

Guatemala



Population: 13,550,440 (July 2010 est.)
Population Growth Rate: 2.019% (2010 est.)
Birth Rate: 27.4 births/1,000 population (2010 est.)
Life Expectancy: total population: 70.59 years
male: 68.76 years
female: 72.51 years (2010 est.)
Literacy Rate: total population: 69.1%; male: 75.4%; female: 63.3%
Net Migration Rate: -2.17 migrant(s)/1,000 population (2010 est.)
Unemployment Rate: 3.2% (2005 est.)
Gross Domestic Product per Capita: \$5,200 (2009 est.)
Religions: Roman Catholic 68%, Protestant 25%, indigenous Mayan beliefs 7%¹
Languages: Spanish 60%, Amerindian languages 40% (23 officially recognized Amerindian languages, including Quiche, Cakchiquel, Kekchi, Mam, Garifuna, and Xinca)
Ethnic Groups: Mestizo (mixed Amerindian-Spanish - in local Spanish called Ladino) and European 59.4%, K'iche 9.1%, Kaqchikel 8.4%, Mam 7.9%, Q'eqchi 6.3%, other Mayan 8.6%, indigenous non-Mayan 0.2%, other 0.1% (2001 census)
Capital: Guatemala City²

Trafficking Routes

Guatemala is a country of destination, origin, and transit for trafficking of women and children. Victims are trafficked within Guatemala, to neighboring countries, along the border cities in southern Mexico and to the United States and Canada.³

Internal trafficking for sexual exploitation takes place in Guatemala, with women and girls moved between commercial sex establishments in Izabal, Escuintla, and Retalhuleu. Suchitepéquez, Mazatenango, Quetzaltenango, Chimaltenango, and Jutiapa are other well known routes for internal trafficking.⁴

Factors That Contribute to the Human Trafficking Infrastructure

Guatemala has a high level of unemployment, with about 56.2 percent of the population living in poverty.⁵ Poverty levels among the indigenous population are especially high at 86.6

¹ U.S. State Department, *International Religious Freedom Report 2007*, available at: <http://www.state.gov/g/drl/rls/irf/2007/90255.htm>.

² CIA, *THE WORLD FACTBOOK* (2010), <https://www.cia.gov/library/publications/the-world-factbook/geos/gt.html>.

³ Danilo Valladares, *Only ten agents to fight human trafficking nationwide*, INTER PRESS SERVICES (IPS), Oct. 13, 2009, available at: <http://ipsnews.net/news.asp?idnews=48850>.

⁴ ECPAT, *INFORME GLOBAL MONITOREO DE LAS ACCIONES EN CONTRA DE LA EXPLOTACIÓN SEXUAL COMERCIAL DE NIÑAS, NIÑOS, Y ADOLESCENTES* (2006), available at: http://www.ecpat.net/A4A_2005/PDF/Americas/Global_Monitoring_Report-GUATEMALA.pdf.

⁵ INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM), *FINAL REPORT: CARIBBEAN REGIONAL MEETING ON COUNTER-TRAFFICKING STRATEGIES* (2006), available at: <http://www.iom.int/unitedstates/ct/PDFs/CCTI/Caribbean%20Regional%20Meeting%20Report%20final.pdf>.

percent.⁶ A free transit agreement between the Central American States and the Pan-American Highway might simplyfy trafficking as well as increase the demand for prostituted women. An open discussion about sensitive issues like commercial sexual exploitation and gender relations normally doesn't occur in a society characterized by strong conservative values, what makes it also more difficult to identify victims.⁷ Further, the country is struggling strongly with corruption and hence weak legal institutions.

Forms of Trafficking

Trafficking of infants for illegal adoption purposes has flourished into a lucrative trade in Guatemala. Guatemala is said to be the “fourth largest ‘exporter’ of children worldwide.”⁸ The Guatemalan illegal adoption industry has an estimated worth of \$100 million.⁹ The price for a child ranges between \$25,000 and \$60,000, depending on how complicated the process is and how specific the adoptive parents are in their demands.¹⁰ In 2007, more than 4,000 Guatemalan children were adopted by persons in the United States alone.¹¹

Guatemala's weak adoption laws facilitate illegal private adoptions. Lawyers enjoy relative freedom in private adoption procedures and can avoid delays that state-run procedures often encounter.¹² Midwives have been known to persuade impoverished mothers to sell their babies, and sometimes the mothers are deceived—they are told their babies have illnesses, documents are falsified, registry officials obtain thumbprints from illiterate mothers on blank paper that are then converted into abdicating statements, or mothers are even drugged and their babies stolen.¹³

In 2007, Guatemalan officials discovered an illegal adoption ring operating under the name Casa Quivira. The police seized 46 children in the process of being adopted by U.S. families, involving at least five cases in which birth mothers were allegedly given false identities to avoid having to seek permission from family members and a judge to give up their babies.¹⁴ The two lawyers involved in these cases were charged on counts of fraud and human trafficking.¹⁵

⁶ International Fund for Agricultural Development (IFAD), *Rural Poverty Portal*, (Sept. 9, 2009), available at: <http://www.ruralpovertyportal.org/web/guest/topic/statistics/tags/indigenous%20peoples>.

⁷ FEDERAL MINISTRY FOR ECONOMIC COOPERATION AND DEVELOPMENT, COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN AND YOUTH (2010), available at: <http://www2.gtz.de/dokumente/bib/gtz2010-3229en-youth-sexual-exploitation.pdf>.

⁸ Covenant House/Casa Alianza, *Trafficking in Children in Latin America and the Caribbean*, available at: http://www.childtrafficking.com/Docs/casa_alianza_trafficking_i.pdf.

⁹ *Two Lawyers for Guatemalan Adoption Agency Charged With Human Trafficking*, INTERNATIONAL HERALD TRIBUNE, Mar. 25, 2008, available at: http://www.newsvine.com/_news/2008/03/25/1388296-guatemala-adoption-lawyers-charged.

¹⁰ *Guatemala launches adoption probe*, BBC NEWS, Aug. 18, 2007, available at: <http://news.bbc.co.uk/2/hi/americas/6944594.stm>.

¹¹ Whitbeck, H. & Aroe, R, *Guatemala seeks to slow exodus of babies to U.S.*, CNN, Oct. 4, 2007, available at: <http://www.cnn.com/2007/WORLD/americas/10/03/guatemala.adoption/index.html>.

¹² Schuster Institute for Investigative Journalism, *Adoption: Guatemala*, available at: <http://www.brandeis.edu/investigate/gender/adoption/guatemala.html> (last visited June 15, 2010).

¹³ *Id.* at 11.

¹⁴ *Stolen Guatemala Children Found*, BBC NEWS, Aug. 13, 2007, available at: <http://news.bbc.co.uk/2/hi/americas/6943527.stm>.

¹⁵ International Herald Tribune *supra* at 8.

In spite of a new law against human trafficking in effect since March, little has been done in Guatemala to fight the trafficking of children, and child sex tourism has begun to flourish.¹⁶ Trafficking for prostitution and commercial sexual exploitation, particularly of women and children, is widespread. In Guatemala, children account for up to 80 percent of the prostitute population.¹⁷ In 2007, the Guatemalan police and the nongovernmental organization The Casa Alianza discovered a prostitution network, holding trafficked women and minors captive. Its two-story premises housed roughly 30 girls at any one time and had three bedrooms on the upper floor where paid sexual activity apparently took place. Twenty-five girls were found on site during this raid, including three foreign nationals, Nicaraguan, Mexican, and Honduran girls. A few weeks later, a 17-year-old girl was saved from another brothel, belonging to the same prostitution network.¹⁸ At least 15,000 children under 18 are the victims of child sex trafficking networks in Guatemala, estimates Casa Alianza.¹⁹

Also in 2007, a Guatemalan trafficking ring smuggled several women, including girls under 18 and some as young as 13 years old, to the United States. The victims were recruited in Guatemala for what they believed were legitimate jobs as babysitters, waitresses, and other positions, then smuggled across the border with the understanding that they would repay the people who had helped them get into the United States. Once in the U.S., they were forced into prostitution to repay inflated smuggling debts.²⁰

Incidents of child sex tourism have been reported in the ports and tourist destinations of Guatemala. Cities such as Puerto Barrios, Izabal, Puerto San José, Escuintla, and Antigua are said to cater to clients seeking sex holidays with children.²¹

Government Responses

One of the biggest achievements in the fight against such crimes was the new Law against Sexual Violence, Exploitation and Trafficking in Persons, which entered into force in March. The new law classified crimes related to sexual exploitation, created a Secretariat Against Sexual Violence, Exploitation and Trafficking in Persons, and put in place procedures for the repatriation of trafficking victims who have been taken out of the country.²² However, they are still struggling with its implementation.²³ The Penal Code of Guatemala prohibits any person from promoting, facilitating, or fostering prostitution “for gain or to gratify the desires of a third party.”²⁴ Punishment for the offense is limited to a fine. The fine increases in cases of “aggravated procuring,” which includes using violence or deceit, abusing authority or

¹⁶ IPS *supra* at 2.

¹⁷ Minga: Teens Fighting Sexual Exploitation, *Around the Globe* (2009), available at: <http://mingagroup.org/theissue/aroundglobe>.

¹⁸ Casa Alianza Rescues Three Teenagers from Commercial Sexual Exploitation in Guatemala City, GUATAMALA SOLIDARITY NETWORK, May 4, 2007, available at: http://gsn.civiblog.org/blog/_archives/2007/5/4/2927030.html.

¹⁹ IPS *supra* at 2.

²⁰ Greg Krikorian, *Nine Indicted on Sex Trafficking Charges*, LOS ANGELES TIMES, Aug. 19, 2007, available at: <http://articles.latimes.com/2007/aug/10/local/me-sexring10>.

²¹ Lorena Seijo, *Esclavos Sexuales en Pleno Siglo XXI*, PRENSA LIBRE, available at: <http://www.prensalibre.com/pl/2008/septiembre/14/259695.html>.

²² IPS *supra* at 2.

²³ *Id.* at 21.

²⁴ CODIGO PENAL DE GUATEMALA, Libro Segundo art.191 (Guatemala), available at: http://www.unifr.ch/ddp1/derechopenal/legislacion/l_20080616_55.pdf.

a position of control, or committing an offense against a minor.²⁵ The code also prohibits pandering, which means living off the profits of prostitution.²⁶

Trafficking in persons is defined as promoting, facilitating, or fostering the entry into or departure from Guatemala of women or men to engage in prostitution. The offense is punishable by imprisonment of one to three years and a fine. The penalty for the crime of trafficking in persons is increased by one-third to one-half in the presence of aggravating circumstances, such as if the victim is a minor under 12 years of age; if the crime is committed for the purpose of financial gain; if the crime is committed through the use of deceit, force, or abuse of power; if the crime is committed through the commission of perverse sexual acts; if the perpetrator of the crime is a relative or guardian of the victim; or if the perpetrator is a repeat offender of the crime.²⁷

Decree 14 of 2005 amended article 194 of the Guatemalan Criminal Code to introduce stricter penalties for the crime of trafficking in persons. The amendments include a new definition of the crime, which states, “anyone who forces, promotes, facilitates, finances, cooperates, or participates in the abduction, transportation, and receipt of persons, thus obtaining a financial gain, commits the crime of trafficking in persons and is punished with a term of imprisonment.”²⁸ The amendment raised the penalty for the crime of trafficking in persons to imprisonment for six to 12 years and a fine.²⁹

The penal code also prohibits promoting or facilitating the prostitution or sexual corruption of minors. The consent of the victim is irrelevant.³⁰

On July 2, 2007, Guatemala created a permanent Inter-Institutional Commission to Combat Trafficking in Persons. It has developed a national plan for strategic action against human trafficking between 2007 and 2017. The plan focuses on five central areas: strengthening of antitrafficking institutions, prevention, attention to trafficking victims, protection through and application of the justice system, as well as international cooperation.³¹

A new law against human trafficking came into force in April 2009, clarifying the legal definition of the crime and increasing penalties.³²

Nongovernmental and International Organization Responses

²⁵ CODIGO PENAL DE GUATEMALA, Libro Segundo art.192(Guatemala), *available at*: http://www.unifr.ch/ddp1/derechopenal/legislacion/l_20080616_55.pdf.

²⁶ CODIGO PENAL DE GUATEMALA, Libro Segundo art.193(Guatemala), *available at*: http://www.unifr.ch/ddp1/derechopenal/legislacion/l_20080616_55.pdf.

²⁷ CODIGO PENAL DE GUATEMALA, Libro Segundo art.194 (Guatemala), *available at*: http://www.unifr.ch/ddp1/derechopenal/legislacion/l_20080616_55.pdf.

²⁸ Jennyffer Paredes, *Penarán Trata de Personas*, PRENSA LIBRE, Feb. 3, 2005, *available at*: <http://www.prensalibre.com/pl/2005/febrero/03/106865.htm>.

²⁹ DECRETO 14-2005, Criminal Code, Reform of Article 194(2005) (Guatemala), *available at*: <http://www.congreso.gob.gt/uploadimg/documentos/n4301.pdf>.

³⁰ CODIGO PENAL DE GUATEMALA, Libro Segundo art.188 (Guatemala), *available at*: http://www.unifr.ch/ddp1/derechopenal/legislacion/l_20080616_55.pdf.

³¹ Ministerio de Relaciones Exteriores, *Guatemala se fortalece para combatir la trata de personas*, Apr. 22, 2008, *available at*: http://www.minex.gob.gt/index.php?option=com_content&task=view&id=2216&Itemid=1.

³² *Guatemala Country Report*, FREEDOM HOUSE, *available at*: <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7832>

The NGO Casa Alianza is dedicated to the rehabilitation and defense of street children in Guatemala, Honduras, Mexico, and Nicaragua. Today, Casa Alianza Guatemala has a team of street educators, two crisis centers, two transition homes, 12 group homes, a rural-based drug rehabilitation program, a home for adolescent mothers, and a residential and nonresidential program for older street youth. Casa Alianza implements family reintegration programs, helping an average of 20 children per month with their families. It also runs a legal aid office, which has provided legal defense to hundreds of children who are victims of violence by the authorities.³³

End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes (ECPAT) Guatemala works to combat commercial sexual exploitation of children through research, prevention, training, advocacy, lobbying, and monitoring. The organization also seeks to strengthen legislation and law enforcement.³⁴ Casa de la Mujer are shelters and provides education to trafficked women and girls.³⁵ Gtz cooperated with the NGO ECPAT Guatemala to train police officers and public prosecutors on aspects of commercial sexual exploitation of children. The objective of the training was to make the investigation and prosecution of CSEC more effective in protecting children and youth.. During 2006 and 2007, 500 police and migration officers and 350 public prosecutors participated in training workshops.³⁶

Multilateral Initiatives

In October 2007, Guatemala hosted a regional conference aimed at combating human trafficking in Central America. The Department of Public Security of the Organization of American States, along with the government of Guatemala, led the two-day workshop, which included congressional representatives from Guatemala, along with Belize, Costa Rica, El Salvador, Honduras, Nicaragua, Panama, and the Dominican Republic. They focused on drafting a model law that could be applied to preventing and criminalizing human trafficking, as well as protecting victims.³⁷

³³ Casa Alianza, Open Doors for Homeless Youths, *About Street Children*, available at: <http://www.casa-alianza.org.uk> (last visited Sept. 9, 2009).

³⁴ End Child Prostitution Child Pornography and Trafficking for Children of Sexual Purposes International (ECPAT International)- Guatemala, http://www.ecpat.net/EI/Ecpat_directory.asp?id=92&groupID=2 (last visited July 2, 2010).

³⁵ USAID, *Guatemala: USAID Helps Women in Guatemala Seek New Options in this 'Casa de la Mujer'*, available at: http://www.usaid.gov/locations/latin_america_caribbean/country/guatemala/guat_casa.html.

³⁶ Federal Ministry for Economic Cooperation and Development *supra* at 6.

³⁷ Organization of American States (OAS), *Anti-Trafficking in Persons* (2007), available at: http://www.oas.org/atip/english/txt_trata_actividades_2007.html.