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# Curaçao Human Trafficking Plan of Approach 2022-2026

Human Trafficking and Human Smuggling Prevention Coordinator

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## Abbreviations

<b>SBAB</b>	Tax Accountant Bureau Foundation
<b>DGC</b>	Cross-Border Crime Department
<b>GMN</b>	Ministry of Health, Environment and Nature
<b>KMar</b>	Royal Netherlands Marechaussee
<b>MEO</b>	Ministry of Economic Development
<b>ICC</b>	Information Center Curaçao
<b>IPK</b>	Information Hub
<b>KPC</b>	Curaçao Police Force
<b>RST</b>	Criminal Investigation Cooperation Team
<b>SOAW</b>	Ministry of Social Development, Labor and Welfare
<b>SVB</b>	Social Insurance Bank
<b>UBW</b>	Special Laws Unit
<b>UST</b>	Special Tasks Unit
<b>UVTG</b>	Aliens Supervision and Border Surveillance Unit

## Introduction

The following is Curaçao's Plan of Approach to Human Trafficking, initiated at the request of the Minister of Justice of Curaçao in October 2021 and prepared by the Coordinator for Human Trafficking in cooperation with the Liaison Officer of the Dutch National Police and the Curaçao Police Force's Management Team. This plan should lead to a (more) effective approach to combating and preventing human trafficking. The first priority will be to systematically collect and process information in the existing permanent thematic register on human trafficking in order to enable proper analysis and gain insight into currently active traffickers. This analysis should be immediately followed by the investigation of the perpetrators. In parallel, proper preventive activities must be developed, including the use of the *ultimum remedium* (criminal law) when necessary. The government's intention is to make Curaçao unattractive to human traffickers because they know that the local authorities are actively and aggressively combating human trafficking and that they will therefore be found and penalized. Several tools will be used for this purpose. This Plan of Approach starts by outlining a number of issues and then moves on to describe the immediate steps to be taken. This Plan of Approach is a live document, since we recognize that much will be learned in the coming years. Therefore, as we learn in the course of the Plan's implementation, we will continue to refine it. Nevertheless, the following serves as a framework.

## Decisions

- A dedicated project-based unit will be established within the KPC.
- The KPC will appoint 2 coordinators, 2 detectives and 2 information processors within the dedicated team, who will provide ICC with the required cross-border crime information related to human trafficking and human smuggling, in cooperation with KMAR, the Coast Guard, Customs, the RST and Interpol.
- The coordinators of the dedicated team will be empowered by the Minister of Justice (Chief of Police) to obtain information within their own organizations and from government agencies that come into contact with forms of human trafficking and human smuggling.
- The coordinators will be responsible for ensuring that the information obtained is added to the ICC database.
- The coordinators will hold discussions with the dedicated team on a weekly basis or as often as necessary on the status of the information and the progress towards the investigation. The dedicated team will be supported by the organizations listed below.
- Organizations such as SOAW, MEO, GMN, SBAB and SVB that find indicators of human trafficking during field inspections in collaboration with the enforcement teams UVTG, UST and UBW are required to enter the information into the data system for use by the ICC.
- SOAW, MEO, GMN, SBAB, SVB, UVTG, UST and UBW, undertake to input data on human-trafficking and human-smuggling indicators into the dedicated ICC database, in coordination with their respective Ministers.
- The information will be entered directly into the ICC data system, to be used in the analysis of human trafficking and human smuggling practices.
- Through the intervention of the Ministers of the participating Ministries, each organization will be required to designate a task-force coordinator for human trafficking information who will continue (remotely or otherwise) as part of the human trafficking information unit.
- Organizations that do not report to any Ministry undertake, with the approval of their heads of service, to appoint task-force coordinators.

- Task-force coordinators will structurally monitor indicators of human trafficking and ensure that this information is stored in the ICC's permanent human trafficking register.
- The Ministers of the organizations listed above undertake to ensure that the organizations and entities under their charge will cooperate in the collection and registration of information related to human trafficking and human smuggling.
- Partners that are regularly in charge of investigative tasks—KPC, the Coast Guard, KMAR, Interpol, Customs and the RST—will meet as often as deemed necessary.
- Other participants, task-force coordinators, will meet at least one day each week.
- Cases resulting from the analyses will be forwarded to the tactical department (unit) for further criminal investigation.
- Information prepared for further investigation will be discussed with the Public Prosecutor, who will then pursue further proceedings and prosecution.
- The human trafficking coordinator will be authorized by the Minister of Justice to attend meetings of the dedicated unit and of the other participants at any time.
- The parties undertake under a covenant to ensure the continued flow of information to each other and to the National Human Trafficking Coordinator.

## What is Human Trafficking and How Does It Come Your Way?

Human trafficking is a crime in which the perpetrators intend to exploit people. This intent to exploit is why this type of crime is called human trafficking. Traffickers violate fundamental human rights by grossly abusing the human dignity and physical and mental integrity of their victims. Traffickers use various means of coercion, violence and other strategies to place their potential victims in a state of exploitation, often creating a long-term relationship of dependency on the trafficker. Seeing that, due to the exploitation and the (in)direct dependency created, the victims are usually not likely to report the crime, it is essential to consider beforehand which premise you will follow: *“What you get is what you see”* or, *“What you see is what you get.”*

In other words: Since, fueled by shame for having ended up in that position, fear of the perpetrators, fear of the government because they may not have legal residence and fear of stigmatization, victims of this form of crime often do not come forward on their own, *human trafficking* should ***be considered an ex officio crime***. In recent months, multiple parties have been considering how to effectively address the issue of human trafficking. There have been many ups and downs in addressing and combating this phenomenon over the past decade. *Now, however, a position has been taken*. The chosen approach to human trafficking is: *“What you get is what you see,”* meaning that ***rather than waiting for reports, we will investigate proactively***, as it would be immoral to allow people to continue in exploitative situations while the perpetrators profit handsomely.

## What Forms of Human Trafficking Do We Expect to Find?

Until 2000, human trafficking was defined as trafficking in women and exploitation focused on bringing trafficked persons into prostitution while allowing the human trafficker to profit from the forced prostitution. Following the Palermo Convention (2000), the definition of human trafficking was broadened and incorporated into national laws almost worldwide. Human trafficking is now broadly defined to include:

- Sexual exploitation;
- Labor exploitation (and/or services);
- Criminal exploitation;
- Forced organ removal;
- Mendicancy.

Various national legal frameworks either consolidate all forms of exploitation under a single category or distinguish them for the purpose of criminalization. Curaçao has opted to categorize each type of exploitation distinctly. The types of exploitation expected to occur in Curaçao are primarily *sexual exploitation, labor exploitation (and/or services) and criminal exploitation*.

## **An Integrated Approach**

Addressing and combating human trafficking is most effective when it is based on an integrated approach. This integration is required in both: 1. the process and 2. collaboration. A chain is only as strong as its weakest link, and years of studies on inter-agency collaboration have demonstrated that when each participant in the inter-agency collaboration is required to achieve a high return for his or her own organization, this impedes the desired outcomes, as the participants will not meet the return expected from their individual organizations. Therefore, *the goal of combating and preventing human trafficking must supersede* the individual interests of any partner in the justice chain. In other words, *an integrated approach will NOT succeed unless goals are identified as common goals*. Prior to implementing such an approach, individual goals must be set aside. Participants in the integrated approach must contribute from within their respective organizations while expanding their roles to perform tasks that may extend beyond their usual responsibilities for the benefit of the collective anti-human-trafficking team. To achieve this, the following measures must be taken.

Participating partners must designate dedicated personnel to an anti-human-trafficking team for a predetermined period prior to its establishment. These individuals must receive appropriate training and resources to fulfill their roles. These investments require tailored timeframes so that those attached to the team can grow in their roles. By default, initial assignments to the anti-human-trafficking team should last for at least two years. In the long term, staff rotation with a handover period may be considered to promote knowledge transfer and raise awareness of human trafficking among colleagues from various departments. This process can alter one's perspective and understanding. As knowledge, skills, and experience expand, one's entire worldview changes. The result will be network-wide knowledge sharing, which can facilitate the continuous dissemination of the desired information. An integrated approach is required in various aspects of investigative work. The information position prior to the operational investigation is of obvious importance, especially since this type of crime will be investigated *ex officio*. Not only for investigation, but also for prevention and care of (potential) victims.

## **An Integrated Approach to Information Collection, Processing and Provision**

Individuals responsible for collecting, processing, and providing information on human trafficking crimes should possess or develop an affinity for the subject. Information is available, but the challenge lies in identifying its sources. Without information, there is no case. Human trafficking investigations inherently rely on data-driven detective work. Effective immediately, the KPC should make preferably three but at least two people available to collect human trafficking information in the thematic human trafficking register. In an ideal scenario, the KPC should provide one information coordinator, two detectives and two information processors. Other agencies that



encounter indicators of human trafficking, including the KPC (UBW, UST, ICC, UVTG, DGC), the Coast Guard, the Royal Netherlands Marechaussee (military police), the RST, Interpol, Customs, SOAW, MEO, GMN, SBAB, and SVB, should provide at least one intelligence officer who will forward information to the KPC's information coordinator. In light of the current state of the human trafficking phenomenon, addressing this issue is not merely a request but a necessity. Human trafficking is an ongoing crime for which a total ban on passage applies. Getting the information position in order as soon as possible is therefore not optional. **The KPC's information coordinator must be authorized to obtain information from within her own organization and from those agencies that encounter potential forms of human trafficking.** In her opinion, the current information hub (IKP) does not need to, or rather should not, be changed. The entities mentioned should be part of the IKP, with the understanding that they must be 100% dedicated to the theme of human trafficking. Precisely their role and position within the IKP will enable them to maintain the broad perspective required to identify theme-related items and add these to the human trafficking thematic register. All mentioned agencies are able to recognize indicators of human trafficking. For some, it will take more effort than others, but some backlog work will be necessary in the first four weeks with collecting and processing information in order to identify the highest priority cases on which to focus. Prior to these four weeks, the liaison officer of the Netherlands Police will train the selected persons over several days (9 3-hour lessons in a digital learning environment with extensive use of audiovisual resources) on the subject of human trafficking to enable them to begin work immediately. After the initial inventory, measures must be taken to ensure the continuous flow of information. Each member organization must commit to this through a covenant prepared by the Minister of Justice. Each organization must appoint a task-force coordinator for human trafficking information who will continue as part of the human trafficking information unit (either remotely or on-site). This individual will be responsible for monitoring indicators of human trafficking and ensuring their inclusion in the permanent register. In consultation, a process will be established for centralizing these indicators at the KPC, which is ultimately responsible for adding them to the permanent register. Ideally, new investigations should be identified by Monday each week for priority assessment. The information team should initially operate as a permanent formation collecting information at a single location, with the following fixed participants: the KPC, the Coast Guard, KMAR, Interpol, Customs and the RST—being the partners who are regularly tasked with investigative duties. Other participants should meet at least once a week for a day to collectively discuss gathered information and develop investigation proposals. Together they will determine how to proceed to obtain improved and additional information which operational executive teams can use in their investigations. If this approach to human trafficking is to succeed, none of these elements may be considered optional. The participation of the human trafficking coordinator in joint meetings is crucial due to his pivotal role in providing input at the policy and administrative levels. The coordinator should be kept informed of the status of searches, statistics, trends and analyses.

These are some of the reasons why it is essential to provide the coordinator with the necessary information and keep him informed at all times.

To ensure the development of good proposals, it is preferable that those in charge of intelligence collection be proficient in the art of analysis, or that an analyst be assigned to the team. Existing organizations should be encouraged to allocate analysis resources. The primary objective of information gathering is to enable a public prosecutor to pursue *ex officio* prosecution. By collecting and processing information from various sources and organizations, evidence can be generated from various perspectives, resulting in more objective information. This reduces reliance on reports, which may be dismissed as subjective in the absence of corroborating evidence. Independent stacking of information is therefore vital, which also shows the importance of proper intelligence collection and processing in addressing this type of crime. After an initial period, this approach will yield actionable intelligence on the subject of human trafficking, enabling active intervention. In 2022, the focus will have to be on bringing the criminal justice chain into position. Starting in 2023, the scope will have to be expanded to include additional partners. However, it is imperative that we first ensure that our own organizations are ready, to avoid being overwhelmed by the non-investigative agencies. Once a start has been made based on the existing information, it will be easier to involve other agencies. It is important to convey this message to third-party organizations so that they can prepare to actively participate in the entire chain starting January 1, 2023, without interfering with any activities they may be currently engaged in, in terms of addressing, combating and preventing human trafficking. That will also provide an opportunity for dialogue with criminal justice partners on their future roles and for them to begin preparations accordingly.

The ultimate goal is for intelligence officers to *input the right information in the human trafficking thematic register* for the effective prevention and combating of human trafficking in all its forms. The register serves to support the development and maintenance of a robust information position among all partners involved, in the execution of their statutory duties. The thematic register was implemented in 2020 and is already integrated into the Actpol police registration system.

### **An Integrated Approach to Operations**

Given the various manifestations of human trafficking and the involvement of various organizations in its investigation, it is essential to assemble a dedicated core team with the qualifications to initiate and successfully conclude a criminal investigation based on the information gathered. Each investigation-related organization should contribute proportionately to the establishment of a team that is fully dedicated to this subject, investigates human trafficking independently, and possesses the necessary in-house capacity, knowledge and expertise to perform its duties effectively and in compliance with the provisions of the MoU on human trafficking. After all, the KPC's investigations

differ from those carried out by SOAW. For instance, SOAW primarily investigates illegal labor. Illegal labor sometimes occur under deplorable conditions suggestive of human trafficking. In such cases, the KPC can be of support to colleagues at the other organizations by helping them to recognize and interpret human trafficking indicators within a more legal (criminal) context. This would require subsequent collaboration between both organizations to initiate an initial criminal investigation. MEO and SOAW could then apply their authority to impose economic sanctions and/or administrative measures. To ensure that the above will not depend on any single organization, a multidisciplinary team must be established, with each party (KPC, Coast Guard, Royal Netherlands Marechaussee, Interpol, Customs, RST, SOAW, MEO, GMN, SBAB and SVB) making a proportional contribution of personnel for a period of two years. Interim evaluations will show whether any expansion or scaling down is required. If each organization initially provides two personnel members, that will allow for the immediate establishment of a representative team with the ability to combat human trafficking. This would also serve to significantly enhance the learning capacity of the team members and their respective organizations as they share their knowledge and expertise. All participating organizations will all be able to call upon this team in matters related to human trafficking. Proposals for investigation can be evaluated and implemented based on their urgency.

As suggested by the term “integrated approach” in the header, it is recommended that the initial members of an operational human trafficking team be assigned to it for a period of two years. In principle, these members will receive basic training from the liaison officer and may subsequently undergo additional in-depth training to address the various forms of human trafficking through the ORV. This is necessary because victims of sexual exploitation require different handling than victims of labor exploitation.

Virtually every organization faces staff shortages. As such, it may be considered to assign personnel provided for intelligence gathering to the operational team once the initial intelligence gathering has been completed. Intelligence gathering means being operationally active and these members can also be deployed to participate in further investigations for ongoing cases. With their developing knowledge and expertise, they would be well-suited to conduct questionings in operational executive investigations and/or for investigation tasks, such as in connection with seizures. Such a deployment would not detract from their intelligence gathering duties and would actually be of added value to the operational execution. The intelligence officers usually have the initial available information ready and are able to process new information immediately, thus ensuring that the information cycle is maintained. This will also facilitate better synergy between colleagues from Intel and investigation, who may not yet realize that both must work hand in hand to address these types of criminal phenomena. After all, there can be no investigation without Intel and vice versa.

A dedicated (multidisciplinary) team should therefore be assembled to effectively enable criminal investigations into human trafficking in the first instance. Other (*administrative and/or economic*) measures will follow during the operation of the dedicated team. The team should at least include an operational expert in (tactical) human trafficking investigations, several operational specialists, tactical investigation experts, and generalists. Additionally, the team should include operational specialists trained in, and in charge of, “financial investigations” and “digital expertise,” to ensure that the potential for financial and/or digital investigations is immediately recognized and utilized in every criminal investigation.

It must be possible to target the financial profits. The recruitment and offering often occur through social media or other public digital sources. A thorough understanding of the financial and digital sources often yields evidence of payments and profits, recruitment and offering, which are elements of the criminal conduct of trafficking in persons.

In addition, inspections of (clandestine and illegal) prostitution should preferably also be carried out by a dedicated team, with a view to a flexible utilization of enforcement resources that takes into account neighborhood and zone-specific issues. Collaboration with intelligence officers is crucial to ensure that indicators identified during inspections are promptly added to the thematic register. Immediate action in response to a red-handed case is certainly a possibility. Team members therefore need to be able to act appropriately and possess, or be willing to acquire, the necessary legal skills related to trafficking in persons.

*The primary tasks of a composite human trafficking team should therefore be:*

- *Conducting human trafficking investigations and all forms of related exploitation;*
- *Assisting in the investigation of human trafficking-related crimes;*
- *Developing expertise in human trafficking and related crimes;*
- *Actively collaborating with internal and external partners in the development of a chain-based approach to addressing the issue.*

## **An Integrated Approach Across the Justice Chain (Internal and External)**

Human trafficking is a *type of crime that is of concern to many internal partners*. It often intersects with other types of crime such as narcotics trafficking, firearms trafficking, multiple forms of migration crime and money laundering. When appropriate, the human-trafficking detective may well collaborate with those internal partners in the investigation, precisely because the criminalization of human trafficking offers numerous opportunities for prosecution. The same applies to the other crime types mentioned. Examples include labor exploitation and criminal exploitation. Collaborations among internal partners will allow the Public Prosecutor's Office to pursue broader primary and subsidiary indictments. A dedicated team could quickly demonstrate its added value

in this regard. When handling a boat used in a cocaine landing, the Coast Guard, in collaboration with the KPC, would be focusing primarily on the importation of narcotics and on identifying those responsible for the importation. However, this approach does not address the underlying structural supply of cocaine. A human-trafficking detective, looking at the case through a human-trafficking lens, might well play a crucial role in uncovering a large-scale human trafficking organization based on the “abuse of the actual relationships” in which the transporter finds himself. In any case, he would play a crucial role in updating the permanent human trafficking register. Human trafficking *also impacts numerous external partners*, including administrative enforcement agencies, victim organizations, the Curaçao Action Center against Subversion (ACOC), various permit-issuing agencies, inspectorates, healthcare, housing cooperatives, landlords and the admissions office.

It is necessary to establish a networking covenant with external partners as well in the near future, but not until the proposed organization is in place within “investigation.” Prior to engaging with external partners, it is crucial to ensure that the team is fully prepared to handle reports, collaboration requests, and partnerships with third parties.

Meanwhile, it is important that third-party organizations get together in 2022 to outline, from their perspective:

1. Specific actions they intend to take in addressing, combating and preventing human trafficking and
2. How they fulfill their roles and responsibilities in connection with the human trafficking phenomenon.

Organizations must submit their plans for addressing human trafficking to the human trafficking coordinator. These plans will be used to develop a matrix for broader network collaboration, taking into account the roles and positions of each participant. Once the plan descriptions have been provided, the human trafficking coordinator will initiate discussions with the external organizations to this end. A barrier model can be constructed based on the matrix, linking recruitment, (travel), employment, housing and finance. This will enable the external organizations to identify indicators and understand what actions are expected from both them and the investigative partners, thus helping to define the roles and obligations of participants across the justice chain. By late 2022 or early 2023, Curaçao should be prepared to implement an integrated approach to human trafficking that encompasses the three Ps: Prevention, Protection and Prosecution.

## May 2017 JVO

In May 2017, a “Plan of Action on Human Trafficking and Human Smuggling 2017-2021,” was approved within the Judicial Four-Party Consultation (JVO), its premise being:

The country of Curaçao is committed to a robust approach to the issue of human trafficking in which:

- a determined and efficient approach to the thematic research project is pursued;
- awareness of the issue is raised within Curaçaoan society;
- the administrative approach to the theme is strengthened;
- the proper treatment of victims is pursued.

The outline of an “integrated approach” as mentioned in 2017:

1. having a close link between Intel and investigation;
2. Preparing a Barrier Model for all forms of this type of crime (exploitation in prostitution, services and/or labor exploitation, criminal exploitation);
3. Applying a Programmatic Approach (KPC, Coast Guard, KMar, Interpol, Customs, RST, Immigration, SOAW-Labor, Healthcare, Governance, etc.);
4. promoting expertise among the various partners and
5. assuring that existing agencies have measures in place to address the phenomenon.

Now in 2022, we are poised to implement the intentions outlined since 2017. This is an extensive process, requiring that we first get things in order from an investigative perspective, as described in Item 1. In addition, external partners must also be engaged to develop action plans based on their roles and positions in the approach to human trafficking. Thus, by working together, each fulfilling their distinct role, we can achieve a fully integrated approach. It is essential to also introduce an administrative approach, particularly since the call for intensification in this area has been around since 2017, but you cannot intensify something that is not yet there. This will also have to be considered when Curaçao moves back to a form of licensed prostitution (organizational concerns, Campo Alegre). If the proposed information management and investigations succeed, active intervention and arrests will generate media attention and raise awareness within Curaçaoan society. This is a predictable outcome that will pave the way for the media offensive proposed in 2017.