



ANTI-TRAFFICKING TECHNICAL ASSISTANCE

GUATEMALA ANTI-TRAFFICKING ACTIVITY REVIEW AUGUST 1- 6, 2005

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List of Abbreviations

AAFID	Agency for African Families in Distress
AT	Anti-trafficking
ATTO	Anti-Trafficking Task Order
AVANSCO	Association for the Advancement of the Social Sciences in Guatemala
CA	Central America
CRS	Catholic Relief Services
DOJ	Department of Justice
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
GOG	Government of Guatemala
ILO	International Labor Organization
ILO-IPEC	ILO-International Program on the Elimination of Child Labor
IO	International Organization
IOM	International Office of Migration
IQC	Indefinite Quantities Contract
MOU	Memorandum of Understanding
NGO	Non-governmental organization
PASCA	Proyecto Acción SIDA de Centroamérica
PNC	National Civilian Police
SEPREM	Presidential Secretariat for Women's Affairs
SOW	Scope of Work
TIP	Trafficking in persons
UNICEF	United National Children's Fund
WLR	Women's Legal Rights

Executive Summary

Trafficking in persons has emerged as a growing human rights problem in Guatemala, disproportionately affecting women and children. While Guatemala is a source and destination country for trafficking, it is mostly a transit country for victims attempting to enter the United States. According to the June 2005 State Department trafficking in persons report, a recent trend seems to be the disappearance of Guatemalan girls once they are trafficked out of Guatemala. There are also cases of children, who are attempting to reach their families in the US, being trafficked and exploited. Despite being considered a middle-income country, there is a polarization of the rich and poor with extreme levels of poverty in rural areas and in indigenous populations. Poverty is only one of many factors that contribute to trafficking in persons. Gender discrimination, high levels of violence, lack of awareness, and lack of appropriate legal responses converge to allow these “slave like” practices to continue.

There recently has been increased political will in the Government of Guatemala to tackle trafficking in persons. Over the course of the last two years, the National Civilian Police force created a Trafficking in Persons Unit within the Criminal Investigative Service, the Public Ministry has created a Special Prosecutors Office for Trafficking in Persons and the Attorney General’s office has organized specialized anti-trafficking units throughout the country. In February 2005, the Guatemalan Congress passed legislation improving the legal framework to combat trafficking. However, there is not a comprehensive anti-trafficking law and penalties for traffickers remain low. Raids on bars and brothels resulted in forty arrests and six convictions in 2004.

Guatemalans tend to view trafficking as a “fact of life” resulting from high levels of poverty and lack of opportunity. Few public awareness campaigns have been conducted to warn the public about the realities and dangers of trafficking. Due to the lack of data on trafficking in persons in Guatemala, the problem is difficult to quantify. Those interviewed for this report believe the problem is increasing, but it remains unclear whether this perception is due to increased awareness of the issue or better reporting. Available research indicates that the majority of trafficking victims are minors, trafficked for commercial sexual exploitation. However, very little is known about the trafficking of adults for commercial sexual exploitation or other forms of labor.

The Anti-trafficking Task Order (ATTO) worked in collaboration with the Women’s Legal Rights Initiative (WLR) to conduct an activity review in Guatemala from August 1-6, 2005. Both of these projects are task orders funded through USAID/EGAT/WID. This anti-trafficking activity review included a literature analysis before traveling to Guatemala and the interviewing of relevant government officials, non-governmental organizations (NGOs), and International Organizations during a field visit. The literature analysis and field interviews resulted in this report, which identifies gaps in programming and makes specific recommendations.

Some of the gaps the consultant noted were a lack of a comprehensive anti-trafficking law, a lack of properly trained legal and social work professionals, and a lack of public awareness. To address those issues the recommendations include:

- Anti-trafficking public awareness campaigns
- Specialized anti-trafficking training for legal professionals, psychologists and social workers
- Provision of legal expertise to develop a comprehensive trafficking law

Resources in the anti-trafficking field are limited in Guatemala. This lack of resources makes it even more important to coordinate activities and utilize all available services. The Government of Guatemala should develop a national referral mechanism to ensure that all the relevant actors are working together to provide the appropriate level of support for victims and to pursue the prosecution of traffickers.

SECTION I

Scope of the Activity Review

At the request of USAID/Guatemala, the Anti-trafficking Task Order (ATTO) completed an activity review from August 1- 6, 2005. USAID funds the ATTO through the USAID/EGAT/WID Women in Development Indefinite Quantities Contract (WID IQC). Managed by Chemonics International Inc, the purpose of the Anti-Trafficking Task Order (ATTO) is to provide technical services and support to USAID/Washington and USAID's field missions as well as supporting EGAT/WID in its role as anti-trafficking coordinator. The review was conducted in collaboration with the Women's Legal Rights Initiative (WLR), which is also funded by the WID IQC and managed by Chemonics International.

WLR in collaboration with EGAT/WID and USAID missions worldwide has been working to strengthen and promote women's legal rights and participation by enhancing opportunities for women to participate in the economic, social and political dimensions of society. To achieve these goals, the project has coordinated with international donors and local stakeholders to provide strategies to identify constraints and gaps as well as to document best practices. In Guatemala, WLR developed a Gender and the Law program at San Carlos University and cooperated with the Public Ministry to increase awareness on domestic violence, including training prosecutors.

Wendy Blanpied, Project Officer for the USAID/WID Anti-Trafficking Task Order, led the review with assistance from Lelia Mooney, Legal Specialist for the Women's Legal Rights project. The objective of the technical assistance was to provide recommendations to USAID/Guatemala on proposed anti-trafficking programming in coordination with WLR activities. Building upon the success of WLR/Guatemala's training programs and information dissemination on violence against women in Guatemala, the collaboration of these activities provided synergies between the two task orders and leveraged contacts with donors, NGOs, and international organizations. The assessment sought ways to utilize resources and build upon already existing knowledge, data, project success and lessons learned.

The methodology used to conduct this assessment included a pre-trip analysis and literature review of relevant studies, reports, news articles, and other information on trafficking in persons in Guatemala. During the field visit, the team conducted interviews with relevant stakeholders to determine the nature of Guatemala's trafficking problem, current anti-trafficking activities and areas for improvement. The final debriefing with USAID/Guatemala provided preliminary findings and recommendations, while a more detailed review and analysis resulted in this report.

SECTION II

Scope of the Trafficking Situation

A. Country Background

Guatemala is the most populous country in Central America, with a population of 12 million and a high growth rate of 2.2 percent a year. It is bordered on the north and northeast by Mexico, on the east by Honduras and El Salvador, on the northeast by Belize, and on the South by the Pacific Ocean. Guatemala has some of the lowest development indicators in the Western Hemisphere. In 1994 the literacy rate was 71% for men and 57% for women, with an overall national rate of 64%. In 1995 the crude death rate was 7.4 per 1,000 population. During the period 1985–1995 infant mortality was 51.0 per 1,000 live births (neonatal mortality, 26.0 per 1,000; postneonatal mortality, 25.0 per 1,000)¹.

Despite Guatemala's status as a middle-income country, with a per capita gross income of \$1,740 a year, the polarization of the rich and the poor leaves 56 percent of the population living in poverty. Poverty and extreme levels of poverty are higher in rural areas and among the indigenous population, 93% of whom were living in poverty and 91% in extreme poverty in 1989. According to the latest statistics from the Pan American Health Organization (PAHO), total unemployment has remained steady at around 37%.

In addition to poverty, gender discrimination and domestic violence in Guatemala are causes of trafficking. More than two million of Guatemala's children do not attend school, most of them girls living in rural areas. Only three of ten children graduate from sixth grade and one of twenty make it to high school². Women in Guatemala often find themselves in abusive relationships with their husbands due in part to the patriarchal culture, high rates of alcohol consumption, the poor economic situation, and the general lack of laws to prevent domestic abuse. While the women of the households are victims, they are not alone; children are also sexually and physically abused, often leading them to abandon their homes.

A1. Trafficking Situation

Trafficking in persons has recently emerged as a growing human rights problem in Guatemala, which the United States Department of State categorizes as a source, transit, and destination country for Guatemalan and other Central American women and children. In particular, the trafficking of minors appears to be significant. Due to the lack of any significant research on the topic, reliable estimates are difficult to obtain, but a 2002 UN report estimated 2,000 minors in prostitution in Guatemala City alone. In addition to trafficking for the purposes of sexual exploitation, the US Department of State reports trafficking for forced labor, mainly involving children used in begging rings.

¹ Pan American Health Organization website <http://www.paho.org/english/sha/prflgut.htm>

² USAID website: http://www.usaid.gov/locations/latin_america_caribbean/country/guatemala/index.html

Trafficking in persons in Guatemala stems from poverty and a lack of viable employment opportunities. The Guatemalan Ministry of Foreign Affairs reported that 40% of Guatemala's households are fatherless, headed by a single woman. Women in Guatemalan society also hold a low status and lack rights, including economic rights. This creates an increase in poverty, resulting in the inability of some children to attend school. Instead, the children have to work to help support their family. Interfamilial sexual and physical abuse caused by lack of rights of women and children and the patriarchal society has led children and adolescents to abandon their homes in the hope of work elsewhere or out of sheer desperation.

Trafficking in children and underage prostitution is known to be a significant problem along Guatemala's border with Mexico and El Salvador. Children looking to join their parents, in addition to others who seek better opportunity in the United States, often end up at the Guatemala and Mexican border forced to pay *coyotes*³ to help them make the journey. However, they more often end up trafficked or exploited in Mexico while others, who do make it to the United States are further exploited by the coyotes or their new employers. Very little is known about the scope of the problem along the borders with Belize and Honduras.

According to USAID/Guatemala, 300,000 people cross the border annually through Jutiapa and Tecún Umán; 60% of the victims in Tecún Umán are Hondurans and very few of them receive any form of assistance. According to the director of the NGO End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), the majority of victims trafficked into Guatemala are from El Salvador, followed by Honduras and then Nicaragua. Furthermore, ECPAT believes that many underage boys from Honduras are being trafficked into the commercial sex industry in Guatemala.

The Guatemalan municipalities with the highest rates of trafficking along the borders of Mexico and El Salvador are the following: El Salvador- Jutiapa, and the municipalities of San Cristóbal, Asunción Mita, Jalpatagua; Mexico- San Marcos and Huehuetenango (departments on the border of Mexico) and the municipalities Tecún Umán, Malacatán, Catarina and Mesilla.

Most NGOs and government officials interviewed during the assessment emphasized the strong correlation between the trafficking in persons, legal and illegal migration, drug trafficking, organized crime and gang violence in the country and the region. In addition, the trafficking routes are often the same as the routes that migrants and criminals take.

More is known about the victims being trafficked into Guatemala than those victims who are being trafficked out of the country. Some interviewees expressed concern over the lack of coordination with other Central American countries in terms of reporting Guatemalan victims and repatriation. Unfortunately, there is very little known of the Guatemalan children who have left Guatemala and are feared missing.

The limited information available on trafficking in Guatemala is focused on the trafficking of minors for commercial sexual exploitation. Women are also trafficked for commercial sexual exploitation, but there is very little data to quantify the magnitude of the problem. Prostitution

³ Smugglers who bring immigrants into the United States illegally, often charging excessive prices for their passage.

is legal in Guatemala, thereby making it difficult to determine those who were trafficked into sexual exploitation.

Anecdotal information exists suggesting that minors are trafficked to work in begging rings in Guatemala City, but concrete evidence to support this phenomenon is not available. In addition, it is known that minors, especially young girls, are trafficked to work as domestic servants in other person's homes. Anecdotal information suggests that there may be a high incidence of indigenous girls working as domestic servants and suffering from both sexual and physical abuse.

B. Response

B1. Government Response

The Government of Guatemala has recently shown increased efforts in combating trafficking. In early June 2005, the US State Department ranked Guatemala as a tier two country⁴ with the release of their annual Trafficking in Persons (TIP) Report. Last year Guatemala was ranked on the tier two watch list⁵. The TIP report attributes this upward movement to the increased efforts by the Government of Guatemala (GOG) to rescue minors from commercial sexual exploitation in bars and brothels and the implementation of a Memorandum of Understanding (MOU) between Mexico and Guatemala.

The Government of Guatemala has mobilized prosecutors and police as part of an aggressive policy to convict traffickers. In 2004, the National Civilian Police (PNC) created a Trafficking in Persons Unit within the Criminal Investigative Service. The Public Ministry created a Special Prosecutors Office for Trafficking in Persons. Both the National Civilian Police and the Attorney General's office have set up specialized anti-trafficking units throughout the country. The PNC and the Special Prosecutors Office for the Trafficking in Persons also work in conjunction with the NGO, Casa Alianza, conducting raids of bars, brothels and other establishments where minors are being sexually exploited. At the time of the release of the U.S. State Department TIP report in June 2005, the brothel raids had resulted in forty arrests and six convictions.

As of the beginning of November 2004, the Public Ministry reported 40 legal proceedings with 36 people being committed for the crime of corruption of minors, contracting illegal migrants and trafficking in persons. Six sentences were issued for the crime of aggravated procurement. Also since the beginning of November 2004, 16 minors have reportedly been rescued. The government body, General Migration is working with the International Organization of Migration on a procedures manual to identify and monitor persons who frequently travel with minors and adolescents.

⁴ Tier 2 countries do not fully comply with the Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

⁵ Tier 2 Watch List countries do not fully comply with the Trafficking in Victim's Protection Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

The Ministry of Foreign Affairs and Ministry of Social Welfare have both taken steps to coordinate efforts on trafficking between the government and civil society through the formation of trafficking working groups. The Ministry of Foreign Affairs formed the Inter-Institutional Group to Combat Trafficking in Persons and Illegal Migration in 2004 and later in the year developed a national strategy on trafficking in persons and illegal migration. The Ministry of Social Welfare created the National Commission for the Prevention and Eradication of Commercial Sexual Exploitation of Girls, Boys, and Adolescents in Guatemala.

In 2004, the Ministry of Foreign Affairs initiated dialogue with other Central American (CA) countries on the design and negotiation of anti-trafficking cooperation agreements. The Ministry of Social Welfare currently runs a temporary shelter and has received funding from the US State Department to open a permanent shelter for trafficking victims in Coatepeque, San Marcos. The Ministry of Social Welfare is also developing a digital communication project with other Central American countries where any suspicious information on children found outside of their country of origin can be reported, leading to their monitoring and repatriation.

Art 194: Guatemalan Penal Code:

Whoever in any form promotes, induces, facilitates, finances, collaborates or participates in the transport, transfer, acceptance, or reception of one or more people through the threat, use of force or other forms of coercion, abduction, fraud, trickery, abuse of power, kidnapping or abduction, or of a situation of vulnerability or to the concession or reception of payments or benefits to obtain the consent of a person having authority over another, with the end result of sexual exploitation, shall be sanctioned with a penalty of six to twelve years of prison.

An equal penalty occurs when one, availing them self of the aforesaid circumstances in the previous paragraph, submits another person to begging, forced labor, servile marriage, irregular adoption, slavery or practices similar to this.

The penalty increases when the victim is under age, has a disability or is a senior.

When the victim is underage one will be charged with this crime even if it does not occur under any of the forms listed in the first paragraph of this article.

If in doing the described above the victim receives wounds, the penalty will increase by two thirds; in the case of the victim's death the corresponding penalty will be applied.

In February 2005, the Guatemalan Congress approved a penal code reform to strengthen the government's efforts to combat trafficking in persons and increase penalties for traffickers. The new language added to Article 194 of the penal code gives a much broader and more effective definition of trafficking aiding police, prosecutors and judges to convict traffickers.

Despite these efforts, the Government struggles to identify and assist adult victims thereby hampering criminal investigations. Undocumented foreigners, including trafficking victims are subject to deportation and may be given 72 hours to depart. The Government has undertaken some limited public awareness campaigns to warn individuals of the risks of trafficking, but they continue to struggle to conduct a long-term sustainable prevention campaign.

B2. NGO and IO Response

Guatemalan civil society and international organizations have been active in the fight against trafficking in persons. Due to the large scope of the problem, there are not enough resources or organizations working on the important issues of protection, prevention, rehabilitation and repatriation of trafficking victims.

Casa Alianza, a regional NGO working with neglected children, joined the fight against child trafficking in Guatemala eight years ago. They are very involved in the rescue, protection, rehabilitation, and prevention of child trafficking. Casa Alianza has conducted bar and brothel studies and assisted the police and special trafficking prosecutors office in conducting raids where minors have been found to be working. In addition, they provide shelters for child trafficking victims, assisting in their rehabilitation and safe return, when the situation is deemed secure. Casa Alianza provides psychological and educational services to victims. These services assist them in coping with their experience and receiving appropriate education.

Casa de la Mujer, located on the Guatemala/Mexico border town of Tecún Umán, provides temporary shelter and vocational training services for at-risk women, including adult victims of trafficking. The PASCA project, a Guatemalan organization funded by USAID, which provides assistance to HIV/AIDS victims, has been instrumental in expanding Casa's role into a vocational training institute. Casa also provides women with legal aid services, psychosocial support, and medical attention.

ECPAT, an NGO with a worldwide network of over 30 NGOs, has increasingly focused on the issue of sexual exploitation and trafficking of children in Central America over the past several years. They have provided protection, prevention and training services in Guatemala and are also working with the Ministry of External Affairs' Inter-Institutional Group on Trafficking in Persons. ECPAT/Guatemala has also designed and developed materials on appropriate laws and basic procedures for police and other law enforcement officials when intervening with child and adolescent trafficking victims or those at risk of becoming victims.

UNICEF operates both regionally and in Guatemala dealing with the issue of child trafficking. They developed a regional mapping exercise to determine the major trafficking routes. As a result of this mapping, anti-trafficking activities will be better targeted and traffickers easier to identify. UNICEF collaborated with the GOG in the adoption off the new penal code on trafficking.

SECTION III

TIP Gaps

While Guatemala has made significant improvements in their response to trafficking, much remains to be done. Perhaps the biggest gap is a lack of public awareness and sensitization to the issue of trafficking in persons. Despite the efforts of the government and civil society, the public has not accepted trafficking in persons as a significant problem. The judiciary and social workers lack sufficient knowledge of the psychology of victims and how to respond appropriately to them. Victims not only need to be accurately identified, but they need to be rehabilitated and repatriated to their country of origin. Guatemala lacks a comprehensive trafficking law that adequately penalizes traffickers and protects victims. Detailed below are gaps in anti-trafficking programming, categorized by the three P's- prevention, protection, and prosecution.

A. Prevention

- Lack of public awareness on what trafficking is and its dangers
- Failure to address root causes including viable economic opportunities, access to education, and gender disparities
- Insufficient research on TIP in several geographic areas of Guatemala and among certain groups such as women and indigenous population

The Guatemalan public has had very little exposure to any anti-trafficking awareness raising activities. ECPAT and UNICEF have conducted some anti-trafficking general awareness raising activities in Guatemala, but during the field visit, the team saw no visible evidence of on-going awareness activities. Currently the population does not view trafficking, even the trafficking of children, as a problem. It is considered a reality in a country with a high rate of poverty such as Guatemala. Fortunately, both the government and civil society sector agree that a large-scale prevention campaign is needed in Guatemala and discussions are underway to coordinate this effort.

From the information gathered, there was little evidence of prevention activities targeting vulnerable groups. Casa Alianza and Plan International have been running a pilot program “La Adventura de la Vida,” targeting at-risk youth ages 8-11 on issues of self-esteem, drug use and sexual and physical exploitation. The National Commission for the Prevention and Eradication of Commercial Sexual Exploitation of Children and Adolescents in Guatemala developed a prevention program highlighting the sexual abuse of children within their own homes, in collaboration with ILO/IPEC and ECPAT. Based on the interviews, little more was found to exist in the way of anti-trafficking prevention. These gaps leave many vulnerable groups without the necessary support to avoid exploitation.

Most interviewees agreed that there is a lack of information on the scope, incidence, nature and geographic location of TIP in Guatemala. The most widely available information is focused

solely on the commercial sexual exploitation of minors. Information is also lacking on the trafficking of indigenous populations. Indigenous groups are known to be trafficked into domestic servitude, but anecdotal information suggests that they are also trafficked for commercial sexual exploitation. If true, this is a troubling scenario given that they are one of the most vulnerable of groups in Guatemala, due in large part to cultural and language barriers.

Foreign women who are found to be working in commercial sexual exploitation illegally or living in Guatemala are treated very differently than minors. Authorities fail to make the appropriate classifications as to whether they are victims of trafficking, smuggling or migrants. It is generally presumed that they have migrated illegally or been smuggled, both of which are significant problems in Guatemala. When discovered by the police, undocumented foreigners, whether they have been smuggled or trafficked, have 72 hours to leave Guatemala.

USAID/Guatemala noted the lack of knowledge on trafficking along the border with Honduras. Information on trafficking is needed in the border areas, most particularly the border with Belize. In addition, there is anecdotal information suggesting that there are a number of forms of trafficking in the Petén, which borders Belize and Mexico. The Petén is known to be the least developed region in Guatemala and law enforcement is weak.

B. Protection

- Lack of knowledge among social workers on appropriate victim response
- Need for additional shelters offering protection and medical services for TIP victims
- Lack of repatriation protocols with other CA countries

There are too few organizations offering rehabilitation services to trafficking victims. In addition, social workers and psychologists working with victims of trafficking are lacking in training and numbers throughout the country. Casa Alianza provides protection and support services for children and youth in their shelters, while Casa de la Mujer provides a shelter and services for women. The Ministry of Social Welfare will soon be opening a shelter with support from the U.S. Department of State. Shelters to house victims and provide support services are severely absent where they are needed most, near the border regions.

Interviewees noted the lack of coordination with other sending and receiving countries in CA, with the exception of Mexico. Currently, there is no referral network with the governments of CA countries and repatriation is the responsibility of the consulate. According to ECPAT, many Guatemalan girls have gone missing and while they may be located in other CA countries, no action has been taken to repatriate them. Guatemala has taken a first step with Mexico by initiating a new anti-trafficking MOU. However, little has been done to implement the provisions of the MOU. In addition to the lack of coordination, those interviewed noted the variation in the level of lack of political will and acceptance of trafficking as a phenomenon in CA countries. The Ministry of Foreign Affairs recognizes the need to fill this void by

formulating anti-trafficking protocols with other CA countries and defining clear rules of conduct when victims are found in their country.

C. Prosecution

- Lack of knowledge on TIP among judges, magistrates, and other law enforcement agents working with victims
- Lack of mechanisms to gather data on trafficking and monitor the TIP situation by police and border guard officials
- Lack of appropriate anti-trafficking legislation

Judges and lawyers have not been sensitized to the subject of trafficking and continue to view victims as criminals. This lack of understanding and sensitivity is detrimental to the legal process, discouraging victims from reporting and pursuing cases. The judiciary tends to blame victims and lacks an appreciation for the suffering of those who fall prey to traffickers.

The Public Ministry, the Presidential Secretariat for Women's Affairs, and Casa Alianza all noted the need for better intelligence gathering and monitoring of trafficking victims. These tasks should be better organized and maintained by the special police units dealing with victims and border guards. Police lack sufficient training to understand how to differentiate victims of trafficking, from smuggling victims or migrants.

The recent amendment criminalizing trafficking was a big step forward towards combating trafficking. However, most interviewees agree that the law is too general and very limited in scope. Sentences under the new law are considered low based on the horrendous nature of this crime.

SECTION IV

Recommendations

This activity review identified a number of areas where increased anti-trafficking responses are appropriate. As with any issue that is new, research into the specifics of the phenomenon and raising public awareness are key. Additional legislative initiatives need to be undertaken to strengthen law enforcement capability to combat this modern day form of slavery. Specialized training will improve the capabilities of both legal and social work professionals so that they may respond appropriately to victims needs. Emerging from the gaps identified through this review and taking into consideration the recommendations of government officials and civil society the consultants recommend the following anti-trafficking interventions. These recommendations are organized by the three P's- prevention, protection and prosecution.

A. Prevention

- Research into the incidence and nature of trafficking in persons in geographic areas not previously studied including the Petén area, the Honduras/Guatemala border, and the border area with Belize
- Awareness raising activities on TIP

In order to respond to the dearth of information in geographical areas of Guatemala, it is recommended a research study be conducted. This task would be most effective utilizing two researchers with different areas of expertise, to capture both the legal and social perspectives of this issue. The researchers should be local consultants with expertise in trafficking and research methodology. One consultant should be a legal expert with trafficking expertise, preferably from working with victims, while the other should have a social work background and experience in counseling victims. By merging the legal and social aspects, the ATTO and WLR could collaborate to identify consultants and develop appropriate survey tools.

For effective data collection, the researchers should be fielded to the regions where suspected trafficking activity is occurring. They should identify the locations of rescued trafficking victims and attempt to interview as many of them as possible. The researchers should also interview local law enforcement authorities and others working with victims, not only to gain their perspective but also for leads to reach actual victims. The best time to elicit information from victims is once they have been discovered by the police, through rescue missions or in shelters where they are undergoing rehabilitation.

When conducting this study, researchers would need to elicit information from victims that will lead to an understanding of the scope and complexity of the problem. The research team should design a quantitative survey prior to beginning their field research that would include information about victim's country of origin, age, ethnicity, sex, the situation they led to their leaving, where they believed they were headed, etc. Conducting an in depth study is the first step to developing programming that targets victims and their traffickers more effectively.

WLR developed and is currently implementing a domestic violence campaign in Guatemala. The WLR campaign materials contain information on trafficking. One of the root causes of trafficking is family violence, with people falling victim to trafficking in an attempt to escape the violence. It is recommended that the ATTO and WLR collaborate to expand this on-going awareness campaign by developing more specific information on trafficking in persons, its root causes, and ways for people to protect themselves from becoming a victim. This Domestic Violence campaign also utilizes radio and television media and the same methods and audiences could be targeted for an anti-trafficking awareness campaign.

In general, despite on-going efforts to increase awareness, more needs to be done to reach out to at-risk youth and their parents in urban, tourist and border regions. Prevention activities need to address the root causes of trafficking, such as poverty, interfamilial abuse, lack of education, lack of job opportunities and the low status of women and children. The Vice Minister of Foreign Affairs, Marta Altolaquirre, stressed the need to tackle these root causes of trafficking with a particular emphasis on supporting single mother households.

B. Protection

- Specialized trafficking training for legal professionals, psychologists and social workers

Judicial and social services professionals, who are appropriately trained, are essential to protect victim's rights and ensure their physical and mental health. These professionals need specialized training to identify victims and to deal with their emotional and physical traumas. Social workers and psychologists need to work closely with police, courts, NGOs, and the government to develop referral mechanisms for victims. After victims have been properly evaluated, they should be referred to support and protection services that will ensure their rehabilitation and prevent further re-victimization. It is imperative that a referral mechanism be developed and that the various actors work together to leverage their resources. There is a shortage of physical resources and trained personnel in this field, making it even more important to coordinate activities and ensure that victims, women and children particularly, are offered the necessary support services.

To improve the technical capacity of these professions, the ATTO can build upon the previous training activities completed by WLR/Guatemala. A one or two week training on trafficking in persons for social workers and psychologists, resulting in a certificate, could be linked to WLR's Master's program in Gender and the Law. Participants from the master's course should be encouraged to participate in the trafficking certificate program as an optional add-on to their current program. Additionally, specialists can be solicited to attend the training from the regions of Guatemala where significant trafficking is suspected. Participants in the training program should be encouraged, if not required, to develop an anti-trafficking activity to be completed in their home region. These activities may include providing legal services to victims or counseling services in a local shelter.

C. Prosecution

- Specialized trafficking awareness training for AT law enforcement units and prosecutors

- Completion of specific anti-trafficking legislation

Additional training should be provided for special anti-trafficking law enforcement units to increase their capacity to combat this issue. These officers need specialized training in victim identification (to recognize the differences between a trafficking victim, smuggling victims, and migrants), awareness of the causes of trafficking, the psychology of victims, victim's legal rights, and appropriate referral mechanisms. These police officers need to recognize the victims' needs and coordinate with NGOs and other government agencies to provide support through shelters or rehabilitation programs, rather than immediately deporting victims and thereby losing their prosecution witness.

To provide this type of training, ATTO and WLR can cooperate with civil society groups who have worked on this issue, including ECPAT. ECPAT has already developed materials for law enforcement officials detailing legal provisions and the rights of victims. However, additional materials need to be developed focused specifically on victim/witness protection and referral mechanisms. In addition to developing materials, ATTO and WLR could collaborate to develop and conduct pilot training sessions for both prosecutors and special anti-trafficking units. These trainings would build on the domestic violence trainings already completed for prosecutors throughout the country. A team of trainers was developed for the Domestic Violence program and could be utilized for the anti-trafficking trainings.

The new trafficking provision in Article 194 is a step forward in combating trafficking. However, those interviewed agreed that the law is very general and limited in scope. One particular complaint was that the sentences imposed for the crime of TIP is too light. The Public Ministry and the Special Prosecutors Office on Trafficking both acknowledged the penal code's limitations and a desire to make improvements to it. A legal specialist could be fielded to provide legislative expertise to Ministry officials and NGO representatives who would draft the legislation. This specialist could ensure that the legislation is comprehensive and in compliance with international trafficking protocols.

D. Recommendations for other implementers or initiatives

- Specialized training of law enforcement officials on information gathering and investigative techniques
- Coordination of GOG, NGOs and IOs working on TIP
- Regional coordination and trafficking protocols

The Public Ministry, the Presidential Secretariat for Women's Affairs, and Casa Alianza all discussed the need for better intelligence gathering and monitoring of trafficking victims by the special police dealing with victims and border guards. In order to properly monitor the trafficking situation and gather intelligence, the police need to be able to recognize a victim as such. Casa Alianza currently conducts raids in coordination with the PNC; however, these raids are often unsuccessful due to a lack of technical training for officers. Police officers need better techniques and monitoring systems to successfully combat trafficking. In addition, more

police officers, trained in trafficking, are needed on border areas and in more remote regions of the country. Improved cooperation and intelligence gathering among the police and border guards could lead to more successful raids and rescues, thereby decreasing the number of trafficking victims and leading to more prosecutions. As this type of training is focused on police operations, it is more appropriately left to Department of Justice Initiatives such as the International Criminal Investigative Training Assistance Program (ICITAP) or other law enforcement programming.

The lack of coordination among the GOG, IOs and NGOs working on TIP was very apparent and acknowledged by groups interviewed during this activity review. According to some of the interviewees, the lack of government and civil society coordination is a problem in Guatemala. Despite the concerted efforts of the Ministry of Foreign Affairs and the Ministry of Social Welfare to develop trafficking working groups, more needs to be done, such as setting a timeline and identifying specific responsibilities of each group. They also need to coordinate on larger efforts such as awareness raising. The Ministry noted that an awareness raising campaign is on the working group agenda and there are plans to address it in the near future. The Government of Guatemala should develop a national referral mechanism to include all relevant actors and ensure an efficient and complete support system. Many countries have developed successful referral mechanisms to combat TIP and those models are readily available. Given the wide impact of this type of crime, it is necessary to have significant coordination among law enforcement, courts, and social services.

An even greater challenge is coordinating all of the CA countries to develop a regional anti-trafficking strategy with protocols for repatriation and prosecution. Every country has different laws with different levels of sophistication. Coming together to develop a strategy will be a challenge, but is much needed, as repatriation efforts to date are minimal.

ANNEX A**Guatemala Anti-Trafficking Interviews**

Name	Position	Organization
Dr. Lucrecia Castillo	HIV/AIDS Project Development Specialist	USAID
Juana Valin	Coordinator of TIP Project	PASCA-USAID
Oscar Chavarria	Rule of Law Advisor	USAID
Maria Eugenia Villareal	Director and Technical Coordinator	ECPAT
Marta Altolaquirre	Vice-Minister, and Leader of Inter-institutional government group	Ministry of External Affairs
Dora Giusti	Assistant of Programs	UNICEF
Arturo Echeverria	National Director and Leonel Bendfeldt, Director of Programs	Casa Alianza
Lucrecia Oliva	Coordinator of Strategies and Political Priorities	CRS
Lane Bunkers	Director	CRS
Hugh Aprile	Deputy Director	CRS
Carlos Gonzales	Consultant	International Organization for Migration
Clarissa Gonzalez Lopez	Head of International Cooperation	Public Ministry
Esteban Garcia	Assistant Prosecutor	The Women's Prosecutors Office
Alexander Galop	Special Prosecutor	The Trafficking in Persons Prosecutors Office
Gabriela Nunez,	Secretary for Presidential Secretariat for Women's Affairs	Presidential Secretariat for Women's Affairs (SEPREM)
Annabethsy Leonardo	Trafficking Specialist	Presidential Secretariat for Women's Affairs (SEPREM)
Ariel Ortiz	Dean	University of San Carlos of Guatemala
Alvao Diaz	Secretary of Faculty of Agronomy	University of San Carlos of Guatemala
Ronalod Flores	FSN Political Analyst	Embassy of the United States
Sara Palaya	Foreign Service Officer	Embassy of the United States

ANNEX B

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