an obstacle that further exposes them to seek work in the informal sector and increases their vulnerability.

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

51. The victim never received any vocational training in three years. The social worker, who visits the foster family from time to time, explained that vocational training would be provided once the victim acquires the necessary language skills. However, English language learning support has been provided under 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 received any of the support services stipulated by the SOP.

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 prison time, 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 in the victim's exploitation and abuse.

53. The new legislation provides for restitution to victims (article 24) as well as for the seizure and forfeiture of traffickers' assets to finance prevention and rehabilitation programs (part 5). The Act allows for the possibility of requesting compensation. At the time of the visit, a request for compensation made on behalf of a victim following the sentencing of the trafficker was before the magistrate court. In cases of labour exploitation, the Labour Department is to assist in calculating the benefits owed to the victim so that these are added to the restitution sought by the victim. The new legislation allows the Office of the Director of Public Prosecutions (DPP) to seize assets found during the requisition even before submitting an application for compensation and allows for the enforcement of a decision to compensate the victim even if the said victim was 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 further reported that there may be reluctance on the part of the court to award monetary compensation to victims, as some views were expressed that this could open the way for persons to declare themselves as victims to just 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 this regard the SOP mention 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 SOP request the Immigration Department to take the necessary measures to facilitate victims' safe return to their country of origin. The Strategic plan further includes the development of formal agreements with main countries of origin with the view to, inter alia, establish repatriation procedures. Post mission, the Government reported that since 2008, seventy-seven individuals have been repatriated in cooperation with diplomatic missions present in Belize. In this regard, sixty Nepali nationals' victims of labour exploitation by a Chinese company were repatriated.

56. The Special Rapporteur expressed serious concerns about the victim assistance programs, which is ineffectively implemented in practice. Without comprehensive assistance victims can hardly recover for the grave abuses they were subjected to and have no prospect at 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 Offense and Family Violence units of the Police Department conduct investigations of these crimes. The Police 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; as well as collecting data on operations. However the ATIPS reported that at the national level there is only one dedicated, permanent investigator who leads a team of trained officers brought together on a punctual basis to conduct rescue operations. As a result of the very limited human capacities allocated to the investigation of cases of trafficking, victims rescue and prosecution of traffickers has been very low. The SOP also provides for the responsibility of the Labour Department to conduct investigations into labour complaints, and referring them to the Operation Committee. The Labour Department should also advise for criminal actions to be brought against the offenders and provide all relevant information to the prosecutor.

58. The Ministry of Labour informed that it has 25 labour inspectors in 10 offices throughout the country and all of them had received trafficking in persons and child labour related trainings. The Ministry mandates 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 is lower than mandated. No data was provided on the number of investigation resulting in the detection of cases of trafficking in persons.

59. The Office of the Director of Public Prosecutions (DPP) 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 the victim of the progress of the criminal court proceedings and advising them of their right to seek compensation. Since 2008 the DPP is 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 was established within the framework of the ATIPS whereby the police ensures that any information containing elements of trafficking are duly brought to the attention of the DPP at the outset. Beyond the limited investigative capacity, Belize only counts 10 prosecutors for the whole country and there is a need to expand this number for an effective processing of all criminal cases including trafficking in person's related offences.

60. The DPP reported that since 2008 no more than 10 actual offenders were brought before the court on charges of trafficking in persons. Some cases were dismissed for lack of evidence and others because of their sensitive nature involving corruption of Government agents. It was further reported that all the persons who have been tried so far have been convicted, but the majority of cases is 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 magistrate 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 this development, all prosecutors will receive training in trafficking related matters and that budget was already allocated for this purpose.

62. Trials in Supreme Court allow for harsher sentencing while in magistrate courts the maximum sentence was 10 years imprisonment. Today there is serious backlog in the Belizean justice system, and at the time of the Special Rapporteur visit, 200 cases were awaiting trial in the Supreme Court and suspected offenders were said to have remained in custody for 5 to 6 years before being tried. Several interlocutors raised the need for summary trials to be reinserted for trafficking related offences, as it is a burden to victims to remain in safe houses for years. Once they choose repatriation it has been impossible to

have them come back for the trial and there is no cooperation mechanism in place with countries of origin to facilitate continued judicial process in case of safe repatriation.

63. Article 12 of the TIPA provide 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 have been modified to allow victim's statement to be used in court as evidence without further testimony. The judicial authorities are further exploring to use provisions of the Electronic Evidence Act (2003), to introduce the use of video recording as well as video links so that victims can 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 ...' (article 13). Article 13:01 of the same Act stipulates that a child shall testify 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 TIP 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) among others. However, little information was provided on sentencing. Mentions were made of two cases where the offenders had only been fined, however this 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 Strategic Plan lays out prevention as one of the major axis 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 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 this regard.

68. The Special Rapporteur was informed that from January to December 2013, IOM provided through its local partner, sensitisation trainings to more than 5,300 persons within communities at risk in Belize. Further, as well as support to the Government for the development of material for sensitization through media outlets including radio, public service announcements in Creole, Spanish and English; the production of 3,500 Posters in English, Mandarin and Spanish, 11, 000 brochures in English, Mandarin and Spanish and a 190 flip charts for sensitization efforts in schools. However, the Government is yet to extensively distribute these materials 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. In this regard, efforts to address this particular sector have been supported by the Belize Tourist Board (BTB) and the Belize Tourism Industry Association (BTIA) in promoting the Code of Conduct for tourism associated businesses. One of the measures under the code of conduct is that only registered guest can access hotel rooms. Furthermore the BTB trained 478 persons, including tour guides, agents of the tourism police unit as well as students through a four hour presentation to raise awareness and provide basic tools to identify potential victims and perpetrators. It has also developed ad-hoc training for bar tenders to sensitize them on recognizing signs and making referral to the police. The BTB reported the commitments 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 for the establishment of safe migration pathways to prevent trafficking in persons, bearing in mind that Belize needs foreign workforce. In this regard Article 16 (1) of the immigration Act provides that ‘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 described in it thus tying the employee to his employer, which may exacerbate vulnerability (article 16 1-3). It is however possible upon specific conditions determined by the Director of Immigration to allow the holder of a temporary employment permit to work for another employer, however this remains discretionary. No data was provided by the Government on the number of permits issued and conditions upon which the Ministry of Labour requests the granting of temporary work permits.

71. The ATIPS informed that there is a policy in place restricting the delivery of temporary work permits to certain categories of workers including waitresses, baby-sitters, domestic workers and bar workers. However, the Special Rapporteur notes that because Belize needs foreign work force and because these categories of workers are 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 have been implemented with the aim to reduce the disparities as well as to improve the living standards of the most vulnerable and marginalized components of society. The expected long term impact of these initiatives include developing opportunities that can 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) program, funded in part by the World Bank, to help combat national poverty. The initiative provides monetary incentives for families to maintain their children, ages 5 to 17, annual school attendance to at least 85 percent, and ensure immunizations of their children ages 5 and under. In 2012, the Government expanded the BOOST program to provide higher pay-outs to boys in an effort to lower the rate of male school dropouts.

## **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 SOP developed by the ATIPS reinforced the need to establish and strengthen cooperation and partnership with countries of origin.

75. Within the framework of the Regional Conference on Migration (CRM), 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. This initiative developed with the sponsorship of IOM, aims at building the capacity of Diplomatic and Consular Representations in addressing trafficking in persons. This process forms part of the Consular Authority Training Program created as a result of resolutions adopted at the XII Regional Conference on Migration. 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 delineate responsibilities for different agencies.

76. Since 2011, Belize has participated in a 4-year global project to combat child labour in partnership with the United States of America. The project supports child labour survey activities, which could help understand the scope of trafficking in children for labour exploitation in Belize. Furthermore, it 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 Palermo Protocol; the revision and strengthening of the national law to combat trafficking in persons as well as the establishment by law of a multi-sectorial body empowered to carry out the fight against trafficking in persons.**

78. **The Government engagement 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 issues subsist. The lack of capacity and willingness to identify victims or potential victims of trafficking, especially those in mixed migration situation is exacerbated by the indiscriminate criminalization of irregular migrants which contributes to driving the phenomenon of human trafficking further underground. Despite the existing Standard Operating Procedures and the indicators card carried by police and immigration agents, identification remains very low which reflects on the prosecution rate of trafficking cases which is also very low.**

80. **Moreover, reliable statistical data remains unavailable, as the ATIPS does not have any consistent or disaggregated information on rescued victims, traffickers and prosecution, which questions the effective implementation of laws and policies 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 America sub-region are incarcerated for such immigration offences when they could easily be sent back to their respective countries. It is particularly worrisome 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 program is problematic. While acknowledging innovation in placing trafficked persons in foster homes, especially with residents from their countries of origin, there is a need to balance this 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 psycho-social 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. These concerns have been heightened by the 2013 law, which provides that trafficking cases can no longer be tried summarily by the Magistrate Courts but only by the Supreme Court which experiences a substantial case backlog.

85. The corruption and involvement of law enforcement agents, especially Immigration and Police officers, in criminal activities, including trafficking in person's offences is 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 low 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:

## **B. Recommendations**

### **1. International Framework**

88. Ratify, without delay the ILO Convention 189 on Decent Work for Domestic Workers.

89. Take proactive measures to establish bilateral agreements with countries of origin, especially those within the sub region of Central America to address the issue of irregular migration, safe returns and importantly enhance safe migration options. Cooperation with other foreign Governments and embassies should be established, especially India and China, 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 victims of trafficking.

91. Halt the practice of detention and deportation of children as this contravenes the principle of the best interest of the child and the principle of non-discrimination entrenched in the international Convention on the Rights of the Child to which Belize is a State Party.

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

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

94. Provide a legal basis to the implementation of the Anti-Trafficking in Persons Strategic Plan of Action 2012-2014, and ensure adequate and dedicated funds for the effective implementation of the activities set out by the plan, including monitoring and evaluating its impacts.

95. Establish efficient and coordinated data collection tools to enhance the existing data collection system on trafficking in persons and gather information disaggregated by age, gender, nature of trafficking and nationalities of victims amongst others, through the assistance of the UN agencies, funds or programmes.

96. Provide a secretariat and appoint without delay a national coordinator/Chief Executive Officer (CEO) 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 and for which the State should provide the necessary financial and human resources for such an institution to work effectively and independently, if required through the assistance of the UN agencies, funds or programmes.

### 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 the International Organization for Migration (IOM) in the screening and identification of potential victims of trafficking. In this regard establish national hotlines in English, Spanish, Mandarin, Hindi and Creole allowing for free and anonymous referrals of potential cases.

100. Improve partnership with civil society organizations, including faith based groups and involve them in the identification, protection 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 roles in reporting and referring potential cases.

101. Scale up training of law enforcement agents, including the Police, Immigration, Customs, labour inspectors and importantly ensure their retention for a reasonable number of years with appropriate career incentives to enhance needed capacity to ensure continuity in their work of identification and investigation of cases of trafficking in persons. This could be achieved in cooperation with the UN 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 will aid 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 victims' protection and assistance program, including, the establishment of specialized shelters with appropriately trained personnel and the provision of continued psycho-social care; separate shelters for children and adults 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 TIP Law 2013 on the provision of compensation to victims of trafficking in persons, especially section 24 which recognizes restitution for VOTs which would provide for the tracing of proceeds of crime of trafficking and seizure of assets of traffickers to further assist victim's recovery/rehabilitation. 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, of international protection of the victims and the application of the principle of non *refoulement*, in collaboration with IOM and UNHCR

#### 5. Prosecution

107. Initiate a Justice Sector reform to fast track the lengthy prosecution of trafficking cases more so now that it 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 the enhanced capacity building of specialized prosecutors, magistrates and judges and mainstreaming human rights based approach in the justice sector, in collaboration with UN agencies.

108. Amend the current 2013 Act to create hybrid offences that could be tried either by the Supreme Courts or Magistrate 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' - the '*fichthes*' phenomenon by implementing existing relevant legal provisions.

110. Entrench a culture of "zero tolerance" for corruption and 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 2013 Trafficking in Persons Act.

#### 6. Prevention

111. Step up efforts to raise public awareness amongst the general population about all forms of trafficking in persons, including for 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 English, Spanish, Creole, Mandarin and Hindi. 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, 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.**

---