

The Correlation Between Human Trafficking and Refuge in Brazil: A Human Rights Approach

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Abstract. This article presents the connection between human trafficking and refuge, presenting the reason why refugees are at a high risk of becoming trafficking victims. At first, we elaborated the global and Brazilian landscape for both issues with data from the United Nations' and national reports. After that, the interface between those is presented. In analysing the data that was found, it was perceived that there is an enormous gap of information referring to human trafficking cases in Brazil, with no database comprehending data collected from multiple fronts and organisations involved in combating, investigating, prosecuting, and protecting victims of human trafficking. We then discuss the human rights approach as a better option to create effective public policies, taking into consideration the principle of dignity of the human person, to guarantee rights to those in extreme vulnerability, especially the refugee population in Brazil.

Keywords. human trafficking, human rights, refugees, migration, public policy, forced displacement, exploitation.

1. Introduction

One of the largest and most lucrative forms of organised crime today is the trafficking of human beings. It is sometimes called “modern slavery” as it encompasses the buying and selling of people for exploitation purposes, be it in the form of sexual exploitation, the removal of organs, illegal adoption, or forced labour. Today, there are more people in slavery conditions than at any point in history, a number that reaches about 50 million people, according to the latest Global Estimates of Modern Slavery. (ILO et al., 2022) The United Nations estimates that every year, 2.5 million people become victims of this industry, which has 150 billion dollars in revenue and is widely spread throughout the world.

People in situations of vulnerability are frequently the target of traffickers, with 54% being women and girls and 25% being children. Since 2000, when the Palermo Protocol was signed, bringing about the first regulatory mark of its kind, there have been efforts by signatory countries to prevent and combat it and by United Nations organisations and agencies.

In Brazil, only in 2016 Law number 13344/2016 was enacted, creating a regulatory scope for national actions and policies in the prosecution of traffickers,

protection of victims, and prevention, even though the country signed the Palermo Protocol in 2004.

In 2022 alone, the Brazilian government reported the identification of 588 trafficking victims and 2575 labour exploitation victims, and the latest report shows how inconsistent the country's actions are in failing to implement its national law 13344 and its commitment to international treaties.

In addition to that, forced displacement has become the target of humanitarian and human rights concerns. The UN Refugees Agency estimated at the end of 2022 that there were 108.4 million forcibly displaced people throughout the globe, with 34.3 millions of those being refugees. (UNHCR, 2022) In Brazil, the 2023 mid-year statistics point to almost 600,000 forcibly displaced people, with more than 400,000 having Venezuela as their country of origin.

Some researchers have pointed out how both issues—trafficking in persons and forced displacement—are connected, with the increased risk of trafficking in the already vulnerable situation of refugees seeking protection in other countries. Still, the lack of reports and current and reliable data, especially regarding modern slavery and human trafficking in Brazil, leads to a gap in combating it and successfully protecting refugees from becoming

victims.

The goal of this article is mainly to make clear the connection between both humanitarian issues so that research and actions can advance to fully guarantee rights to human beings in vulnerability, while pointing to a human rights perspective that takes the victims and possible victims of trafficking as the main target of public policies and anti-trafficking organisations' measures.

2. Research methods

This research has been conducted through a meticulous literature review of academic articles, books, and reports on the topics of human rights, trafficking in persons, and forced displacement. The references were selected through multiple databases, using the keywords established for the research, which made it possible to refine the search and terms to have more specific findings. Noticeably, reports from UN organisations such as the International Labour Organisation (ILO), the International Organisation for Migration (IOM), and the United Nations High Commissioner for Refugees became some of the main sources of compiled data, as well as Brazilian government and Ministries reports.

Regarding the structure of the paper, first there is the outlining of the main concepts in the subject and then the analysis of data from reports to find out how human trafficking and international displacement could be correlated and to trace the common approach to both issues, both globally and nationally in Brazil.

Lastly, there is a discussion of the results found connected to how a human rights approach would best serve the policies created to combat and ultimately eradicate human trafficking risks from the already extremely vulnerable conditions that refugees face.

Being a real research gap, there was difficulty in finding other writings that report the trafficking of refugees in Brazil, not much legislation, and no direct contact with any specific organisation or person working actively in the investigation or prevention of human trafficking cases of refugees in the country. An obstacle that seems common in this field of research is also the lack of reports of data regarding trafficking in Brazil.

3. Human Trafficking and Refugees in Brazil

3.1 The issue of human trafficking

Human trafficking or *trafficking in persons* is defined as "the 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," according to the Protocol for Human Trafficking (2000). Lately, there have been some changes regarding terminology, and we have been slowly moving towards the use of "modern slavery", a term that encompasses human trafficking in its most varying forms, especially by the IOM and the ILO, and there is a reason for that. In this article, both terms are used, mostly referring to the same thing: both the exploitation and the profit gotten from seeing and treating people as things instead of human beings (Bryant et al., 2020).

Some organisations use the Action-Means-Purpose Model as a device to identify and then combat trafficking in persons, which is how the Palermo Protocol defines it. The Brazilian government designs its policies based on the AMP Models as well, and it can be explained as follows: traffickers always have a first action, which includes induction, transportation, and provision for the victim; then the means of fraud, force, or coercion; and lastly, there is always a purpose of exploitation. The model helps the identification of when trafficking is happening, and in prevention policies in educating people and organisations.

The reporting of numbers of trafficking in persons in Brazil is limited and somewhat confusing, as different organisations use diverse methodologies, making it difficult to assess trustworthy data across different reports.

The National Report on Trafficking in Persons: Data from 2017 to 2020 show women and girls as the main victims of trafficking for sexual exploitation, and an even larger number of men are being trafficked for forced labour in the country. (Figure 1)

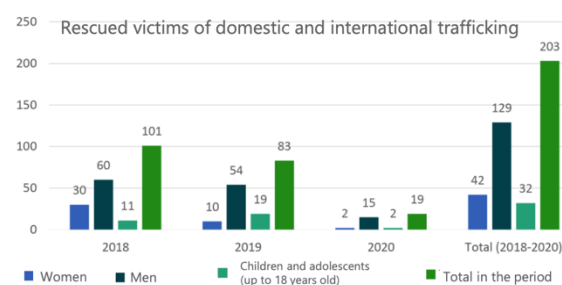


Fig. 1 - Rescued victims of domestic and international trafficking in Brazil. (UNODC, 2021)

The Global Slavery Index (Walk Free, 2023) estimates that in Brazil there are more than 1 million people in modern slavery—about 5 people for every thousand. The country is considered a Tier 2 nation by the U.S. Department of State, which evaluates how the countries governments' act on international treaties and implement law. The Brazilian

government has increased investigations and prosecutions in human trafficking but still fails to report data, making it difficult to ascertain their success or not. (Harnedy 2021)

3.2 Forced displacement and refugees

International migration movements have happened throughout all human history. The last few decades have, however, turned the international community's eyes to the issue of forced displacement, which occurs mostly because of human rights violations in the country of origin of the people who then seek asylum in other, usually neighbouring, nations.

Brazil is seen as a pioneer in the Latin America region when it comes to legislation and policies for hosting and sheltering refugees. There has been an enormous migratory flow of Venezuelans.

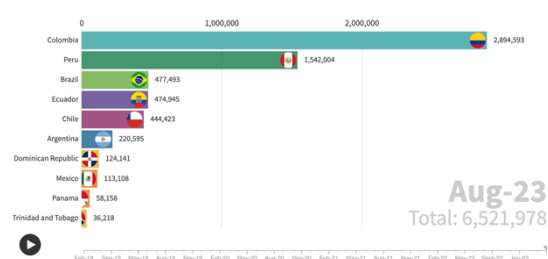


Fig. 2 - R4V Venezuelan population registered by the R4V. (R4V, 2023)

Statistical data from the R4V report of May 2023 presents a population of almost 500,000 Venezuelan refugees in Brazil (R4V, 2023), with only about 90,000 of those being met by the government and civil organisations' internalisation programs. Brazil is the third country with the largest population of refugees from Venezuela since the violation of human rights became aggravated in 2018 (Figure 2).

Refugees in Brazil who, in addition to having so many needs, frequently don't speak the national language, Portuguese, are visibly one of the most vulnerable groups. There are reports and stories of human trafficking cases in refugee camps in Europe (Mece 2020) and other nations, and we go back to the issue already presented: a lack of reporting of information in Brazil.

There are large refugee shelters in the Venezuelan border cities of Paracaima and Boa Vista, and smaller organisations are said to work closely with trafficking victims, both in prevention and rescue/protection. Still, only speculation is found in the official reports. How could a population of almost half a million foreign refugees be unaccounted for with no access to public social services?

While the government and many organisations fail to pay attention to that, traffickers have more room to commit this crime and further violate this group's human rights.

Furthermore, refugees face hardship when validating education certificates and degrees and when searching for work in good, human conditions. The risks of exploitation are enormously increased for refugee populations, and in a country where social indexes haven't reached success yet for its own nationals, the migrant population ends up in another humanitarian crisis, now outside their home nations.

4. A human rights approach

The principle of human dignity is seriously violated by trafficking in persons, in which people are treated as commodities or as merchandise to be traded for. A quote in a movie illustrates how terribly attractive this criminal industry can be: "You can sell a bag of cocaine one time. But a child, the most precious child, you can sell a five-year-old kid 5 to 10 times a day for 10 years straight." (Sound of Freedom, 2023)

By analysing the results of research and the raising of data on the issue of human trafficking, especially for the vulnerable population of refugees in Brazil, it has been noted that there is a big deficiency in current and reliable data. There is no main database that comprehends data from health services, work searches, law enforcement reporting channels, investigation reports, and the prosecution of human trafficking cases. These are limitations for the country's own policies, and they have been perceived but not successfully approached yet.

An approach that is based on human rights consists in advancing in combating human trafficking by treating it as a human rights violation, something that takes away the most fundamental right any person has, according to the Universal Declaration of Human Rights: of being seen and treated as a human being. The document Human Rights and Human Trafficking (UN 2014) presents several reasons why the protection of human rights should be at the centre of all actions regarding human trafficking, as its violation is both the cause and consequence of it and advises States to meet their obligations concerning it in accordance with international law.

Kant, in his philosophical writings, defined something usually forgotten when everything seems to have a price. (Kant 1980, as cited in Silva 2021). He writes that "the person should be considered an end in himself and not a means or an instrument to meet the selfish purposes of others, like satisfaction and profit. (Silva 2021) Human rights of dignity and personality are violated when people are denied freedom of movement, choice, the right to fair work conditions, and social security.

Even the terminology used has different approaches. When we use "modern slavery," it is from the perspective of labour exploitation, whereas "human trafficking" is used from the perspective of human being exploitation. (Silva 2021).

4.1 How could it be practically applied?

A practical way of approaching human trafficking from a human rights perspective in Brazil would be to not only create criminal laws—which are still incomplete and not totally in line with international laws yet—to prosecute and arrest traffickers but also train law enforcement officials, public office personnel, and institutions to understand the context of trafficking and the previous and current vulnerability of the refugee population so that they become able to successfully identify, rescue, and place victims in protection systems.

An example is the operation of the non-profit organisation The Exodus Road, which provides training for law enforcement institutions regarding investigation and the use of technology for it, as well as equipping them for the protection and empowerment of survivors of human trafficking. Recently, they have trained the officers of BPFロン, the Brazilian Border Police in the state of Paraná, which covers the 150-kilometre border with Paraguay and Argentina.

Since 2022, when the training happened, Operation Free Border, as it is called, conducted by BPFロン and The Exodus Road has reported rescuing 374 victims of human trafficking and arresting 12 people involved in the criminal action. These are mostly, but not exclusively, people trafficked from Paraguay and Argentina, who also have a language barrier and end up being taken advantage of in the worst possible ways.

Before the training, the police officers reported not having any knowledge of human trafficking in an area always known for the trafficking of guns and illegal drugs.

5. Conclusion

As a result of this literature review and analysis of available data, the connection between trafficking in persons and the risks faced by refugees in Brazil, but also globally, becomes clear. The heightened vulnerability of the refugee population, added to the lack of monitoring by the responsible organisations, creates the perfect setting for traffickers seeking people in a position of great need to exploit them.

The importance of creating better database systems and policies more preoccupied with guaranteeing rights to the victims and survivors of human trafficking, and beyond that, developing sufficient protection systems in refugee shelters, could not be more stressed. It is critical that a change be made in the public policies and national plans that the Brazilian government develops to better prevent, prosecute, and protect. There must be steps taken to further the efforts that have already taken place.

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