Thank you, Chair!

Brazil acknowledges the importance of the issue of the treatment by the criminal justice of victims of human trafficking who commit crimes because of being trafficked.

In Brazil, victims of human trafficking are often associated with other crimes. In numerous cases of the Federal Public Defender’s Office, especially in Rio de Janeiro and São Paulo, victims are indicted for international drug trafficking, as well as trafficking of firearms.

According to Brazilian human trafficking legislation, "full attention is given to direct and indirect victims, regardless of nationality and collaboration in investigations or legal proceedings" (Law No. 13344/16).

In addition, legislation establishes, as a general guideline, the prevention of re-victimization in assistance, investigative and judicial procedures.

However, there is no specific statutory provision for a different treatment for victims of human trafficking who engage in criminal activities because of their situation.

In some particular occasions, though, it may be possible that illegality of conduct or culpability of the agent might be excluded, as well as the penalty forgiven. Some institutes that can be considered are state of need, exculpatory defense, judicial pardon or other legally foreseen defense.

In a recent case, the Federal Public Defender’s Office acted in the criminal defense of a victim accused of drug trafficking and obtained her acquittal by demonstrating that she was forced, by the network of drug dealers, to swallow the cocaine capsules, under death threats.

Mr. Chair,

Brazil suggests the strengthening of concepts related to human trafficking (forms and systematic of commission, submission of victims, etc.) so that order the particular circumstances of each case can be evaluated with the required attention, avoiding “double victimization” of victims of trafficking in persons.

Brazil also recommends the reinforcement of prevention and protection measures for victims of human trafficking, as
established in the Palermo protocol. States Parties should strive to guarantee that potential victims of trafficking in persons are not treated as irregular migrants subject to compulsory deportation measures to the countries of origin. Additionally, States Parties should strive to strengthen partnerships and articulation with associations and non-governmental organizations to support initiatives to educate vulnerable populations about the characteristics of this type of crime as well as about the rights of victims.

Thank you.