



# REGIONAL

# GUIDELINES

## FOR THE SOCIAL INCLUSION

## OF SURVIVORS OF TRAFFICKING IN PERSONS IN THE AMERICAS



**LUIS ALMAGRO**  
SECRETARY GENERAL

**NESTOR MENDEZ**  
ASSISTANT SECRETARY GENERAL

**MARICARMEN PLATA**  
SECRETARY FOR ACCESS TO  
RIGHTS AND EQUITY

**LUIS FERNANDO LIMA OLIVERA**  
SECRETARY FOR  
MULTIDIMENSIONAL SECURITY

**BETILDE MUÑOZ-POGOSSIAN**  
DIRECTOR OF THE  
DEPARTMENT OF SOCIAL INCLUSION

**STEVEN GRINER**  
DIRECTOR OF THE DEPARTMENT  
OF PUBLIC SECURITY

**GUILLERMO MONCAYO**  
PRINCIPAL OFFICER



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This document is the product of a collaborative effort between the Organization of American States (OAS) and the International Organization for Migration (IOM) and was reviewed by OAS member states in consultations within the framework of the Working Group to Address Trafficking in Persons (2022-2023), chaired by the United States of America, and representatives of Social Development authorities and equivalent institutions.

## CREDITS

### Authors:

Águeda Marín Hernández, Senior Regional Specialist in Protection to Migrants, IOM  
Lorena Haupt, Consultant, IOM  
Sara Mía Noguera, Chief of the Section for Equity Promotion, Department of Social Inclusion, OAS

### Review:

Betilde Muñoz-Pogossian, Director, Department of Social Inclusion, OAS  
Steven Griner, Director, Department of Public Security, OAS  
Guillermo Moncayo, Principal Officer, Secretariat for Multidimensional Security, OAS  
Anna Uchoa, Chief of Violence Prevention Section, Department of Public Security, OAS  
Jane Piazer, Specialist of Prevention of Violence Section, Department of Public Security, OAS  
Office to Monitor & Combat Trafficking in Persons/U.S. Department of State.

### Editing:

Clara Burjel Guidali, Specialist, Department of Social Inclusion, OAS

### Graphic Design:

Nicole Levoyer, Specialist, Department of Social Inclusion, OAS

## CONTRIBUTIONS

Special recognition is given to Mr. Carlos Maldonado, Social Affairs Officer of the Economic Commission for Latin America and the Caribbean (ECLAC), whose contributions enriched this tool, aligning it with regional and international consensus on the subject.

Published with the financial support of the Anti-Crime Capacity Building Program (ACCBP), Global Affairs, Government of Canada.



Regional Guidelines for the Social Inclusion of Survivors of Trafficking in Persons in the Americas

ISBN 978-0-8270-7622-8

This is a publication of the General Secretariat of the Organization of American States (SG/OAS) and the International Organization for Migration (IOM). OAS and IOM publications are independent of specific national or political interests. The opinions expressed in this publication do not necessarily represent the view of these organizations.

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Regional Guidelines for the Social Inclusion of Survivors of Trafficking in Persons in the Americas [prepared by the Organization of American States and the International Organization for Migration].

p.; cm. (OAS. Official records; OEA/Ser.D/XXVI.51)

ISBN 978-0-8270-7622-8

1. Human trafficking--Law and legislation--America. 2. Human trafficking victims--America. 3. Social integration--America. 4. Human rights--America. I. Title. II. Organization of American States. Secretariat for Access to Rights and Equity. Department of Social Inclusion. III. International Organization for Migration. IV. Series.

OEA/Ser.D/XXVI.51

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# Preamble

**T**hese regional guidelines are a non-binding reference guide with information and guidance on interventions and actions that should be present in the design and implementation of strategies for the effective social inclusion of survivors of trafficking in persons.

They are mainly addressed to government authorities and their implementing partners in charge of providing assistance, including psychosocial support, and protection for survivors of human trafficking, although they may also be useful for other institutions and organizations engaged in the fight against human trafficking.

All OAS Member States were consulted in the process of developing these Guidelines and this document includes their contributions and edits.

# 1. Introduction



Trafficking in persons (TIP) is a serious violation of human rights based on structural inequalities, which are also thereby deepened. Socioeconomic and gender-based inequalities, social exclusion, armed conflicts, widespread violence, and lack of opportunities, livelihoods, and information on the migration legislation of the destination country are some of the factors that increase the risk of being targeted by traffickers and perpetrators of other crimes. Likewise, traffickers, including criminal networks, often operate with near impunity within the contexts of poverty, large displacements of vulnerable migrants and refugees, and corruption, making marginalized groups more vulnerable to becoming victims of this crime.

Since 2015, there has been an unprecedented phenomenon of human mobility in the Americas region partly due to the displacement of millions of Venezuelans, many of them in a situation of extreme vulnerability, resulting in one of the most severe humanitarian crises worldwide<sup>1</sup>. As of January 2022, close to 6 million Venezuelans have left their communities of origin, seeking resettlement across the Americas, mainly in Colombia, Peru and Ecuador, followed by Chile, Brazil and Argentina<sup>2</sup>. A recent IOM study on trafficking in persons in South America shows that all the countries in the region have officially registered cases of Venezuelan trafficking victims, mainly women for the purposes of sexual exploitation. It should be noted that, during the first phase of the study carried out in the first half of 2019, there were no reported cases of Venezuelan trafficking victims in any country, which suggests

increasing incidence of this crime in the region since the onset of the crisis in Venezuela<sup>3</sup>.

The COVID-19 pandemic has exacerbated the vulnerability of the Venezuelan population and of migrants in general, who have been particularly affected by the impact of the health crisis on the socioeconomic conditions and the possibilities of improving their livelihoods.

These Regional Guidelines for the social inclusion of survivors of trafficking in persons in the Americas were developed to reinforce institutional responses to protect and assist survivors of trafficking in persons. This document provides information on strategies to strengthen the social inclusion of trafficking survivors. The guidelines are mainly targeted at government authorities and their implementing partners in providing assistance, including psychosocial support, and protection to survivors, although the content may also be useful for other institutions and organizations committed to combating trafficking in persons.

Consistent with the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol) and other relevant international instruments in this field, trafficking survivors have the right to receive protection and assistance from the States, to be treated with regard to their human rights and specific vulnerabilities, and have facilitated access to justice, remedies, and the

1. IOM (2020): World Migration Report 2020. Available at <https://publications.iom.int/books/world-migration-report-2020>

2. Data provided by the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, available at: <https://r4v.info/es/situations/platform>

3. IOM (2020): Características de la trata de personas en contextos humanitarios en América del Sur (Characteristics of trafficking in persons within humanitarian contexts in South America). To be published soon.



restoration of their violated rights. In this regard, interventions to support trafficking survivors should include immediate responses to protect their integrity and safety, as well as their physical and emotional well-being. It is, moreover, necessary for assistance strategies to also include actions to strengthen the social inclusion of trafficked survivors in the long term, facilitating sustainable programs so they can rebuild their lives, free from violence and revictimization. Likewise, their self-determination and empowerment, as well as their active participation in matters affecting their inclusion should be promoted from the initial stage of assistance, through the governments of each country.

It is important to note that, although there are several definitions of "social inclusion," this document uses the ECLAC definition which describes it as "a process of improving economic, social, cultural and political conditions in order to enable people to participate fully in society" (ECLAC, 2008 and 2009; United Nations, 2016; Levitas and others, 2007) which has both objective and subjective dimensions.

Full social inclusion can be achieved when conditions are in place for the survivors of trafficking in persons to actively participate in the social, economic, cultural, and political life of the community in which they live, regardless of their nationality, whether they have returned to their place of origin or reside in the country where the exploitation occurred. In the definition of social and economic inclusion strategies, the specificities of each national context should be considered regarding the different phases of the migration cycle (origin, transit, destination and/or return), as well as the particular

needs and vulnerabilities of people at each of these stages<sup>4</sup>.

These guidelines adopt an integrated approach to social inclusion that organizes intervention areas into individual, community, and structural levels and requires, for their application, respect for the guiding principles of assistance, protection and social inclusion spelled out in section three.

The document proposes an outline of fundamental actions for social inclusion, adjusting the implementation and scope to the characteristics and needs of each context. In this regard, the outline does not intend to be an all-embracing, final description of the interventions to be carried out, but instead a shared reference framework for designing and deploying different strategies to strengthen the social inclusion of trafficking in persons survivors in the countries of the region.

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4. See: <https://www.cepal.org/es/publicaciones/44021-proteccion-social-migracion-mirada-vulnerabilidades-lo-largo-ciclo-la-migracion>

# 2.

The crime of trafficking  
**in persons in the current  
regional context**

Trafficking in persons is a multicausal complex crime with recruitment and exploitation modalities that differ or may change according to the characteristics of the context in which it happens, including in various industry sectors and through social connections that rely on criminal networks to operate.

These guidelines adopt the internationally-accepted definition set forth in the UN TIP Protocol<sup>5</sup>, that defines trafficking in persons as "a) recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; b) The consent of a survivor of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article; d) 'Child' shall mean any person under eighteen years of age."

At the international and regional levels there is a relatively small number of regulatory instruments that exclusively address

trafficking in persons. However, and due to the complexity of the crime, there are several other instruments referring to a specific form of trafficking, for instance, forced labor, or slavery, among others, or to a specific trafficking vulnerability, such as international migration or gender inequality.

The extent of the strategies to combat trafficking in persons depends on the existence of appropriate regulatory frameworks at the international, regional, national, and local levels. It also relies on specialized, coordinated, and efficient institutional responses to this crime, as well as administrative and/or judicial mechanisms and procedures to implement the different actions for the prevention, detection, and prosecution of trafficking cases, and the provision of assistance to and restitution for survivors without discrimination.

In the last two decades, combating trafficking in persons has played an increasingly important role in the political agenda of the States and the international community. It has resulted in significant progress in the development of regulatory frameworks at different levels, various institutional practices, and coordination capacities among the different stakeholders.

An example of such progress at the regional level took place within the Quito Process, led by the countries in the region, with a view to coordinating the response to the complex situation of human mobility of Venezuelan nationals. Trafficking in persons was one of the priority topics addressed during the technical meetings held by members that urged the creation of a Regional Coordination Mechanism for the Prevention,

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5. Adopted in 2000, the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children supplements the United Nations Convention against Transnational Organized Crime. To date, it has been ratified by 178 States.

Protection and Assistance, and Prosecution of Human Trafficking Crime, with the support of IOM. This recently approved mechanism is a milestone in the strategies to combat trafficking, since it is the first instrument of regional scope that seeks to address the humanitarian crisis that people face when they leave their country and, even more so, if they are victims of this crime.

Another frame of reference at a regional level is the Second Work Plan to Combat Trafficking in Persons in the Western Hemisphere (2015-2022)<sup>6</sup>. The document was prepared and approved by the 34 member states of the Organization of American States (OAS). The Work Plan outlines regional priorities for the prevention, assistance, protection, and prosecution of cases of trafficking in persons. The progress report on its implementation presents information on 33 countries in the region. The report points to a trend in the establishment of specialized units on TIP, especially in prosecutors' offices, and exclusive telephone lines for case reporting. Another important finding is that more than half of the countries that responded to the questionnaire incorporate a gender perspective into their national policies and plans to combat trafficking in persons.

Nonetheless, and despite progress made in this field, there are still significant challenges and difficulties to identify and assist survivors, including in the prevention, care, protection and reintegration of victims and the prosecution of the crime. Trafficking in persons continues to be an invisible crime, partly because of the banalization regarding some of its manifestations as, for instance, labor exploitation or child

labor, and the social acceptance of discriminatory and abusive practices in some places and targeted at certain segments of the population, such as LGBTIQ+ individuals, persons with disabilities, women, girls, boys and adolescents, older persons, migrants -particularly those in an irregular situation, stateless persons, racial and ethnic minorities, and those without birth registration and identity documentation, among others.

This invisibility, together with difficulties in detection and self-identification that are increased by the clandestine nature of the crime and/or its social and cultural normalization, results in a significant under-registration of the number of identified victims.

The context of the pandemic, isolation and stay-at-home or other restrictions, have hindered even further the detection and prosecution of TIP, impeding the established referral and assistance mechanisms for survivors. Pending challenges are moreover linked to the need for reinforcing the rights-based approach in all response strategies and, in this regard, placing the recovery of survivors' rights at the center. The adoption of this approach means States should be able to provide protection and assistance to survivors, as holders of universal human rights, regardless of their migration status and their willingness or not to cooperate with trafficking -in persons investigations or the justice system.

6. <https://www.oas.org/ext/en/security/crime-prevention-network/Resources/Digital-Library/ArtMID/1698/ArticleID/2688>



Guiding principles  
**for the protection,  
assistance and social  
inclusion**  
of trafficking in  
persons survivors

3.

The design and implementation of actions for protecting and assisting trafficking survivors should respect the guiding principles set forth below. They are the basis for building respectful practices for the effective restoration of rights and the full social inclusion of survivors.



## I. Protection and respect of human rights

Trafficking in persons is a serious violation of the victims' human rights. Protection and assistance actions should aim at restoring human rights and preventing violations of such rights, in accordance with the international standards established by the inter-American human rights system, as well as preventing any future violation of those rights.



## II. Comprehensive and personalized assistance

Although trafficking survivors share the experience of having faced serious situations of abuse and exploitation, the effects of these experiences vary from one person to another. Therefore, the services provided should adapt to the circumstances in each case and the specificities of each person's particular needs, conditions or situations of special vulnerability while taking into account their cultural, ethnic, and racial background, nationality, migration status (regular or irregular), age, gender identity, expression, and sexual orientation, type of disability, religious choice, and other vulnerability factors affecting at-risk groups, such as migrant children and adolescents, and homeless persons, among others.

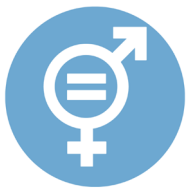
Assistance should be initiated from a comprehensive approach, implementing a set of coordinated intersectoral and inter-institutional articulated actions that incorporate voluntary input from survivors on the services they need and when their emotional and physical conditions permit. This facilitates timely and specialized care and restores their access to health, security, justice, education, housing, work, and family, among other issues, and their social inclusion.



## III. Trauma-informed care

Commonly, trafficking survivors have experienced situations of extreme violence, abuse, and threats before, during and sometimes after trafficking. Support strategies should consider and recognize the impact that these traumatic experiences may have on people's lives, especially in the case of particularly vulnerable groups such

as children and adolescents. In this regard, this approach promotes the realization of the widespread impact of trauma and the many avenues to recovery, as well as recognizes the signs and symptoms of trauma not only in survivors but also in those providing services. In addition, this approach promotes that knowledge of trauma be implemented into the response at the policy, procedure, and practice levels while seeking to prevent the re-traumatization of survivors, their families, and their communities, thus avoiding re-victimization or poly-victimization. It also promotes safer environments and practices that facilitate the survivor's recovery. It is very important to consider the fears that persons may have for their safety and their families' safety. It is also important that they feel empowered in making decisions, and that in the assistance process they understand their options and are treated with respect and dignity.



#### **IV. Gender perspective**

The impact of gender and gender-based violence on the experiences, vulnerability and needs of survivors should be duly recognized and appropriately addressed by the protection and assistance services. For example, in the case of transgender people, it is important that the person providing care uses the individual's preferred name, the grammatical gender appropriate to their gender identity, preferences and expression, while providing appropriate treatment. Whenever possible, the person providing care should have the same gender identity or expression as the survivor of trafficking being assisted. The implementation of the gender perspective in assistance strategies respects the principle of non-discrimination due to gender. Gender-responsive policies and practices also promote equity so that individuals of any gender identity can access appropriate resources and exercise their rights.



#### **V. Non-discrimination**

All trafficking survivors have equal rights and shall not be discriminated against because of their gender identity, sexual orientation, religion, social status, age, skin color, race, ethnicity, language, political or other opinions, nationality or social origin, migratory status (regular or irregular), occupation, place of birth, or any other status or condition, such as having a disability.



#### **VI. Access without barriers**

The adequate quantity and quality of assistance services should be made available, and access thereto should not be limited by arbitrary, judicial, political, administrative, financial, physical, or safety barriers, among others.



Likewise, accessibility to services should not be restricted by any physical and/or mental, visible or invisible, disabilities or abilities.



## VII. Inter-cultural approach

Exploitation in a situation of trafficking can happen away from the place of origin or usual residence of the victim. Therefore, survivors may find themselves in an environment with a different cultural framework than their own, with other traditions, family and social roles, languages, or legal frameworks. The inter-cultural perspective is relevant in a context of trafficking in persons since, frequently, there are discriminatory attitudes and prejudices towards certain races, genders, cultures, or ethnicities that normalize or render invisible the exploitation and violation of victims' rights. The inclusion of an inter-cultural perspective in social interventions with trafficking survivors entails recognizing and respecting gender, racial, ethnic, and cultural diversity, among other factors, and adopting practices that promote dialogue with no prejudice or discrimination among the different cultures. If the trafficking survivor does not speak the language, it is the responsibility of the State to appoint an impartial interpreter to assist them.



## VIII. Sustainability

Assistance programs for trafficking survivors should have the capacity to provide an immediate response to situations or problems that may require quick action to ensure survivors' physical and emotional integrity. However, this first response should go together with sustainable intervention strategies over the course of time to allow an effective restoration of rights and the social inclusion of the survivors, which is more likely to have a positive effect on their interim living conditions.



## IX. Self-determination and participation

Institutions and organizations should continuously promote and strengthen the participation of survivors of trafficking in persons in decision-making regarding their protection and assistance services regardless of whether or not they participate in criminal justice proceedings against the trafficker(s). Their involvement in decision-making increases their autonomy and reinforces the sense of ownership and the sustainability of their own inclusion process.

The intervening institutions, whether of a judicial and/or administrative nature, have the duty to protect and promote the rights to information, expression of views and concerns and participation, especially safeguarding



the respect of children and adolescents according to their level of development and their progressive autonomy. In this regard, it is important to avoid any unnecessary over-intervention that could lead to a re-victimization, which makes coordination and collaboration between the intervening institutions crucial.

Likewise, it is important to consider the consent of children and adolescents, even if they have the consent of parents or adults. The willingness of children and adolescents to receive assistance from the intervening institutions should be ensured.



## X. Principle of “No Harm”

Taking into consideration the extreme vulnerability of survivors and the risks they are exposed to, the principle of “do no harm” should be applied to any program and/or activity related to trafficking in persons. The institutions in charge of protection and assistance have the obligation to assess and mitigate any potential harm that the planned actions can cause survivors, including during criminal investigations. The activity should be suspended or postponed if it may have harmful effects. All parties working to support the survivor should apply a victim-centered and trauma-informed approach that incorporates survivors' input and recommendations. The risk assessment at the beginning of the survivor's assistance process is an essential factor to avoid any harm to the survivors.



## XI. Celerity

All services and assistance to survivors must be carried out with reasonable promptness, with no unnecessary delays in decision-making or execution, while always considering the principle of confidentiality. This can be promoted through streamlined communications, Memorandums of Understanding (MOUs), cooperative agreements between agencies, interagency codes of conduct based on the legislation in force, and having in place an interagency policy that takes a comprehensive approach to human trafficking.



## XII. Respect for confidentiality and privacy

Survivors' information and personal data must always be managed according to the strictest confidentiality criteria.

The authorities shall adopt measures to underscore respect for the right to privacy of the victims and, therefore,

information about the private life of persons should only be requested when it is strictly necessary.

Entities and agencies have the obligation not to disclose the victim's personal information and to safeguard their identity by all available means.

Should there be a need to share personal information with other institutions or areas to coordinate assistance, the survivor should be informed and provide informed consent prior to sharing. Only data necessary for the assistance and protection process will be requested of survivors. In addition, it is important only to obtain the information necessary to achieve the outcome of the services and processes provided. This process avoids re-victimization and helps protect the safety of the person and their right to privacy and identity.



### **XIII. Informed consent**

Before assistance and services are rendered, survivors should freely provide their informed consent. Therefore, they should clearly obtain all information on their rights and the services available to them in a language they understand. During the process of assistance, protection and inclusion, survivors may change their minds. Therefore, they should be informed that they can withdraw their consent at any time.

In cases where the victims are children or adolescents, their progressive autonomy should be considered by the responsible adult, as well as the right to information. Consent should be considered when the child or adolescent grants it, creating pertinent and specialized instances in which age-appropriate language is used.



### **XIV. Best interest of children and adolescents**

Those caring for children and adolescents should bear in mind the principles mentioned herein, including their right to actively participate in decision-making on matters regarding the inclusion processes. Interventions should be appropriately implemented and communicated, according to the survivor's age and cognitive development. Protection and assistance for children and adolescents calls for a specific approach, in which the best interest of the child or adolescent is a primary consideration in each of the decisions and/or measures taken by both public and private judicial or administrative institutions, international agencies or civil society organizations. Family unity should be protected, when appropriate. In the case of separated or unaccompanied trafficked children, efforts shall aim at family reunification, if the assessment of the best interests of the child or adolescent does not advise to the contrary due to concerns for family-facilitated trafficking or other forms of family violence.



If it is decided not to reintegrate children with their families, the relevant authorities will have to appoint a guardian ad litem, so that the children's interests can be better represented.

It is important to listen to the children and adolescents to see if they have a reference person who gives them confidence and generates security.

### **Section on roles and responsibilities**

Each entity that comes into contact with a trafficked person, whether before, during, or after the trafficking situation, should be clear about its role and responsibilities in assisting such person.

Disclosure of experiences of exploitation is not automatically necessary to all who are connected to a potential victim or confirmed victim and if these are disclosed in a forced manner, any possibility of criminal prosecution may be ruined or adversely affected.

### **Ethical Considerations**

<https://www.ovcttac.gov/taskforceguide/eguide/6-the-role-of-courts/62-ethical-considerations/>

<https://nhctac.acf.hhs.gov/soar-for-individuals/soar-online>

<https://www.acf.hhs.gov/otip/news/core-competencies-anti-trafficking-response-healthcare-systems>



## **XV. Special protection**

The principle of special protection implies a differentiated approach for trafficking survivors according to the group to which they belong.

In all administrative, legal, investigative and/or judicial proceedings that involve trafficking survivors, the principle of special protection should be applied, providing special protection and care mechanisms that seek justice and prevent revictimization, re-traumatization, or the generation of a new trauma.

This principle recognizes the vulnerability of certain groups due to their characteristics and the need to adapt procedures to address their needs. It is recognized that survivors of trafficking in persons should be provided with protection, assistance and treatment that responds to their specific needs.

Additionally, in the case of children and adolescents, whether they are alone or accompanied by an adult caregiver, adequate protection and humanitarian assistance should be provided to safeguard their human

rights.



## XVI. Presumption of underage status

In investigations of trafficking situations involving survivors of trafficking, if there are doubts as to whether a person is a minor or an adult, the principle of presumption of underage status should be applied and it should be assumed that the victim is under 18 years of age.

The fact that there are doubts about the real age of the survivor of trafficking should not be an impediment to the initiation of an investigation, and the treatment and protection to be given to the victim should respect standards for the protection of children and adolescents, especially when the investigation has yet to determine their age.



## XVII. Access to justice

Access to justice is a basic principle for the full exercise of human rights. Trafficking survivors should have equal and effective access to justice.

All victims should be able to have access to pro bono legal counseling and access to justice on equal terms with nationals, including the right to due process and other procedural safeguards.

The right of access to justice and to an effective remedy should not be subject to providing identity documents that are difficult and, in some cases, impossible, for migrants to obtain.

Legal representation specialized in the rights of children and adolescents should be ensured in proceedings where they are victims of such crimes.



## XVIII. Principle of co-responsibility

Public State entities at both the national and local levels have the responsibility to provide access to comprehensive assistance to victims of trafficking in persons consistent with their competencies and authorities.



# 4.

## Standards for the social **inclusion of survivors of trafficking in persons**

International and national regulatory instruments refer to the social inclusion of trafficking survivors in the stage after exploitation, in which the States have the obligation of creating effective remedy mechanisms and of offering assistance and protection to victims. In this regard, the UN TIP Protocol states that every State Party should consider the implementation of measures for the physical, psychological, and social recovery of victims, such as providing appropriate housing, counselling and information, medical, psychological, and material assistance, access to justice, and employment, educational and training opportunities.

On the other hand, the Principles and Guidelines on Human Rights and Trafficking in Persons<sup>7</sup> specifically mention the case of survivors returning to their countries of origin and their need to be provided with "the assistance and support necessary to ensure their well-being, facilitate their social integration and prevent re-trafficking".

Moreover, the Global Compact for Safe, Orderly and Regular Migration establishes that trafficking survivors should be provided with "protection and assistance, such as measures for physical, psychological and social recovery, as well as measures that permit them to remain in the country of destination, temporarily or permanently, in appropriate cases, facilitating survivors' access to justice, including redress and compensation, in accordance with international law". Likewise, Objective 16 of the Global Compact addresses the need to empower migrants and societies to realize full inclusion and social cohesion in the receiving communities.

At the Inter-American level, the OAS Second Work Plan to Combat Trafficking in Persons in the Western Hemisphere

(2015-2022) established among its guidelines that member states offer communication channels, including toll-free help and complaint lines to disseminate information in different languages, including indigenous languages that predominate in the member states. Information should also include services and actions to combat trafficking in persons, legal procedures to obtain employment, immigration policies, and healthcare options, including psychosocial assistance, among others. In an additional guideline, the Second Work Plan recommended that countries adopt policies to ensure that survivors of trafficking, who do not have a regular migration status, can have access to protection and are allowed to remain in the territory, temporarily or permanently, where appropriate, as an important step towards the social inclusion of survivors.

In practice, the assistance and protection strategies for survivors of trafficking in persons usually focus on short-term interventions to meet urgent, specific needs and, to a lesser extent, support actions with a sustainable scope throughout time, beyond the initial recovery stage. Interventions with trafficking survivors should offer long-term solutions to enable full social inclusion, reintegration, and restoration of rights. Vis-à-vis the lack of lasting solutions, trafficking risk factors persist and there is an increasing possibility of again becoming victims of this crime.

Although there is no universally accepted definition of "social inclusion", its use has increasingly gained ground within and outside the academic sector, in replacement of other terms of widespread use such as integration and social insertion.

In the case of trafficking survivors, social inclusion is a notion that encompasses reintegration, meaning situations in which

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7. Recommended Principles and Guidelines on Human Rights and Human Trafficking, UNHCHR, 2002. Available at: <https://undocs.org/en/E/2002/68/Add.1>.



they return to their countries or communities of origin, as well as integration, in which the foreign national survivors remain in the country or locality in which the exploitation has taken place. Survivors have the right to rebuild their lives, re-establish their physical and emotional well-being, build social capital, and achieve full social inclusion, regardless of whether this materializes in the country of destination or origin.

In this regard, the notion of social inclusion conveys “the idea of a process, in which recovery is the first step but the end goal is the full and permanent restoration of all rights that had been violated before and during the trafficking cycle. Hence, social inclusion should be understood as a process of improving the participation in society of people who are disadvantaged – through enhanced opportunities, access to resources, a voice, and respect for their rights”<sup>8</sup>. This concept emphasizes the participation of the survivors in matters concerning their social inclusion, and the active role that institutions and public policies have in putting this process on track.

## 4.1. Integrated approach to social inclusion

These guidelines adopt an integrated approach<sup>9</sup> for the design and implementation of strategies and programs to strengthen the social inclusion of trafficking survivors. This approach is based on the premise that social inclusion can be sustainable when the survivors have reached levels of economic self-sufficiency, social stability, and psychosocial well-being, either when returning to the country of origin, through a reintegration

process, or in the country of destination where exploitation took place. Financially self-sufficient people can secure their livelihoods, participate in local economic activities, and benefit from them in a dignified way. It is equally essential for trafficking survivors to experience a sense of belonging, to establish strong social relationships and participate in the community in which they reside. Psychosocial well-being is also underpinned by the existence of effective safety and security mechanisms and the availability of essential services (education, housing, food, access to health, including mental health and justice, among others).

**The integrated approach is based on the recognition that social inclusion is a complex and multidimensional process, which encompasses economic, social, cultural, and psychosocial integration, and interventions in these spheres should take place at three levels: the individual, the community, and the structural.**

At the individual level, the specific needs of the trafficking survivors should be met. At the community level, community ties and community participation in the reintegration process should be strengthened. At the structural level, the creation and strengthening of adequate normative and institutional frameworks to enable restoration of the survivors' rights in a sustainable manner should be promoted.

It is important to keep in mind that the delimitation of each level is conceptually useful. However, in practice, these categories are interconnected and can influence one another.

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8. Report of the Special Rapporteur on trafficking in persons, especially women and children A/HRC/41/46, 2019. Available at: <https://undocs.org/A/HRC/41/46>.

9. The integrated approach to social inclusion uses as a reference the integrated approach to reintegration outlined by the International Organization for Migration (IOM). For additional information, see: Reintegration Handbook. Practical Guidance on the design, implementation and monitoring of reintegration assistance, published in 2019 and available at: [https://publications.iom.int/system/files/pdf/iom\\_reintegration\\_handbook.pdf](https://publications.iom.int/system/files/pdf/iom_reintegration_handbook.pdf).



For example, lack of access to health care or discriminatory practices in the health-care setting can affect people's psychosocial well-being, and this, in turn, can have an impact on their economic integration.

An integrated approach to social inclusion should be implemented, respecting the guiding principles for the protection and assistance of trafficking survivors, who shall be regarded as rights-holders throughout the process.



## 4.1.1

### SOCIAL INCLUSION AT THE INDIVIDUAL LEVEL

Support at the individual level is provided directly to the survivors of trafficking, with adjustments to the particularities, needs, and skills of each person.

The social inclusion plan, which should be developed together with the survivor, is a useful tool to guide actions, as well as to provide clear and realistic information about the scope of the interventions.

The following is a description of the main components at the individual level which are relevant at the time of planning and executing actions in support of the social inclusion of trafficking survivors.

The examples do not encompass all components that can be implemented within the framework of a comprehensive individual assistance plan and be part of the new "life project" that should be designed together with psychologists and social development professionals, but instead presents the minimum standards, basic rights and services that should be

made available for the effective social inclusion of trafficking survivors.

## Protection and safety



Trafficking survivors should not be detained, deported, punished, or tried for having crossed an international border in an irregular manner or for the commission of any crime or illegal act that is a direct result of the trafficking situation even in situations in which the victims have, at first, consented prior to being deceived, or been forced to commit non-violent illicit acts.

Likewise, States should implement measures to help that trafficking survivors are duly protected from any harm, threat, and/or intimidation by the traffickers. The identity of the survivors should be protected and handled with the strictest confidentiality.

Trafficking survivors should also be informed of their right to access consular or diplomatic assistance from their country of origin and consular and diplomatic officials should be trained and sensitized on the specific approach to assist and guide trafficking survivors. Formalities at the embassies and consulates should not be insisted upon in the case of survivors seeking asylum.

In that regard, it is important that the right of trafficking survivors to request asylum is respected in accordance with the international regulatory framework, and that the principle of non-refoulement (e.g., deportation, extradition, etc.) to the country of origin is respected in such cases.

States should endeavor to ensure the protection and safety



of the survivors and provide them with immediate assistance, regardless of whether the person decides to give testimony and collaborate in the trial against traffickers and exploiters.

In the event survivors decide to return to their country of origin, the States of destination and origin should facilitate the voluntary return and reintegration in safe conditions for survivors and their family members. That return should be completed as soon as possible and with the utmost attention.

## Documentation and immigration regularization

Persons with no documents to confirm their identity or with an irregular migration status have a greater risk of experiencing trafficking in persons and violation of their rights. For those cases of national survivors who during the process of recruitment, transportation and/or exploitation have been deprived of their documentation, or if it has been lost, the State should respond promptly and issue a new identification card.

On the other hand, there should be legal mechanisms in place so that foreign national survivors of trafficking in persons can regularize their migration status. Article 7 of the UN TIP Protocol establishes that “each State Party shall consider adopting legislative or other appropriate measures that permit survivors of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.” Granting of residence permits should be analyzed in the light of the principles and obligations established by the different international and regional instruments committed to by the States, such as the right of survivors to access justice and be a party in lawsuits against traffickers, and to remain in the territory during such

proceedings, the right to an effective remedy, to protection and safety, the right to fulfillment of the non-refoulement principle and, in the case of children and adolescents who are trafficking survivors, the right to have the child's best interests prevail.

## Access to justice and the right to reparation/redress

A fundamental human right of trafficking survivors is access to justice and effective redress mechanisms. In this regard, survivors of trafficking in persons should receive legal counselling and assistance regarding the process of access to justice. They should also be able to decide whether they want to contribute to the investigations involving criminal networks, traffickers and/or exploiters. The decision to participate or not in any processes that involve access to justice should be made in a free, safe, and informed manner. Information and legal assistance throughout court proceedings should be clearly provided, and in the language spoken and understood by the survivor.

In that regard, it is important to provide effective access to such procedures, effective access of victims to courts and authorities that respond appropriately. Likewise, there should be clarity as to who is in charge of providing such information and assistance. In particular, cases involving members of vulnerable groups, such as children and adolescents, should be addressed through approaches that take account of the special characteristics of the victims.

In line with the main international instruments, survivors have the right to be compensated, which can be realized, for example, through the seizure or confiscation of assets linked

to the criminal act and used for the benefit of the survivor, or through a special compensation fund for trafficking survivors. Compensation should be appropriate and proportionate to the seriousness of the crime and the circumstances in each case, as well as cover all economically assessable damages resulting from violations of international human rights law. Furthermore, restitution is intended to wipe out, as far as possible, all consequences of the wrongful act and to re-establish the situation which, in all probability, would have existed if the act had not been committed.

## Access to the labor market and financial inclusion



Access to income-generating activities and specific support to create micro-enterprises are essential actions to facilitate the inclusion of trafficking survivors in the labor market, ensuring sustainability over time. The possibility of having an income to provide for them and their families is one of the main concerns and priorities voiced by survivors. The lack of job opportunities is one of the main indicators that exposes and leads persons to become victims of the trafficking in persons crimes.

Labor inclusion can be promoted through access to financial services which help survivors to gain access to the formal financial sector and facilitate self-sufficiency. Access to the market in decent working conditions has an impact not only on the economic front but also on their psychosocial well-being, increasing social networks, restoring their sense of dignity, and facilitating the autonomy and independence of survivors and their families.

The following fundamental considerations can help to facilitate

access to the labor market and financial inclusion:

- ✓ State programs already in place for labor counselling and training, job searches and access to the financial services should be made available to trafficking survivors, and their access thereto should be prioritized, with no discrimination, and regardless of the immigration status of the person.
- ✓ Support to micro-enterprises is a feasible option in some cases, depending on the person's interest and experience. Nonetheless, it is important to consider that not everyone has the profile or the interest in having their own undertaking so survivors should be advised and guided during the assistance process.
- ✓ Specific programs for promoting labor market inclusion of trafficking survivors may encompass actions such as trauma-informed training and preparedness to look for a job (considering the trauma experienced by the victim), the inclusion of quotas in public sector job vacancy announcements, and agreements with the private sector for training and hiring trafficking survivors and with financial institutions to facilitate micro-loans, access to banking and other financial services.
- ✓ In cases where the conditions are not in place for the survivors of trafficking to enter the labor market or to do so only partially, without being able to cover all of their basic needs (e.g., due to family care responsibilities, disability, and/or mental health problems, among other factors), direct financial assistance, such as cash transfers, is an option that should be available for accessing a better livelihood. This assistance can be provided by government agencies, international organizations, or community support mechanisms (CSOs).
- ✓ Provide temporary or permanent residency as well as work permits for foreign national victims to facilitate their recovery and social inclusion into society.



- ✓ Existing service delivery programs and agencies should assess the need for legal services during intake procedures and assist survivors in applying for vacatur or other legal remedies to remove criminal convictions related to the trafficking experience from their record to facilitate access to employment opportunities. Legal services can be provided directly through qualified staff or through referrals to agency partners.
- ✓ Access to transportation and access to workplaces within or close to a trafficking survivor's residence is important for survivors to successfully achieve and maintain financial stability.

## Inclusion in the educational system

Access to education is one of the fundamental human rights that allows access to other rights through learning, yet it is often violated when trafficking in persons occurs. The lack of possibilities to complete primary and secondary education exposes people to greater risks of trafficking and to situations of precarious employment and labor exploitation. Formal and non-formal education strengthens the autonomy and resilience of people and increases the possibilities of accessing the necessary livelihoods to provide for themselves and their families. Participating in different training opportunities has a positive impact on psychosocial well-being by reinforcing the bond with other people and facilitating the creation of social networks.

Education is a core pillar for inclusion. The following are among the fundamental considerations to be considered to facilitate access to education of trafficking survivors:

- ✓ Educational inclusion, particularly of children and adolescents is a part of the initial support actions in any assistance and counselling services for survivors.
- ✓ Assistance in education must include advice, support, and facilitation of the formalities regarding recognition and validation of academic degrees earned in the country of origin or in a third country.
- ✓ Access to this fundamental right must be ensured without discrimination, regardless of the immigration status of the survivor, by generating mechanisms to facilitate inclusion in the educational system, including counselling, financial assistance, and support in traveling to and accessing educational facilities and personalized assistance through mentorship, among others, to the extent possible.
- ✓ Furthermore, mechanisms should be generated to facilitate survivors' access to different educational, vocational training and apprenticeship programs offered by State agencies and by academic and civil society institutions.
- ✓ Access to courses for learning the language should be facilitated and promoted for foreign national trafficking survivors who do not speak the language of the country in which they live. Language barriers bring about great difficulties for inclusion, so it is important for such access to be available from the very beginning and for whatever time is necessary.
- ✓ Educators and teachers should be trained on the topic of human trafficking, how to recognize the trafficking signs, be aware of the institutions to which potential cases should be referred, and be sensitized with regards to survivors' needs, which can also help prevent re-victimization.
- ✓ Awareness and prevention processes through campaigns that raise the visibility of this crime and its impact on trafficking victims and the consequences for the traffickers.

## Access to health and psychosocial support



Trafficking survivors are exposed to many physical and mental health risks. Situations of exploitation, precarious living conditions, physical, psychological, and sexual violence, among others, are factors impacting on their physical and emotional well-being. The lack of a diagnosis and appropriate care may be present before recruitment and only worsen during exploitation, which often entails a significant deterioration in health and emotional well-being. Traumatic events experienced due to abuse and violence, in its different forms, facilitate the development of psychological symptoms and conditions, such as depression, anxiety, irritability, and post-traumatic stress<sup>10</sup>, sexually transmitted diseases and forced pregnancies and substance dependencies. The experience of human trafficking to an individual can also lead to secondary and intergenerational trauma to children of survivors.

Access to health care is recognized as a fundamental human right and guaranteeing it is essential for the effective social inclusion of trafficking survivors. According to the World Health Organization (WHO), health is a state of complete physical, mental, and social well-being, and not merely the absence of disease.

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of nationality, ethnicity, race, religion, political

ideology or economic or social condition.

Mental health and emotional well-being are an integral and essential part of health. The WHO defines mental health as a state of well-being in which a person can cope with the normal stresses of life, work productively, and contribute to his or her community.

In this positive sense, mental health is the foundation of individual well-being and the effective functioning of the community.

The following are among the main considerations that should be considered to facilitate access to physical and mental health:

- ✓ Access to different health services should be facilitated as a priority at an early stage of care, which happens in the first 24 hours of the identification of the victim, and be sustained over the course of time, particularly in those cases requiring long-term or chronic medical treatment.
- ✓ Medical treatments must be voluntary and have the trafficking survivor's free and informed consent. In the case of children and adolescents, their right to information, participation or opinion should be respected, in accordance with the level of development of their progressive autonomy.
- ✓ Medical care and psychosocial support should be provided with no discrimination whatsoever, and regardless of the person's immigration status, respecting gender identities, sexual orientation, racial, ethnic, and cultural backgrounds.

10. For additional information on risk factors for health and potential physical and mental consequences for trafficking victims, see: *Caring for Trafficked Persons: Guidance for Health Providers*, published by IOM in 2012 and available at: <https://publications.iom.int/books/caring-trafficked-persons-guidance-health-providers>.



- ✓ Health and psychosocial care teams should be trained to identify and care for health conditions related to the situation of exploitation experienced by trafficking survivors, as well as attend to the particular needs of each group such as women, indigenous populations, and LGBTIQ+ persons, among others.
- ✓ Interpretation services should be made available should the person speak a different language than the health practitioners.
- ✓ The services offered to trafficking survivors should include access to sexual and reproductive health, particularly for girls and women.
- ✓ Psychosocial support for trafficking survivors' inclusion promotes the creation of social support networks and should be provided as soon as the victim is identified. It should also be provided in the long term and in a sustainable manner. Such care encompasses individual counselling and accompaniment, as well as support for re-establishing family and community bonds, and accessing basic rights and services that are fundamental to protect and maintain the mental health and emotional well-being of persons.
- ✓ Should the need be identified for specialized clinical treatment, the person should be referred to the pertinent health institution. Often, trafficking survivors suffer the emotional consequences of the abuse, exploitation, and violence experienced, although it is important not to pathologize emotional reactions vis-à-vis such events. While not all trafficking survivors will require pharmacological treatment and/or specialized mental health care, access to these services should be provided to all, without restrictions.
- ✓ Healthcare providers should be trained in trauma-informed care, how to treat and approach an individual with trauma, and promote an open process for service delivery. As many survivors have experienced trauma to the body, it is

imperative the physicians and medical staff understand how trauma presents in the body and may manifest in resistance to treatment, missed appointments, trauma response during medical procedures, and distrust of the medical institution.

## Housing solutions



Having a safe and affordable place to live is essential for successful social inclusion. The needs, realities and expectations related to housing may vary according to the specific characteristics of each situation and context. Access to a dwelling, particularly in the long-term, can be a complex task. Overall, immediate housing options include shelter houses, shelters, or foster family homes, in the case of children and adolescents. Likewise, it is essential to protect the unity of families in a single location in order to provide effective support to victims, when appropriate.

The location of these places should be kept secret due to the safety and privacy considerations that the cases require. After immediate care, housing options include private rentals, hotels, hostels, living with relatives or acquaintances, and the homes or shelters managed by government agencies, the international community, CSOs and/or faith-based institutions.

The following fundamental factors should be considered, among others, when designing and implementing housing support actions:

- ✓ Staying at homes or shelters should be an informed and voluntary decision, with the survivor's consent and the assent of the child or adolescent. Their location should be

confidential, and from the outside it should not be possible to identify them as shelters, and neither should they appear on public lists of existing homes or shelters.

- ✓ To the extent possible, the housing provided should be adapted to the survivors' specific needs, particularly for those in a situation of greater vulnerability, such as a person with a disability or disabilities (physical and/or cognitive), pregnant women or parents with small children, children and adolescents, older persons with limited mobility, and LGBTIQ+ persons, among others.
- ✓ Should a person decide not to live in a home or shelter for trafficking survivors, or be located in places where specialized shelters are not available, it is important to create sustainable mechanisms that can facilitate access to immediate and long-term housing, for instance, housing subsidies or specific support for fulfilling renting requirements, such as payment of an advance deposit, submission of a guarantee, and proof of fixed income, among others.
- ✓ Promote a rights-based approach to housing for trafficking survivors.
- ✓ The gender perspective should also be considered in this type of assistance. Men, women, and people from the LGBTIQ+ community should be placed in homes in accordance according with their sex, gender identity or expression.



## 4.1.2

### SOCIAL INCLUSION AT THE COMMUNITY LEVEL

The characteristics of the social, economic, and cultural structures of the community in which survivors decide to

live influence the prospects of full social inclusion. Survivors will find fewer barriers and difficulties for inclusion in those communities that have sound social networks, high levels of social cohesion and quality assistance services.

Within a program to support social inclusion, interventions at the community level should aim at strengthening certain aspects of the institutional and social framework that have a direct impact on the survivors' access to rights. Although these interventions cannot encompass all dimensions of community structures, efforts can be targeted to some of the strategic areas having a direct impact on the inclusion of trafficking survivors.

With a view to assisting and protecting the survivors of trafficking in persons from a community perspective, it is essential to adopt participatory mechanisms with the relevant actors in the inclusion process, such as the local authorities, civil society organizations, international agencies, the private sector, community associations, trafficking survivors themselves, etc. The joint work of communities to foster dialogue and social cohesion, prevent stigmatization and discrimination, and improve assistance services is fundamental to help ensure the sustainability of the survivors' social inclusion.

Interventions at the community level may include a series of actions that will depend on the possibilities, characteristics and needs of each context. Here are some of the areas to be considered according to the characteristics of each community.

### Partnerships with the private sector





Setting up sound partnerships with the private sector is one of the actions that helps to facilitate the insertion of trafficking survivors in the labor market and to promote the involvement of governmental and non-governmental community stakeholders in the social inclusion processes.

It is important to emphasize that the participation of the private sector, especially in matters of labor inclusion, should consider the promotion of decent work, in accordance with the guidelines of the International Labor Organization (ILO), a living wage that allows sustainable self-sufficiency and provides pathways to economic mobility thus avoiding the restart of a cycle of exploitation and abuse.

Cooperation in this sector can take place with companies that have the capacity to support the inclusion of survivors through their Corporate Social Responsibility division, but also with smaller companies and micro-businesses that usually establish more direct labor relations with trafficking survivors. The following are some of the programmatic pillars to be implemented with the private sector:

- ✓ Participation of the private sector should be promoted from the very beginning at the time of designing lines of action for social inclusion, since this sector can provide information on existing employment demands and the areas with greater possibilities for insertion.
- ✓ The diversity of private sector actors can become actively involved in offering job training and vocational courses, and apprenticeships in different topics to facilitate trafficking survivors' insertion in the labor market.
- ✓ Private sector capacities can be strengthened through information workshops on administrative and hiring processes for trafficking survivors, particularly for foreign nationals. Training should address inter-cultural aspects,

discrimination and bias, stigmatization of trafficking survivors, and xenophobia, with a view to creating inclusive working environments free from discrimination and respectful of diversities.

- ✓ All entities engaging with a survivor should be victim-centered and trauma-informed, and clearly demonstrate how such an approach is incorporated into the services offered.

Entities working in the field of survivor integration through promotion of access to employment should seek to provide survivors with tools or training to enable them to perform in the job market.



### **Communication and awareness-raising activities against stigmatization and discrimination**

Survivors of trafficking may encounter difficulties and barriers in accessing rights and/or experience discrimination and stigmatization. Being an immigrant, together with other factors, such as physical traits, cultural traditions, socioeconomic status, sexual orientation and gender identity and expression, race, ethnicity, and nationality, often expose survivors to xenophobic reactions, particularly in communities with little social cohesion, which can seriously affect their social inclusion.

On the other hand, trafficking survivors, in the context of human mobility, who return to their countries or places of origin sometimes face rejection by their own communities. In some cases, return of the trafficking survivor is misconstrued as a failure or situation that causes family or social shame. Trafficking survivors often endure judgmental attitudes and



stigma for having been the victim of sexual or labor exploitation, for what is perceived as not having been “strong enough” to bear extreme working conditions, or for having “failed” in the original migration plan, thereby exacerbating financial pressures on the families. These judgmental views exclude the person from the social, cultural, and economic life of the community and can produce serious emotional harm.

In that regard, there is an obvious need to carry out a series of communication, training, and awareness-raising actions with several actors, particularly the mass media, to counteract discrimination and stigmatization against migrants and the people returning to their places of origin, thus reinforcing social cohesion among community members, and enhancing the possibilities for survivors' social insertion. Families and communities may also need resources on how to support any returning members that have experienced trauma impacting their physical and mental health, which could be an additional barrier to social reintegration.

## Strengthening community social networks



Human relationships and sound social networks provide reassurance, guidance, information, and can also reinforce an individual's sense of belonging to a community. The consolidation of social bonds and expansion of social capital increases participation in community life and positively impacts people's well-being. Survivors of trafficking in persons may not have social networks or strong support bonds in their countries or communities. The case of returnees going back to their communities of origin frequently entails the need to generate new constructive social bonds to support their

inclusion.

Programmatic actions that promote the creation and consolidation of social support networks for survivors of trafficking have a positive impact on their psychosocial wellbeing and benefit the community by strengthening social cohesion. Community engagement can also serve as a protective mechanism against re-victimization.

Actions to be implemented for this purpose vary significantly according to the characteristics of each context, and the degree of consolidation of existing social networks. Some of these interventions may include the generation of support spaces among peers, in which social bonds are promoted and in which trafficking survivors may feel supported and understood. These include mutual support groups, and community therapies, among others. Community engagement can also serve as a protective factor against re-victimization, and the strengthening of civil society organizations can promote access to recreational and artistic activities. In the case of foreign nationals, their participation in immigrant associations in the country of destination should be promoted.

All actions for strengthening social community networks should be carefully designed and implemented, ensuring survivors' safety and protection, and applying the confidentiality principle and respect for their rights.



## 4.1.3 SOCIAL INCLUSION AT THE STRUCTURAL LEVEL



Structural strategies aim at creating and/or strengthening the necessary overall political, institutional, economic, and social conditions to help the sustainability of trafficking survivors' social inclusion. Interventions at this level call for action regarding the regulatory framework, strengthening of the main interlocutors' capacities, promotion of partnerships and reinforcement of coordination mechanisms at the international, national, and local levels. Just like at the community level, the prioritization of certain actions over others will depend on the characteristics and needs of each context.

It is important to emphasize that, in terms of the institutional framework, the normative framework (legal-normative dimension) is necessary but not sufficient, since it also requires adequate mandates and coordination mechanisms (organizational dimension), management mechanisms implemented with good information systems, evaluation, planning, accountability (technical-operational dimension) and sufficient economic resources (financing dimension)<sup>11</sup>. Social norms that contribute to risk factors and protection underlie these dimensions.

Below is a description of the programmatic areas which are the main structural pillars for social inclusion that should be taken into consideration to develop trafficking survivor support strategies:

## Developing regulatory frameworks



- ✓ In accordance with international human rights instruments,

the adoption of regulatory frameworks or amendments should be promoted at the national and local levels so that they appropriately and accurately cover the sustainable support for survivors of trafficking, foreign and domestic.

- ✓ To that end, the legal framework should protect, as much as possible, access rights and services and respect the guiding principles included in these guidelines. In this regard, the regulatory framework should establish appropriate mechanisms to provide for an effective redress for survivors, including access to compensation, for instance, through the seizure and confiscation of assets, if appropriate, related to the trafficking crime and/or the creation of a specific fund for that purpose.
- ✓ In line with the human rights perspective, anti-trafficking legislation should make it possible for survivors of trafficking to be provided with basic housing, psychological/medical and educational assistance while waiting to be granted permanent residency or other protective status, considering humanitarian reasons and the preeminence of the best interests of children and adolescents when applicable. Countries should have specific legislation on trafficking in persons based on the Protocol to Prevent, Suppress and Punish Trafficking in Persons.
- ✓ Within the current context of high mobility of the Venezuelan population in the region, there is evidence of the need to manage the flow of migrants and refugees to facilitate their access to basic rights and inclusion, thereby reducing the risk factors that expose them to trafficking in persons.
- ✓ Implementation of the regulatory framework should be strengthened through ongoing training for government officials and for civil society organization leaders committed to the protection and assistance of trafficking survivors.

11. These four dimensions of institutionalism are developed at: <https://www.cepal.org/es/publicaciones/3767-institucionalidad-social-america-latina>

- ✓ The right of trafficking survivors to effective social inclusion should be protected without restrictions, and with due regard for their willingness to collaborate in law enforcement proceedings related to the crime of trafficking, irrespective of their immigration status.

## Strengthening institutional capacities and practices



- ✓ International and regional coordination among countries should be reinforced through cooperation agreements and mechanisms to manage safe voluntary return and reintegration processes for trafficking survivors. Furthermore, coordination among governments and their specialized institutions should promote preparedness and planning of actions in support of social inclusion before returning and include a prior analysis of any potential risks for the survivors and their families. In this regard, and consistent with international instruments on human rights, the States shall ensure the application of the non-refoulement principle when returning would entail a risk to the life and freedom of trafficking survivors.
- ✓ Development of a National Action Plan to fight against trafficking in persons is a fundamental mechanism for designing, planning, implementing, and assessing a comprehensive strategy agreed upon by consensus at the national level. Such plans should include multi-sector and specific interventions for the sustainable social inclusion of the survivors and an adequate budget for their implementation, providing for services and access to the rights included in these guidelines.
- ✓ Specific inter-institutional spaces at the national and local levels to fight against trafficking in persons, such as, for

instance, technical roundtables, councils, committees, voluntarily informed by those with lived experience, should include strategies for the social inclusion of trafficking survivors in their program agenda.

- ✓ Referral and assistance mechanisms at the regional, national, and local levels should be reinforced through specific protocols that define functions, roles, and responsibilities for each agency, and outline the referral and assistance of survivors in each case. Similarly, consideration should be given to the specialization of care operators through training for the agents who would be implementing the referral and care mechanisms. Furthermore, inter-institutional collaboration and coordination should be fostered and strengthened for an efficient and effective use of financial and human resources.
- ✓ Likewise, the intent is for assistance and services offered to be in line with the survivors' needs according to their national origin, gender, sexual orientation, gender identity and expression, age, and possible disabilities. For this purpose, training should be set up for multi-disciplinary technical teams that participate in the inclusion process, from a human rights, gender, and inter-cultural approach, to promote institutional practices and services that respect diversities and thus ensure the full enjoyment of rights by survivors.



## Cooperation and strategic partnerships

- ✓ Partnerships between local authorities and civil society organizations that provide protection and assistance to survivors should be reinforced through cooperation agreements to consolidate communication channels and

strengthen coordination among actors, thus optimizing the quality of the services and assistance provided to survivors.

- ✓ In turn, forums should be promoted for technical exchange and cooperation with international agencies and other States to create training and learning spaces leading to the identification of lessons learned and good practices for inclusion processes that can be replicated in other contexts.

### Strategies for registering, systematizing information, monitoring and evaluation



- ✓ In order to have statistical data and information on the situation of trafficking survivors, it is essential to put in place registration and monitoring systems that allow for the effective follow up of cases and that consolidate information at the national level, accounting for the progress and challenges of the inclusion process, while protecting the privacy and identity of the victims.
- ✓ To improve assistance services, it is necessary to develop effective monitoring and evaluation strategies that allow for the identification of good practices and lessons learned. Monitoring mechanisms at the local and national levels should include the participation of trafficking survivors at all stages of development of programs, while also providing compensation for their time and expertise and have mechanisms in place to hear their opinions about the services they received and their overall experiences during the inclusion process. It should also be ensured that such participation schemes do not exploit the victims and potentially cause secondary harm or re-victimization.
- ✓ Considering the need to maintain the confidentiality of information on trafficking survivors and the principle of non-

revictimization, it is important that States have systems for reporting, recording, and monitoring cases that are reliable, comprehensive and that allow for interoperability with the different government agencies responsible for each stage of the process of assisting survivors and facilitating their social inclusion.

# 5.

## Final **considerations**

Structural inequalities and discrimination in access to rights are underlying conditions of trafficking in persons, which create vulnerabilities to the crime for individuals and which can then be exacerbated after the crime. It is therefore necessary to ensure that efforts in combating trafficking in persons help reverse these conditions. Strengthening the social inclusion of trafficking survivors is essential to ensure the restoration of the human rights that have been violated and to secure their full enjoyment in a sustainable manner, thus helping to break the cycle of human trafficking and vulnerability. Promoting social inclusion as a lasting solution for survivors operates preventively and contributes to building fairer and more equitable societies.

Achieving sustainable social inclusion is a complex process that can take many years across generations. Most survivors have experienced traumatic situations of abuse, threats, and violence, which entail a long path of physical and emotional recovery and empowerment.

Support to social inclusion requires a comprehensive approach. It requires a coordinated institutional response between public policy sectors such as work, health, education, and social protection, among others, and between different levels of government, such as national, regional, and municipal levels.

In addition, it requires a regulatory framework that places protection of the survivors' human rights at the center, consistent with international instruments in this field. Implementation of inclusion policies calls upon government sectors at different levels and requires an active collaboration and participation of international agencies, civil society organizations, the private sector, and the trafficking survivors themselves.

These guidelines are a significant step forward in combating

trafficking in persons since they reaffirm fundamental principles and offer an array of measures for effectively assisting and contributing to the social inclusion of survivors. Their adoption and application are based on the recognition of fundamental human rights, and they reflect the commitment undertaken by the States to combat trafficking in persons and to provide the best possible assistance and support to the survivors of this crime.

# Annexes

## Other resources to address this issue

The Second Work Plan to Combat Trafficking in Persons in the Western Hemisphere (2015-2022), as well as the declarations emanating from the meetings of authorities within the framework of the OAS, establish guidelines and orientations on the issue at both the regional and national levels. Among them, the following stand out:

- **Guide for the Comprehensive Care of LGBTIQ+ Elderly Victims of Human Trafficking in Guatemala.** Available in Spanish: <https://www.oas.org/ext/es/seguridad/red-prevencion-crimen/Recursos/Biblioteca-Digital/ArtMID/1698/ArticleID/2693/Gu%c3%ada-para-la-Atenci%c3%b3n-Integral-a-Personas-LGBTIQ-Mayores-de-Edad-V%c3%adctimas-de-Trata-de-Personas>
- **Trafficking in Persons: Coordinated local response for efficient and quality assistance and protection to victims.** Available in Spanish: <https://www.oas.org/ext/es/seguridad/red-prevencion-crimen/Recursos/Biblioteca-Digital/ArtMID/1698/ArticleID/2695/Trata-de-Personas-Respuesta-local-coordinada-para-una-asistencia-y-protecci%c3%b3n-eficiente-y-de-calidad-a-las-v%c3%adctimas>
- **Guide for the care of victims of organized crime in the countries of the Central American Integration System.** Available in Spanish: <https://www.oas.org/ext/es/seguridad/red-prevencion-crimen/Recursos/Biblioteca-Digital/ArtMID/1698/ArticleID/3602/Gu%c3%ada-para-la-atenci%c3%b3n-de-v%c3%adctimas-de-delitos-de-delincuencia-organizada-en-los-pa%c3%ades-del-Sistema-de-la-Integraci%c3%b3n>





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