

II CRITICAL ASSESSMENT OF THE IMPLEMENTATION OF ANTI-TRAFFICKING POLICY IN BOLIVIA, COLOMBIA AND GUATEMALA

Executive Summary





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<http://www.espaciosdemujer.org>

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What is the assessment?

It is an analysis of anti-trafficking policies and services in Bolivia, Colombia and Guatemala to assess the gap between what the legislation states and the services actually provided. Human rights-based recommendations to the three governments are drawn from the analysis.

Why is this important?

Because it encourages a monitoring mechanism that offers Civil Society Organizations an easy way of comparing promises with action, and using that knowledge to assess whether the policies are capable of protecting and promoting the rights of trafficked persons.

Because it is necessary to value civil society's knowledge and experience and take into account its role in the design, implementation and evaluation of public policies based on the rights of victims of crime.

What did we learn?

Despite national laws that require government institutions to ensure access to public information (including budgets), some institutions did not respond to the request. In other cases, the information provided was partial.

The lack of quality information on the part of the institutions with legal responsibilities for human trafficking wrongly leads to ill-informed and misdirected actions.



FINDINGS

One year after the first assessment, it can be said that **legislation against human trafficking is still not effectively implemented in any of the three countries.** The institutions are not fulfilling all of their responsibilities nor are they facilitating the restitution of the violated rights of trafficked persons.

Not only is there an **inadequate budget allocation specifically to enforce the law**, but most institutions responsible for prevention, care or prosecution are unaware of the budget available for their accomplishment.

One need identified in all three countries is **ongoing training** for persons involved in any of the processes of identification, care, protection and prosecution of crime with **regard to human trafficking and human rights.**

There is also no **uniformity in the collection of information**, which results in a high degree of ambiguity and, therefore, a lack of knowledge about the crime and associated violations. A proper record of trafficking cases would make it possible to classify and quantify information for the purpose of designing more suitable public policies.

Finally, it is worrisome that States generally continue to fail to link prevention strategies with public policies that deal with structural aspects such as poverty or the lack of basic rights coverage.



RECOMMENDATIONS

BOLIVIA

It is necessary for the Bolivian legislation to differentiate between human trafficking and the smuggling of migrants. This would make it possible to obtain accurate information about trafficking crimes and their magnitude versus smuggling and what the law refers to as “other crimes”. The conflation among all these terms leads to maladjusted prevention, assistance, and prosecution measures.

The budget allocation for handling both crimes should be differentiated in order to know how much of the total is earmarked, for example, for assistance to trafficked persons and how much for other measures such as migration control.

ASSISTANCE AND PROTECTION

- Implement the integral system of protection, care and reintegration for trafficked persons that was initiated in 2015.
- Complete the update of the Single Specialized Protocol as the basis for the alignment of the other care and protection protocols.
- Include personal, family and social assistance in job placement programs as prerequisites to economic and workforce reintegration.

PROSECUTION AND CRIMINAL CONVICTION

- Rethink the criteria for changing and rotating the police personnel assigned to human trafficking crimes in order to avoid setbacks in the investigative processes of these cases.
- The Public Prosecutor's Office should resume the development of a national strategy for the protection of victims and persons involved in trafficking cases.
- Define and agree common work goals among the institutions to avoid duplication.

BUDGET ASSIGNED TO THE FIGHT AGAINST TRAFFICKING

- Assign the necessary budget from the three levels of government in order to strengthen the 35 human traffic sections in the country.
- Manage sources of external financing for the implementation of a GPS Information and Public Safety System and the creation of a system of statistics and information about human trafficking.
- Steps should be taken to finance the Corporate Prosecutor's Office's Anti-human trafficking and the Forensic Division's Anti-trafficking and Pornography project.



COLOMBIA

Broadly speaking, the situation with regard to the assistance and protection axis has not changed with respect to the previous year and deficiencies in care and protection services remain unaddressed. It turns out that most of the budget is being spent on awareness-raising activities, while care services are almost non-existent.

It is also worrisome that the public budget was reduced in 2016 compared to the previous year and that the trend appears to continue in 2017.

ASSISTANCE AND PROTECTION

- Create mechanisms for the active identification of cases of trafficking that allow professionals from different fields to detect warning signs.
- Provide care on the basis that human rights are interdependent and indivisible and on the principle of equity and non-discrimination.
- Provide support to the families of trafficked persons.
- Determine inter-institutional responsibilities and their relative structure to ensure the timely assistance and protection of trafficked persons.
- Ensure effective restoration of the rights of trafficked persons.

PROSECUTION AND CRIMINAL CONVICTION

- Eliminate institutional barriers to access to justice, ensuring effective judicial support and protection.
- Design a monitoring system for the trafficking cases submitted for prosecution.
- Act with due diligence in ex officio complaints and investigations in order to establish individual responsibilities in the commission of crime.

PREVENTION

- Re-signify human trafficking: creating new meanings in campaigns to deconstruct social imagery and stereotypes.
- Design and implement a monitoring system that can assess the actions implemented within the framework of guaranteeing basic rights.



GUATEMALA

This year's conclusions reaffirm that the State has hardly improved the situation identified last year. The lack of awareness and the indifference of institutional staff in implementing the inter-institutional coordination protocol for the comprehensive care of trafficked persons stands out, and, so does the lack of commitment to make concrete decisions at the budgetary level so that institutions can ensure quality and specialized services .

ASSISTANCE AND PROTECTION

- Both the Social Welfare Secretariat and the Secretariat on Sexual Violence, Exploitation and Trafficking in Persons [SVET] should incorporate a system that allows the care that is offered in each case to be specialized, ensuring the restitution of violated rights and the construction of life plans.
- The measures and spaces necessary to provide comprehensive protection and care for trafficked adults should be enabled.
- The Inter-institutional protocol for the comprehensive care of trafficked persons should be implemented.
- The SVET should create the compensation fund for trafficked persons established by law.

PROSECUTION AND CRIMINAL CONVICTION

- Filter questionnaires that allow efficient identification of trafficked persons should be designed and applied.
- A proactive strategy for identifying trafficked persons should be implemented.

GENERAL ASPECTS

- Congress should approve the proposed reform of the Criminal Code to classify the purposes of trafficking that have not yet been classified to date.
- The Inter-Institutional Commission against Human Trafficking should incorporate into the Public policy against Human trafficking and victim protection 2014/2024 all the institutions responsible for its implementation and develop its action plan.
- The SVET should report on the PPTPPV's contents and include the strategic actions in the annual operational plans of the institutions involved.

