



Approaching the Fundamental Causes of trafficking in women in the context of Venezuelan migration to Colombia (2015-2022)¹

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In 2020, the CEDAW Committee issued General Recommendation No. 38 on trafficking in women and girls in the context of global migration, in which it specifies the obligations of States to combat this human rights violation, in accordance with Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women². Among these, it highlights the duty to identify, attack and eliminate five fundamental causes that lead to the trafficking and sexual exploitation of women and girls in global migratory flows: (i) systemic gender discrimination that creates economic and social injustices suffered disproportionately by this population; (ii) discrimination in migration and asylum regimes; (iii) conflict situations and humanitarian emergencies, including the resulting displacement; (iv) the demand that fosters exploitation; and (v) the use of digital technology. It also refers to the measures to be implemented by the authorities for the assistance and protection of victims of trafficking, and those aimed at ensuring their access to justice.

Due to political and economic conditions in Venezuela, it is estimated that more than 7 million people have migrated or are refugees abroad³. Of these, at least 35% (2.5 million) remain in Colombia⁴, a country that has a higher percentage of women victims of trafficking than the world average⁵. Despite the efforts of the National Government to include and guarantee the rights of the Venezuelan migrant population⁶, there are still many challenges to overcome the conditions of vulnerability that make them one of the groups particularly susceptible to being victims of such serious abuse, especially women and girls for sexual exploitation.

After two years of the entry into force of the referred recommendation of the CEDAW Committee and given the magnitude and characteristics of Venezuelan migration in Colombia, this executive report aims offer a status of the root causes that lead to trafficking and sexual exploitation, with respect to Venezuelan women⁷ who have migrated to the country from 2015 to February 2022⁸⁻⁹. The above, in order to alert national authorities, human rights protection systems, international cooperation and civil society about the risk and materialization of trafficking and sexual exploitation of which they are victims and, therefore, of the urgent need to take appropriate actions to address this problem.

With this purpose, the document is based on official reports from national and foreign non-governmental organizations, international cooperation agencies, press releases and responses to the petitions addressed to State entities¹⁰. In addition, experts who work with migrants exploited in prostitution, female leaders, organizations that provide humanitarian aid to this population and Colombian survivors were interviewed; as well as two focus groups of women from Venezuela who were victims of trafficking and sexual exploitation in prostitution. In addition, we conducted semi-structured interviews with two participants of these focus groups.

We have compared documentation from secondary sources with information provided by women survivors of trafficking for the purpose of sexual exploitation in prostitution, following the structure of Recommendation No. 38 of the CEDAW Committee, and present some recommendations.

In addition to the urgency of this matter, the recent United Nations General Assembly Resolution of December 15, 2022 on trafficking in women and girls¹¹, and the letter of the United Nations Special Rapporteurs on contemporary forms of slavery, including its causes and consequences; on the human rights of migrants; on trafficking in persons, especially women and children; and on violence against women and girls, its causes and consequences addressed on February 8, 2023 to the Government of Venezuela, in particular on trafficking in persons for sexual and labor exploitation in the Orinoco Mining Arc, through the Darien Gap and towards Trinidad and Tobago¹².

1. Document prepared with the interdisciplinary team of the project "Support to the fight against sexual exploitation of Venezuelan women in Colombia", financed by the French Ministry of Foreign Affairs (2021-22). Prepared by Mariana Medina Barragán, feminist, lawyer and master in constitutional law, defender of women's and children's human rights.

2. Committee on Discrimination against Women (2020). General Recommendation No. 38, on trafficking in women and girls in the context of global migration. CEDAW/C/GC/38.

3. According to the Interagency Coordination Platform for Refugees and Migrants from Venezuela, at least 5.9 million Venezuelan refugees and migrants are in Latin America and the Caribbean. That is, 85% of the total number of people who have fled Venezuela. At: <https://www.r4v.info/es/document/r4v-america-latina-y-el-caribe-refugiados-y-migrantes-venezolanos-en-la-region-sept-2022>.

4. Ibid.

5. According to the Diagnosis on the relationship between human trafficking and mixed migratory flows developed within the framework of the Track4Tip initiative of the United Nations Office on Drugs and Crime (UNODC) and the Ministry of the Interior, Colombia has a higher percentage of women victims of trafficking than the world average: 83% versus 65%, the related risks vary according to the area and migratory movement, and criminal groups that control various criminal activities, including human trafficking, converge at the borders. At: <https://colombia.un.org/es/149313-unodc-presento-informe-situacional-de-trata-de-personas>

6. In addition to the provisions related to temporary protection permits and the prevention of statelessness mentioned below, and the constitutional jurisprudence to guarantee the rights to health, education and work of this population, it is worth mentioning Law 2135 of 2021, which promotes the integration of border areas, and Law 2136 of 2021, which is the comprehensive migration policy.

7. Despite the magnitude and seriousness of the trafficking and sexual exploitation of Venezuelan migrant girls, the report is limited to documenting what happened to women of legal age.

8. The selected period corresponds to the rupture of diplomatic relations between Colombia and Venezuela in 2015 and until February 2022. The above, in order to have consolidated and verified official information. However, subsequent relevant data were taken into consideration, especially judicial rulings and public policy measures, to ensure as much as possible that the document remains valid.

9. Concentrated in those who have entered through the border with Cúcuta, because despite the magnitude of the extension of the border between Colombia and Venezuela and the fact that there are several points of massive arrival of migrants to the country, this city is the border point where most of the entry is registered.

10. Addressed to the Ministry of Foreign Affairs-Migración Colombia, the Ministry of the Interior-Interinstitutional Committee for the Fight against Trafficking in Persons, the Ministry of Labor, the National Administrative Department of Statistics-DANE, the Department for the National Tax and Customs Directorate-DIAN, the National Police and the Attorney General's Office.

11. See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/759/69/PDF/N2275969.pdf?OpenElement>

12. See <https://spcomreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?Id=27768>

A

Socioeconomic injustice

Due to the economic, social and political crisis in the neighboring country, and after the closure of the border between Colombia and Venezuela in 2015, there has been one of the largest exoduses of Venezuelan people in recent history¹³.

According to DANE and LadySmith, between 2014 and 2020, women have represented on average 49.7% of the Venezuelan migrant population in Colombia¹⁴, mostly under 55 years of age, particularly in the age range between 15 and 30 years¹⁵. Although many of these migrants report having a partner¹⁶, they do not transit to Colombia accompanied by them, but rather by their sons and daughters or dependents, and usually report they must send money to relatives who remained in Venezuela¹⁷.

Similarly, finding better conditions in the Colombian health system encourages them to migrate when they are pregnant¹⁸.

Although the National Government has adopted measures to regularize the migratory situation of Venezuelan nationals¹⁹ and prevent the statelessness of their sons and daughters²⁰⁻²¹, the restrictions of national regulations have prevented those who entered Colombia after January 31, 2021 from obtaining the Temporary Protection Permit²², so they must choose to continue in an irregular migratory situation, falsify their documents²³ or request asylum. The asylum application allows them to obtain a permit, after which they can only legally access the right to health care, but they cannot formally work, which subjects them to conditions of abuse and exploitation. In addition, there is no time limit for this request to be resolved, so they can spend long periods of time, even years, with the uncertainty of being asylum seekers or possibly being expelled from the country²⁴⁻²⁵.

The lack of knowledge on the part of officials regarding immigration legislation, difficulties in accessing information and the lack of a timely and clear response to the excessive formalities required of them, also constitute serious obstacles to the regularization of the immigration status of Venezuelan women.

This population is particularly affected by multiple forms of violence that “in addition to being associated with xenophobic practices, are framed in sexist imaginaries and stereotypes that limit the exercise of their rights under conditions of equality”²⁶. According to the High Counselor’s Office for Women’s Equity, between 2015 and 2020, “the report of cases of violence against Venezuelan women increases substantially, especially in 2019, when the largest exodus of Venezuelan migrants to the country occurs. While in 2015, 21 cases were reported, in 2020, 2,538 cases were received. Consequently, in this same period, reports of physical violence in migrant women increase by 1,255 cases; those of sexual violence increase by 779 cases; those of psychological violence increase by 108 cases and reports of negligence and abandonment increase by 375 cases”²⁷.

The lack of support networks and adequate spaces to leave their children, as well as economic dependence due to limited job opportunities, make it difficult for them to escape from the circles of violence²⁸. It is important to note that these figures constitute an underreporting, as the fear of not having a regular migratory status has a direct impact on women not reporting the violence of which they are victims²⁹.

13. According to DANE, this migration “was characterized by a population with lower levels of education and capital ownership; it was also associated with the effects on welfare levels derived from the international drop in oil prices and growing public indebtedness”. DANE and LadySmith (2021). Statistical note. Venezuelan migrant population in Colombia, an overview with a gender approach. Page 6.

14. *Ibid.*, page 7.

15. For Amnesty International, in Colombia and Peru “[t]he feminization of the migratory flow is due to several factors, including family reunification or the search for opportunities in health, education and food for their children or elderly people in their care, which are not accessible in Venezuela”. Amnesty International (2022). Gender-based violence against Venezuelan refugee women in Colombia and Peru. Page 12.

16. Presidential Advisory Office for Women’s Equity (2020). Special bulletin. Violence against migrant women in Colombia: a frontier to overcome. Page 11.

17. In late 2021, LadySmith accompanied the passage of Venezuelan migrant women between Norte de Santander and Santander, finding that “the vast majority were traveling with several children, including babies, and a significant number were pregnant.” She also notes that “other women were single mothers who could no longer make ends meet in Venezuela and were looking for a new life in Colombia; many of these women had Colombian or Venezuelan relatives, friends or acquaintances who had already settled in Colombia and suggested that they join them. They also met younger women without children who were hoping to find economic opportunities. Others were caring for family members or others. Women migrate mainly for family reunification. LadySmith. Gender Data Report 10: Gender-Based Violence along the Walker Route. February 2022. At: <https://genderdatakit.org/briefs/>

18. Profamilia (2020). Health inequalities in the Venezuelan migrant and refugee population in Colombia: How to improve the humanitarian response?

19. Decree 216 of 2021 adopted the “temporary protection statute for Venezuelan migrants under temporary protection regime and other provisions on immigration matters”, which came into force on June 1, 2021 and is valid for 10 years.

20. As of Law 1997 of 2019 which modifies Law 43 of 1993 so that sons and daughters of Venezuelan migrants may acquire Colombian nationality by birth. Resolution 8617 of 2021 of the National Civil Registry Office extends the measure for two more years, that is, until September 2023.

21. In judgment SU-180 of 2022, the Constitutional Court “ordered the granting of Colombian nationality by adoption to a five-year-old child of Venezuelan nationality, in the care of the child for more than two years, without having been able to locate his relatives and complete the administrative process of reestablishment of rights. The legal formula adopted in this ruling will have inter comunis effects during the time in which there is no law or definitive regulation on the matter”.

22. Article 4.3. of Decree 216 of 2021, regarding the scope of application of the Temporary Protection Statute provides that for persons who did not have other permits previously granted, Venezuelan migrants who wish to obtain the temporary protection permit must be in Colombian territory in an irregular manner as of January 31, 2021.

23. In order to process the Temporary Protection Permit, they are asked for summary evidence of their stay in Colombia before January 31, 2021, which is fraudulently provided by processors who charge different amounts of money for this procedure.

24. Decree 1067 of 2015 “whereby the Sole Regulatory Decree of the Administrative Sector of Foreign Affairs is issued,” does not provide a term for resolving asylum requests.

25. In its most recent report on Colombia, the CEDAW Committee had already expressed its concern about this situation because it generates “serious consequences for women in an irregular migratory situation, particularly Venezuelan women”, and therefore recommended increasing “the efficiency of the asylum process, ensuring the full implementation of Decree 1067/2015 and the 1951 Convention relating to the Status of Refugees, and amend asylum legislation to guarantee basic socioeconomic rights, including the right to work, for asylum seekers and others in need of international protection,” which has not occurred.

26. *Opus cit.* High Commissioner for Women’s Equity (2020). Page 20.

27. *Ibid.*

28. *Opus cit.* Amnesty International (2022) Page 21

29. In this regard, Amnesty International stresses that underreporting prevents “the magnitude of the phenomenon of gender-based violence against refugee women from being measured and, therefore, the adoption of appropriate policies and the allocation of sufficient resources to adequately address this problem. It also increases “the risk of perpetuating or even escalating the violence by not being able to go to the authorities to denounce and obtain protection measures, women survivors of gender-based violence may even become victims of femicide. In 2021, the Observatorio de Femicidios en Colombia reported that, of 622 femicides registered in 2021, 45 were of Venezuelan refugee women.” *Opus cit.* Amnesty International (2022). Page 42.

From the information gathered for this report, it was possible to establish that the Venezuelan women exploited in prostitution in Colombia are mostly young (between 18 and 30 years of age) with a lack of minimum survival conditions in their country, mainly due to the lack of access to food and medicine.

Although they reported having benefited from government subsidies in their country of origin, these were insufficient to cover their expenses and those of their families. Those who were part of housing programs describe it as a space with no public services, located in peripheral neighborhoods and controlled by criminal groups, who take over their homes, recruit their children and forcibly displace them. Most of them indicated that they had not been involved previously in prostitution in Venezuela, although some reported having been involved in criminal activities since they were children.

Their childhood was spent in contexts of economic scarcity, neglect and lack of affection, in which, due to the absence or aggression of their fathers, their mothers or grandmothers were responsible for their upbringing and support. In these cases, they report having suffered multiple forms of violence, especially from their parents' partners. All report having been sexually assaulted when they were children or adolescents. This violence is the reason why many of them ran away from home at an early age, having to abandon their studies and seek economic activity in the informal sector in order to survive. Most do not go beyond secondary school.



This context as well as the lack of sex education and a machista culture, produces a high rate of adolescent pregnancy, and like their mothers, make them responsible for the care of their children as they face violence or abandonment by their partners. They also reported children who were product of their sexual exploitation in Colombia, or from sexual violence in their country of origin, and spoke of persistent physical, emotional and economic aggression from the men with whom they establish a sentimental relationships, even when some of them are in jail.

The exaltation of women's beauty in Venezuela, internationally recognized for having obtained several Miss Universe titles, is an important factor that reinforces female stereotypes associated with the role of pleasing men, submission and inferiority, which legitimizes various forms of aggression against them

Although most of them have applied for the Temporary Protection Permit, some have been waiting for months or even more than a year for it to be approved or actually delivered. In some cases, the documentation provided in Cúcuta was lost by Migration Colombia staff, so they had to file it again. Likewise, in view of the legal requirement of having entered in an irregular manner before January 31, 2021 in order to obtain the permit, they have received offers from processors to falsify the evidence they have to provide, and in some cases they have agreed to do so. In the events in which they have requested asylum, they have been given a permit that they must renew periodically and for which they must also face various bureaucratic obstacles in order to obtain it.

B

Discrimination in migration and asylum regimes

The transit between Venezuela and Colombia through the “trochas or paths”³⁰ represents a great challenge due to the geographical conditions of the crossing, as well as the presence of legal and illegal armed actors, putting women the risk of suffering some form of violence, especially of a sexual nature. This frequently occurs in the loneliest stretches, when they cannot find a place in official shelters to spend the night -which is why they must sleep in unsafe places such as the street-; or if, due to fatigue, they accept to be transported by drivers who ask for sexual acts in exchange³¹. This also happens if they join groups of male walkers.

Upon arrival, migrant women face a hostile context associated with imaginaries of hypersexualization of Venezuelan women -which associate them with prostitution- and their participation in criminal acts, which “exposes and conditions them to unsafe scenarios, both in terms of work and social relations”³².

Despite the fact that the educational level of migrant women from Venezuela is higher than that of men³³ and that they participate more in the search for income, they obtain less employment³⁴ and of lower quality than men³⁵. When it is possible for Venezuelan women to enter the labor market or find employment, they do so mainly in the informal sector and in activities associated with caregiving³⁶⁻³⁷. Being in charge of their children and not having right support makes it difficult for them to access the formal labor market and technical, professional and job training programs.

On the other hand, the health system in Colombia is still not adapted to receiving Venezuelan population³⁸, in spite of the advances in the regulations and public policies on the matter and the multiple pronouncements of the Constitutional Court aimed at guaranteeing their comprehensive care³⁹. The obstacles increase as they have not been able to regularize their migratory situation and, therefore, cannot be affiliated to the health system, even when they must be attended in emergency services, especially with regard to mental health and sexual and reproductive rights⁴⁰.

The above, together with barriers to the recognition of secondary, university and technical degrees⁴¹, and having lost or damaged their identification documents, makes them vulnerable to sexual exploitation in prostitution, referred to by some cooperation agencies and international NGOs, as survival sex⁴². This further impedes identifying and properly documenting human trafficking for the purpose of sexual exploitation in the country⁴³.

30. According to PARES, in 2021, 12 people were killed on the La Carbonera trail in Boconó, two men on the El Palmar trail, two on the Los Mangos trail and a man was found dismembered in a sack on the La Marina trail (municipality of Villa del Rosario). In February of that year, on the La Carbonera trail, a man was murdered whose body bore the marks of the ELN guerrillas. A new war is being fought here between the ELN against the Pelusos and the Clan del Golfo. <https://www.pares.com.co/post/el-viacrucis-de-las-trochas-la-guajira-y-el-zulia-norte-de-santander-y-t%C3%A1chira>.

Likewise, this organization affirms that a mapping carried out by the National Army in 2019, in the border of the department of La Guajira, 216 trails were identified. At: <https://www.pares.com.co/post/el-viacrucis-de-las-trochas-la-guajira-y-el-zulia-norte-de-santander-y-t%C3%A1chira>

31. LadySmith. Women's Stuff. Gender Data Report 10: Gender-Based Violence along the Walker Trail. February 2022. Page 4.

32. Opus cit. Amnesty International (2022).

33. According to the High Council for Women's Equity, “the educational level of migrant women is higher than men's. 28.9% of women have technical, technological, professional and postgraduate training, while a smaller group of men (25.5%) have this level of education. 28.9% of women are in the range with technical, technological, professional and postgraduate training, while a smaller group among men (25.5%) reaches this level of education. 65.6% of migrant women are at the basic level of education, while among men this range rises to 68.3%. And while 2.4% of women report no education at all, this situation is present in 2.8% of men”. (2020). Page 12.

34. The unemployment rate of recent female migrants is 14.3 percentage points higher, compared to the rest of women, and 20.3 percentage points higher than that of men in the same migratory situation. Opus cit. DANE and LadySmith (2021). Page 13.

35. DANE's Pulse of Migration Survey shows that 82% of Venezuelan women in the labor force report having difficulties in obtaining paid work. Of these, only 16% have a written contract, compared to 84% who report having a verbal contract. DANE, Encuesta pulso de la migración. In: <https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/encuesta-pulso-de-la-migracion-epm>.

36. Opus cit. DANE and LadySmith (2021). Page 14.

37. In this regard also see: United Nations Population Fund - UNFPA and Observatorio del Proyecto Migración Venezuela - GEIH-DANE (2019) Informe de Mercado Laboral. At: <https://migravenezuela.com/web/articulo/brechas-de-genero-de-los-migrantesvenezolanos-en-colombia/2514>

38. Although the approval of 1,207,403 Temporary Protection Permits is registered (Migración Colombia, Visibles page, on Temporary Protection Statute: <https://www.migracioncolombia.gov.co/visibles>), the Sisbén only reports 700,900 affiliations to the system (National Planning Department. Response to right of petition, September 26, 2022). In this regard, DANE states that “Regarding labor informality (measured through social security coverage and affiliation), 89.7% of recent male migrant workers and 88.9% of recent female migrant workers had no health affiliation in the period May-December 2020. The low access of migrants to the health system can be explained by the lack of regularization of their stay in the country, as well as the fact that their labor insertion is primarily through informal jobs”. Opus cit. DANE and LadySmith (2020)

39. Among others, see: Constitutional Court, sentences T-021, T-090, T-106, T-254, T-274, T-415, T-450 of 2021 and T-244, T-284 of 2022.

40. Opus cit. Amnesty International (2020). Page 51. See also: Coalición Equivalencias en Acción, Informes Mujeres al Límite. At: <https://cepaz.org/noticias/mujeres-al-limite-2019-urge-implementacion-de-planes-y-politicas-que-garanticen-la-vida-digna-de-mujeres-y-ninas-en-venezuela/>

41. The Constitutional Court has had to pronounce on repeated occasions to urge the Colombian State not to create obstacles for the homologation of professional and technical degrees of the Venezuelan migrant population. In this regard, see, for example, Ruling T-255 of 2021, regarding the requirement to apostille the high school diploma of a minor and Ruling T-304 of 2022, which studied the case of the requirement of identification documents for a Venezuelan migrant to validate her professional degree in Colombia.

42. See Aid for Aids Study: Sex for Survival in Migrant Populations, 2022 <https://aidforaids.org/aid-for-aids-presenta-los-resultados-de-un-estudio-de-dos-anos-sobre-sexo-de-supervivencia-en-poblaciones-de-inmigrantes-refugiados/?lang=es>

43. In this regard, see, among others, USAID and LadySmith. For example, AID for AIDS, states “According to this study that AID FOR AIDS Colombia is conducting with its team in Cúcuta, FUNVECUC, a large percentage of the young Venezuelan migrant population that passes through Cúcuta has sex for survival, which has led them to become victims of sexual violence and torture”. However, it does not address the trafficking of which they are victims and its program focuses on preventing sexually transmitted diseases. At: <https://aidforaids.org/a-significant-number-of-the-young-venezuelan-refugee-population-that-enters-colombia-through-cucuta-exercises-sex-for-survival/?lang=es#:~:text=According%20to%20this%20study%20of%20sexual%20violence%20and%20torture.>

Most of the women consulted reported their transit through clandestine paths between Venezuela and Colombia, alone or accompanied by their underage sons and daughters and motivated by the illusion of having better conditions for themselves and their families, something that never happened after they were recruited for sexual exploitation. They indicate having the duty to send money to those who remained back home and some have helped other family members to migrate to Colombia in order to receive their support, especially for the care and upbringing of their children.

They identify several risks on the trails derived from the presence of criminal actors who charge arbitrary and inconsistent fees to be able to cross, and in some cases it meant that they were sexually abused or had to hand over their belongings and even their hair, which is cut to make wigs that are then sold at high prices, in order to pay.

Women describe different places where they stay upon arrival, ranging from bush, parks and streets - where they can often be charged by illegal individuals who appropriate themselves of these spaces - to pay-per-day lodgings where they share rooms and bathrooms with several people, to the detriment of their safety and that of their children. There are also private residences, but they are expensive, so in most cases it is not possible for them to pay for them. If rent is not paid on time, their belongings are withheld or stolen, and although authorities are asked for help, they do not intervene.

These spaces become a scenario of recruitment for their sexual exploitation and that of their children. They indicate that even in official shelters, social organizations and international cooperation agencies, Colombian or Venezuelan people who induce or deceive them to be exploited in prostitution. This also occurs through people dedicated to informal commerce and transportation, who upon seeing them arrive in need and disoriented, that is, in a situation of vulnerability, contact them with pimps who take them to local brothels or send them to other areas of the country, and even to Peru, Ecuador and Chile. They also report that they are offered money to induce, deceive or refer other Venezuelan women or girls to be prostituted. The participation of acquaintances



and close relatives has also been frequently identified in their recruitment, transfer, harboring or reception in Colombia⁴⁴.

Due to the discrimination suffered by the Venezuelan population in Colombia, women face difficulties in finding employment even when they have legalized their migratory status, which leads them to be linked to: (i) informal sales -often controlled by illegal actors-; (ii) care work -which is paid at prices well below the legal minimum-; (iii) house cleaning -where they report having been sexually assaulted-; and (iv) prostitution⁴⁵.

In the cases of prostituted women with higher education, found particularly in 2018, it was impossible to join professional jobs due to the lack of economic resources or the documents required to standardize their degrees, determining factors that facilitate their sexual exploitation.

It is important to highlight that although the Temporary Protection Permit has been an important measure for the inclusion of this population, it has not effectively contributed to their access to health and formal employment, due to delays and obstacles on the part of the health system for their affiliation and that of their families; the lack of adaptation of the Sisben Health System⁴⁶ to the reality of migrants living in tenements, shared houses and foundations where the respective survey is not carried out⁴⁷; and prejudice and abuse of Venezuelans, who are often associated with the commission of criminal acts and who are paid less than locals.

Those who have a permit for having requested asylum, must endure that public officials do not recognize it as a valid document to access the health system, denying their affiliation or hindering it, arguing that with it they cannot carry out the corresponding procedures. They also cannot join the formal labor sector, which implies having to resort to economic activities in which they will not have social security, and in which they could be subjected to contexts of abuse and exploitation. This also facilitates their entry or return to prostitution, which is a scenario to which they are frequently summoned by nationals and family members.

44. See full investigation in El Espectador Special: El Tren de Aragua: lo que hay detrás de la explotación sexual de migrantes en Latinoamérica, April 23, 2023. <https://www.elspectador.com/investigacion/el-tren-de-aragua-detras-de-la-explotacion-sexual-de-migrantes-de-latinoamerica/>

45. According to DANE and LadySmith, "in terms of labor informality (measured through social security coverage and affiliation), 89.7% of recent employed male migrants and 88.9% of recent employed female migrants did not have health affiliation in the period May-December 2020. The low access of migrants to the health system can be explained by the lack of regularization of their stay in the country, as well as the fact that their labor insertion is primarily through informal jobs". Opus cit. DANE and LadySmith

46. Colombian state-subsidized health care system.

47. Between November 1, 2017 and September 7, 2021, 187,572 people with Special Permit to Stay (PEP) were registered in Sisben, comprising 20,715 households. Of these, 51% are women and 48% men. The age range with the highest number of records is 25 to 29 years old, with 35,040 records representing 18% of the total. Ibid

Conflict situations and humanitarian emergencies

Colombia has faced an internal armed conflict for more than six decades. Despite the peace agreement with the FARC-EP in 2016, military confrontations with dissidents of that guerrilla group, the ELN and other criminal groups associated with drug trafficking, organized crime and mining and oil exploitation persist.

The geostrategic location of the country for the transit of illicit economies means that these actors dispute the territorial control of the border areas bordering Venezuela, which extend for more than 2,219 kilometers⁴⁸ through the departments of La Guajira, Norte de Santander, Arauca⁴⁹ and Vichada, seriously affecting the communities living in them.

Specifically, in the department of Norte de Santander, especially in Catatumbo, there are constant clashes between the Pelusos, the Rastrojos and the ELN⁵⁰. In this regard, the Ombudsman's Office⁵¹ and women leaders in the area have warned about sexual exploitation of women and children from Venezuela by these armed groups, and a lack of action on behalf of authorities who on many occasions directly participate in these abuses⁵².

Violence also characterizes the Venezuelan states bordering Colombia, where the Aragua Train, a criminal gang responsible for multiple human rights violations in both countries, including forced displacement, extortion, torture, murder and human trafficking, is present. Regarding the latter, InSight Crime has reported that they capture their victims, generally undocumented Venezuelan nationals, in Venezuela, in Colombia or in the trails between the two countries, in order to traffic them through the region, with Chile recently being one of the main destinations for their sexual exploitation⁵³. There have even been reports of extortion and threats by the Tren de Aragua against women exploited on *web cams*, to whom they demand sums of money through social networks in exchange for not attacking them⁵⁴.

Precisely, La Parada, municipality of Villa del Rosario, Norte de Santander, one of the main areas through which migrants enter the country through the Simón Bolívar Bridge and trails, and where they usually stay for long periods of time or establish their domicile, is characterized by constant confrontations between the Aragua Train and the ELN guerrillas, among other armed actors⁵⁵, who are fighting for control of multiple illegal businesses that need this strategic position. Regarding the implications of this situation, the Peace and Reconciliation Foundation indicates that "any Venezuelan migrants suffer what is known as double affectation: to their inherent vulnerability due to the migratory movement are added new repertoires of violence within the receiving country, in this case Colombia, particularly related to armed conflict⁵⁶.

On the other hand, during 2020 and 2021, the restrictions adopted to confront the pandemic had a differential impact on the socio-economic conditions of Venezuelan migrant women⁵⁷ because street sales and general service tasks in restaurants and homes took longer to reactivate, generating a lower employment rate for this population⁵⁸. Isolation contexts favored the increase of aggressions against them too⁵⁹.

48. Ministry of Foreign Affairs of Colombia. Colombia-Venezuela land border. In: <https://www.cancilleria.gov.co/politica/venezuela#:~:text=Colombia%20shares%20with%20Venezuela%20a%20border%20of%20m%C3%A1s%20de%202,219%20kil%C3%B3metros>.

49. Recently, on the displacements caused by the confrontations of these armed groups in the border area of the department of Arauca, CNN highlighted that "the violence in the Venezuelan state of Apure, reports R4V, caused some 6,000 refugees and migrants to cross into Arauca starting in March. Most returned to their country of origin but "the border area remained unstable, with a dynamic of continuous displacement". CNN, Venezuelans in Colombia: how many there are, where they are and other data. September 22, 2022. En: <https://cnnespanol.cnn.com/2022/09/23/venezolanos-colombia-datos-orix/#:~:text=Hay%20cerca%20de%20334.000%20venezolanos,tienen%20entre%2030%20y%2039>.

50. Peace and Reconciliation Foundation. The viacrucis of the trails: La Guajira and Zulia, Norte de Santander and Táchira, April 28, 2021. In: <https://www.pares.com.co/post/el-viacrucis-de-las-trochas-la-guajira-y-el-zulia-norte-de-santander-y-t%C3%A1chira>

51. Office of the Ombudsman. Early Warning 025, October 2021.

52. Cambio Magazine. In Catatumbo, the networks of sexual exploitation of girls do not give truce. July 22, 2022. In: <https://cambio.com.co/articulo/pais/en-el-catatumbo-las-redes-de-explotacion-sexual-ninas-no-dan-tregua>

53. InSight Crime. Chile: el destino final de migrantes venezolanos víctimas del Tren de Aragua. 22 de julio de 2022. En: <https://es.insightcrime.org/noticias/chile-destino-final-migrantes-venezolanos-victimas-tren-de-aragua/>

54. See: El Espectador, "Tren de Aragua": denuncian que modelos webcam estarían siendo extorsionadas, September 9, 2022. In: <https://www.elespectador.com/bogota/concejal-de-bogota-denuncia-que-modelos-webcam-estarian-siendo-amenazadas-y-extorsionadas-noticias-bogota-hoy/>

55. There is also the presence of the EPL, FARC dissidents and criminal groups from Venezuela called Los de La Frontera, La Línea, Los Botadacauchos, among others.

56. Peace and Reconciliation Foundation. The viacrucis of the trails: La Guajira and Zulia, Norte de Santander and Táchira, April 28, 2021. In: <https://www.pares.com.co/post/el-viacrucis-de-las-trochas-la-guajira-y-el-zulia-norte-de-santander-y-t%C3%A1chira>

57. As a consequence of the pandemic, households headed by short-term female migrants reduced the average number of meals per day to a greater extent than did male-headed households: before the quarantine 86.4% of female-headed households consumed three meals per day, while between July 2020 and February 2021 this percentage decreased to 58.2%. These percentages for male-headed short-term migrant households are 92.2% (pre-pre-pandemic) and 68.5% between July 2020 and February 2021. Dane and LadySmith.

58. In 2020, the rates of paid work in households headed by migrant women fell by 35%, while, in the case of households headed by migrant men, by 23% Opus cit. Alta Consejería para la Equidad de la Mujer (2020). Page 20.

59. Opus cit. DANE and LadySmith (2020). Page 19.

Some of the women consulted reported having been affected by criminal groups in Venezuela, including the Aragua Train, who linked their children to organized crime, forcibly displaced them and took away their homes. This, on certain occasions, together with the difficult conditions for their subsistence in the neighboring country, motivated their migration.

They also indicate that upon their arrival in Colombia they were victims of actions by armed and criminal actors because they take advantage of the fact that they are disoriented, undocumented, have underage children in their care or must send money to family members who remain in Venezuela, to sexually exploit them or involve them in the commission of punishable acts such as extortion, micro-trafficking, trafficking of women and girls, among others.

In the border sectors, specifically in La Parada, they indicate that both the informal trade and the business of sexual exploitation of women and girls are controlled by criminal groups -particularly El Tren de Aragua-, on behalf of whom they intimidate and assault them. They also report that there they are captured and deceived to be transferred to other parts of the country, such as the Atlantic coast, where paramilitary

rule prevails, which imposes strict behavioral guidelines for prostituted women that, if challenged by them, can lead to their rape, torture, disappearance and death.

Likewise, it was possible to learn of cases of sexual exploitation of women involving members of the National Police, who are not only recurrent consumers of sex, but are sometimes partners, owners or participate in the profits of brothels and nightclubs. They would even generate disinformation regarding the documentation for their migratory regularization in order to facilitate their recruitment and sexual exploitation in the country.

During the period in which restrictive and isolation measures were adopted to face the pandemic, the economic situation, access to services and exercise of rights by Venezuelan migrant women was severely impacted, they lived in overcrowded conditions with other families or in the streets and shelters, with restricted daily meals and the quality of food to consume, among others⁶⁰. At that time, the demand for prostitution in the streets and establishments was reduced, but increased through technological platforms.

D

Demand that fosters exploitation and leads to trafficking

Colombia has presents a contradictory regulatory framework in relation to prostitution that results in the lack of implementation of measures aimed at discouraging the demand that fosters exploitation and leads to trafficking. Thus, on the one hand, the Penal Code criminalizes trafficking in persons⁶¹ and there is a national strategy to combat this crime that includes prevention and attacking the demand⁶². Pimping is a crime⁶³, highlighted by the Constitutional Court when it recognized the intrinsic relationship between prostitution and trafficking in persons⁶⁴.

However, although the Police Code states that prostituted persons are in conditions of special vulnerability to be victims of human trafficking, sexual exploitation or femicide⁶⁵, it deals with the problem from a hygienist perspective⁶⁶ and a system of fines that ends up discouraging the investigation and prosecution of crimes; in addition, local authorities are empowered to regulate high-impact areas.

Since 2010, the Constitutional Court has issued several rulings in which it has held that prostitution is a job and has urged the Ministry of Labor to regulate it⁶⁷. In the same sense, it has ruled on pornography⁶⁸, adult entertainment or the so-called “web cam modeling”, indicating that this has a labor character⁶⁹ extracting taxes from the webcammers⁷⁰, completely ignoring conditions in which women are recruited and exploited by this industry.

Based on the above, in 2022 Colombia hosted LaLexpo, “the largest event of the adult industry worldwide”⁷¹ despite the fact that some of its sponsors are accused of sexual exploitation of Colombian women⁷² and that the Attorney General’s Office⁷³ warned of the risk of allowing this type of events promote various forms of violence against women and girls, including human trafficking. Such pronouncement by the Public Prosecutor’s Office was condemned in the first instance by a constitutional judge, who considered that such statements violated the good name of the organizers of the convention.

Moreover, campaigns for the prevention of human trafficking are mainly directed at potential victims⁷⁴ and not at sex buyers or at discouraging the demand that leads to this serious human rights violation, a matter that is not addressed by any initiative or action by local or national authorities.

Following increase in migration from Venezuela to Colombia, there has been an increase in the number of women from the neighboring country in areas and businesses dedicated to prostitution, due to the vulnerable conditions in which this population finds itself, since in most cases they arrive without economic resources and must face multiple barriers to regularize their migratory situation.

They state that this presence has displaced Colombian prostituted women from some sectors, with whom they have frequent clashes to attract sex buyers, who pay lower prices to Venezuelan women, taking advantage of their situation of need, irregular migration and lack of protection by the authorities. Likewise, they highlight the interest of the latter in them, due to the fact that they are foreigners and stereotypes that exist around their beauty.

They also indicate that the so-called red-light districts are frequented by members of the security forces who often abuse their authority to make sexual demands in exchange for not accusing them of having committed crimes or not taking action against them because of their irregular migratory situation. They also report similar behavior by other State officials, including public defenders who have been assigned to assist them in the judicial processes they face.

There is knowledge of sophisticated businesses at La Parada, in which women are profiled to be sent, based on some of their characteristics, to brothels or “web cam modeling” studios located in different areas of the country⁷⁵. These businesses are not monitored or inspected in order to warn on conditions of violence and exploitation to which women are subjected, in terms of activities required of them, activity hours, penalties imposed, overcrowding and sanitary conditions, etc. Owners or managers of these businesses also usually sexually abuse them.

60. See The Other Face of the Pandemic, Vulnerable People, Victor Correa Lugo, April 2020 <https://www.youtube.com/watch?v=lph3E8beI0>

61. This crime does not require proof of deception, force, conditions of vulnerability, among others, for the criminal offense to be configured. Textually, Article 188-A of Law 599 of 2000 stipulates: “TRAFFICKING OF PERSONS. <Article modified by Article 3 of Law 985 of 2005. The new text is as follows:> Whoever captures, transfers, harbors or receives a person, within the national territory or abroad, for the purpose of exploitation, shall incur a prison term of thirteen (13) to twenty-three (23) years and a fine of eight hundred (800) to one thousand five hundred (1,500) legal monthly minimum wages in force.

For the purposes of this article, exploitation shall be understood as obtaining economic or any other benefit for oneself or for another person, through the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, the exploitation of the begging of others, servile marriage, the removal of organs, sex tourism or other forms of exploitation.

The consent given by the victim to any form of exploitation defined in this article shall not constitute grounds for exoneration from criminal liability”.

62. In this regard see Law 985 of 2005 “Whereby measures are adopted against trafficking in persons and rules for the care and protection of victims thereof” and Decree 1818 of 2020 “Whereby Chapter 4 of Book 2, Part 2, Title 3 and Technical Annex No. 2 of Decree number 1066 of 2015, Sole Regulatory Decree of the Interior Sector, are replaced in order to adopt the National Strategy to Combat Trafficking in Persons, 2020-2024”.

63. Article 213 of the Penal Code states: “INDUCEMENT TO PROSTITUTION. <Article modified by Article 8 of Law 1236 of 2008. The new text is as follows:> Whoever with intent to profit or to satisfy the desires of another, induces to carnal commerce or prostitution to another person, shall incur imprisonment of ten (10) to twenty-two (22) years and a fine of sixty-six (66) to seven hundred fifty (750) legal monthly minimum wages in force”. Likewise, article 214, provides, “CONSTRAINTMENT TO PROSTITUTION. <Article modified by Article 9 of Law 1236 of 2008. The new text is as follows:> Whoever with intent to profit or to satisfy the desires of another, constricts any person to carnal commerce or prostitution, shall incur imprisonment of nine (9) to thirteen (13) years and a fine of sixty-six (66) to seven hundred fifty (750) legal monthly minimum wages in force”.

Domestic legislation provides for harsher criminal penalties for these crimes when committed against persons under 18 years of age.

64. In Decision C-369 of 2009, the Constitutional Court declared the criminal offense of inducement to prostitution to be constitutional and made extensive reflections on the way in which prostitution as an activity entails serious consequences for the integrity and dignity of women, despite the legal tolerance to which it is subject, and noted its intrinsic relationship with human trafficking.

65. Article 42 of Law 1801 of 2016, states: “The exercise of prostitution as such, does not give rise to the application of corrective measures for reasons of disturbance to coexistence, since people in prostitution are in conditions of special vulnerability to be victims of human trafficking, sexual exploitation or femicides, all forms of serious gender violence against traditionally discriminated population, except when they incur in behaviors contrary to this”.

66. In this regard see: Olivares Lombana, Andrés, Prostitution and “public women” in Bogotá, 1886-1930. Editorial Javeriana, April 2018.

67. Constitutional Court, Rulings T-629 of 2010, T-736 of 2015, T-594 of 2016. In Ruling T-594 of 2016, the Court “urged the Ministry of Labor to develop a proposal for regulation on sex work in accordance with the guidelines established in this decision, which prioritizes the adoption of measures that protect those who legally engage in prostitution and that has the participation of their representatives” (sixth order).

68. Constitutional Court, Sentence T-407A of 2018.

69. Constitutional Court, Decision T-129 of 2021.

70. Article 368 of the Tax Statute establishes that legal entities and individuals exporting adult entertainment services through the webcam system must be understood as withholding agents.

71. This is what is pointed out on the website <https://lalexpo.com/>.

72. See: El Espectador. Sponsors of LaLexpo accused in case of sexual exploitation of Colombian women. June 5, 2022. In: <https://www.elespectador.com/investigacion/patrocinadores-de-lalexpo-senalados-en-caso-de-explotacion-sexual-de-colombianas/>

73. Ver: https://twitter.com/pgn_col/status/1530316414397169667?lang=de

74. Among these: <https://www.esoescuento.com/> and <https://colombia.iom.int/es/campanas-para-la-prevencion-de-la-trata-de-personas>

75. See: <https://www.infobae.com/america/colombia/2022/09/09/tren-de-argua-estaria-extorsionando-modelos-web-cam-en-bogota/>

E

Use of digital technology in trafficking

Women and girls in Colombia do not escape the multiple forms of digital violence. However, there is an underreporting due to the fact that victims do not usually report and authorities lack knowledge on these crimes. According to the Ministry of Information Technologies and Communications, data from the Cyber Police Center indicate that “in 2021, 62 complaints were received for cases of sextortion, 325 for cyberbullying, 676 for slander or libel through social networks and 972 complaints for threats through social networks”⁷⁶.

Despite the above, the legal system does not have a normative definition of this human rights violation and the current mechanisms to prevent and punish it are insufficient, which is why the Constitutional Court recently urged the Congress of the Republic to legislate on the matter in accordance with existing international standards⁷⁷. There is also no legal approach or public policies on the modalities of recruitment for sexual exploitation of women and girls, such as “search-hunting”, “phishing-fishing”, among others⁷⁸.

Some of the survivors and other sources consulted refer to the use of social networks through which many Venezuelan women were contacted and deceived by offering them false job opportunities. They also indicate that on some occasions they are asked for intimate photos with which they are later extorted if they do not agree to be prostituted.

F

Assistance and protection for women and girls who are victims of human trafficking

Despite the fact that national legislation establishes the duty of the authorities to identify and adequately attend to the victims of human trafficking, the Ombudsman’s Office⁷⁹, civil society organizations⁸⁰ and the Constitutional Court, among others, have called attention to serious difficulties for this to occur effectively.

On the one hand, they warn of a lack of coincidence between the figures that rest in the different entities with competences in addressing the problem, as well as those collected by activists and NGOs⁸¹. For example, while the Ministry of the Interior indicates that in the period 2015-2021, “107 women of Venezuelan nationality whose purpose of exploitation was the prostitution of others or other forms of sexual exploitation were registered in the information system on human trafficking”⁸², the Attorney General’s Office indicates that between 2016 and 2023 there are five reported cases of Venezuelan women victims of human trafficking⁸³ and leaders of Catatumbo indicate that only during the first half of 2022 they would have received 120 complaints in that area⁸⁴. This also contrasts with a report by the District Secretariat of Women of the Mayor’s Office of Bogota⁸⁵, which states that in 2017, 99.8% of the total number of foreign prostituted persons in Bogota (32.7%), 99.8% were of Venezuelan origin⁸⁶.

In this regard, in 2021 the Constitutional Court⁸⁷ ordered the Inter-institutional Committee to Combat Trafficking in Persons to design a protocol for the identification of victims of human trafficking and socialize it with the territorial committees⁸⁸. However, by September 2022 it had not yet been disseminated⁸⁹.

On the other hand, they point out the need to continue working on adequate training for officials in charge of attending to victims of human trafficking, as they continue to demand that the facts be reported or that the Attorney General’s Office classify them as human trafficking in order to link them to the respective programs, in contravention of jurisprudence on the matter⁹⁰, and that the women should be the ones to recognize themselves as victims, otherwise they do not activate the corresponding routes. They also highlight corruption and impunity⁹¹ as barriers to access to justice for the victims of this crime in Colombia.

76. Ministry of Information and Communication Technologies. Gender-based digital violence, real stories and compelling lessons. At <https://www.mintic.gov.co/micrositios/porticmujer/809/w3-article-237925.html>.

77. Specifically, in Ruling T-280 of 2022, it ordered “TO EXHORT the Congress of the Republic to comply with the recommendations made by the Human Rights Council of the United Nations and the Organization of American States in relation to the prevention, protection, reparation, prohibition and criminalization of digital gender-based violence as established in the preamble of this ruling.

78. See <https://www.unodc.org/ropan/es/la-trata-de-personas-ante-el-uso-y-abuso-de-la-tecnologia.html>

79. Ombudsman’s Office. Ombudsman’s report on measures to assist victims of human trafficking. April 2021. ISBN: 978-958-5117-27-3

80. Among others, CEPAZ and Women's Link Worldwide.

81. In this regard, Women's Link Worldwide maintains that "(...) the data provided by the Observatory [on the Crime of Trafficking of the Ministry of the Interior] do not coincide with the data provided by other entities, such as the Attorney General's Office, the Ombudsman's Office, the Colombian Institute of Family Welfare (ICBF), the Ministry of Foreign Affairs, the Ministry of Labor, the Ministry of Information and Communication Technologies, Migration Colombia, governors' offices and mayors' offices. In: Women's Link Worldwide. Human Trafficking in Colombia - Main Flaws in the Protection System. <https://www.womenslinkworldwide.org/files/3127/principales-fallas-en-el-sistema-de-proteccion-para-victimas-de-trata-en-colombia.pdf>

82. Response from the Ministry of the Interior to the right of petition with file number 2022-2-00311016871 Id: 9737, dated September 6, 2022.

83. See El Espectador Special "El Tren de Aragua es el que capta a las chicas": victim of sexual exploitation (2023). At: <https://www.elespectador.com/investigacion/el-tren-de-aragua-es-el-que-capta-a-las-chicas-victima-de-explotacion-sexual/>

84. Cambio Magazine. In Catatumbo, the networks of sexual exploitation of girls do not give truce. July 22, 2022. In: <https://cambiocolombia.com/articulo/pais/en-el-catumbo-las-redes-de-explotacion-sexual-ninas-no-dan-tregua>

85. Secretaría Distrital de la Mujer, Alcaldía de Bogotá (2019). Characterization of people who perform paid sexual activities in contexts of prostitution. Page 63. Available at: <http://omeg.sdmujer.gov.co/phocadownload/2019/analisis/Libro%20caracterizacion%20ASP.pdf>

86. Regarding the problem, Fundación Éxodo Venezuela also highlights the difficulties arising from and related to the forced disappearance of women in that country. They indicate that although the crime of forced disappearance of persons has been criminalized in the Penal Code, there is still no National Registry of missing or lost persons in Venezuela, and each institution has its own databases, with opacity, lack of transparency and inaccessibility to official statistics. Therefore, in view of the opacity of official data, within the framework of the #LaMejorRuta Campaign, a monitoring and registration of missing persons was carried out, in digital media, social networks Twitter, Facebook, from 01/01/2020 to 03/15/2021, finding that in 2020 126 (47.01%) girls, adolescents and women disappeared, compared to 91 (33.95%) boys, adolescents and men, plus 51 (19.02%) people whose gender was not specified in the news, on the other hand, in the year 2021, 30 (58.82%) girls, adolescents and women disappeared, 21 (41.17%) boys, adolescents and men, within the causes of disappearances of people in Venezuela. The third cause is migration

with 32 people missing in 2020 and 3 people missing in 2021. This is an extreme form of gender-based violence that is invisible due to the very nature of the crime and whose incidence is significantly higher in girls, adolescents and women, and whose ages are the same in 2020 and 2021, ranging from 11 to 20 years of age, showing a high incidence in children, adolescents and young adults. Similarly, during the year 2020, 43 of the missing women ended up revealing that they were victims of femicide, in 28 cases the missing women, girls or adolescents appeared alive, 35 were rescued by state security forces, 10 are still missing and in 10 cases there is no information. During the year 2021, in 8 of the cases the missing women were victims of femicide, in 9 cases the missing women, girls or adolescents appeared alive, 7 were rescued by State bodies, 5 are still missing and in 1 case there is no information. Monitoring available at <https://utopix.cc/serie/femicidios/>. Disappearances of girls, adolescents and women: a form of gender-based violence (2021). Available at: <https://exodo.org/ve/wp-content/uploads/2021/04/Desapariciones-de-ninas-adolescentes-y-mujeres-en-Venezuela.pdf>

87. Based on the study of the tutela filed by a Venezuelan woman victim of human trafficking who faced several obstacles for her protection, in which she found that one of these was the absence of a route that expressly indicates the procedure to follow for the identification of victims.

88. Constitutional Court. Decision T-236 of 2021.

89. This was stated by the Ministry of the Interior in a response from the Ministry of the Interior to a right of petition with file number 2022-2-00311016871 Id: 9737, dated September 6, 2022.

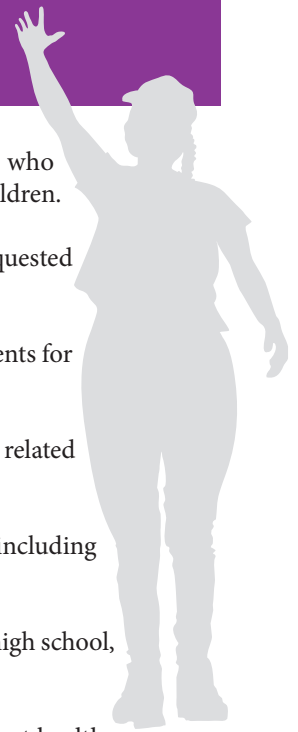
90. In Judgment C-470 of 2016, it was established that the assistance measures -immediate and mediate- for the victims of the crime of trafficking in persons, as a comprehensive protection mechanism, must be guaranteed without making them dependent on the filing of the complaint, the success of the investigation or the progress of the criminal proceeding. Likewise, according to Judgment T-1078 of 2012 "(...) the category of victim of phenomena such as human trafficking cannot be subordinated to the existence of a criminal proceeding, and that the criminal perspective cannot be the only or the most important to address the problem, because more than a matter of criminal policy, human trafficking is a violation of human rights.

91. According to SerVoz, between 2015 and 2018 only 15% of human trafficking cases obtained convictions. In: 3 Corporación SerVoz, 2019. "IV Balance of the implementation of anti-trafficking policies in Colombia. Year 2019." Page.41. Available at: <http://www.espaciosdemujer.org/wp-content/uploads/IV-BALANCE-2019.pdf>

Recommendations and Requests

To the Government of Colombia

- Adopt urgent measures to allow the regularization of the migratory status of Venezuelan nationals who entered Colombia after January 31, 2021, giving differential and preferential treatment to women and children.
- Adopt measures to prioritize and expedite the effective delivery of Temporary Protection Permits requested by Venezuelan women, in order to facilitate their access to work, health and education.
- Prioritize and expedite the study of the asylum request of Venezuelan women, as well as the requirements for the extension of this document.
- Train national and local officials on the measures adopted for migratory regularization, especially those related to the laissez-passer and its validity for scheduling the Sisben survey and accessing the health system.
- Promote differential actions and programs for labor inclusion aimed at Venezuelan migrant women, including job training and skills required for the existing labor market.
- Guarantee free and expeditious access for Venezuelan women to the process to validate or standardize high school, technical and university degrees, communicating the procedure widely.
- Carry out inspection, oversight and sanction processes for health care providers that deny or obstruct health care services for Venezuelan women.
- Expedite the completion of the subsidized health survey (Sisben), prioritizing women with physical or mental health problems and with children, which facilitates their access to health care, among others.
- Offer alternatives to carry out surveys and other procedures before the Sisben, when women are in shelters or spaces that are not provided for in the current regulations.
- Facilitate access to education and health care for the children of migrant women to prevent situations of violence and exploitation.
- Adopt measures to promote safe border crossing for women and children.
- To fully comply with the orders issued by the Constitutional Court in Ruling T-236 of 2021.
- Generate forceful actions to prevent and protect the rights of women and girls who are victims of human trafficking.
- Establish programs for social training on the problem of human trafficking from an early age for children and adolescents, for the social welfare of women.
- Strengthen the role of women in the different areas of social and political participation.



To the Congress of
the Republic
of Colombia

- Adopt legislation that through educational, cultural, punitive measures, etc., attacks the demand for sexual exploitation in prostitution of women, as the root cause of trafficking in women for prostitution and pornography.
- Refrain from processing and approving legislative initiatives that seek to grant a labor character to sexual exploitation in prostitution of women in prostitution and pornography (including webcam).
- Adopt legislation that considers the structural needs of Colombian and foreign women exploited in prostitution and pornography to heal the complex trauma of violence, and to have opportunities for a dignified life, considering the structural causes described in this document.
- Adopt legislation for both Colombian and migrant women, in terms of the development of actions and regulations aimed at promoting employability/entrepreneurship, dignified, safe, non-discriminatory and protective work that allows them to be autonomous and resilient.

* * *

To International
Entities

- Refrain from referring to the sexual exploitation of migrant women as “survival sex” and support programs and measures aimed at preventing this scourge, as well as the physical, psychological and economic recovery of trafficked women and girls.
- Refrain from funding initiatives that lead to naturalizing or legalizing prostitution as “sex work” or any other euphemism that refers to crimes, or forms of violence against women, and that distances itself from the international commitments acquired by the Colombian State.
- Promote and support differential measures for the labor and economic inclusion of Venezuelan migrant women.
- Generate actions that contribute to understanding cycles of overprotection or negligence of women towards their children, leading to restoring their relationships and breaking out of cycles of violence.
- Provide safe, accessible housing programs for women and their children where pimps have no control or intervention.
- Generate actions and demand governmental support to materialize the commitment for the promotion of opportunities and access to women’s rights.

* * *