

## Factsheet

# Brazil Situational Report: Human trafficking in mixed migration flows of Venezuelans

### Objective

The Report analyzed quantitative and qualitative data in order to identify the relationship between trafficking in persons and mixed migration flows, in particular of Venezuelans, focusing on the response of the justice system in Brazil. The study included:

- 11 videoconference interviews
- 125 online survey responses
- Bibliographic review

The research analyzed the routes Venezuelans migrants use to reach Brazil, the key locations where they settle, their profile, as well as their vulnerabilities to human trafficking, and Brazil's justice system's response to this crime.

### Sample

**136** respondents

(professionals working in the assistance to victims of human trafficking, and/or in the prosecution of the crime)

**88** women (65%)      **48** men (35%)

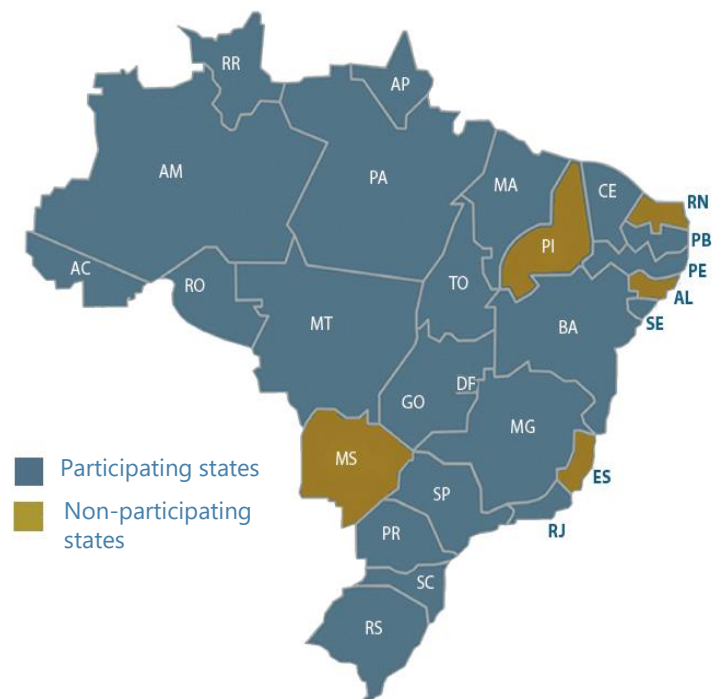
### 99 Institutions across the country

(government, institutions of the criminal justice system and public security systems, civil society organizations, and international organizations)

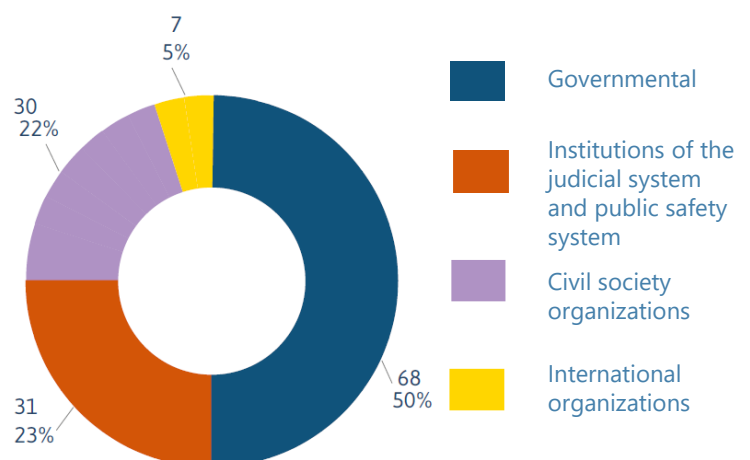
### 5 Brazilian regions

(North, Northeast, Midwest, South, and Southeast)

### Survey of participating states



### Respondents per type of institution



This project was made possible through support provided by the United States Department of State



### The Law to Combat Human Trafficking (law nº 13.344/2016) and related policies

- Provides for the prevention and repression of domestic and international trafficking in persons, as well as for measures to assist victims.
- Establishes its own concept of human trafficking, requiring the following three elements to constitute a crime:

Action	Means	Purpose
<ul style="list-style-type: none"> <li>• To arrange</li> <li>• To entice</li> <li>• To recruit</li> <li>• To transport</li> <li>• To transfer</li> <li>• To purchase</li> <li>• To harbor</li> <li>• To receipt</li> </ul>	<ul style="list-style-type: none"> <li>• Serious threat</li> <li>• Violence</li> <li>• Coercion</li> <li>• Fraud</li> <li>• Abuse</li> </ul>	<ul style="list-style-type: none"> <li>• Removal of organs, tissues, and body parts</li> <li>• Labor conditions analogous to slavery</li> <li>• Servitude</li> <li>• Illegal adoption</li> <li>• Sexual exploitation</li> </ul>

- Law No. 13.344/16 is in line with the Additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol, 2000), the leading international legal instrument addressing the subject, which was ratified by Brazil in 2004 (Decree No. 5.017/2004).
- Moreover, the Brazilian Government instituted the National Policy to Combat Human Trafficking (Decree No. 5.948/2006) and currently implements the III National Plan to Combat Human Trafficking (Decree No. 9.440/2018).

### The Migration Law (Law nº 13.445/2017)

- Replaced the Foreigner Statute (Law nº 6.815/1980). Addresses migration with a human rights perspective.
- Regulated by Decree nº 9.199/17.

### The Asylum Law (Lei nº 9.474/1997)

- Aims to implement the 1951 Convention Relating to the Status of Refugees (Geneva Convention) and its 1967 Additional Protocol.
- Also enshrines the expanded definition of a refugee of the Cartagena Declaration (1984).
- Establishes the creation of the National Committee for Refugees (CONARE).

## Country profile

- Brazil has a population of approximately 221 million people. About 800,000 of them migrated from other countries, which accounts for 0.4% of the total population.
- Of these 800,000 persons, more than 262,500 are Venezuelan migrants and refugees. Of Latin American countries, Brazil receives the fifth-highest number of this population.
- Between January 2017 and August 2020, the Federal Police registered 609,049 Venezuelans entering the country and 345,574 leaving, either returning to Venezuela or departing for other countries.
- Today, Brazil is a destination and transit country for tens of thousands of Venezuelans seeking to migrate to another country. The main Brazilian entry point is the state of Roraima. The migration route is usually by land, with modes of transport including buses, vans, cars and even travel on foot.
- More than 40,000 Venezuelans have benefited from the federal interiorization program (Operation Welcome) since April 2018, almost half of that number in 2020 alone.
- More than 600 cities across Brazil receive these migrants, in particular Manaus (AM), Curitiba (PR), São Paulo (SP), Dourados (MS) and Porto Alegre (RS).

## Migrant profile

Most of the Venezuelan migrants in Brazil are between 20 and 45 years old. There is also a significant number of children and adolescents.

Men and women are almost equally represented.

They have a diverse profile, including families with children and elders, unaccompanied or separated children, indigenous people, elders, LGBTQIA+ individuals, etc.

Upon arrival in Brazil, Venezuelans, often with a low level of professional training and schooling, experience significant socioeconomic vulnerability and face difficulty accessing the labor market.

The Warao are the main Venezuelan indigenous people who enter Brazil. According to R4V Platform, more than 5,000 indigenous Venezuelans have arrived in the country since 2016, out of which about 65% were Warao.

The migrants' socioeconomic context and accentuated vulnerabilities have worsened with the economic, political and health crises that Brazil has faced in recent years. As a result, these migrants are highly vulnerable to human trafficking.

## Migratory status

Brazil grants residence to Venezuelan migrants and refugees according to its national legislation.

The Migration Law (Law No. 13.445/2017) provides the legal basis for the permanent residence of Venezuelans in Brazil and authorizes their access to health and social assistance, among other rights.

Ordinance No. 87/2020 of the Ministry of Justice and Public Security provides for the special procedures for concession of residence permits for migrants who are victims of human trafficking and labor exploitation.

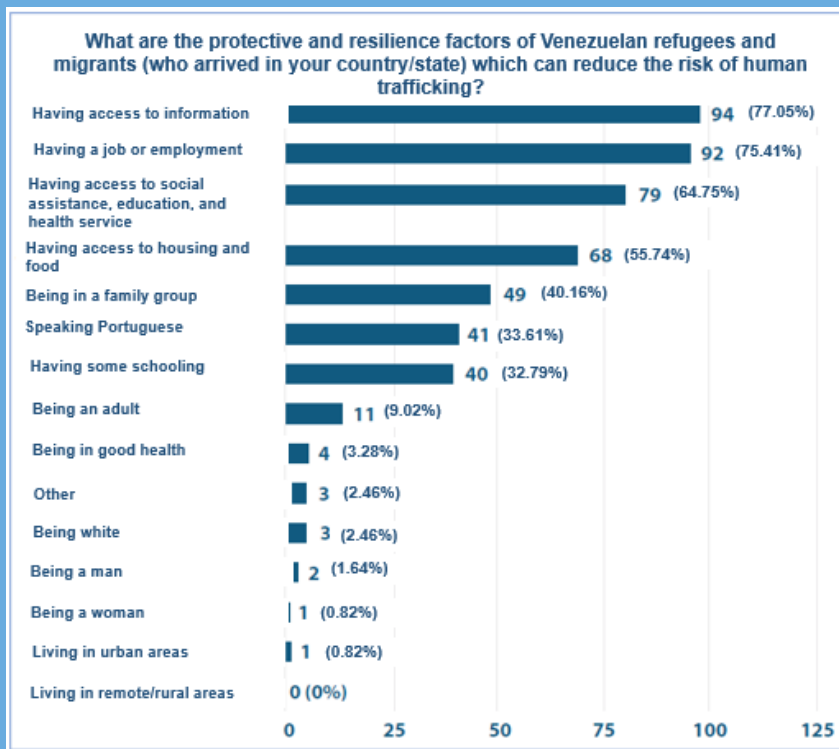
# Vulnerabilities and human trafficking

Circumstances surrounding migration can lead to particular vulnerabilities in most people who move across international borders. In the context of the Venezuelan regional migration, this increased vulnerability is explained by multiple factors: the precariousness of the routes and means of transport used, family fragmentation and the consequent loss of familial bonds and protection, the lack of identity documents, the irregular migration status, and the lack of access to the labor market, among others.

The survey's results show that, for most respondents, the main personal characteristics that lead to a greater vulnerability of Venezuelans to human trafficking are: (i) being a woman; (ii) being an unaccompanied or separated child or adolescent; (iii) being a child or adolescent; (iv) being part of the LGBTQIA+ population.

The main factors that indicate an extrinsic/external vulnerability are: (i) not having a job or employment; (ii) not having access to housing and food; (iii) lack of access to information; (iv) not having access to social assistance, education, and health services.

The main *protective* factors against human trafficking included:



\*Respondents could choose up to 4 factors.

## The response of the Brazilian judicial system

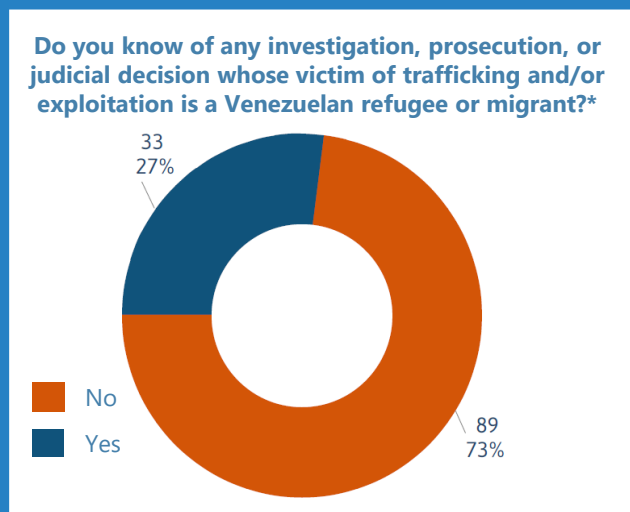
### Criminal justice

The criminal justice response to human trafficking in Brazil has at least two obstacles: the underreporting of cases and the limited production and dissemination of data in this domain.

Similarly, few trafficking cases are prosecuted, and, of these, a limited number is known.

This is because the elements that characterize human trafficking are not often clear or because the responsible authority does not have the necessary experience to identify the crime.

When a case of human trafficking is duly identified, the motives for trafficking (of Venezuelans) most frequently mentioned by respondents included:



- labor exploitation (mainly domestic service when women and rural exploitation when men) (87.7%)
- sexual exploitation (69.67%)
- servitude (36.89%)
- illegal adoption of newborns (especially in Roraima) (13.11%)
- organ removal (8.2%)
- other, including cases of drug trafficking "mules"; forced begging; and servile marriage (7.38%)

\* Respondents could choose more than one of the above-mentioned motives.

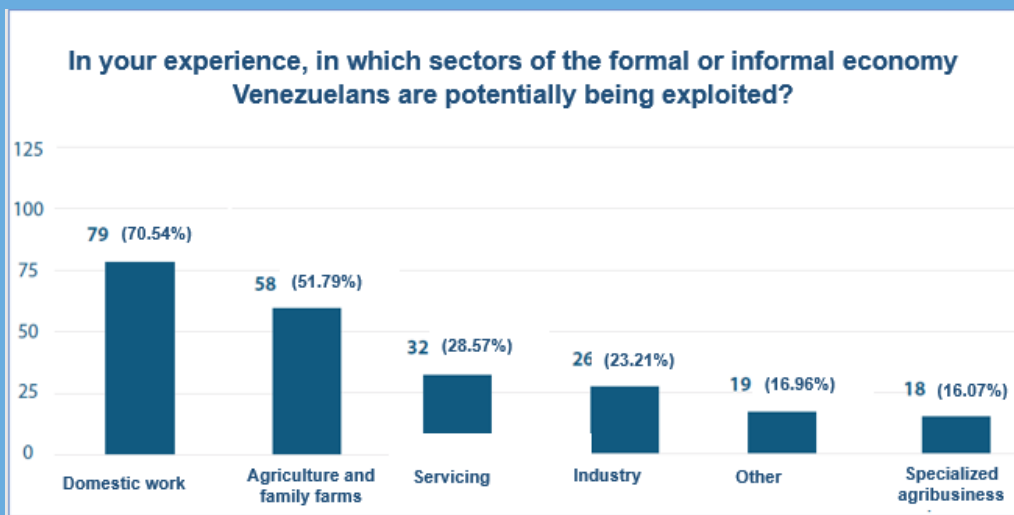
## Response to labor exploitation

It is important for authorities responsible for investigating and prosecuting crimes related to labor exploitation to distinguish between two articles of the Criminal Code: Art. 149 (to reduce someone to conditions analogous to slavery); and the Art. 149-A, II (human trafficking for the purpose of submitting someone to work conditions analogous to slavery). The latter requires, for its characterization, the fulfillment of the three constituent elements of human trafficking.

The Labor Prosecution Service and the Subsecretariat for Labor Inspection (SIT) of the Ministry of Economy are the two main organs that investigate and/or process labor exploitation cases in Brazil. The Special Mobile Inspection Group (GEFM) is an essential instrument in the inspection of situations of extreme exploitation and in rescuing workers. The GEFM is under the Division for the Eradication of Forced Labor (DETRAE) of the SIT, which operates in coordination with other institutions.

In Roraima, from 2009 to 2019, GEFM rescued 91 workers in conditions analogous to slavery. Out of these, 19 were Venezuelans, equivalent to one fifth of the victims identified in the state. During this period, 16 employers were held accountable for forced labor exploitation. Eight of these employers exploited at least one Venezuelan migrant.

According to the survey, the most mentioned labor exploitation sectors are:



\* Respondents could choose any of the above-mentioned sectors, with no limitation of number.

### Case study

The Brazilian Federal Court in Ceará convicted three individuals for the crimes of trafficking in persons and of reducing a person to conditions analogous to slavery, which were committed against a Venezuelan migrant.

According to the sentence, the convicted individuals recruited the migrant in Roraima and transported her to Ceará to subject her to forced labor, exhausting working hours and degrading working conditions, and restricted her freedom of movement.

The individuals were convicted in first instance, in the 'closed' and 'semi-open' prison regimes. There is a possibility to appeal.

The sentence can be accessed at: <https://bit.ly/3fL8rOi>.

### New methods of recruitment

In today's highly interconnected world, human trafficking recruiters frequently use the internet to advertise misleading job offers and entice victims. They use social networks and smartphone applications and make direct contact via WhatsApp.



# UNODC

United Nations Office on Drugs and Crime

## **Human Trafficking and Migrant Smuggling Section (HTMSS)**

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