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2018 Trafficking in Persons Report - Curaçao

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CURAÇAO: TIER 2

Curacao is an autonomous entity within the Kingdom of the Netherlands. For the purpose of this report, Curacao is not a "country" to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. This narrative reflects how Curacao would be assessed if it were a separate, independent country.

The Government of Curaçao does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Curaçao remained on Tier 2. The government demonstrated increasing efforts by convicting two traffickers, the first conviction since 2014; approving the 2017-2021 national action plan; identifying more victims; and finalizing the victim referral mechanism. However, the government did not meet the minimum standards in several key areas. Punishment for trafficking offenses were insufficient for the seriousness of the crime and absence of dedicated funding for anti-trafficking efforts hindered the government's ability to effectively assist victims of trafficking.

RECOMMENDATIONS FOR CURAÇAO

Vigorously prosecute trafficking offenses and convict and punish traffickers, including any government officials complicit in trafficking, with effective prison sentences; implement guidelines for proactive victim identification and referral of possible trafficking victims among Venezuelan migrants; increase proactive victim identification efforts among vulnerable populations, such as migrants, foreign women and girls working in prostitution; assist potential victims of sex trafficking and forced labor, including those in prostitution; provide specialized care and assistance for trafficking victims, including male victims; finalize formal victim identification and protection measures to guide officials, including health workers, on assisting victims of forced labor and sex trafficking; fund the new national anti-trafficking action plan; provide targeted training and resources to local officials to conduct outreach to vulnerable migrant communities; raise awareness among migrant workers about their rights, trafficking indicators, and available resources; and enhance efforts to reduce the demand of commercial sex and forced labor.

PROSECUTION

The government slightly increased law enforcement efforts; however, sentences for trafficking offenses were not proportionate to the seriousness of the crime. The criminal penal code criminalized sex and labor trafficking and prescribed penalties ranging from nine to 24 years imprisonment or a fine. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government did not initiate any new investigations in 2017, compared to the investigation of two sex trafficking cases in 2016 and none in 2015. In 2017, the government prosecuted and convicted two traffickers involved in a 2016 investigation, compared with zero prosecutions or convictions since 2014. Both convicted traffickers received suspended jail sentences and three years of probation, penalties that were inadequate given the severity of the crime. Following the same 2016 investigation, the government prosecuted four allegedly complicit officials; three were convicted for crimes of perjury and forgery receiving a conditional sentence of one year, probation, and suspension from office. The fourth individual was acquitted of all charges of human trafficking although the judge found that he had engaged in objectionable behavior. The government did not report any new investigations of government employees complicit in human trafficking offenses. The investigation of a Venezuelan woman allegedly running an illegal brothel and facilitating the sex trafficking of women, predominantly from Venezuela remained ongoing. In coordination with the government of Aruba, the government trained approximately 120 law enforcement officials and NGOs on the criminal and judicial elements of human trafficking and migrant smuggling and the prosecution of these crimes according to the penal code.

PROTECTION

The government maintained efforts to identify and assist trafficking victims. It reported identifying five potential victims of trafficking, compared to four in 2016 and zero in 2015. Front-line responders utilized standard operating procedures on victim identification and referral. While the government did not operate any specialized shelters for trafficking victims, it had capacity to host female trafficking victims in shelters for women victims of domestic violence, which restricted victims' movements if their safety was at risk. Through an NGO, the Organization for Victim Assistance funded shelter for male victims in hotels or safe houses for troubled male youth. The government-funded NGOs on a case-by-case basis to provide victims with wide-ranging and comprehensive care and assistance, which included legal assistance, shelter, food, clothing, medical care, and counseling among other services. Government officials reported that absence of dedicated funding for anti-trafficking efforts hindered their ability to provide adequate support to trafficking victims. In 2017, four victims chose not to cooperate with the prosecution and asked to be returned to their country. The government facilitated their return; however, it was unclear if any other assistance was provided. The fifth victim assisted with the investigation and provided written testimony against her traffickers; she received temporary shelter and financial assistance to return to her country of origin. In the victim's absence, the victim's assistance bureau sought restitution from her traffickers on her behalf. Citing insufficient proof of damages, a judge denied the state's request.

PREVENTION

The government increased efforts to prevent trafficking. The government approved the 2017-2021

national action plan but did not establish a dedicated budget for its implementation. During the reporting period, the public prosecutor's office conducted research focused on the phenomenon of Venezuelan *trago meisjes* or drink girls. As a result of this research, the government-funded a robust internet awareness campaign seeking to dissuade Venezuelan women from traveling to Curaçao to work in bars and dance venues where they could become vulnerable to sex trafficking. The government operated a victim assistance hotline, although no trafficking tips were received during the reporting period.

The government continued to keep an official register of individuals in prostitution working legally in Campo Alegre. The Ministries of Justice and Social Development, Labor, and Welfare continued review of all work and residence permits. The Ministry of Labor allowed foreign migrant laborers to request residence permits independent of their employers to give employees better knowledge regarding the terms of work within contracts. The government did not report efforts to reduce demand for forced labor or commercial sex.

TRAFFICKING PROFILE

As reported over the past five years, Curaçao is a transit and destination country for women, children, and men subjected to sex trafficking and forced labor. Vulnerable populations include foreign and Curaçaoan women and girls in unregulated prostitution, as well as migrant workers from other Caribbean countries, South America, India, and China in the construction, landscaping, minimarket, retail, and restaurant industries. Due to the deteriorating situation in Venezuela, legal and illegal migration to Curaçao increased, leaving many vulnerable to trafficking, including women working illegally at bars and brothels.

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