

THE EFFECTS OF HUMAN TRAFFICKING IN GUATEMALA

BERTILLE RASCHKE
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Crédit photo : Ces jeunes Guatémaltèques étaient exploitées sexuellement avant leur libération. (Photo AFP)

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Generating approximately \$31.6 billions in international markets annually, human trafficking is a very lucrative business. According to the United Nations, human trafficking can be defined by *“the recruitment, transportation, transfer, harbouring, or receipt of people through force, fraud, or deception, with the aim of exploiting them for profit”*.

People regardless of their gender, ages, profession, or religion can become a victim of this traffic which occurred in all ages and took place in every region of the world. Particularly blossoming in the most undeveloped countries, this traffic has deeply impacted the poorest countries of South America.

Representing 4% of the total benefits of this traffic, Latin American countries became a home to human trafficking of all kinds. If emerging countries like Argentina and Brazil are to a lesser extent impacted, still struggling countries like Guatemala are piling with an overwhelming number of victims. According to the U.N. Office on Drugs and Crime, the predominant forms of human trafficking in Latin America and in Guatemala are babies trafficking and children labouring including sexual exploitation. Experts established that the share of victims of this traffic in Latin America (44%) is significantly higher than in Europe and Central Asia.

But why? Which specific factors in South American countries provide the keys to understanding this blossoming trade? To what extent Guatemala has become the embodiment of human trafficking in Latin America?

A LOOK BACK AT THE POLITICAL HISTORY OF A COUNTRY TRAUMATISED BY THE WAR

To understand the importance of human trafficking in the country, we must take a look at the past. After gaining independence from the Spanish crown in 1839, the country has had to face numerous military coups and revolts until the 1950s. After the successive coup's d'état of the last decades, the country experienced in 1960 the beginning of the darkest page of its modern history: the civil war. Originally opposing the right-wing government supported by Argentina and the United States to the URNG (Unidad Revolucionaria Nacional Guatemalteca in English the Guatemalan National Revolutionary Unity) supported by Cuba, Nicaragua and El Salvador, this war was the bloodiest conflict of Latin America killing between 1960 and 1996, 200,000 people and forcing millions to exile.

In the 1980s the country stabilised and tried to emerge on the regional scale but wrestled to make its mark. With a population of 16.6 million people, Guatemala still struggles to flourish economically. With a very low GDP, ranked 131 out of 187 in 2017, Guatemala is far behind the Brazilian and Argentinean giants. Moreover, Guatemala has a long history of violence, political instability, and foreign corporations exploiting the country's natural and economic resources.

In recent years, the country has had to deal with a corruption scandal involving former president Otto Pérez Molina and his vice president into a massive tax fraud. In 2015, the former president was forced to resign from office after new inquiries revealed his involvement in cases of corruption, money laundering and clientelism.

Systematic corrupt governments have had for consequences a gradual erosion of the rule of law in the country, putting already fragile institutions in grave peril. Hence in a complex political climate, the Covid-19 crisis has brought Guatemala's frail economy to its knees and opened to the door to numerous illicit activities.

THE DAMMAGES OF HUMAN TRAFFICKING IN GUATEMALA



From the 80s until the early 2000s, thousands of Guatemalan children were robbed and sold for thousands of dollars, separated from their mothers in the hospitals where they were born or taken from their homes. Courtesy Telemundo

- **Illegal adoptions scandal : baby-trafficking**

One of the plagues of Guatemala is the scandal of illegal adoptions that took place during the civil war, also known as baby trafficking. Prior to 2007, Guatemala was the second most common country of origin for adoptions in the world, with many children sent to the United States. At the time, Guatemala ranked as the second most popular country for foreign adoptions after China.

From the '80s until the early 2000s, over 30,000 children were taken away from their birth families in fraudulent circumstances and were illegally adopted internationally. Babies were robbed and sold for thousands of dollars, separated from their mothers in the hospitals where they were born or taken from their homes. This story is the story of Mariela Sifonte, 31, who grew up in Belgium as Coline Fanon after being adopted when she was 11 months old. Having been raised by loving adoptive parents, the young woman has always wanted to know more about her origins. Hence in 2017, she decided to launch a search for her biological family. Her search ended in January 2018 when she finally reunited with her biological mother. That's when Coline Fanon learned she had been stolen from the hospital as a newborn. Her mother had been told her baby died during birth. This story is one of many.

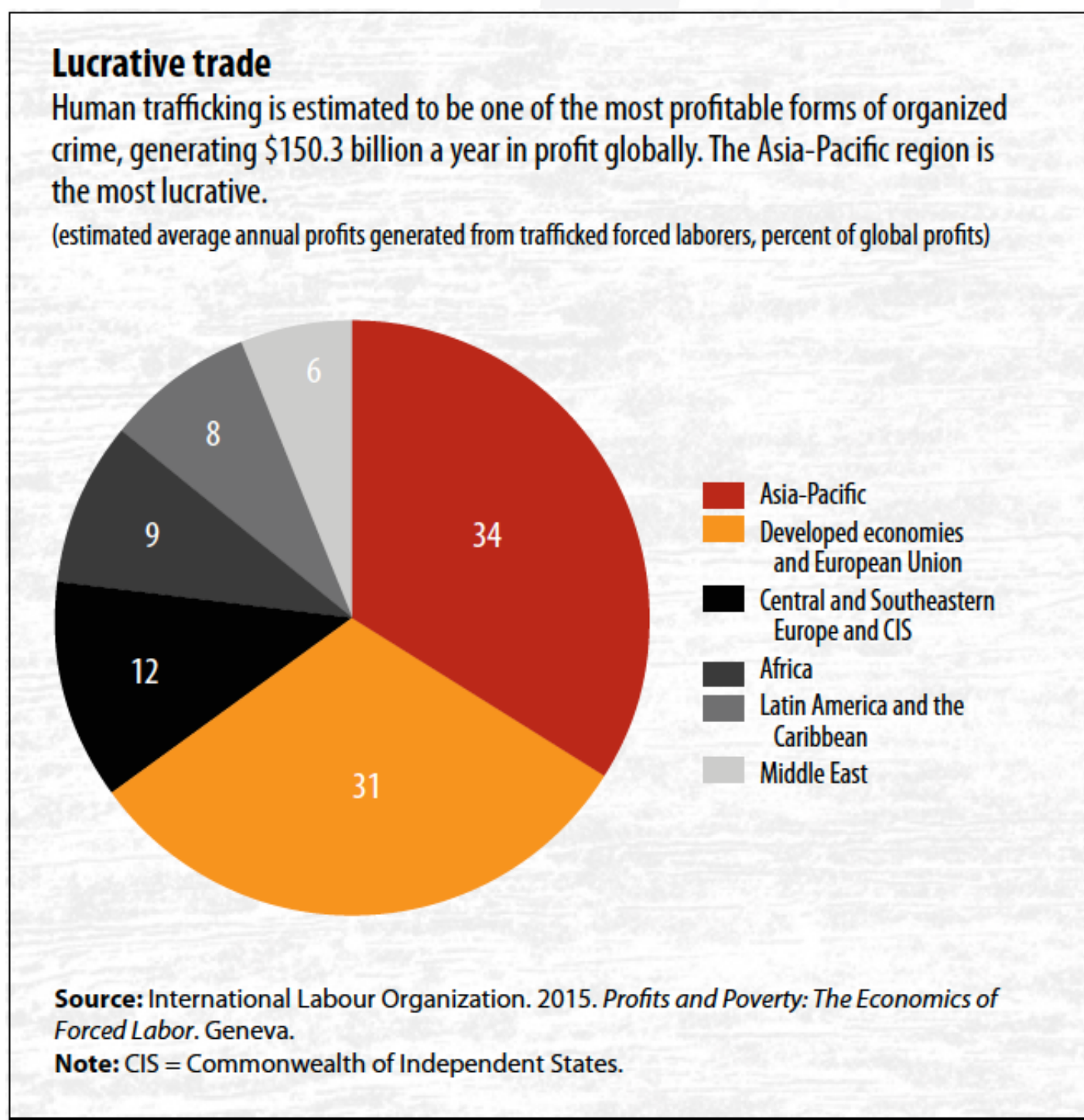
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Grace González, who directed the investigative documentary, "*The Lost Children of Guatemala*," told NBC News that the country's fraudulent adoption scandal goes back to the country's civil war. Thanks to this child trafficking, the rebels and the armed forces could finance operations or equipment needed on the front line.

While the illegal adoption of babies, accounts for most of the human trafficking in Guatemala, babies were also stolen for their organs. Under US law, organs can be legally sold in the US for up to \$140,000 for a kidney, \$800,000 for a large intestine and up to \$1 million for a heart. Of course, prices differ from the legal prices on the black market and can reach extreme prices.

Inquiries conducted revealed that this traffic is intrinsically linked to the poverty of medical staff. In a country where the education rate is very low, trained doctors are often too few and sometimes negligent, allowing the traffic to spread. Moreover, in a context where hospital staff are poorly paid and exhausted, it is more and more frequent that these doctors, nurses, and midwives are themselves often involved in those illegal activities, helping criminal networks and traffickers to get false birth certificates for newborns.

Also, some civilians take advantage of this structural fragility of the country to develop their own activity. This is the case of Nancy Bailey, a Californian resident who between 1997 and 2013 arranged hundreds of adoptions in the US through her charity Seeds of Love. Bailey was arrested in late 2014 and has been in jail since October 2016.



• Sex-trafficking and labour-trafficking

While in recent years, the country has experienced a slight economic improvement, the increase of Guatemalan economy is not accompanied by the end of inequalities and poverty. Part of the Northern triangle with El Salvador and Honduras, Guatemala is still one of the poorest regions of the continent. In a country where less than 45% of children go above elementary level education, sex-trafficking and labour trafficking are exploding.

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Serving as a country of transit for many migrants fleeing poverty and heading for the USA, Guatemala became over the years a convenient destination for human trafficking of all kinds. With the authorities overwhelmed by successive economic and political crises, the traffic has made itself essential to the country's economy. Bribing hospital workers as well as state employees (customs officers, police officers, judges, etc.) human trafficking now accounts for a large part of the country's economic activity.

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According to the bureau of international labour affairs of the US, almost 7% of the working population of Guatemala are children between the age of 7 to 14. Among those 7%, 63.3% of them are working in agriculture. A 2021 report from the US Department of State identified the coffee, broccoli, sugar, stone quarry, and fireworks manufacturing sectors as at high risk for forced child labour. Using dangerous tools like machetes or sharp knives and exposing young children to pesticides and chemical products, agriculture is by far the most dangerous form of forced labour. However, agriculture is not the only sector using underage children. Guatemalan industry in search of lower labour costs also hires children: from silver mining to garbage scavenging and making corn tortillas, Guatemalan children are the victim of the traffic gaining all the spheres of the country's economy.

In addition to labour traffic, the country must deal with the emergence of sexual trafficking. Over the years, the country has become a destination country for child sex tourists from the US, Canada, or other European countries. Indeed, children use in the production of child pornography and commercial sexual exploitation has become a common habit. Sexual exploitation also developed through forced marriage. Girls between 14 and 17 are often sold or even given off by their parents, who cannot provide for them anymore, to traffickers or criminal groups.

Thus, children in Guatemala are more and more exposed to different forms of human trafficking: whether it deals with labour trafficking or sexual exploitation, traffickers learnt how to use children to their advantages. Moreover, indigenous children account for more than half of child labourers in Guatemala. This traffic targeting a specific population raises a deeper issue: that of indigenous people. In a context where 66% of the victims are women and in which 68% of cases involve a child or an adolescent, the eradication of human trafficking has become a predicament for the stabilisation of Guatemala.

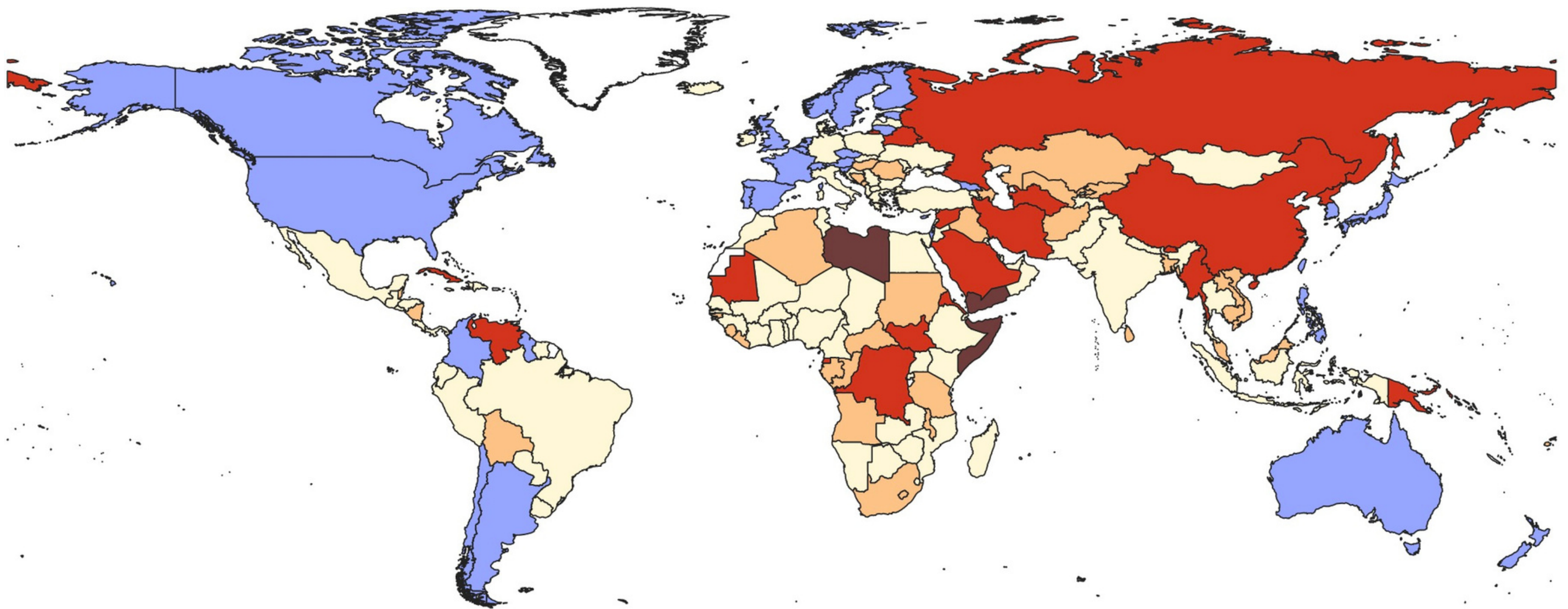
HOW GUATEMALA TRIES TO REDUCE HUMAN TRAFFICKING ?

To reduce this life-threatening traffic, international organisations took, in recent years, the matter in hand. In a 2007 report from the Hague Conference on International Law, Guatemala was found guilty of indirectly turning human trafficking into a business with inadequate and fragile laws. The same year, the country made \$200 million in adoptions, according to a 2010 report from the International Commission Against Impunity of Guatemala.

From this date onwards, the government committed to improve the battle against human trafficking in the country. Guatemala ranks as a Tier 2 countries according to the Protocol was adopted by the United Nations in November 2000 as part of the United Nations Convention.

Indeed, Guatemala made huge efforts to reduce human trafficking. First and foremost, the authorities focused on expanding jurisdictions and specialised courts. The government created the inter-institutional coordinating entity against labour exploitation and child labour, a new coordinating body aimed at identifying and providing support to victims of human trafficking. The country also focused on better assisting the victims and their families by increasing the funding for government-run shelters. The establishment of these specialised courts has been a mixed success but still a success in that to date they have prosecuted 36 cases of alleged child labour crimes and obtained 12 convictions.

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2019 Tier of legislation for human-trafficking victims protection / Nivel de protección legal a víctimas de tráfico de personas

■ Nivel / Tier 1 ■ Nivel / Tier 2 □ No data / Sin datos ■ Special tier / Caso especial
■ Nivel / Tier 2 ½ ■ Nivel / Tier 3

Tier legislation for human trafficking from Legislación_contra_el_tráfico_de_personas,_Mapa_del_mundo

The disappearance of trafficking has required a reform of the laws governing adoptions, child labour and sex crimes. Guatemala has made efforts to pass stricter laws since 2007. In 2009, an anti-trafficking law criminalised sex trafficking and labour trafficking and prescribed penalties from eight to 18 years' imprisonment and a fine. This law came to redefine the contours of the law on human trafficking which since 2009 broadly include all labour exploitation and illegal adoption. Over the past 5 years over 100 prosecutions successfully convicted traffickers and Guatemala is making continued efforts.

Guatemala also restructured its detection and monitoring frames which went through the implementation of the Child labour risk identification model, a program designed to better identify child labour vulnerabilities and develop strategies in response. Signing high-level trilateral agreement with neighbouring countries, the authorities also filled the shortage of labour inspectors and resources was by employing more staff for enhanced inquiries. A reduction in traffic is also accompanied by an increase in controls. The National Civil Police in conjunction with UNODC created in 2021, the Special Directorate for Criminal Investigation (DEIC), a unit assigned specifically to combat trafficking.

Offering as specific criminal investigation protocols and specialised curricula in criminal investigation for violence against women and children, trafficking and smuggling to its officers, this unit is the symbol not only of the awareness of the Guatemalan authorities of the problem but also of their will to bring this traffic to and end.

CONCLUSION

Today, according to the United Nations, human trafficking could be limited in a stable political environment combining a good quality of life and a thriving economy. Guatemala is far from meeting these criteria. But by reforming its institutions and strengthening controls, the country has pushed traffic, although it has not disappeared, to decrease.

Despite an economic surge, Covid has dashed the economic hopes of a country still plagued by poverty and crime. Inconsistent with the definition of trafficking under international law, the new bills did not include the use of force, fraud, or coercion as an essential element of an adult trafficking offence resulting in a roundabout approach to the problem that does not tackle the issue head on. Regardless the changes made by the authorities, the judicial system continued to be an obstacle in seeking justice for trafficking crimes. Due to the judicial system's limited capacity, the lack of resources, and the lengthy appeals process some judges still struggle to deal with human trafficking cases, which often led to a mishandling of the case.

However, all the efforts made by the country's authorities do not seem to be working. The traffic is still strongly rooted in the country and corruption and official complicity make it even more difficult to eliminate.

Besides Guatemala, human trafficking is also the scourge of many other countries in the region. Colombia, Venezuela, Honduras, even the Brazilian giant cannot seem to escape it. Particular local disposition or deeper structural problem? Nobody seems to agree.

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