



**SOP for the Identification, Screening, Protection,
Assistance, Return and Reintegration of Victims of
Human Trafficking in Aruba**

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Standard Operation Procedure for the Identification, Screening, Protection, Assistance, Return and Reintegration of Victims of Human-Trafficking in Aruba.

The Standard Operation Procedure (SOP) has been elaborated with the technical support of IOM and on the basis of relevant international standards. This last version reflects what has been endorsed by the National Coordinator on Human Trafficking and Migrant Smuggling, as representative of the Government of Aruba on this subject, to fit national realities and based on the technical support provided.

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1. INTRODUCTION

This Standard Operating Procedure (SOP) consists of chapters on identification and screening tools, and provides comprehensive, gender-sensitive and trauma-informed protection and assistance. This document aligns with international treaties and national legislation on trafficking in persons (TiP), and the National Anti-Trafficking Action Plan (2018-2022). It includes specific information on working with child victims (child is defined under the Palermo Protocol as an individual under the age of 18.) It was drafted, reviewed, and approved by national stakeholders, primarily the Coordination Center on Human Trafficking and Migrant Smuggling (CMMA). This SOP is framed by international standards, best practices, and guiding principles, contextualized to Aruba.

1.1 Purpose

Building on previous counter-trafficking efforts in Aruba, the purpose of the SOP is to provide an agreed-upon set of standard procedures to ensure a coordinated response to suspected victims of trafficking. The SOP will be the tool used by CMMA as the entity responsible for the coordination of victim assistance. The objective is to strengthen the identification mechanism and response coordination, and thereby provide protection and comprehensive services and support to adult and child victims until their recovery and social reintegration. This SOP offers a macro system of coordination, streamlining the communication and information pathways between the multiple key stakeholders mandated to combat human trafficking.

The content has been created to be easily accessible and can be used when encountering potential trafficking cases or while working with victims of trafficking.

The Standard Operating Procedure (SOP) provides a step-by-step guide to all involved in the identification, screening, protection, assistance, referral, return and reintegration of victims of trafficking. The SOP consists of three (3) phases:

Phase I: victim identification and screening

Phase II: protection, assistance and referral

Phase III return and reintegration

1.2 Audience

Due to the importance of strong coordination among several sectors and multiple agencies, this SOP is meant for all stakeholders mandated to combat human trafficking in Aruba. While each agency may not participate in all aspects of the protection of victims, it is imperative that each stakeholder understand the entire process from identification, case management, to case closure. It is advisable that each agency implement specific trafficking, protocols and procedures that address the role of the agency in the overall coordination system.

1.3 Agencies responsible for implementing the SOP

The National Coordinator On Human Trafficking And Migrant Smuggling (LCMM) is the representative of the government of Aruba (GOA) nationally, regionally and internationally in matters concerning human trafficking and migrant smuggling. The National Coordinator On Human Trafficking And Migrant Smuggling (LCMM) chairs the Coordination Center On Human Trafficking And Migrant Smuggling (CMMA) and the Taskforce on Human Trafficking And Migrant Smuggling (TMMA).

The Coordination Center On Human Trafficking And Migrant Smuggling (CMMA) is the main point of contact for information, education and assistance in matters concerning human trafficking and migrant smuggling. The Coordination Center On Human Trafficking And Migrant Smuggling (CMMA) is charged with the coordination of the assistance to victims of human trafficking and works closely with government entities and civil society organizations to offer the best assistance possible.

The Taskforce On Human Trafficking And Migrant Smuggling (TMMA) consists of representatives of the most relevant ministries, departments and organizations which work in the field of migration and therefore can contribute to an effective system to combat human trafficking. These are the agencies responsible for a successful implementation of the SOP, since they all have a role in victim identification, protection and assistance, or return and integration.

Participants in the Taskforce On Human Trafficking And Migrant Smuggling (TMMA) are:

- Ministry of Justice and Social Affairs
 - o Aruba Police Force (KPA)
 - o Bureau for Victims Assistance (BSOH)
 - o Coordination Center on Human Trafficking and Migrant Smuggling (CMMA)
 - o Public Prosecutors Office (OM)
 - o Immigration Department (IA)
 - o Department of Social Affairs (DSZ)
 - o Border Control Department (GNC)
- Ministry of Labor, Integration and Energy
 - o Department of Integration, Management and Admission (DIMAS)
 - o Department of Labor and Research (DAO)
- Ministry of Public Health and Tourism
 - o Department of Public Health (DVG)
- Ministry of General Affairs, Innovation, Government, Infrastructure and Planning
 - o Department of Foreign Affairs (DBB)
- External partners
 - o Coastguard Dutch Caribbean (KW)
 - o Royal Dutch Military Police (KMAR)

1.4 Principles of the Counter-Trafficking Response

The Aruba SOP aligns with the internationally recognized best practices for human trafficking identification, intervention, and response (see annex A for additional information and guidance).

1.4.1 Human Rights-Based Approach

The human rights-based approach, grounded in the UN Universal Declaration of Human Rights¹, is the belief that all people have inherent human rights despite race, nationality, gender, culture, religion, or circumstance; they are not the problems they face, and therefore contain their own inner resources and resiliency. All individuals, including children in accordance with and notwithstanding legal provisions for the best interest of the child, including provisions related to guardianship, should be free to make their own choices and dictate the course of their lives. All counter-trafficking efforts should encourage and support the victim of trafficking in accessing their rights and controlling their own lives. It also seeks to increase the ability and accountability of governments, non-profit agencies, and civil society to uphold the rights of all individuals, especially those who have experienced violations.²

1.4.2 Victim-centered approach

A victim centered approach entails treating the victim as an individual and considering their wishes, safety and well-being as a priority in all matters and procedures. Victims of trafficking are the victims of a crime and not the perpetrators. They should be made aware of the fact that they are a victim and should never be treated as an offender.

1.4.3 Do no harm, non-revictimization

Given the risks and potential trauma situation that human trafficking victims may have, an assessment of the potential for harm of any proposed action should be done prior to the intervention. Any interviews, examinations, procedures and/or assistance should not be provided, or it should be deferred if there is reason to believe that it might leave the victim worse off than before.

1.4.4 Nondiscrimination

Protection and assistance should be provided to all victims of human trafficking without discrimination or prejudice based on nationality, gender, age, sexual orientation, race, color, social class, ethnicity, religion, language, disability, political opinion, migration status, or any other distinction.

¹ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

² Further references:

<https://publications.iom.int/books/iom-handbook-migrants-vulnerable-violence-exploitation-and-abuse>

https://www.ohchr.org/sites/default/files/Documents/Publications/Commentary_Human_Trafficking_en.pdf

1.4.5 Confidentiality and privacy

Human trafficking is a crime that strips victims of their power and control. It is therefore imperative that all stakeholders adhere to strict client confidentiality. All information regarding the victim must be treated with due regard for the victim's right to confidentiality and privacy. Only relevant information should be gathered, and the release or disclosure of such information must be with the consent of the victim, or the guardian of a child. While multi-disciplinary teams working on specific cases will have their own confidentiality standards, there are universal, standard precautions to ensure a victim's privacy is upheld and protected.

1.4.6 Informed consent

The victim's informed consent needs to be obtained for any services, assistance and/or protection can be provided and before gathering information and evidence. It will often take time and effort to build trust with the victim, but trust is essential to increase the possibility the victim will assist in the investigation and prosecution.

1.4.7 Multidisciplinary approach

Protection and assistance to a victim of human trafficking is not a short-term process but will take place over time, depending on their needs and with respect to their human rights. Meeting these tailor-made requirements will take cooperation of multiple stakeholders involved in identifying, assisting and protecting victims of human trafficking.

1.4.8 Child rights approach

In all actions concerning child victims of trafficking, the best interests of the child shall be the primary consideration. A swift and thorough assessment of their needs shall be carried out in full compliance with Aruban law and the international standards as defined in the Convention of the Rights of the Child (CRC) and its optional protocol on the sale of minors, child prostitution and child pornography.

1.4.9 Trauma-Informed Approach

A trauma-informed approach recognizes that victims of trafficking may have experienced trauma and includes an understanding of how trauma can affect persons physically, emotionally, and interpersonally. The approach acknowledges the impact of trauma and the role it may play in a victim's life, including the way a victim responds to certain situations, the choices they make, their relationships, and negative or positive coping mechanisms. While this approach is not a therapeutic trauma intervention, through the application of a trauma-informed approach, stakeholders interacting with victims can decrease the negative impacts of trauma, and support in the recovery from and resolution of trauma symptoms.

The Six Key Principles of a Trauma-Informed Approach are:

1. Safety
2. Trustworthiness and transparency
3. Peer support
4. Collaboration and mutuality
5. Empowerment, voice, and choice
6. Cultural, historical, and gender issues

Trauma-informed practices can be implemented in every aspect of the anti-trafficking field: law enforcement, prosecution, service provision, medical, education, and housing.^{3 4}

³ For further information on how to implement trauma-informed practices, please refer to the SAMHSA Concept of Trauma and Guidance for a Trauma-Informed Approach.

https://ncsacw.samhsa.gov/userfiles/files/SAMHSA_Trauma.pdf

⁴ <https://refugees.org/wp-content/uploads/2021/06/Trauma-Informed-Care-Toolkit.pdf>

2. WHAT IS HUMAN TRAFFICKING?

Human trafficking is a human rights violation and crime that affects an indeterminate number of individuals and communities worldwide, including Aruba. Human trafficking involves the use of force, deception and other forms of coercion to compel an individual to engage in sex work or other types of labor or activities for the profit of the trafficker.

2.1 International law

The Palermo Protocol, adopted by the UN in 2000, is the foundational guiding principle when combatting trafficking internationally. The protocol defines human trafficking as:

(a) "Trafficking in Persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs⁵

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

2.2 Domestic Law and Policy

Before 2006, the act of 'human trafficking' was punishable by in Aruba law as 'trafficking in women' and was mostly directed towards the selling of women for sexual exploitation. The law was then adapted to provide inclusive protection of labor exploitation of males and females and sex trafficking of males. Since 2006 human trafficking in all its forms has been a criminal offence within the Aruba Penal Code, with adaptations of the law in 2012, 2014, 2016 and 2020 (Landsverordening van 27 april 2012 houdende de vaststelling van een nieuw Wetboek van strafrecht van Aruba', AB 2012 no. 24, wijzigingen: AB 2014 no 11, AB 2016 no 601, AB 2020 no 100.) The current article 2:239 APC complies with the international benchmarking definition of human trafficking as given in the Palermo Protocol. Aruba has an additional article for human trafficking in article 2:240 APC, which refers to the use of services from a victim of trafficking (see annex B for the full text).⁶

⁵ <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

⁶ https://www.overheid.aw/bestuur-organisatie/wetteksten-1601-wetboek-van-strafrecht_42275/item/1601ab12024-wetboek-van-strafrecht-van-aruba-inwtr-2014-12_13435.html

2.3 Elements of human trafficking - AMP Model

The AMP Model is a description used to apply the international and national definition to potential cases. Although the elements of human trafficking in article 2:239 APC are slightly different than the ones used in the AMP model, it is similar in content and meaning so the AMP model can be used to define the elements of human trafficking in Aruba. Human trafficking occurs when a trafficker takes one of the enumerated **Actions**, and then employs the **Means** for the **Purpose** of compelling the victim to engage in any of the listed purposes in table 1.⁷

Tabel 1. The AMP Model

Actions	Means	Purpose
<i>recruitment</i> <i>transportation</i> <i>transfer</i> <i>harboring receipt of persons</i>	<i>threat</i> <i>force</i> <i>coercion</i> <i>abduction</i> <i>fraud</i> <i>deception</i> <i>the abuse of power</i> <i>a position of vulnerability</i> <i>giving or receiving of payments or benefits</i>	<i>prostitution</i> <i>sexual exploitation</i> <i>forced labor or services</i> <i>slavery</i> <i>servitude</i> <i>removal of organs</i> <i>other types of exploitation</i>

At a minimum, one element from each column must be present to establish a potential situation of human trafficking. For children, the means used by the trafficker are irrelevant. Children who are induced into labor or commercial sex are human trafficking victims regardless of the means used by the trafficker.

2.4 Trafficking and smuggling

It is important to differentiate between trafficking and smuggling that *can* occur simultaneously and noting that smuggling cases can lead to trafficking but are two different phenomena. Smuggling is a crime against the state whereas trafficking is a crime against an individual and their basic human rights. Smuggling includes consent whereby an individual actively seeks out or is approached by a smuggler to help the individual cross an international border. Once the individual has crossed the border, the transactional agreement between the smuggler and the individual typically ends.

International law states that the consent of a victim of human trafficking to the intended exploitation shall be irrelevant where any of the means have been used. It reflects the fact that no person can consent to being exploited. Any expressed consent is defective because it has not been given based on free and fully

⁷ IOM Handbook on Protection and Assistance to Migrants Vulnerable to Violence, Exploitation and Abuse (DOMV model) <https://publications.iom.int/books/iom-handbook-migrants-vulnerable-violence-exploitation-and-abuse>

informed agreement to the intended exploitative work or service. In the case of children their vulnerable position makes it impossible for them to provide consent under any circumstance.

Further clarification between trafficking and smuggling can be found in table 2.

Table 2. Clarification between Trafficking and Smuggling

Trafficking	Smuggling
<i>Consent absent or irrelevant</i>	<i>Initial consent typically obtained</i>
<i>May or may not include international border crossing</i>	<i>Illegal border crossing</i>
<i>Ongoing exploitation to generate profits after arrival/border crossing</i>	<i>Commercial transaction meant to end after border crossing</i>

2.5 Indicators of trafficking

There are many different signs of trafficking. Some are overt and physically visible; others are hidden from view and psychological in nature. Indicators are often a combination of lack of control over basic life decisions and the conditions of exploitations. These indicators may be a sign of other abuse or concern, but it is important to report if any indicator is present to ensure a formal and thorough human trafficking screening occurs.

It is important to consider that initial consent does not eliminate the possibility of human trafficking. A person may voluntarily enter the activity or labor and be trafficked/exploited later on. In cases where initial consent was given before the situation became exploitative, the same indicators listed below apply.

2.5.1 Adults

Below are general indicators for adults typically seen in a variety of contexts and from a variety of sources. These are the most seen indicators, but it is not an extensive list, as seen in table 3.

Table 3. Common Indicators of Human Trafficking in cases of Adults

<i>Controlling or Abusive person present</i>	<i>Inability to talk for themselves</i>	<i>Multiple people living in a small space</i>	<i>Lives with employer</i>
<i>Mentions of a debt</i>	<i>Social isolation from family and friends</i>	<i>Works long hours</i>	<i>Lives and works in the same location</i>
<i>Does not have access to ID or documentation</i>	<i>Does not know where they are or where they live</i>	<i>Answers appear scripted and rehearsed</i>	<i>Inconsistent history</i>

2.5.2 Children

Below are general indicators for children typically seen in a variety of contexts and from a variety of sources. These are the most seen indicators, but it is not an extensive list, as seen in table 4.

Table 4. Common Indicators of Human Trafficking in cases of Children

<i>Controlling or Abusive person present</i>	<i>Inability to talk for themselves</i>	<i>Gaps in routine child healthcare</i>	<i>Unexplained and random absences from school</i>
<i>Mentions of a debt</i>	<i>Excluded from important family events</i>	<i>Physically exhausted</i>	<i>Works long hours</i>
<i>Responsible for child/elder care or cleaning</i>	<i>Does not have access to ID or documentation</i>	<i>Not enrolled in school</i>	<i>Works and lives in the same place</i>
<i>Does not participate in normal age-appropriate activities</i>	<i>Chronic missing, runaway, homelessness</i>	<i>Excessive cash in possession without explanation</i>	<i>Guardian relationship is unclear or no evidence of legal guardian</i>

2.6 Human trafficking and children

Children are particularly at risk for trafficking due to the intersection of age, development, and environmental factors. Children are inherently dependent on caregivers and the decisions caregiver’s make on their behalf. Like migrants, children may lack the power or information to seek help. Due to the level of development, they may lack the language to accurately explain the situation or may not understand what they have experienced is a crime.

Children can be trafficked by employers, smugglers, and organized crime networks. Yet, like other forms of child abuse, most children are trafficked by someone who is close to them or their family. Typically, the trafficker has built a trusting relationship with the children which can then be exploited to manipulate the child. Children can be trafficked by parents, other family members, neighbors, church leaders, and trusted community members.

While children are understandably more at-risk of exploitation, many factors can increase the likelihood of a child becoming a victim of human trafficking, as exhibited in the following in table 5.

Table 5. Increasing factors for a Child to be come a Victim of Human Trafficking

<i>Individual</i>	<i>Relationship</i>	<i>Community</i>	<i>Societal</i>
<ul style="list-style-type: none"> ● <i>History of child abuse, neglect, and/or ill-treatment</i> ● <i>Homeless, run away,⁸ or “throwaway youth”</i> ● <i>History of systems involvement</i> ● <i>Stigma/discrimination</i> 	<ul style="list-style-type: none"> ● <i>Family conflict, disruption, dysfunction</i> 	<ul style="list-style-type: none"> ● <i>Peer pressure</i> ● <i>Social norms</i> ● <i>Social isolation</i> ● <i>Gang involvement</i> ● <i>Under-resourced schools, neighborhoods, communities</i> 	<ul style="list-style-type: none"> ● <i>Lack of awareness of commercial exploitation/sex trafficking</i> ● <i>Sexualization of minors</i> ● <i>Lack of resources</i>

2.7 Dynamics and relationships between trafficker and victim

Like victim profiles, there is no one type of trafficker. Anyone who participates in the exploitation of an individual for the purpose of gaining something of value can be considered a trafficker. Traffickers are driven by the fact that human trafficking is a crime with high profits and low risk. Perpetrators of this crime can be individuals, family operations, employers, or organized crime networks.

Often traffickers may use shared common factors with the individual to build trust and maintain control. These factors may include nationality, ethnicity, religion, familial bonds, cultural background, or shared experiences. A common tactic that is used by traffickers is what’s known as “Grooming” which is a manipulative behavior that the abuser uses to gain access to a potential victim, coerce them to agree to the abuse, and reduce the risk of being caught. This can take place online or in-person, often by a person that is in the victim’s circle of trust but can also be a stranger.

2.8 Key actors in the Aruba human trafficking response

In Aruba there are six (6) main entities involved in combatting human trafficking, each with their own specific tasks and responsibilities. They are: (1) the National Coordinator on human trafficking and migrant smuggling, (2) the Coordination center on human trafficking and migrant smuggling, (3) the Joint intelligence unit on human trafficking and migrant smuggling, (4) the Prosecutor on human trafficking and migrant smuggling, (5) the Investigative unit on human trafficking and migrant smuggling and (6) the Taskforce on human trafficking and migrant smuggling.

1. The National Coordinator On Human Trafficking And Migrant Smuggling (LCMM) is the representative of the government of Aruba (GOA) nationally, regionally and internationally in matters concerning human trafficking and migrant smuggling. The LCMM chairs the Coordination Center On Human Trafficking And Migrant Smuggling (CMMA) and the Taskforce On Human Trafficking And Migrant Smuggling (TMMA).

⁸“Sexual Exploitation & Sex Trafficking of Minors.” Youth.Gov. <https://youth.gov/youth-topics/trafficking-of-youth/sexual-exploitation-and-sex-trafficking>.

2. The Coordination Center On Human Trafficking And Migrant Smuggling (CMMA) is the main point of contact for information, education and assistance in matters concerning human trafficking and migrant smuggling. The CMMA receives initial information (indicators, notifications) on possible cases of human trafficking from the public, registers this information and sends it to the Joint Intelligence Unit On Human Trafficking And Migrant Smuggling (JIUMM) for analysis. The CMMA provides education in the form of training, courses, webinars and awareness campaigns. The CMMA is charged with the coordination of the assistance to victims of human trafficking and works closely with government entities and civil society organizations to offer the best assistance possible.
3. The Joint Intelligence Unit On Human Trafficking And Migrant smuggling (JIUMM) is the point of contact for information from the public via the CMMA and directly from other government entities in suspected cases of human trafficking. The JIUMM will start the initial analysis, by gathering all possible information on persons, addresses, companies etc. This information will be combined into a proposal for investigation and send to the Steering Committee, consisting of senior public prosecutors and police officers, for a proactive investigation or into a dossier to be send to the Public Prosecutors Office (PPO) for investigation by the UMM. The JIUMM will register all information received in the national register on human trafficking and migrant smuggling.
4. The Prosecutor On Human Trafficking And Migrant Smuggling (PMM), a specialized prosecutor at the Public Prosecutors Office, will decide to investigate a case of human trafficking or migrant smuggling. The PMM will send the case to the Investigative unit on human trafficking and migrant smuggling (UMM) for investigation. The PMM will decide on prosecution of the traffickers or smugglers after the investigation has been concluded.
5. The Investigative Unit On Human Trafficking And Migrant Smuggling (UMM) will investigate cases of human trafficking and migrant smuggling in close cooperation with the PMM. After completing the investigation, their report will be sent to the PMM for a decision on the prosecution of the traffickers or smugglers.
6. The Taskforce On Human Trafficking And Migrant Smuggling (TMMA) is an advisory entity to the government of Aruba (GOA). The TMMA, consisting of representatives of government stakeholders and chaired by the LCMM, will propose creation or adaptation of regulations, laws or policies to the government (asked and unasked) to improve the government's response towards human trafficking and migrant smuggling. The TMMA is also charged with drafting and executing the National Action Plan on Human Trafficking and Migrant Smuggling.

3. SOP PHASE I: VICTIM IDENTIFICATION AND SCREENING

3.1 Identification

While not everyone can determine the legal status of a potential victim, anyone can observe indicators of human trafficking as a potential victim of human trafficking. Identification can occur when an individual observes a situation that seems to show signs of trafficking. It can also occur when a victim confides in another person and asks for help. Victims are more likely to confide in people with whom they have trusting, non-judgmental relationships built over time. Identification can also happen during direct outreach sessions where service providers connect with populations who may be at risk and provide educational material to the community.

Many victims of human trafficking may not identify themselves as such, even with a clear definition. This is due to several factors affecting the individual. Because the individual may have agreed to the initial terms of work, and have since experienced force, fraud, or coercion, many victims feel that they are at fault for their situation. However, initial consent is irrelevant as soon as force, fraud and/or coercion are involved elements. Another reason why a victim may not identify as such is due to their home country not recognizing human trafficking in the manner that Aruba does. Therefore, the individual may be very confused as to the services offered and the assistance given. Likewise, language barriers may prevent a client from asking people for help. A typical occurrence for victims of trafficking is a feeling of hopelessness, distrust of others, and other psychological factors, which prevent victims from seeking help.

Many victims are reticent to report or disclose the crime, because their trafficker instilled a fear of authorities as a form of manipulation and coercion. The trafficker may tell the victim that they will be deported if they report the crime, or they would be arrested. As many victims do not know the systems and laws that protect them, victims often believe these falsehoods and therefore do not want to engage with law enforcement or other authorities. Additionally, victims might not want to disclose because they may fear retaliation from their trafficker towards themselves or their families.

3.2 Trafficking settings

Victims of trafficking can be identified in different settings. Below are some of the most common settings where a victim can be identified, although not limited. It is important to consider the indicators when analyzing any specific context, given that red flags and indicators can be identified in a variety of situations.

3.2.1 Migration setting

One of the most important frontline responses to human trafficking is border patrol and immigration services. Migrants with a history of trafficking or who are actively being trafficked can be identified by these authorities. This may include migrants who enter the country via planes and boats, through regular or irregular migration.

Indicators that may be present at border crossing, may include, but are not limited to:

- Presence of a controlling or abusive individual
- Unable to speak for themselves (including a community member or family member insists on translating for them)
- No access to their ID or documentation
- Scripted or inconsistent history
- Frequent trips in and out of the country without explanation
- Possession of excess money and goods without explanation
- Fearful or submissive appearance

3.2.2 Medical Setting

Victims of human trafficking often seek medical attention while being trafficked, but only some of victims are identified during medical treatment.⁹ Yet medical professionals are well positioned to identify victims of trafficking, especially during active trafficking situations. Medical exams happen privately and can offer a rare opportunity to speak with a victim away from their trafficker.

Indicators that may be present in medical settings, include, but are not limited to:

- Signs of physical and sexual abuse
- Injuries from work related incidents or lack of safety equipment
- Unwilling or hesitant to answer questions about the injury or illness
- Another person speaks for victim, refuses to let them have privacy, or interprets for them
- Evidence of a controlling or dominant relationship
- No eye contact
- Fearful or submissive appearance
- Refuses medical attention due to pressure to return to work
- No access to their ID or documentation
- No control of their money

3.2.3 Education Setting

Children and families may also be identified within schools, as schools and educational staff play an important role in the protection of children. Staff, such as teachers and school nurses, build trusting, long-term relationships with minors and families. They are also in a unique situation to observe children closely and may see physical and psychological signs of distress missed by others.

Indicators that may be present in schools, may include, but are not limited to:

- Avoidance of eye contact or being socially withdrawn
- Bruises or other signs of physical trauma

⁹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7234705/>

- Random and unexplained absences
- Signs of sleeplessness, irritability, nervousness, or fear
- Changes in demeanor: fear, anxiety, depression
- Craves friendships and connections, and shows lack of boundaries
- Promiscuity in dress and/or dresses inappropriately for the season
- Sudden changes in attire, attitudes, appearance, or achievement
- Signs of drug addiction and alcohol use
- Tattoos that might be symbols of "ownership": crowns, diamonds, names

3.2.4 Law Enforcement Setting

Potential victims may encounter law enforcement under a variety of circumstances. Law enforcement may get called to a domestic violence situation where a person is also being trafficked. The traffic department may encounter victims when they pull over a car for a traffic violation. They may also regularly encounter victims who are being trafficked for forced criminality involving activities such as: theft, drug selling or smuggling, arms dealing, passing fraudulent checks, or gang/organized crime.

Indicators that may be present in law enforcement settings may include, but are not limited to:

- The presence of a controlling or dominant relationship
- Individual unable to speak for themselves
- A-typical circumstances
- Signs of drug addiction and alcohol use
- Excess money or goods without an explanation
- Unusual arrest history
- Bruises or other signs of trauma
- Not aware of where they are or how they came to be there
- No access to their ID or documentation

3.2.5 Labor Inspection Setting

Labor inspectors, mandated to inspect various labor settings or respond to labor complaints, are in a unique situation to identify trafficking indicators. They may have the opportunity to make random inspections of job sites and may have direct, private access to workers. Additionally, inspectors may receive calls from workers who are being mistreated and may not know what they are experiencing is human trafficking.

Indicators that may be present in labor inspection settings may include, but are not limited to:

- The presence of a controlling or dominant relationship
- Individual unable to speak for themselves
- Workers sleeping and working in the same location
- Workers who do not know who they report to or who their supervisor is

- Workers who do not have access to their ID or documentation
- Workers with untreated health issues
- Workers who mention sexual abuse, physical abuse, or harassment
- Workers who are not able to communicate with their family or loved ones
- Workers who mention wage issues

3.2.6 Social and Victim Services Setting

Children and families involved with social and victim services are at a high risk for trafficking due to a history of violence and victimization, unstable living situations, potential isolation, lack of parental protection, and traumatic experiences. Social and victim service providers, especially those providing community-based services, can build trust with potential victims and have access to clients' homes, where they may be able to identify indicators, others may miss.

Indicators that may be present in social and victim services may include, but are not limited to:

- Sudden changes in the amount of access allowed to the client or home
- Presence of a controlling or dominant relationship
- Unable to speak for themselves
- Scripted or inconsistent history
- Possession of excess money or goods without an explanation
- Frequent moving or trips out of the country without an explanation
- No access to their ID or documentation

3.3 Reporting human trafficking

Initial information is the first step in detecting crimes of trafficking and rescuing victims. Information on indicators or a notification about a potential human trafficking case can come from a range of sources: victim, police officer, immigration officer, labor officer, NGO, social worker, health care provider, friend, colleague, neighbor, community member, schoolteacher, parents or relatives of the victim, or any other person who has knowledge of a presumed case of human trafficking (see annex C for the flowchart).

3.3.1 Indicators and notifications

Indicators, suspicions, questions and notifications from the general public on a potential human trafficking case can be brought to the attention of the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) via telephone +297-5975223, email info@cmmaruba.com, website www.cmmaruba.com or social media (Facebook, Instagram, Twitter). More information on human trafficking and migrant smuggling can be found on the website www.habribowowo.com. All relevant information will be sent to the Joint Intelligence Unit on Human Trafficking and Migrant Smuggling (JIUMM) for analysis. Government departments and entities can report indicators, suspicions, questions and notifications connected to a potential human trafficking case directly to the Joint Intelligence Unit

on Human Trafficking and Migrant Smuggling (JIUMM). The Joint Intelligence Unit on Human Trafficking and Migrant Smuggling (JIUMM) will inform the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) on the information received and the status of the analysis (see annex C for the flowchart).

3.3.2 Immediate assistance

The Bureau for Victim Assistance (BSOH) oversees the human trafficking hotline +297-5923231 (24/7). The hotline can be called by anyone with questions about human trafficking or to inform on a suspicion but is mainly intended as a helpline for victims in immediate need of assistance. The Bureau for Victim Assistance (BSOH) will forward any relevant information to the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) and/or the Joint Intelligence Unit on Human Trafficking and Migrant Smuggling (JIUMM) for further action and if necessary, will start the process of assistance to the victim.

3.3.3 Rescue operations

Some victims may be identified through a law enforcement operation. During the preparation for an operation, law enforcement, through a tip from a victim or witness and/or investigative means, can identify an active trafficking situation. The primary aim of the operation is to remove the potential victim(s) from the exploitative situation and providing emergency interventions regarding protection and safety. Not all potential victims removed during an operation will meet the definition of trafficking, especially in large group cases. Screenings should still be conducted following the Aruba SOP to each individual privately. A rescue operation will be coordinated by the Investigative Unit on human trafficking and migrant smuggling (UMM), with assistance of the police and other relevant departments.

3.4 Standard screening

The purpose of the screening interview is to gather information about key elements of human trafficking (act, means and purpose). Only trained and experienced staff can conduct victim of trafficking screening interviews to determine the status of a victim of trafficking. In Aruba a victim can be identified as a potential, presumed or confirmed victim of human trafficking. A potential victim is a person who may be a victim of human trafficking but does not show clear indicators of human trafficking, a presumed victim is a person who manifests indicators of human trafficking but has not yet formally been identified by the authorities as a victim of trafficking and a confirmed victim of human trafficking is a person who has been formally identified by the authorities as a victim of human trafficking (see annex C for the flowchart).

The Joint Intelligence Unit on Human Trafficking and Migrant Smuggling (JIUMM) carries out initial screening interview with the potential victim, if possible, by staff of the same gender. The screening will be conducted in a confidential and private location, free of listening devices and other people. Victims are screened through their own subjective version of their experience. All presumed and confirmed victims are eligible for services regardless of their residence and/or migratory status and involvement in an

investigation or prosecution process. Trauma-informed approach should be utilized during the screening process to support the victim, build trust, and avoid re-traumatization (see annex A for additional information and guidance).

If the victim was rescued from the trafficking situation, the screening can be carried out by the Investigative Unit on human trafficking and migrant smuggling (UMM). They will provide all the information received to the Joint Intelligence Unit on Human Trafficking and Migrant Smuggling (JIUMM) for registration and analysis, and to the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) for assistance to the victim.

3.5 Risk assessment and safety planning

The provision of assistance to a victim of trafficking carries inherent risks. A risk assessment determines threats to the security and safety of the victim, the family or community, as well as other victims, NGOs or service providers. It should identify who is potentially at risk, what the risk is, and the consequences if it occurs, the level of risk, and the planned response to address the risk(s). In particular, the risk of violent reprisals by the trafficker or their associates against the victims and/or their families constitutes the highest priority for consideration in the assessment. The level of risk to the victim can be no risk, low risk, medium risk or high risk.

A safety plan is a strategy which involves identifying the steps a victim can take to increase their safety. It can include risks that are currently happening or potential risks in the future. Safety planning is important during all stages of a victim's stabilization process: during active trafficking, while leaving a trafficking situation, immediately after leaving, and during the recovery period.

According to the Memorandum of Understanding (MOU) on cooperation to prevent and combat human trafficking and smuggling, which was drawn up between Aruba, Curaçao, St Maarten and the Netherlands, consultation will be initiated with the other countries in the Kingdom about the reception of one or more victims for security reasons if the safety of the victim can't be guaranteed on the island where the investigation takes place.

3.6 Language access

For a foreign victim that does not speak one of the locally used languages (Papiamentu/ Dutch/English/Spanish), an interpreter can be requested to be present during the screening. If possible, an interpreter will be used trained in victim-centered approach and in-person interpretation so language services can be provided accurately and sensitively without retraumatizing the victim. The interpreter will sign a confidentiality agreement. If there are no professional interpreters available who speak the victim's native language, alternatives will be looked for to provide this assistance. A victim has the right to refuse to work with any interpreter if they do not feel comfortable. If possible, an alternative interpreter will be provided.

3.7 Screening considerations

There are many barriers preventing victims from sharing their experiences. Victims will most likely exhibit fear, anger, hypervigilance, paranoia, and dissociation when engaging in the screening process. Relationship building can help support the client to trust the screener, and disclose accurate, honest information about the trafficking.

Relationship building techniques for victims include:

- Provide information on who is in the room and what devices are being used
- Not conducting the screening from behind a desk or computer
- Allowing the client to lead the screening,
- Taking a break when they need
- Respecting if a victim says stop or refuses to answer a question
- Using non-judgmental language
- Maintaining open body language and neutral tone of voice
- Reaffirming the victim's strength and resilience
- Active listening

3.7.1 Considerations for children

Children who are or have been exploited will exhibit signs of traumatic stress. These can present as defiance, appearing "uncooperative", numbing, dissociation, inconsistent memory, anxiety, emotional swings, and extreme crying or anger. Screening children poses an increased challenge as most children will be reticent to openly share information with someone whom they do not trust. Because of the hidden nature of the crime, children will have an increased fear of disclosing information or may not be developmentally or emotionally able to share. They may also provide answers based on pleasing the adults in the room or providing what they infer is the "right answer".

Children may experience trauma bonding with their trafficker or feel a sense of loyalty to them, especially if their trafficker is a family member or intimate partner. This can further prevent a child from openly discussing the harm they have experienced. Children also tend to disclose abuse over time to service providers with whom they have built a relationship. An initial screening may not identify the child as a trafficking victim. In cases where a child is the victim of human trafficking, the interview will be done by the specialized investigators of the Youth and Vices Department (JZP) in close cooperation with the Joint Intelligence Unit on Human Trafficking and Migrant Smuggling (JIUMM) and the Unit on Human Trafficking and Migrant Smuggling (UMM).

Parents and guardians need to provide consent before the child is screened but should not be in the room during the screening. If a parent or guardian is involved in the trafficking, they are not to be consulted and the child will be considered a ward of the state. Because of the difficulty in gathering information directly from the child, information must be gathered from other sources, such as family members, teachers, law enforcement, or neighbors.

3.8 Identification of needs

During the screening process the urgent needs of the victim regarding shelter, food, clothing, medical care, psychosocial support, legal assistance, and other services can be assessed. The level of needs can be determined to be immediate, medium term or long term. After the screening has been concluded, the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) will coordinate the services to the victim in cooperation with the Bureau for Victim Assistance (BSOH) and non-governmental organizations, other relevant organizations, and other elements of civil society to provide and guarantee assistance to cover all the needs of the victim (more information on the Protection and Assistance section – Phase II).

3.9 Data collection

Data collection and management are crucial components in addressing human trafficking. Personal data and trafficking histories are important information to give appropriate assistance and protection to the victim. Collected data through various methods can inform the authorities on trends and patterns in human trafficking and design national policies and strategies. Anonymized data can also be used in various migration research.

Personal data must be treated with the highest levels of data protection, care, and confidentiality. Data collection is based on the principles that serve the right of the individual to privacy and data safety and the need of the authorities to collect and use data for policy development or appropriate interventions. Any type of disclosure of personal data shall be evaluated on a case-by-case basis, ensuring data security and with measures to control and monitor the data.

The collection, storage, and sharing of data will be the primary task of the Joint Intelligence Unit on Human Trafficking and Migrant Smuggling (JIUMM).

4. SOP PHASE II: PROTECTION AND ASSISTANCE

4.1 Protection

Protection is all actions intended to uphold human rights and maintain individual safety and well-being of victims of human trafficking in accordance with the letter and spirit of relevant bodies of law. Specific provisions for victims and witness protection are outlined in the United Nations Convention against Transnational Organized Crime (2000), namely the Palermo Protocols. Protection can be a long-term commitment, depending on a victim's circumstances and involves multiple systems of care.

In addition to partnerships with local and international NGOs and other organizations, collaboration across different sectors and with experts that can identify gaps and address the complex and diverse needs of individuals who have been victims of trafficking is essential to provide a comprehensive response to human trafficking. All those who meet with victims of trafficking, during the time of identification, rescue, and screening interview, will coordinate and integrate all their activities so the victim's needs and concerns are addressed. A well-coordinated first response ensures that the 'best interests' of the victim are respected, and no further harm is caused.

Referral systems are necessary because victims of trafficking have a wide array of needs and it is unlikely that any one government agency or service provider can meet them all. Coordination is thus essential to ensure that victims can access the protection and assistance that they need.

4.1.1 Special considerations for victims with disabilities

It is important to take into consideration any special needs for victims with cognitive or physical disabilities.¹⁰ Individuals with cognitive or physical disabilities can be targeted by traffickers and victims may develop certain disabilities due to abuse caused by the trafficker. It identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights, where their rights have been violated, and where protection of rights must be reinforced.

4.1.2 Special considerations for children

Children may require more in-depth and long-term protection plans. Factors such as age when trafficked, presence of a safe adult, substance use disorder, mental health, and negative coping methods, can deeply impact the level of protection needed. Some foreign national child victims, who are unable to repatriate, may need further support to acclimate to a new culture and learn a new language. When working with child victims¹¹ the best interests of the child shall always remain the paramount consideration and the safety and needs of child victims will always take priority over the needs of the investigation.

¹⁰ <https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/45-victim-populations/victims-with-physical-cognitive-or-emotional-disabilities/>

¹¹ IOM. Investigating Human Trafficking Cases Using a Victim-Centered Approach.

4.2 Assistance

All victims, no matter when the trafficking occurred, will need assistance. Many victims who are actively being trafficked need assurance that certain needs, currently met by the trafficker, will be filled if they are to leave. Many times, the fear of not having their or their family's needs met can keep a victim in an unsafe situation. Victims, who may have been trafficked often have unmet needs for a variety of reasons. It is important for the focus to remain on building the independence of the victim, and not engaging in paternalism which aids to build dependence. Victims should be supported with necessary items, while also making a long-term plan for victims to become self-sufficient.

Coordination of assistance to victims of human trafficking is managed by the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA). Depending on the level of independence/capacity/ability of the victim, the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) may take an assertive role in overseeing all coordination of care. This means they help the victim maintain an updated schedule of their services, and all direct assistance or donations received by the victim. This also means that they maintain a working knowledge of all relevant resources the victim may need. These may relate to housing, legal, health, mental health, substance use treatment, and legal needs. If a victim has a specialized need, the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) will educate themselves on what resources are available.

4.2.1 Basic needs

Often victims will need items such as: water, food, clothing, shoes, and hygiene items. If possible, a general supply of these items will be available to provide to the victim immediately. Emergency food can be provided as hot, pre-cooked meals or by supplying the victim with the necessary items to buy and cook food themselves. Basic needs will be provided by the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) and the Bureau for Victim Assistance (BSOH), service providers and/or NGO's.

4.2.2 Medical services

A victim may present with urgent physical injuries, STIs, or pregnancy. Traffickers may also deny medication or medical treatment for injuries or other health issues, as a form of control. Victims often may also have dental, and vision needs that were previously unmet. Many of the health needs can be ongoing and often protection plans will incorporate regular medical check-ups, emergency surgery, or continues access to essential medicine. A medical examination is relevant for both victims who look ill and those who seem healthy. It is important to build relationships with medical personnel and make certain that they are trained in how to work with victims of trafficking. Medical services will be coordinated by the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) in cooperation with the Bureau for Victim Assistance (BSOH) and service providers and/or NGO's.

4.2.3 Shelter

When a victim leaves a trafficking situation, regardless of if they are being trafficked by an intimate partner or an employer, they are often left homeless. It is important to have several confidential and safe housing options available to victims throughout the process of their stabilization. In Aruba there are several options for sheltering victims: Red Cross (emergency shelter 3x 24hrs), Fundación Violencia Relacional (female victims and their children), Casa Cuna (children < 6 years), Imeldahof (children < 12 years), Orthopedagogisch Centrum (children < 18 years) and Fundación Refugio Social (male victims).

Shelter will be coordinated by the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) in cooperation with the Bureau for Victim Assistance (BSOH) and service providers and/or NGO's. The initial period of stay in the shelter is two weeks (14-day reflection period) after which a stay of maximum six (6) months is possible depending on the length of the investigation. If the victim cannot be housed in a shelter, the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) will provide for alternative accommodation, taking into account the safety of the victim and risks associated with the specific case.

4.2.4 Psychosocial services

Many victims experience ongoing psychological distress during and after the trafficking experience. This distress can make the rebuilding and stabilization process challenging and some victims may present severe post-traumatic stress symptoms or disorder. The connection of clients to psychosocial support is key to remedying this negative impact. It is important to follow the lead of the victim and refer them to mental health providers or counseling groups that are appropriate to the victim's gender and culture.

Some victims may also not identify as a victim and may feel more stress or anxiety about regaining employment or recouping financial losses. All stakeholders can support a victim's mental health through the trauma-informed care and empowerment approach, making sure that all victims can identify where they feel stress and how best to rebuild their lives. Psychosocial services will be coordinated by the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) in cooperation with the Bureau for Victim Assistance (BSOH) and service providers and/or NGO's.

4.2.5 Legal assistance

Victims of trafficking need access to justice to make sure their human rights are upheld. They may have limited knowledge or understanding of the law and could be unaware how to seek justice even if they wanted to. Others may simply be too traumatized or frightened of traffickers to press charges. Some victims may simply have no trust in the legal system. As such, victims should be given information during the reflection period, about the laws, their rights, obligations, the risks and benefits of cooperating with law enforcement agencies, the possibility of pressing charges against the traffickers, and the possibility of protection during investigation and trial. Victims testifying against traffickers might require additional counselling and support prior to, during and after their testimony. Victims can claim compensation for the damage incurred (physical, emotional, psychological, or financial) during and after the phase of

exploitation. Legal assistance will be coordinated by the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) in cooperation with the Bureau for Victim Assistance (BSOH) and service providers and/or NGO's.

4.3 National victims

Those who are registered in Aruba - including citizens of Aruba and holders of a long-term /permanent residency permit - are referred to as national victims of trafficking in this SOP. After being identified as a victim of trafficking, national victims will be given a reflection period of up to two weeks (14 days) while living in a shelter or alternative housing, receiving medical and psychological assistance and initiating counselling before returning to their families or homes and deciding whether they wish to cooperate in investigation or prosecution.

Where possible, national victims shall be referred to service providers in their communities. A case worker of the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) shall be appointed to the victim to supervise the coordination of services and provide any necessary follow up to secure legal documents or to initiate legal proceedings. A legal advisor can be provided to the national victim free of charge (if applicable) and medical / psychosocial services will be provided for based on the national health insurance program. If the provision of assistance has concluded or victims have declined the receipt of assistance, they will be supported to return to their home community, if their security situation permits.

A risk assessment must be done to identify any potential risk related to safety, isolation, discrimination, re-victimization, or re-exploitation that the victim may face if returned to their home communities. Plans shall be developed with the victim as to how those risks can be mitigated if they still decide to return to their home community. The Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA), the Bureau for Victim Assistance (BSOH) and service providers or NGO's must ensure that there will be safe accommodation for the victim in the home community and will coordinate follow-up care and support to the victim to ensure their reintegration into their home community.

4.4 Foreign victims

Those who are not registered in Aruba are referred to as foreign victims of trafficking in the SOP. After being identified as a victim of trafficking, foreign victims will be given a reflection period of maximum two weeks (14 days) while living in a shelter or alternative housing and receiving assistance coordinated by the Coordination Center on Human Trafficking and Migrant Smuggling Aruba (CMMA) in cooperation with the Bureau for Victim Assistance (BSOH) and service providers and/or NGO's.

International law provides for States to enact legislation to permit victims of trafficking to remain within the country temporarily or permanently, including on the grounds of humanitarian and compassionate factors. If the provision of assistance has concluded or victims have declined the receipt of assistance,

they will be supported to return to their home community. Plans shall be developed with the victim as to how risks can be mitigated when they return to their home community.

4.4.1 Stay of deportation

A foreign victim of human trafficking is often not in possession of a residency permit and therefore can be detained and deported from Aruba. To prevent deportation during the reflection period, the foreign victim of human trafficking can receive a document that declares him/her a presumed victim of human trafficking and states that he/she cannot be detained or deported during the reflection period. This stay of deportation is provided regardless of the victim's involvement and participation with law enforcement.

4.4.2 Temporary residence permit

A foreign victim of human trafficking who does not have a permit to stay in Aruba may apply for a temporary residence permit as soon as he/she has been identified as a presumed or confirmed victim of trafficking. The temporary residence permit would be valid as long as there is an ongoing criminal investigation or as long as the presumed or confirmed victim is receiving services that require the continued physical presence of the victim in Aruba. The victim can be granted permission to work during the period the temporary residence permit is valid.

4.4.3 Residency permit

A foreign victim of human trafficking may apply for a residency permit to be able to stay and work in Aruba, while in possession of a temporary residence permit. The normal process for a residency permit is applicable and is managed by DIMAS.

4.5 Foreign witnesses

Foreign witnesses are foreign nationals who are not themselves victims of trafficking but who have witnessed it. Witness-declarants may be foreign nationals who are themselves working in the same sector as the victim or work outside this sector but have knowledge of human trafficking. Only those witness-declarants who do not have a valid residence permit in Aruba can apply for a stay of deportation and/or a temporary residence permit. The temporary residence permit would be valid for as long as the Public Prosecutor considers the presence of the foreign national necessary.

4.6 Long-term needs of victims

Due to the extreme level of physical and psychological abuse experienced during trafficking, victims often need ongoing services and access to a continuum of care that can span their lifetime. It is important that victims be informed of their options for ongoing care once the client has achieved stability and safety.

While some victims may be re-trafficked, victims can be victimized in other ways: intimate partner violence, child abuse, theft and mugging, sexual assault, stalking, physical abuse, bullying, and emotional or financial abuse. Victims will be provided with information on these types of exploitation and where they can go for help.

5. SOP PHASE III: RETURN AND REINTEGRATION

5.1 Return

A key component in the healing process can be repatriation - the return of victims to their country of origin, and often, their community and family who remained in the home country. Some victims will choose to return directly after leaving the trafficking situation, especially if their home country is stable and safe. Other victims may choose to return at a later moment. The decision to return is a deeply personal one, and all service providers involved in the process should understand the complexity of assisting with returns.

Victims must be provided with enough information about the options, procedures and timelines so that they can make informed decisions about what will best suit their situation. State or other stakeholders shall not return any victim of trafficking to a situation where they would be in danger or face harm but shall make plans for the safe return of victims when possible.

If a victim of trafficking wishes to return to his/her country of origin or if the temporary residence permit expires, the departure will be arranged for. Foreign Relations Department (DBB) contacts victims' foreign representatives (embassy/consulate) or relevant authorities in victims' country of origin/residency (in case there is no presence of foreign representative in Aruba), if necessary, to request assistance in arranging travel and safe accommodation in the country of origin.

Authorities in country of origin are consulted on presumed travel arrangements and (any other issues) return procedures are confirmed, and date of return is set. The date of departure will be agreed upon and will be communicated to the victim. In case the victim does not have travel and/or identity documents a laissez-passer will be arranged for with the foreign representative of the country of origin. In case it is not possible to arrange the voluntary return through international cooperation between the countries, the International Organization for Migration (IOM) will be requested for assistance.

Reintegration support (e.g. social support, vocational training, income generation) may be provided by relevant authorities or civil society organizations. However, assistance depends on the available resources and the needs of the victim, therefore each case will be assessed individually. It is essential to give the victim a realistic picture of the options and possibilities available, and not to give rise to unrealistic expectation that could be detrimental to the effective reintegration.

5.1.1 Assisted return

Before a victim returns to the country of origin, the status of the country and family tracing needs to be determined. The status of the country should be researched, including partnering with relevant stakeholders operating within the context. The goal of this investigative process is to gain a practical, real-time perspective regarding the level of conflict or instability that may be present. Additionally, the investigation should inquire as to the safety of victims and their treatment within the dominant culture/religion.

A victim who wishes to reconnect with and be reunified with an estranged family should be supported to do so. Service providers can work with local officials in the country of origin to track the family. Initial contact should be made remotely through phone, email, digital platforms, text, or mail. This can help prepare the family for the victim's arrival, and ease any stress felt by the victim. It is important to note that there may be information the victim does not want share with the family, including their victimization and exploitation.

5.2 Reintegration

The victim most likely will need a continuation or extension of services that were provided in Aruba. Steps need to be made to secure these services as soon as the victim decides to return to its country of origin. Some victims may have spent many years away from their home country. It can be stressful for them to return and reintegrate into their community and family. Support services are instrumental in easing the transition.

5.3 Special considerations for children

Children may face several unique risks when returning to their family or country of origin. A child may have been exploited due to the family's actions and purposefully sent to work to earn money for the family unit. A child may be at risk of other forms of child abuse if they return. The caseworker should undertake a greater level of due diligence to ensure that returning is in the best interest of the child. The Placement, Repatriation and Risk Assessment Tool (Annex C) should be utilized to ensure that the child is not in danger and the family will accept them back.

If it is unsafe for the child to remain in Aruba and is unsafe for them to return to their country of origin, the caseworker should look for another suitable country to resettle.

ANNEXES

ANNEX A: ADDITIONAL INFORMATION AND GUIDANCE

A-1 Cultural Responsiveness

Cultural identity is the foundation for sense of self, providing a roadmap for who one is and where one belongs. Survivors often wrestle with a sense of self and community belonging, especially if they are shunned by their families or unable to repatriate. Therefore, it is essential that all protection plans, and assistance services consider the unique needs of populations whose cultures are different than the dominant or mainstream culture in Aruba. Services and programs can learn from the culture and ethnic population they are serving, and tailor services to the needs of the population.

When survivor services and assistance are culturally responsive, agencies and partners will have:

- Education
 - Strengthened their awareness of one's own world view
 - Developed positive attitudes towards cultural differences
 - Built understanding and dedicated to ongoing learning about the culture and ethnic group they are serving
 - Developed conflict mediation and communication skills for cross-cultural dialogue
- Trust
 - Built understanding that the less dominant cultures should have a place at the decision-making table
 - Built relationships with MDT members, external partners, and victims from diverse cultural backgrounds
- Respect for diversity
 - Shown respect and an openness to diverse cultural perspectives
- Equity
 - Strengthened cultural security and actively work toward equity across survivor populations
 - Hired or involved MDT members and external partners from a variety of cultures

A-2 Client confidentiality

Human trafficking is a crime that strips victims of their power and control. It is therefore imperative that all stakeholders adhere to strict client confidentiality. While multi-disciplinary teams working on specific cases will have their own confidentiality and information sharing policies, there are universal, standard precautions to ensure a victim's privacy is upheld and protected.

- All service providers and other key stakeholders should be trained to neither confirm or deny a victim's past or current receipt of services.

- A signed release of information (ROI) is required to share information or refer clients to services.
 - ROIs should include detailed information on what information is being shared, with whom, and a date of expiration.
 - A client may rescind their approval to share information at any time and without reason.

- All case files and documentation are mandated to be kept in a secure location either digitally or in hardcopy format.
- Documentation or sensitive client information that is no longer relevant should be shredded.
- Client confidentiality can only be broken in specific situations mandated by law. (The victim should be consulted, if these instances arise, and information should be provided as to why confidentiality will be breached and the steps that will be taken after.)
 - A client reveals a plan or intention of hurting themselves or others.
 - A client reveals or a stakeholder suspects the welfare of a child is at risk.
 - Suspected instances of fraud
 - A subpoena, by a court of law, for documents and case files.

A-3 Trauma-Informed Approach

The Six Key Principles of a Trauma-Informed Approach are:

1. Safety
2. Trustworthiness and transparency
3. Peer support
4. Collaboration and mutuality
5. Empowerment, voice, and choice
6. Cultural, historical, and gender issues

A-4 Guidance for screening children

Key points, for trained child service professionals, to remember when screening children:

- A child has the right to decide who they feel comfortable talking with. This can depend on the interviewer and interpreter's:
 - Sex
 - Age
 - Ethnicity
 - Race
- Provide concrete information
 - Tell the child about what to expect and the timeline of events
 - Tell the child there is no right or wrong answer
 - Ensure the child understands they are not in trouble

- Provide the child with information on their rights and immigration pathways
- Explain who you are or anyone else in the room
- If recording the interview, inform the child how the tape will be used and how long it will be kept
- Share the protocol on confidentiality and reporting
- Allow for questions and offer honest information
- Allow for relationship-building time before asking sensitive screening questions
 - Meet the child where they are at and engage in other activities, such as:
 - Taking a walk
 - Doing a puzzle
 - Playing a game – kicking a ball or board game
 - Color a picture
 - Talking about things unrelated to the case
 - Allow the child to ask you questions and answer them honestly
 - Engage with empathy and non-judgement
 - Steer away from challenging questions that start with “Why did/didn’t you...?”
 - Create open dialogue with statements like “Tell me more about...”
 - Remember relationship-building is an on-going process, especially for children who have had negative, traumatic experiences with adults, law enforcement, and service providers.
- Meet the child where they are at by creating a non-threatening environment
 - If possible, meet the child in a place they feel comfortable
 - If meeting in an office or detention center, a child can feel they lack control and may be further reticent to engage. Support a child in feeling secure by allowing them say who will be in the room and where everyone should sit.
 - Sit at eye level and use trauma-informed body language and tone of voice
 - Use age-appropriate language and terms they will understand
 - Use the terminology the child is using to describe their situation
 - Offer items such as pens and paper, playdough, fidget toys, or stress balls for the child to use throughout the interview
- Be attentive to signs of stress
 - Check-in and ask the child how they are doing and what you can do to help
 - Allow space for breaks and games
- Support and celebrate boundary setting and small successes
 - Child who has been trafficked have had their boundaries crossed and have been stripped of their power and control. When a child sets a boundary about what they want to disclose it is important to reaffirm this as a positive.

- “Thank you for telling me what you feel comfortable sharing. It is important that know what feels safe inside your mind and body. I really respect you for being so clear with me and I won’t ask you more about that. If you want to share, I am always here to listen.”
 - At the end of the interview, make sure the child understands that you appreciate the child’s strength and courage to talk about a painful and difficult situation.

A-5 Best practices in administering assistance

A-5.1 Adults

- All assistance provided to adult victims should be based on their individual service plan.
- Items distributed to victims should be relevant and useful.
- Assistance should remain confidential, and referrals only made based on ROIs signed by the survivor.
- Any donations or delivery of basic needs should be coordinated with the survivor, making sure they are sent or distributed during convenient times for the survivor and their family.
- Survivors have the right to refuse any assistance at any time and without reason.
- Set guidelines on the amount of cash assistance available per survivor and other allowable costs should be set by the MDT before serving clients.
 - These guidelines should be shared openly with enrolled clients.

A-5.2 Children

- Assistance should always be coordinated with parents and guardians.
 - Minors who are involved with the courts, for criminal activity or family cases, may have court mandated activities or services. In such cases, assistance should also be coordinated with the court’s mandates.
- When serving minors with families, it is important to include the family in the assistance. This may include parenting classes, family therapy, family immigration relief, or support with physical needs for the entire family unit, such as: housing, food, or clothing.
- It is often imperative to connect with minors using alternative methods that adhere to the child protection standards and guidelines of the MDT and individual agencies. Often a child may have been denied normal, age-appropriate activities. Creating a space for these activities to happen can be instrumental in supporting a child to rebuild and stabilize. Alternative assistance to minor victims can also help them feel heard and acknowledged. When engaging in this type of assistance, the child may feel a stronger level of trust with the service provider and reveal more details about the exploitation or share more about other needs.
 - Activities should be based on the child’s interests and be led by the child. These may include activities that encourage age-appropriate play such as:
 - A trip to a playground or activity/arcade center
 - Visits to a skate park or taking a walk

- Playing a sports game
 - Putting together puzzles
 - Opportunities for making music or art
- Minors may also have other needs related to school that can directly impact their mental health and acculturation into a new school setting. They may need costs covered such as:
 - Fees for school
 - School clothes and supplies
 - Fees for healthy after-school activities
 - Fees for field trips
 - Fees for school meals
 - Fees for the yearbook
 - Fees for school celebrations and end-of-year parties

A-6 Housing Assistance

A-6.1 Emergency Housing

Emergency housing is typically comprised of emergency shelters and hotel stays. Emergency and short-term shelters are generally designed for high-risk situations and are adept at working with people in crisis. They provide rapid housing, but only for a limited period and with limited privacy. They may also only serve a specific demographic. They can serve as an excellent solution to the immediate situation but should not be considered a long-term solution. If a bed in a shelter is not available, hotel stays may be considered as an alternative. Arranging a hotel for a survivor is also not a long-term solution, as it can be costly and lack security. Depending on the nature of and the place where the trafficking occurred, it can also be re-traumatizing for a victim. Hotel rooms are also quite isolated which can prove to be a danger to some victims who have been held in isolation by their trafficker. Victims with active substance use or suicidality should not be put in hotel rooms without in-depth conversations around safety and harm reduction with the provider and victim.

A-6.2 Client qualification

Enrollment in emergency housing services is based on the current housing status of the victim. The victim must meet the following:

- Qualify as a victim of trafficking (presumed or confirmed)
- Currently in an emergency and unable to stay in their current housing
- Currently, actively being trafficked
- Currently unable to meet the financial obligations of moving and housing costs

A-6.3 Service process

The Coordination Center on Human Trafficking and Migrant Smuggling (CMMA) will work with the Bureau for Victims Assistance (BSOH) collaboratively with the victim to secure emergency housing. The Urgent Needs Assessment is used to assess all emergency needs including shelter. Once emergency housing is identified as a need and the local confidential, secure shelter will be contacted to inquire about a bed. If a bed is available, the Coordination Center on Human Trafficking and Migrant Smuggling (CMMA) will work with the shelter to coordinate transport and care.

A-6.4 Reasonable housing

The Coordination Center on Human Trafficking and Migrant Smuggling (CMMA) and partners strive to support victims in securing reasonable housing for themselves and their family. This housing should fit the needs outlined by the victim during the enrollment process and the housing needs assessment.

Housing is considered reasonable when it is:

- Within the victim's income level and within the amount they want to spend on rent.
- In a location that does not pose safety risks, such as being near the victim's trafficker
- Meet basic living standards in terms of cleanliness and accommodation.
- Meet the needs of the survivor and their family.

A-6.5 Client confidentiality and landlords

The Coordination Center on Human Trafficking and Migrant Smuggling (CMMA) and partners work to develop relationships with landlords and managers, who should receive training on human trafficking and the importance of housing for victims. The landlords also understand that while The Coordination Center on Human Trafficking and Migrant Smuggling (CMMA) can assist in requiring housing, the victim is the primary leaseholder and The Coordination Center on Human Trafficking and Migrant Smuggling (CMMA) and partners are not responsible for any neglect, forfeited rent, or damages to the unit. The landlords and the managers who work with The Coordination Center on Human Trafficking and Migrant Smuggling (CMMA) know that the clients are victims of trafficking. It is important to make this clear to the victim and ensure they are comfortable with this. Under no circumstances should the details of the victim's trafficking experience be shared with the landlord or property manager, nor any other personal details outside of what is needed for the lease.

Landlord advocacy can sometimes be necessary if the victim faces barriers to housing. While The Coordination Center on Human Trafficking and Migrant Smuggling (CMMA) and partners should be transparent with the landlord about the plan the victim and the provider have to overcome that barrier. For instance: if a victim lacks proper identification, the caseworker may explain to the landlord how they are working on obtaining the identification and provide a timeline for the identification to be received. The caseworker can enter a dialogue with the landlord about alternatives to legal identification while they work on attaining it.

A-6.6 Unaccompanied children

Due to their age and lack of protection from family or a guardian, unaccompanied children require a higher level of shelter, care, and support. Different shelter options should be available for children that are separate from adult populations, and should have a higher level of protection, programmatic structure, and confidentiality. Children shelters should include access to intensive mental health, group counseling, hot food, medical care, education, case management, calm down rooms, employment classes, and alternative therapy rooms (art or music therapy). While the location of the shelter should remain confidential, children should not be restricted on who they contact or how they use their tech devices. Child victims should be allowed to stay longer in shelters, as most children need an increased level of support. If there are no available shelter for children or beds available for newly identified unaccompanied child victims, existing systems of protection for child welfare can be utilized, including residential care and foster families.

ANNEX B: ARUBA PENAL CODE ARTICLE 2:239 AND 2:240

Article 2:239 of the APC states:

1. Guilty of trafficking in human beings and as such liable to a term of imprisonment not exceeding eight (8) years or a fifth category fine*, is any person who:

(a) by force, violence or other act, by the threat of violence or other act, by extortion, fraud, deception or the misuse of authority arising from the actual state of affairs, by the misuse of a vulnerable position or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person recruits, transports, moves, accommodates or shelters another person, with the intention of exploiting this other person or removing his or her organs;

(b) recruits, transports, moves, accommodates or shelters a person with the intention of exploiting that other person or removing his or her organs, when that person has not yet reached the age of eighteen years;

(c) recruits, takes with him or abducts a person with the intention of inducing that person to make himself/herself available for performing sexual acts with or for a third party for remuneration in another country;

(d) forces or induces another person by the means referred to under (a) to make himself/herself available for performing work or services or making his/her organs available or takes any action in the circumstances referred to under (a) which he knows or may reasonably be expected to know will result in that other person making himself/herself available for performing labor or services or making his/her organs available;

(e) induces another person to make himself/herself available for performing sexual acts with or for a third party for remuneration or to make his/her organs available for remuneration or takes any action towards another person which he knows or may reasonably be expected to know that this will result in that other person making himself/herself available for performing these acts or making his/her organs available for remuneration, when that other person has not yet reached the age of eighteen years;

(f) willfully profits from the exploitation of another person;

(g) willfully profits from the removal of organs from another person, while he knows or may reasonably be expected to know that the organs of that person have been removed under the circumstances referred to under (a);

- willfully profits from the sexual acts of another person with or for a third party for remuneration or the removal of that person's organs for remuneration, when this other person has not yet reached the age of eighteen years;

- forces or induces another person by the means referred to under (a) to provide him with the proceeds of that person's sexual acts with or for a third party or of the removal of that person's organs.

2. Exploitation comprises at least the exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory labour or services, slavery, slavery like practices or servitude.

3. The following offences shall be punishable with a term of imprisonment not exceeding twelve (12) years or a fifth category fine:

(a) offences as described in the first paragraph if they are committed by two or more persons acting in concert;

(b) offences as described in the first paragraph if such offences are committed in respect of a person who is under the age of sixteen.

4. The offences as described in the first paragraph, committed by two or more persons acting in concert under the circumstance referred to in paragraph 3 under b, shall be punishable with a term of imprisonment not exceeding fifteen (15) years or a fifth category fine.

5. If one of the offences described in the first paragraph results in serious physical injury or threatens the life of another person, it shall be punishable with a term of imprisonment not exceeding twelve (12) years or a fifth category fine.

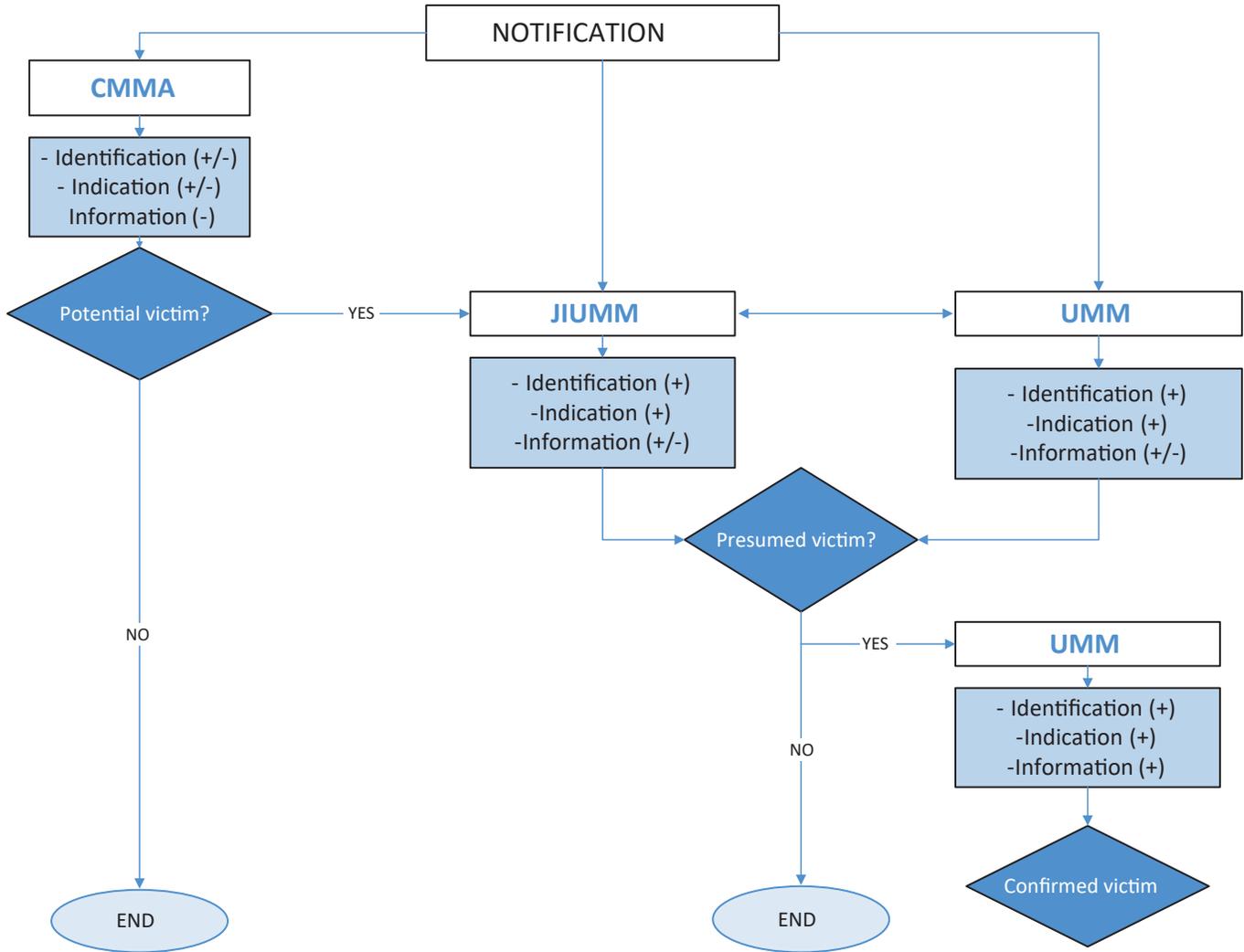
6. If one of the offences referred to in the first paragraph results in death, it shall be punishable with a term of imprisonment not exceeding eighteen (18) years or a fifth category fine.

Article 2:240 of the APC states:

A person who is guilty of using the services of a victim of an offense as referred to in article 2:239 paragraph 1, in the knowledge that this person is forced or induced to make him/herself available to perform those services by any of the means referred to in article 2:239 paragraph 1 under a, shall be punished by a term of imprisonment not exceeding four years or a fine of the fourth category.

*Article 1:54, paragraph 4 of the Aruba Criminal Code states that there are six (6) categories of fines ranging from AWG. 500, = (category 1) till AWG. 1.000.000, = (category 6). The fine of the fifth category as stated in article 2:239 is in the amount of AWG. 100.000, = (approximately USD 50.000, =). The fine of the fourth category as stated in article 2:240 is in the amount of AWG. 25.000, = (approximately USD 12.500, =).

ANNEX C: FLOWCHART OF PROCESS AND STAKEHOLDERS



ANNEX D: CONTACT LIST STAKEHOLDERS AND SERVICE PROVIDERS

Service mapping SOP

Coordination by CMMA

Sector:	Organization:	Specifications:	Contact number:	Email:
Government stakeholders	Coördinatiecentrum Mensenhandel Mensensmokkel Aruba (CMMA)	Coordination of counter Human Trafficking and Migrant Smuggling activities, Awareness and marketing on HT and MS, Coordination of Victims Assistance	297 597 5223	info@cmmaruba.com
	Korps Politie Aruba - Joint Intelligence Unit Mensenhandel & Mensensmokkel (JIUMM)	Intelligence Unit for HT & MS	297 730 3973	jiumm@kparuba.com
	Korps Politie Aruba - Unit Mensenhandel & Mensensmokkel (UMM)	Investigative Unit for HT & MS	297 597 5253	umm@kparuba.com
	Korps Politie Aruba - Bureau Slachtofferhulp (BSOH)	Bureau for Victims Assistance hotline for human trafficking	297 592 3231 (24/7)	bsoh@kparuba.com
	Korps Politie Aruba - Grenspolitie Luchthaven	Airport Police	297 588 4127	gpl@kparuba.com
	Guarda Nos Costa	Immigration law enforcement, border patrol, and detention center	297 280 7333	info@gnc.aw
	Directie Arbeid en Onderzoek (DAO)	Labor Inspection	297 523 7720	directiearbeid@aruba.gov.aw
	Immigratie Aruba (IA)	Immigration	297 523 7444	info@dga.aw
	Openbaar Ministerie (OM)	Public Prosecutors Office	297 521 4100	info@omaruba.aw
	Department voor integratie en management van vreemdelingen (DIMAS)	Permits and declarations in connection with legal stay and work in Aruba	297 522 1500	info@dimasaruba.aw
Relevant stakeholders	International Organization for Migration (IOM)	Case management of refugees and undocumented migrants. Victim's support for all cases, Including return and reintegration	297 743 3332	IOMCaribbeanTeam@iomint.onmicrosoft.com
	Fundacion Venearuba Solidaria	Victim's support - Refugees and migrants	297 730 8952	Venearubasolidaria@gmail.com
	HIAS	Victim's support - GBV cases	297 730 7770	hiasaruba.info@hias.org
	RED CROSS ARUBA	Victim's support - All cases	297 582 2219	info@redcrossaruba.com
	UNHCR	Victim's support - Asylum cases	297 732 0006	aruor@unhcr.org

Shelter & Housing	FCVR	Domestic violence shelter, Women, children, and adolescent	297 583 5400 Emergency: 297 567 1670	info@fcvr.org
	Red Cross Aruba	Short-term emergency shelter	297 582 2219	info@redcrossaruba.com
	Fundacion Refugio Social	General shelter, more specific men	297 586 9105	frsaruba@gmail.com
Health	Directie Volksgezondheid	Public health	297 522 4200	servicio@dvg.aw
	Horacio Oduber Hospital	Hospital	297 527 4000	communicatie@hoharuba.com
	Centro Medico Doctor Rudy Engelbrecht (IMSAN)	Medical Center	297 524 8833	info@imsan.aw
	DBZ (Dienst besmettelijke ziektes Infectious Diseases Department)	Infectious diseases	297 522 4241 297 522 4239	dbz@dvg.aw admindbz@dvg.aw
Mental Health and Psychological	Stichting Geestelijke Gezondheidszorg Aruba (RESPALDO), afdeling PAAZ en polikliniek kinderen jeugdpsychiatrie.	Mental health services	(297) 281 5000 (297) 281 5015 (297) 281 5025	info@respaldo.aw
	Sociaal Psychiatrische Dienst	Mental health services	297 582-7002	spd@dvg.aw
	HIAS	Refugees and undocumented migrants MHPPS	297 730 7770	hiasaruba.info@hias.org

