Lima, February 14, 2019

**Reference: Call for contributions: Draft general recommendation on trafficking of women and girls in the context of global migration**

Dear Sir/Madam,

In consideration of the call for contributions of the Committee on the Elimination of Discrimination against Women to elaborating a General Recommendation on trafficking of women and girls in the context of global migration, the Center for the Promotion and Defense of Sexual and Reproductive Rights (PROMSEX), a feminist non-governmental organization comprising men and women seeking to contribute to the validity of the integrity and dignity of people on the access to sexual and reproductive health, justice and human security, provides relevant and updated information regarding the situation of trafficking in persons for purposes of sexual and labor exploitation, and its impact in girls and adolescents in Peru.

1. **Current situation of trafficking in persons in Peru**

Trafficking in persons in Peru is a complex phenomenon that is associated to violence and structural inequalities, including gender inequalities.

Current measurements do not necessarily represent the reality of the phenomenon, due to extensive underreporting. From the information obtained, “approximately 80% of the victims of trafficking in persons in Peru are women and girls[[1]](#footnote-1).” Additionally, between 2009 and 2014, the Office of the Attorney General reported a total of 3911 victims of the crime of trafficking in persons at the national level. 79.6% were women; 86.2% of them were Peruvian. 50.1% of the total had between 13 and 17 years of age, and 21% between 18 and 24 years of age, this being a problem that affects mainly adolescents and young people[[2]](#footnote-2).

Furthermore, the system of Registry and Statistics on Human Trafficking and Related Crimes (RETA) shows figures that comprise the period from 2007 to 2016, identifying 8411 victims of trafficking in persons, where 92.7% of the registered cases were women. Likewise, it indicates that in 41% of the reports, the purpose was sexual exploitation, which is consistent with the data from the Office of the Attorney General[[3]](#footnote-3).

Similarly, according to the National Observatory of Criminal Policies of the Ministry of Justice and Human Rights (2017)[[4]](#footnote-4), Lima is the region with the highest percentage of reports (22.8%), Loreto is the second (10.7%), and Madre de Dios is the third (9.6%)[[5]](#footnote-5). It also

informs that there is no actual record on the number of victims, and that data was gathered more thoroughly since 2009, so the registry is growing along with the ability of the State to address crime[[6]](#footnote-6).

Due to the lack of official statistical records of cases of trafficking in persons and specific information on the regions[[7]](#footnote-7), some non-governmental organizations join efforts to enter areas where the problem is not being addressed in depth.

For this reason, Promsex has been working for several years in Madre de Dios[[8]](#footnote-8), region of the Peruvian rainforest that occupies the third place in the amount of reports of trafficking in persons, linked to informal mining and the industry of illegal logging. Indeed, this last activity, in particular the illegal extraction of gold and its (increasing) demand, resulted in a massive exploitation of gold in an informal manner and, practically, there are villages that live entirely from mining; for example, in Mazuco, 85% are informal mining settlements.

The rise of this gold mining activity has led to different types of trafficking in persons, including: labor exploitation and for purposes of sexual exploitation, the latter occurs mainly in bars, brothels, labor camps.

According to a study conducted by Promsex, along the road parallel to the Tambopata river, there are food stalls and bars in which adolescents between the ages of 14 and 17 offer sexual services, in addition to services offered in the restaurants[[9]](#footnote-9).

In the case of trafficking in persons for labor exploitation, the work is performed in periods of 24 continuous hours that are repeated, after a break, with another 24 hours. The work involves having half of the body submerged in water and working with high-pressure hoses mixing water with mercury[[10]](#footnote-10).

It should be noted that, among the victims of trafficking in this area, 80% is destined to sexual exploitation in bars and brothels, while 20% to labor exploitation. Among the reasons why this situation continues, we have the isolation of the area, the informality of means of transportation, and the scarce control on the roads. In addition, the members of

the Peruvian National Police Force are not adequately prepared to deal with the mafias, so their actions are ineffective[[11]](#footnote-11).

1. **Profile of a victim of trafficking in persons[[12]](#footnote-12)**

Any person who is in the place, time or circumstance of vulnerability can be a victim of trafficking. However, a special group of vulnerability are children and adolescents, and this is reinforced by educational and economic conditions, age, sex and place.

*In terms of sex and age*, the incidence of female victims is, notably, greater than that of men. According to state information, in the period of 2010-2017, there were 9 thousand 71 alleged victims of trafficking in persons[[13]](#footnote-13), 8 out of every 10 are women, most of them have between 18 and 29 years of age (44.2%); with regard to victims with less than 18 years of age, this percentage was 32.4%. From the total of male victims, the majority are minors (70.8%).

*In terms of level of education*, female victims of trafficking and sexual exploitation usually do not have a basic education or it is incomplete. In Peru, according to a study by the National Institute of Statistics (2016), 9% of women older than 15 years are illiterate, percentage three times higher than men, and 31.5% of women over the age of 14 do not have their own source of income[[14]](#footnote-14).

Most of the victims of trafficking in persons have a secondary education. In the first half of 2018, 137 victims can be observed with this level of education. In 2017, this figure was 552 victims[[15]](#footnote-15).

Between January and June 2018, there were 373 women registered, 139 of them were under the age of 18 years, and 182 had between 18 and 29 years of age, among others[[16]](#footnote-16).

*In terms of the place where the exploitation occurs*, reports indicate “night clubs” as the most frequent places of exploitation. Between January and June 2018, there were 25 reports of trafficking in persons that mention this type of place and, in 2017, there were 100 reports[[17]](#footnote-17).

It is worth mentioning that the most used mean of capture by traffickers is deception through false job offers. Between January and August 2018, 244 reports registered this

mean. In 2017, of the total registered, 70.6% of the reports indicated deception. Other means employed are fraud, granting or receiving payments, threat, abuse of power and deprivation of liberty, among others[[18]](#footnote-18).

This profiling should lead to urgent measures through existing public policies to implement strategies and actions with a gender approach, both in the prevention and the persecution and comprehensive compensation of the victims.

1. **Impact to the mental and physical health of the victims of trafficking in persons**

An aspect that is rarely addressed is the need of developing a *Unique Protocol for the Comprehensive Health Care of Victims of Trafficking*, recognizing that it is one of the rights violated during the process of victimization, which due to the characteristics of the victims must contain a gender, human rights and children approach as its main elements.

* **Mental health of the victims**[[19]](#footnote-19)

A study on the situation of mental health in Peru indicates that Puerto Maldonado is one of the five cities with the highest incidence of mental illness in the country. The most common psychiatric problems include clinical depression and alcohol dependence[[20]](#footnote-20). The prevalence of mental illness is reflected in health analysis, there is not infrastructure nor coverage for mental health problems.

Depression is a common problem for all women who live in La Pampa[[21]](#footnote-21). Applying the PHQ-9 test to a sample of 83 women who attended health campaigns, it was observed that approximately 40% of the respondents had problems with depression that required health care through psychotropic drugs and psychotherapy. The results indicate that only 5% of the sample has minimal signs of depression, while 29% have symptoms of mild depression and another 29% have symptoms of moderate depression. Lastly, there was an alarming figure of 17% of people with moderately severe symptomatology, and another 20% with severe depression[[22]](#footnote-22).

In addition to this, there is an abuse of substances such as alcohol consumption and dependence. According to a study on mental health in the area, a very high consumption of alcohol was observed among all women, even among those who were not sexually exploited, housewives and those that were only exploited for labor. Almost 90% of women in the control group consumes between half and six bottles of beer (620 ml) per day, and health centers in La Pampa, and even those in Puerto Maldonado, are very far from offering specialized care, and even further from being trained to treat addictions or other conditions that accompany it, such as depression.

* **Physical health of the victims**

The impact to the physical health of the victims of trafficking occurs in various forms, including: sexual abuse, physical abuse, and occupational risks. Women and adolescents who work in ‘prostibares’ (brothels and bars) are exposed to all kinds of health risks, starting with the possibility of getting a sexually transmitted disease, including HIV or AIDS.

Only in Madre de Dios, the amount of cases of HIV infection is 10 times higher than the national average. In 2010, the regional average was 31.6 while the national average was 3.4 per 100,000 inhabitants[[23]](#footnote-23). 75 % of the health centers in Madre de Dios (108 health facilities grouped in networks) lack medical staff. They only have technical staff, lowest category according to the National Registry of Health Facilities (2014)[[24]](#footnote-24).

According to a study conducted in the area of La Pampa, “health centers in the area very clearly discriminate between women in the control group, who have settled in the area for a while, who live with their families, who are not victims of exploitation and who usually have access to these health posts, and those who, in one way or another, are being exploited. Thus, 20.45% of women treated their latest condition in a health center of the area, to which they generally go to treat all kinds of medical conditions: dengue, hypertension, pregnancies and deliveries, and general symptoms, among the most common[[25]](#footnote-25).”

In addition to this, the health services provided in the districts of Tambopata and Mazuko are insufficient for the inhabitants, therefore, health coverage treats less than one fifth of the actual population[[26]](#footnote-26).

Likewise, victims of sexual exploitation rarely go to this hospital (2.33% of the cases). Among women in a situation of forced labor and slavery, the use of State health care services near La Pampa or in the city of Puerto Maldonado was not identified.[[27]](#footnote-27).

On the other hand, women victims of trafficking are at risk of getting pregnant and jeopardizing their lives with abortion practices or high risky medical interventions, and some of them are forced to carry the pregnancy.

According to a research study conducted by Promsex, the region of Madre de Dios is a territory of high vulnerability and risk to the sexual and reproductive health of people, it can be noted that there is a high prevalence and recurrence of diseases among the victims of sexual exploitation, and there is a high incidence of consultations related to sexually transmitted diseases[[28]](#footnote-28).

On the other hand, it is observed that in the Km. 108 the situation of adolescent pregnancy is even more critical. 37% of women treated in health campaigns had their children during their adolescence, and a little more than 6% became pregnant at the age of 15 or less[[29]](#footnote-29).

1. **Information related to the current legal framework and public policies or state practices with regard to the trafficking in persons**

The Peruvian State is part of the United Nations Palermo Convention against Transnational Organized Crime and the Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. In the national legislation, trafficking in persons and aggravating circumstances are defined under Article 153 of the Criminal Code[[30]](#footnote-30).

On November 14, 2014, the “National Policy against the Trafficking in Persons and its Forms of Exploitation”[[31]](#footnote-31) was approved. This policy was developed with the participation of 22 public and private entities and its main objective is to “prevent, control and reduce the phenomenon of trafficking in persons, through emphasis on the social and cultural factors that generate it; the efficient prosecution and punishment for the crimes of trafficking and exploitation of persons, and the effective protection, recovery and reintegration of the victims [[32]](#footnote-32).” In the framework of prevention, two general guidelines are established; the effective attention to the socio-economic factors that facilitate the crime, and the reduction of social and cultural tolerance against human trafficking. The line of prosecution of the crime has a greater importance with three general guidelines; the control and oversight of the process of trafficking, the intervention in areas of exploitation, and the strengthening of justice systems related to the crime. In regard to protection, there are two guidelines; timely care and protection of the victims, and recovery and reintegration into society.

In February 2016, the Regulations of Law No. 28950 were enacted, “Law against Trafficking in Persons and Smuggling of Migrants” that creates the Permanent Multisectoral Commission against Trafficking in Persons and Smuggling of Migrants.

Similarly, on June 7, 2017, the National Plan against Trafficking in Persons (PNAT) 2017-2021 was published. It was approved by Supreme Decree No. 017-2017-IN, with the purpose of strengthening the policies for the eradication of trafficking in persons and the creation of temporary protection spaces to provide care for the victims, and with four strategic objectives to develop: ensuring the institutional governance; preventing and raising awareness in the population regarding this issue; treating, protecting and reintegrating the victims; and, finally, strengthening the mechanisms of oversight and prosecution of the crime[[33]](#footnote-33).

The PNAT strives to understand the crime in all of its complexity, with the purpose of addressing it from the prevention of situations of vulnerability that facilitate the crime, to the prosecution and oversight. The deficiencies of government entities that have addressed the issue are acknowledged and it is focused on strengthening them in order to manage

better public policies and specific budgets for the fight against trafficking in persons. However, in 2017, the budget allocated to begging the implementation of the PNAT was 11 million soles, which is considered insufficient for the scope of the stated goals.

Similarly, at the regional level, there are specific plans in the departments with the highest incidence of the crime, including: Cuzco, Puno, Loreto, Ayacucho, Moquegua, Tumbes, and Madre de Dios, which have, or had, action plans against trafficking in persons. These plans include other crimes such as the control of immigrants or labor exploitation, depending on the characteristics of each area. In the case of Madre de Dios, a first regional plan was implemented in 2011, in force until 2016. This Plan was the beginning of the cooperation of a Multisectoral Commission in Madre de Dios with the purpose of coordinating the efforts from different sectors in order to improve the recording of the crime, promote the prevention and improve the care for victims. While it was an important first step, there are no statistics that show its scope. On September 21 of this year, the Regional Plan Against Trafficking in Persons 2018-2021 in Madre de Dios was approved, with the purpose of continuing what was outlined by the first plan, on the basis of the new PNAT.

The new Plan has the goal of preventing, controlling, caring for and reintegrating the victims, and reducing the rate of the crime in the region. It revolves around four main axes; prevention and awareness; care, protection and reintegration of victims; oversight; and prosecution of the crime[[34]](#footnote-34). The complete document, however, is yet to be published.

Lastly, on January 31, 2018, the National Plan for Human Rights 2018-2021[[35]](#footnote-35) was published by Supreme Decree No. 002-2018-JUS, which includes migrants, displaced persons, victims of trafficking and their families as a group that need special protection, and establishes concrete actions for the protection and comprehensive promotion of the rights of the victims of trafficking in persons. However, there is no information available regarding the implementation of the Plan in this specific point.

1. **Remaining challenges in the implementation of policies and state practices with regard to the trafficking in persons**

As noted above, the State must implement the comprehensive health care protocol for the victims of trafficking with a gender approach, taking into consideration specialized care for children and adolescents.

The Ministry of Women Affairs and Vulnerable Populations has yet to publish the Plan for the Reintegration of Victims of Trafficking in Persons. Furthermore, there is no information regarding the design and implementation of measures to strengthen the Municipal Offices of the Ombudsperson for Children and Adolescents[[36]](#footnote-36).

There is a clear re-victimization and lack of protection in Residential Care Centers (CAR) for victims of trafficking, according to civil society organizations. Victims are admitted into CAR centers without consulting them, and the infrastructure and security are precarious. As evidence, in 2016, a 16-year-old adolescent victim of trafficking in persons accused a worker from the shelter where she was located for sexually abusing her[[37]](#footnote-37), and he was not prosecuted. On the matter, the Alternative Report of civil society noted that less than three

out of every 100 people charged have been sentenced[[38]](#footnote-38), which generates an evident situation of impunity and defenselessness for victims of trafficking. In this regard, the State has the obligation of ensuring that the admission of trafficking victims to the Residential Care Centers (CAR) is not against their will and that it does not have an indefinite duration. Also, the State shall establish protocols for prevention and administrative sanction of violence within these centers.

* **Difficulties in the access to justice**

Even though in 2014 the CEDAW Committee recommended to the Peruvian State to “24) b) strengthen the capacity of judiciary officials, law enforcement officials and border officials (…) to assist the victims of trafficking with due regard to gender issues.” In the same regard, the Committee on the Protection of the Rights of All Migrant Workers and Their Families[[39]](#footnote-39) indicated that “the Peruvian State shall adopt measures to ensure, in practice, the execution of a normative framework against trafficking in persons and to investigate, prosecute and punish persons, groups or entities that organize or are involved in these crimes”[[40]](#footnote-40), which has not been achieved.

According to the report of the National Institute of Statistics and Computer Science (INEI) 2011-2018, between January and September of 2018, 991 reports were registered for the crime of trafficking in persons, while in the 2017, the total reached 1 433 reports[[41]](#footnote-41). Just between January and September of 2018, there were 991 reports of trafficking in persons, with Lima as the district with most reports (227); followed by Puno (88), Madre de Dios (71), Arequipa (70) and Loreto (65)[[42]](#footnote-42).

The lack of reporting of trafficking in persons for purposes of sexual exploitation and the underreporting of this data in the justice system is a constant[[43]](#footnote-43), this is due to personal and institutional barriers. Among the barriers that limit the reporting of violence, there are: a) little credibility in the justice system to resolve cases of violence against women; b) a well-founded fear of reprisals by the accused against the victims, due to the lack of mechanisms for the protection of victims; c) the high costs and expenses derived from reporting and continuing with the process; and, d) language barriers.

The main obstacles in the access to justice include: re-victimization, poor assessment of evidence, inadequate protective measures for victims, and impunity. In addition to this, another challenge to obtaining justice is the unnecessary delay of the judicial processes, which in many cases take years, without offering protection to the victim during the investigations or, in other cases, the judicial criteria marked by gender stereotypes.

Likewise, the impunity of the aggressors in the cases of trafficking in persons and the failure to enforce the sentences are also a common denominator in Peru, together with the precarious remedial measures for the victims. As an example, in 2014, the Permanent Criminal Chamber of the Supreme Court of Justice issued the Appeal for Annulment No.

2349-2014, which confirmed the acquittal of a woman accused of human trafficking and whose victim was a 14-year-old girl captured to work as an “escort” in a pub in the mining area of Mazuko in Madre de Dios[[44]](#footnote-44). The Chamber considered that there was no labor exploitation since “being an escort is not a labor that would exhaust the strength of the worker.” This discriminatory judgment ensured the impunity of the accused by issuing a sentence based on gender bias about the victims of sexual exploitation, minimizing its sexual and labor connotation, and thereby preventing such role from being considered as sexual and labor exploitation. The judges were reported to the National Council of Magistrates (CNM) for engaging in manifestly discriminatory treatment in the exercise of their position and not prompting the court decision. The CNM declared it unfounded and, therefore, will not punish the judges because it does not consider that there is reason to do so[[45]](#footnote-45).

This decision based on discriminatory stereotypes, in addition to being revictimizing, violates the right of access to justice and increases the mistrust of the victims toward the State, guarantor of their rights, especially the right to life and physical integrity (Article 2.1 of the Peruvian Political Constitution).

It is worth mentioning that, in June of this year, due to journalistic reports, a set of audios was revealed in which you could listen to judges from the highest spheres of the judicial system (Judiciary, Office of the Attorney General and the National Council of Magistrates) negotiating favors, designations and even the reduction or acquittal of sentences of criminals prosecuted for the crime of rape. According to information known through journalistic reports, members of the CNM maintained very close ties to judges investigated for settling the acquittal of a defendant accused of rape.

These acts of corruption show that the right of access to justice for women and girls is at risk since it severely compromises the right to an impartial judge in the cases. Moreover, it also shows us that, in the exercise of their duties, the members of the CNM neglected the right to the proper motivation, since they did not indicate the objective reasons that led to the decision of not starting a disciplinary proceeding against the judges Javier Villa Stein, Josué Pariona Pastrana, Duberlí Rodríguez Tineo, José Neyra Flores and Cesar Hinostroza Pariachi. All of the above reinforces the unfeasibility of an effective and suitable mechanism for the access to justice of the victims of gender-based violence which, as we can see, has been one of the main groups affected by the corruption in the judicial system.

Decisions cannot be validated with lack of impartiality and gender discrimination[[46]](#footnote-46). In this regard, the Appeal for Annulment No. 2349-2014 of the Permanent Criminal Chamber of the Supreme Court of Justice, which confirmed the acquittal of a woman accused of trafficking in persons and whose victim was a 14-year-old girl, shall be evaluated.

Additionally, the State shall strengthen the capacity of judiciary officials, law enforcement officials and border officials to assist the victims of trafficking taking into account gender issues. As well as training the personnel of the 42 shelters for victims of trafficking[[47]](#footnote-47).

1. Carlos Germán Guerrero Argola. [Crónicas sobre trata y explotación sexual de niñas, niñas y adolescentes [Chronicles on human trafficking and sexual exploitation of children and adolescents].](https://drive.google.com/file/d/0B3eoZlRDFJi9cy1icVdtN1ROb2s/view)

   We are concerned about the trafficking of adolescent girls for purposes of sexual and labor exploitation, especially in the mining and timber industries. Particularly, what is happening in Tambopata and Mazuko in Madre de Dios (area located to the South East of the Peruvian territory). [Crecer Seguras en Madre de Dios: Contribuyendo a la erradicación de la trata y la explotación sexual y laboral de niños, niñas y adolescentes](http://promsex.org/wp-content/uploads/2017/02/CrecerSegurasSistematizacion.pdf) [Growing up Safe in Madre de Dios: Contributing to the eradication of human trafficking and sexual and labor exploitation of children and adolescents]. PROMSEX, October 2016, page 9. [↑](#footnote-ref-1)
2. Crime Observatory of the Office of The Attorney General (2015). Statistical figures. Trafficking in Persons 2009-2014. [↑](#footnote-ref-2)
3. D., Garboza, J. and Hilario, V. (2017) Denuncias de Trata de Personas. Presuntos (as) víctimas y presuntos (as) imputados (as) [Reports of Trafficking in Persons. Alleged Victims and Alleged Perpetrators], 2010-2016. INEI: Lima. page 17 (table 05)

   It is worth mentioning that there is not a unified registry of reports, the agencies related to the crime publish their figures independently; consequently, the information may vary in terms of time periods and percentages. [↑](#footnote-ref-3)
4. National Observatory of Criminal Policy [↑](#footnote-ref-4)
5. MINJUS (2017). ¿Cómo funciona la trata de personas en el Perú? [How does trafficking in persons work in Peru?] Bulletin No. 1. Indaga: Lima. [↑](#footnote-ref-5)
6. MINJUS (2017). ¿Cómo funciona la trata de personas en el Perú? [How does trafficking in persons work in Peru?] Bulletin No. 1. Indaga: Lima. For more statistical information, there is a compilation put together by the National Institute of Statistics and Computer Science (INEI) that collects data from the Office of the Attorney General, the Ministry of Internal Affairs, the Peruvian National Police Force, among others. This document also exhibits numbers from the prison population sentenced or processed for trafficking in persons, showing figures by cities and areas of the country. This bulletin presents figures between 2010 and 2016, making it an important document for thematic reference.   
   Reference: Durand, D., Garboza, J. and Hilario, V. (2017) Denuncias de Trata de Personas. Presuntos (as) víctimas y presuntos (as) imputados (as) [Reports of Trafficking in Persons. Alleged Victims and Alleged Perpetrators], 2010-2016. INEI: Lima. [↑](#footnote-ref-6)
7. Currently, there is no official statistical record of cases of trafficking in persons for purposes of sexual exploitation. This has been confirmed by the Committee on the Protection of the Rights of All Migrant Workers and Their Families, on these terms “Recommends to the ‘Peruvian’ State the systematic collection of disaggregated data with the aim to improve the fight against trafficking in persons (...).”

   Civil society has been conducting a systematization of information, collected from the request to access public information in accordance with Law No. 27806, due to the meager and outdated production of statistics by state institutions. An example of this is the System of Registry and Statistics on Human Trafficking and Related Crimes (RETA), which contains indicators on reports and identification of persons linked to trafficking and related crimes, and is a tool used by the Peruvian National Police Force; however, the last report is from 2017. [↑](#footnote-ref-7)
8. Madre de Dios is one of the 25 regions that make up the Republic of Peru, and its capital is Puerto Maldonado. According with its political structure, it is divided into three provinces: Tambopata, Manu and Tahuamanu, and 11 districts. The region has an area of 85, 301 kilometers, completely rainforest (highland jungle, lowland jungle and palm tree savanna). [↑](#footnote-ref-8)
9. Crecer seguras en Madre de Dios [Growing up Safe in Madre de Dios]. Project report conducted by Promsex and Anesvad. Lima: Promsex, page 13. [↑](#footnote-ref-9)
10. Ibidem. [↑](#footnote-ref-10)
11. Crecer seguras en Madre de Dios [Growing up Safe in Madre de Dios]. Project report conducted by Promsex and Anesvad. Lima: Promsex. [↑](#footnote-ref-11)
12. On the other hand, according to state information, a profile of people prosecuted or sentenced for trafficking in persons was created, finding some characteristics that should be noted. In 2016, the census identified 207 inmates in prison for the crime of trafficking in persons. 59.9% were men, with an average of 36 years of age, and 40.1% were women with an average of 26 years of age. In the case of women, it was observed that they acted as captors or keepers of the victims. Moreover, their real responsibility in the fact is questioned, as 73% of women have a history of family, sexual, psychological or physical violence, or labor exploitation. Some of them say they were, previously, victims of the network of trafficking in persons, so their participation as captors or keepers could have also been forced. In their educational background, it was observed that 50.4% of them did not completed their basic education and, later on, worked in informal jobs, increasing their vulnerability (MINJUS (2017). ¿Cómo funciona la trata de personas en el Perú? [How does trafficking in persons work in Peru?] Bulletin No. 1. Indaga: Lima. [↑](#footnote-ref-12)
13. Just between January and August, it was reported 325 female and 18 male victims. National Institute Of Statistics And Computer Science, [Peru. Estadísticas de trata de personas 2011-2018](https://www.inei.gob.pe/media/MenuRecursivo/boletines/boletin_trata_de_personas_3.pdf) [Statistics of Trafficking in Persons 2011-2018], page 16 [↑](#footnote-ref-13)
14. Office of the Ombudsperson (2017) Trata con fines de explotación sexual en agravio de mujeres adultas. Estudio de casos en las regiones de Lima, Madre de Dios, Piura, Pasco, Lambayeque, Huánuco y Cusco [Trafficking in Persons for the Purposes of Sexual Exploitation to the Detriment of Adult Women. A Case Study in the Regions of Lima, Madre de Dios, Piura, Pasco, Lambayeque, Huánuco and Cusco]. Lima: Biblioteca Nacional del Perú. [↑](#footnote-ref-14)
15. National Institute Of Statistics And Computer Science, [Peru. Estadísticas de trata de personas 2011-2018](https://www.inei.gob.pe/media/MenuRecursivo/boletines/boletin_trata_de_personas_3.pdf) [Statistics of Trafficking in Persons 2011-2018], page 21 [↑](#footnote-ref-15)
16. Ibidem, 21. [↑](#footnote-ref-16)
17. Ibidem, 22. [↑](#footnote-ref-17)
18. Ibidem, 23. [↑](#footnote-ref-18)
19. Including: suicide thoughts and attempts, depression, anxiety, hostility, memory problems, feelings of guilt, shame, exhaustion and sleep problems, confusing feelings about love and sex, anger or rage, nervous breakdowns and panic attacks.

    Substance abuse: drugs consumption and dependence, alcoholism and drug addiction.

    Social and structural barriers, such as isolation, discrimination and psychosocial health problems. [↑](#footnote-ref-19)
20. Espacios de frontera y excepción: [Encuentros entre los servicios y las necesidades de salud de las mujeres en la Pampa](http://promsex.org/wp-content/uploads/2018/04/PublicacionEspaciosDeFronteras.pdf) [Border Areas and Exception: Intersection between health services and the needs of women in La Pampa], page 75 [↑](#footnote-ref-20)
21. Illegal mining area nestled in the buffer zone of the Tambopata National Reserve (Madre de Dios) where trafficking in persons, sexual exploitation, torture and contract killings converged, and -for now- is in silence. [↑](#footnote-ref-21)
22. Espacios de frontera y excepción: [Encuentros entre los servicios y las necesidades de salud de las mujeres en la Pampa](http://promsex.org/wp-content/uploads/2018/04/PublicacionEspaciosDeFronteras.pdf) [Border Areas and Exception: Intersection between health services and the needs of women in La Pampa], page 76 [↑](#footnote-ref-22)
23. Report on human trafficking in the region of Madre de Dios, CHS Alternativo, page 9 [↑](#footnote-ref-23)
24. Trafficking in persons severely affects the physical and mental health of children and adolescents. Anesvad and Promsex. [↑](#footnote-ref-24)
25. Espacios de frontera y excepción: [Encuentros entre los servicios y las necesidades de salud de las mujeres en la Pampa](http://promsex.org/wp-content/uploads/2018/04/PublicacionEspaciosDeFronteras.pdf) [Border Areas and Exception: Intersection between health services and the needs of women in La Pampa], page 105 [↑](#footnote-ref-25)
26. Promsex, 2014, page 86 [↑](#footnote-ref-26)
27. Ibidem. [↑](#footnote-ref-27)
28. Crecer seguras en Madre de Dios [Growing up Safe in Madre de Dios]. Project report conducted by Promsex and Anesvad. Lima: Promsex, page 15 [↑](#footnote-ref-28)
29. Espacios de frontera y excepción: [Encuentros entre los servicios y las necesidades de salud de las mujeres en la Pampa](http://promsex.org/wp-content/uploads/2018/04/PublicacionEspaciosDeFronteras.pdf) [Border Areas and Exception: Intersection between health services and the needs of women in La Pampa], page 69 [↑](#footnote-ref-29)
30. While the crime has been defined since 2008, until the year 2014, the budget allocated to combat it was 0.0025%, divided between the Ministry of Women Affairs and Vulnerable Populations and the Ministry of Internal Affairs. If to the lack of resources we add corruption and the power of the mafias that control the area, it is not surprising that out of the 2700 people charged for the crime of trafficking in persons between the years 2009 and 2013, only 45 have been sentenced. (Villavicencio, R. (2016). Crecer seguras en Madre de Dios [Growing up Safe in Madre de Dios]. Project report conducted by Promsex and Anesvad. Lima: Promsex.) [↑](#footnote-ref-30)
31. Consejo Nacional de Política Criminal - MINJUS (2015). Política Nacional frente a la Trata de Personas y sus Formas de Explotación [National Policy against Trafficking in Persons and its Forms of Exploitation]. Legal Deposit - Biblioteca Nacional del Perú: Lima. [↑](#footnote-ref-31)
32. Ibidem. [↑](#footnote-ref-32)
33. This Plan strengthens the previous cooperation initiatives, such as the Multisectoral Commission against Trafficking in Persons and Smuggling of Migrants, led by the Ministry of Internal Affairs and composed of the Ministries of Women Affairs and Vulnerable Populations, Health, Justice and Human Rights, Education, Labor and Promotion of Employment, Foreign Affairs, Foreign Trade and Tourism, as well as Transport and Communications. The National Institute of Statistics and Computer Science, the Office of the Attorney General, the Judiciary, the Office of the Ombudsperson and two civil society organizations also participate in this commission. [↑](#footnote-ref-33)
34. MINJUS, News Website. [↑](#footnote-ref-34)
35. [National Plan for Human Rights 2018-2021](https://busquedas.elperuano.pe/normaslegales/aprueban-plan-nacional-de-derechos-humanos-2018-2021-decreto-supremo-n-002-2018-jus-1612558-4/) [↑](#footnote-ref-35)
36. Ibidem, 42. [↑](#footnote-ref-36)
37. Universal Periodic Review (UPR), [Desafíos en materia de igualdad y no discriminación para mujeres y personas LGBTI en Perú](http://promsex.org/wp-content/uploads/2018/02/InformeEPUcompiladoEspanolPromsex-1.pdf) [Challenges in the matter of equality and non-discrimination of women and LGBTI people in Peru], PROMSEX, 2016. [↑](#footnote-ref-37)
38. USAID, Konrad Adenauer Stiftung. [IV Informe Alternativo. Balance de la sociedad civil sobre la situación de la trata de personas en el Perú 2015-2016](http://www.chsalternativo.org/balances-e-informes-alternativos/633--62/file) [4th Alternative Report. Assessment of the civil society on the situation of trafficking in persons in Peru 2015-2016], page 86. [↑](#footnote-ref-38)
39. CMW/C/PER/CP/1\* held on April 23, 2015. [↑](#footnote-ref-39)
40. ibidem,8, par. 55. [↑](#footnote-ref-40)
41. National Institute Of Statistics And Computer Science, [Peru. Estadísticas de trata de personas 2011-2018](https://www.inei.gob.pe/media/MenuRecursivo/boletines/boletin_trata_de_personas_3.pdf) [Statistics of Trafficking in Persons 2011-2018], page 7 [↑](#footnote-ref-41)
42. Ibidem. [↑](#footnote-ref-42)
43. Except for information from the Judiciary, among people with condemnatory sentences for the crime against personal freedom, 181 people were sentenced for the crime of trafficking in persons, during the period of 2012-2017. In 2017, 38 people received condemnatory sentences for this crime. INEI 2011-2018 page 29 [↑](#footnote-ref-43)
44. The judges were reported to the National Council of Magistrates (CNM) for engaging in manifestly discriminatory treatment in the exercise of their position and not prompting the court decision. The CNM indicated that it will not punish the judges of the Permanent Criminal Chamber of the Supreme Court of Justice.

    Universal Periodic Review (UPR), [Desafíos en materia de igualdad y no discriminación para mujeres y personas LGBTI en Perú](http://promsex.org/wp-content/uploads/2018/02/InformeEPUcompiladoEspanolPromsex-1.pdf) [Challenges in the matter of equality and non-discrimination of women and LGBTI people in Peru], PROMSEX, 2016. [↑](#footnote-ref-44)
45. Ibidem. Likewise, our institution submitted in July 2018 a constitutional complaint against the judges of the CNM before the Sub-Commission on Constitutional Accusations of the Congress of the Republic due to constitutional infringement, we did not get a response. This shows us, once again, the framework of impunity in the cases of trafficking in persons. [↑](#footnote-ref-45)
46. In compliance with the commitments undertaken by the Peruvian State by signing the Inter-American Convention on Prevention, Punishment and Eradication of Violence against Women, the “Belém do Pará Convention”, we believe that it is essential in the process of judicial reform to set exceptional measures to ensure that women and girls affected by the corruption in the judicial system to have effective access to restitution and the review of judicial decisions of judges involved in the complaints of influence peddling and corruption. [↑](#footnote-ref-46)
47. El Peruano, [Otros 50 centros de emergencia se abrirán en comisarías y hospitales](http://elperuano.pe/noticia-otros-50-centros-emergencia-se-abriran-comisarias-y-hospitales-62813.aspx) [50 more emergency centers will be opened in police stations and hospitals], January 8, 2018. [↑](#footnote-ref-47)