

CORRUPTION AND LAW ENFORCEMENT IN THE FACILITATION OF HUMAN TRAFFICKING IN THE CARIBBEAN AND LATIN AMERICAN REGION



Source: The Guardian: Several men captured by the Venezuelan military during a crackdown of a human trafficking ring May 2020

Report by:

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Globally, the Caribbean is regarded as a premier tourist destination with high-quality customer service, pristine beaches, beautiful sunsets and relatively safe environments. This is the great positive about the Caribbean region; but there is a cloud to the silver lining of the success of the tourism industry, and that is the vulnerability of persons of low socio-economic status, which puts them at risk of becoming victims of human trafficking.

Research

Data has shown that between 80,000 and 120,000 persons are trafficked or smuggled through the Caribbean annually. Our research has found that most of these persons are actually from the Caribbean. However, there is a growing number of extra-regional migrants from Africa and Asia, including countries such as India, China, Cameroon, Zambia, Zimbabwe, the Democratic Republic of Congo and Myanmar. Those countries use this region as a destination pathway to the USA, Canada and Chile.

The recent political, economic and humanitarian crisis in Venezuela has also caused an upsurge in this phenomenon of smuggling persons through the Caribbean. If this situation continues, it will most likely affect the national security and the displacement of many citizens in countries within the region especially given the financial fall out caused by the COVID-19 Pandemic.

Challenges to Combatting Human Trafficking

There are many challenges identified in the war against human trafficking. The following represent just a few:

- 1) the lack of resources in the Caribbean to combat human trafficking is a growing concern and a problem that no country can adequately solve single-handedly;
- 2) low perception and awareness of human trafficking in the region (people just do not believe that it is happening in their country);
- 3) poor information and data-gathering apparatus in the region;
- 4) wide gaps in immigration and border control for ease of forced migration;
- 5) socio-economic disparities that create vulnerabilities in too many communities;
- 6) lack of adequate intelligence on the organized criminal network;
- 7) international drugs/money laundering/prostitution/trafficking with viable demand-and-supply forces;
- 8) high demand for sex and prostitution services among local population;
- 9) ease of regional and international travel, which facilitates movement of traffickers within the region;
- 10) lack of an established profiling system (who is actually a human trafficker);
- 11) lack of regulation in the commercial sex trade, which creates an unregulated sex industry;
- 12) low conviction rate of human traffickers in the region;
- 13) victims are not willing to testify against their alleged trafficker;
- 14) porous, unsecured borders in the region;
- 15) successful marketing of 'hope' for a better life to some of these victims;
- 16) inadequate police training and education on the subject in the region; and

17) complicit and corrupt public officials, including police officers, immigration officers and other government officials.

Report on Human Trafficking in the Caribbean

Our recent report on Human Trafficking in the CARIFORUM region (2019) revealed that only a few countries, such as Jamaica, Antigua and Barbuda, Guyana and The Bahamas and, to a lesser extent, Suriname and Trinidad & Tobago, have made dedicated efforts to control the problem of human trafficking, whereas other countries within the region simply do not have adequate resources to properly monitor this situation. However, it would appear that the *US Annual TIP Report* seems to be the greatest motivator for countries to improve their response to this problem, as a country which receives a US Tier 2 ranking may have consequences in how that country is viewed and rated for international assistance by donor countries.

US State Department guide to understanding the TIERS System:

Tier 1: Countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking.

Tier 2: Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

Tier 2 Watch List: Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which:

- a) the absolute number of victims of severe forms of trafficking is incredibly significant or is significantly increasing.*
- b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of Trafficking by government officials; or*
- c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.*

Tier 3: Countries whose governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so.

Source (US State Department 2019 TIP report)

Our research further revealed that the epicentres of human trafficking in the region are Venezuela, Haiti, Dominican Republic, Trinidad & Tobago and Nicaragua. However, Venezuela has the dubious distinction out of this grouping as being the greatest supplier of trafficking victims to Trinidad & Tobago, the USA and Canada.

By virtue of its deteriorating and vulnerable political and economic situation, Venezuela is seen by traffickers as their premier source of victims for Trinidad & Tobago. Interviews conducted with traffickers revealed that the local population in Trinidad seemed to prefer women from

Venezuela who were younger and were of a lighter complexion, as these women attracted a higher premium and financial return. In fact, our research showed that many women are sold as sex slaves, first, to criminal elements in Trinidad & Tobago, due to the high demand, and then to criminal elements in other countries.

Human Trafficking on the Rise in Venezuela

Table showing the population of the Delta Amacuro region and the estimated number of trafficking victims

Name	Population 2011	Estimated missing or Trafficking victims 2011	Population 2019	Estimated missing or Trafficking victims 2019
DELTA AMACURO	171,413	1,042	206,007	8,568
<i>Antonio Díaz</i>	<i>27,176</i>	<i>37</i>	<i>32,682</i>	<i>530</i>
<i>Casacoima</i>	<i>33,445</i>	<i>62</i>	<i>39,876</i>	<i>750</i>
<i>Pedernales</i>	<i>6,433</i>	<i>11</i>	<i>7,817</i>	<i>38</i>
<i>Tucupita</i>	<i>104,359</i>	<i>932</i>	<i>125,632</i>	<i>7,250</i>

Source: compilation from Instituto Nacional de Estadística, Venezuela (2019), and interviews with victims and relatives of missing persons (including victims from Trinidad & Tobago and traffickers).

During an interview, the Deputy of the National Assembly, Robert Alcalá, spoke of the increase in crimes related to human trafficking in the west of Venezuela, specifically in the states of Sucre and Delta Amacuro. The Deputy warned that there is complicity between military officials and organized-crime gangs to kidnap Venezuelans and sell them to Trinidad & Tobago. He stated that, *‘in addition to what happens frequently in Tucupita, in Delta Amacuro, this is also happening in very poor small towns in the Sucre state.’*

The Deputy warned that in Eastern Venezuela, the coastal towns of Güiria and Irapa, close to Trinidad & Tobago, are places that are frequently used clandestinely for human trafficking.

Between the months of April and May 2019, sixty-seven people disappeared between the waters of Güiria and Trinidad & Tobago. It is alleged that two small boats transporting men, women, adolescents and children sank at sea; but so far there have been no formal investigations by the Venezuelan police authorities.

Three Dangerous Towns Identified in Venezuela



Photo of Venezuela, Trinidad and Tobago and Grenada: Source Google, 2020

Deputies of the National Assembly have announced that there are three small towns in the eastern part of Venezuela where human trafficking to Trinidad occurs most frequently.

Tucupita is the capital of the state of Delta Amacuro. It is a populated town whose economy, for some 50 years, was booming due to oil exploitation, and is currently the headquarters of administrative offices for oil refineries and fields. This town has a high rate of indigenous inhabitants and is located on the banks of the Mánamo River, which flows into the Atlantic Sea.

Güiria is the capital of the Valdez Municipality, in the western state of Sucre. It is part of an area known as the Gulf of Paria and is a center of gas exploitation. Currently it has become a highly dangerous area in the Sucre state, due to the increase in criminal gangs that traffic in weapons, drugs, food, people and exotic animals, due to its proximity to the coasts of Trinidad & Tobago.

Irapa is a town near Güiria and its coasts are also a port of departure for Trinidad & Tobago. This town is the capital of the Mariño Municipality in the Sucre state and is home to about

9,500 people. In Irapa, there is a high influence of the culture of Trinidad, especially in its architecture and gastronomy. There is also a boom in drug, food and people-smuggling to Trinidad & Tobago.

Destination: Caribbean – Porous Borders



Source : Map of Caribbean Islands, by Baburek (January 5, 2009).

One distinctive feature of all the states within the CARIFORUM region is that these are islands surrounded by water, which means their borders are porous, and there are vast areas within these borders that are not properly patrolled by law enforcement. This is perhaps due to the fact that the border-security framework of most countries is undermanned and under-resourced. The conveyance and transportation of trafficked victims usually takes place by plane, both official and unofficial; by boats of varying sizes; as well as by truck/car and even on foot. It all depends on the circumstances of the particular case, including the topography of the particular country.

Facilitators of Human Trafficking: The Corruption of Law Enforcement Officials

Our research has shown that the success and/or the facilitation of human trafficking within the CARIFORUM region, as previously described, is further underscored by the corruption of state officials and law-enforcement officers, as well as the naiveté, negligence and carelessness, and the perceived need to participate in this marketing of ‘hope’ for a better life by the caregivers of the potential trafficking victims.

From our research, the issue of corruption has emerged as a significant factor in the facilitation of human trafficking, through direct and indirect means, after tracing the route of the trafficking process between Venezuela and Trinidad & Tobago.

Effects of Corruption of Law Enforcement in the Facilitation of Human Trafficking in Venezuela and Trinidad & Tobago

During my team’s research for the CARICOM Human Trafficking Study (2019), we contacted Anti-Human Trafficking organizations in over 32 countries, thereby creating a formidable database that enabled us to make contact with traffickers, smugglers, victims, law-enforcement officers and other social actors affiliated with *‘the industry.’*

Our investigations led us to a small town called **Tucupita**, capital of the Delta Amacuro region in western Venezuela, where human trafficking is one of the fastest-growing crimes.

Interviews were conducted with one trafficker (to be referred to as Trafficker Y) in Venezuela, who alleged that a police officer from Trinidad & Tobago (who will be referred to as Constable X) was a member of an organised crime network in Venezuela with strong links in Trinidad & Tobago. Trafficker Y’s gang specialized in capturing citizens in Venezuela and transporting them to Trinidad and other countries for forced labour and to work as prostitutes. Trafficker Y further indicated that Constable X has paid them to procure women and young girls for his organization; the means could include hunting them, luring them with false promises of a better life, making false representations to their parents and caregivers, and kidnapping. When Constable X was interviewed about the allegations made by Trafficker Y, Constable X denied that he was ever a member of any human-trafficking gang. When further asked why a known trafficker would be in possession of his phone number, Constable X stated that he did not know why, and that having someone’s phone number in one’s possession does not constitute a crime. However, Constable X was not aware that Trafficker Y had showed us a series of correspondence (between both of them) related to human-trafficking activities between Venezuela and Trinidad & Tobago.

A Deputy of the National Assembly of Venezuela, in commenting on this trafficking organization, stated: *‘It is a network that uses the same strategy, offering false jobs and the possibility of earning money to people living in extreme poverty, and then clandestinely taking them out of the country and selling them to other criminal gangs.’*

To continue the narrative, our research revealed that some of the gangs in the Tucupita region comprise – and, in fact, are headed and operated by – law-enforcement officers, including some from Trinidad & Tobago. One alleged trafficker indicated that, through his connection with elements in the Trinidad & Tobago Police Force, he has been assured of protection by some police officers who advise where to enter the country. Those officers also provide patrol and security for the safe-houses where the women are kept before being distributed across Trinidad & Tobago in trucks, cars, maxi-taxis, and vans.

Through the Lens of a Prosecutor: The Analysis

An analysis of this brief fact pattern, through the lens of a prosecuting attorney, would reveal possible material to substantiate criminal charges.

Human trafficking is regarded as a ‘money-making’ venture, and therefore it is reasonable to assume that all involved, especially a corrupt law-enforcement official, may be participating for the purpose of making money. The prosecutor may find that these officers would be liable for ‘Being Part of a Criminal Organisation,’ based on their designated role of providing protection and informing traffickers of the vulnerable parts of the border to ensure entry.

A prosecuting attorney, given this evidentiary material surrounding the alleged corrupt conduct of Constable X, would consider as a possible outcome the following offences:

- i. Perverting the Course of Justice
- ii. Corruptly Soliciting Money/Corrupting Accepting Money or Gifts
- iii. Bribery
- iv. Aiding and Abetting the offences under the Trafficking in Persons Act
- v. Accessory Before/After the Fact
- vi. Illicit Enrichment
- vii. Bribery
- viii. Conspiracy
- ix. Money Laundering
- x. Breaches of offences provided under Trafficking in Persons legislation modelled on the United Nations template, e.g. Trafficking in Persons

A prosecutor in Trinidad & Tobago would have to prove any of these crimes beyond a reasonable doubt and the issues would have to be ventilated in a criminal court. Of course, a viable prosecution would have to come from detailed investigations that have gathered evidentiary material covering the ingredients of the particular offence.

At the very least, the police officer would be liable to administrative sanctions as serious as dismissal, after having gone through the protocols in a departmental review of his conduct. (Here, the standard of proof is lower than the standard in a criminal matter.)

Rescue of Human-Trafficking Victims by Venezuelan Law Enforcement

Between January and June 2020, Venezuela's military-intelligence agencies rescued 126 Venezuelan citizens who were going to be trafficked and who were traveling in small wooden boats to Trinidad & Tobago.

On January 31st, 2020, officials from the Anti-Extortion and Kidnapping Group (FAES) of the National Bolivarian Guard (GNB for its Spanish acronym) rescued 37 people, including seven women, two men and four teenagers, when they managed to intercept a small boat bound for Trinidad. The guards arrested two men and a woman who belonged to a criminal gang dedicated to human trafficking. This entire event took place at night. The seashore of the town of Tucupita has little or no surveillance by police during these night hours, a fact that is known and exploited by human traffickers and provides good cover for the transportation of victims by boat.

Two months later, in the middle of March 2020, the FAES also rescued 12 more women and a teenager in Tucupita; they were en route to be sold as sex slaves in Trinidad.

Discussion between researchers and military agents revealed that the organized-crime gang was led by a man nicknamed 'El Monky,' who, at the time of his arrest, was found in possession of the telephone number of a police officer. At that time, Venezuelan law enforcement also arrested four men and women who were known members/associates of the same criminal human-trafficking network.

On June 9, 2020, our sources revealed that one of the largest rescues occurred when law-enforcement officers and the Venezuelan military intercepted and managed to prevent the trafficking of 97 people from Tucupita, who were bound for Trinidad & Tobago. Deputy Carlos Valero reported that amongst the group of victims were 47 teenagers.

In Tucupita, the National Guard also arrested 39 members and dismantled three organized-crime camps dedicated to human trafficking, which recruited and kidnapped Venezuelans to take them illegally to Trinidad & Tobago and Canada.

This year, at the height of the COVID-19 pandemic, the Venezuela National Guard rescued over 126 persons, which was less than 5% of all people trafficked from this part of Venezuela this year.

One trafficker in Venezuela commented that *'it's a loss of business for my organisation, because it is very expensive for us to pay scouts and spotters to transport and house these women – only for them to be rescued by the National Guard.'*

Conclusion

In referring to Tucupita and Trinidad & Tobago, it is quite clear from the examples outlined that *'corruption facilitates the illegal economy just as transparency and the rule of law enable legal markets,'* as was stated by Tremblay (2010). Having interviewed both victims and perpetrators, and derived from his experience as a researcher in the region, it is the author's considered opinion that corruption is the bone marrow running through the skeletal frame that supports the crime of human trafficking.

Based on his interviews, approximately 50 percent (49.3%) of the traffickers and smugglers stated that they received assistance from a law-enforcement officer to conduct human-trafficking activities in the Caribbean region. Therefore, corruption of law-enforcement entities and other governance structures provides the grease for the wheels of what traffickers call *'the industry.'*

An analysis of any scenario involving human trafficking juxtaposed with corruption clearly manifests the four main pillars identified by UNODC (2010). For emphasis, they are outlined as follows:

i. Firstly, it allows the crime to be invisible:

That is, it is hidden in plain sight from beginning to the end of the process where its ultimate aim is achieved

ii. Secondly, it facilitates the impunity once a case of trafficking in persons is detected:

In other words, it ensures that where the scourge of human trafficking is concerned, the trafficker will escape sanction, as those who should sound the first alarm are overcome by a corruption of consciousness or moral turpitude, which can be attributed to some family members of the victims or their community, as well as corrupt public officials.

iii. Thirdly, it facilitates the execution of the crime:

This goes without saying, because if law-enforcement officials are aware of the actors in this scenario and they neither hear anything nor see anything in the space of the

commission of the crime of human trafficking, then it ensures the successful execution of the crime; and

iv. Fourthly, it assures the re-victimization of the trafficked victim:

This would occur as a natural consequence of the crime having been successfully executed and hidden in plain sight. The result, in some cases, is re-victimization, or unwillingness of the victim to be rescued; or, in most of the cases, the victim refuses to identify the perpetrators. The capture of the victim's state of mind – along the lines of Stockholm Syndrome – is the ultimate re-victimization. This would prevent the victim from accepting the offer of being rescued, so he or she will remain in the trafficked situation to become a statistic over and over again.

Finally, what is quite clear is that the fight to prevent and minimize human trafficking and rescue those who have been trafficked must be an ongoing and well-resourced effort at every level – including policy, financial, sensitization and education, both locally at the lowest community level and at the intra-regional and international levels. National government budgets must have dedicated financial and governance frameworks to effectively craft policy and work with international donors in order to move the needle in the right direction and to maintain it for the long haul. Our combined public interest regionally should have it no other way.

It behooves all of us to remember the words of Dr. Martin Luther King, Jr.: *'The time is always right to do what is right.'*

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