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USAID ANTI- TRAFFICKING ASSESSMENTS IN LATIN AMERICA AND THE CARIBBEAN: A SYNTHESIS AND ANALYSIS

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ACRONYMS

ATTO	Anti-Trafficking Task Order
CEDAW	Convention for the Elimination of Discrimination against Women
CENSEL	Centro de Servicios Legales Para la Mujer (Dominican Republic)
CEPAM	Center for the Promotion and Action for Women (Ecuador)
CIPROM	Inter-disciplinary Committee for the Protection of Women and Victims of Human Trafficking and Smuggling (Dominican Republic)
CRS	Catholic Relief Services
CSO	Civil Society Organization
DNI	Defense for Children International
DR	Dominican Republic
FINJUS	Fundacion Institucionalidad y Justicia (Dominican Republic)
GBV	Gender-Based Violence
GOE	Government of Ecuador
ILO	International Labor Organization
INNFA	National Institute for Children and Family (Ecuador)
IQC	Indefinite Quantities Contract
JD	Jamaican dollar
LAC	Latin American and the Caribbean
M&E	Monitoring and Evaluation
MFA	Ministry of Foreign Affairs (Dominican Republic, Nicaragua)
MNS	Ministry of National Security (Jamaica)
MoE	Ministry of Education (Dominican Republic, Ecuador)
MoT	Ministry of Tourism
MOU	Memorandum of Understanding
NCCTP	National Coalition to Combat Trafficking in Persons (Nicaragua)
NCTP	National Committee against Trafficking in Persons (Ecuador)
NGO	Non-Governmental Organization
NPA	National Plan of Action
NRM	National Referral Mechanism
OPM	Office of the Prime Minister (Jamaica)
SOW	Scope of Work
STDs	Sexually Transmitted Diseases
TIP	Trafficking in Persons
TVPA	Trafficking Victims Protection Act of 2000
UNICEF	United Nations Children’s Fund
USAID	United States Agency for International Development
USD	United States dollars
USG	United States Government
WID	Office for Women in Development

EXECUTIVE SUMMARY

From 2005 – 2007, the Anti-Trafficking Task Order (ATTO), managed by Chemonics International Inc. and funded through the USAID/Office of Women in Development (EGAT/WID), conducted a series of trafficking in persons assessments targeting five countries in the Latin America and Caribbean (LAC) region: Jamaica, Dominican Republic, Nicaragua, Guatemala, and Ecuador. The assessments were carried out at the request of the respective USAID missions.

The purpose of this report is to analyze the five country assessments to provide a synthesis of the best practices, challenges, and recommendations in combating trafficking in persons within the LAC region. The recommendations that emerged from the analysis are to:

- *Foster partnerships between state and civil society actors to ensure assistance and protection from the victim identification phase through the legal process and on to social reintegration.*
- *Heighten public awareness through focused, continuous and aggressive public awareness campaigns, developed and sponsored by the various professionals and local communities.*
- *Develop institutionalized trainings and manuals to support basic and specialized ongoing training of law enforcement and legal professionals to better identify, investigate, and prosecute human trafficking cases.*
- *Strengthen existing judicial systems through legislative reform.*
- *Empower and build the capacity of national anti-trafficking policy-making machineries*
- *Use gender analysis consistently in the design, implementation and evaluation of anti-trafficking programs, particularly in regards to gender-based violence*

Apart from the synthesis, the report also provides profiles for each of the five countries where an assessment was conducted. The country profiles include lessons learned and best practices from the assessments and recommendations for future implementation of anti-trafficking initiatives.

INTRODUCTION

From 2005 – 2007, the Anti-Trafficking Task Order (ATTO), managed by Chemonics International Inc. and funded through the USAID/Office of Women in Development (EGAT/WID), conducted a series of trafficking in persons assessments targeting five countries in the Latin America and Caribbean region: Jamaica, Dominican Republic, Nicaragua, Guatemala, and Ecuador.

The assessments were carried out at the request of the respective USAID missions. The purpose of this report is to analyze the five assessments and synthesize the data highlighting best practices, challenges, and recommendations. The report has the four objectives:

- Contribute to the planning process of USAID in Latin America and the Caribbean for anti-trafficking initiatives;
- Identify successful policies and programs operational in the region appropriate for replication;
- Provide practical recommendations for consideration by governments, donors, international and national partners working to combat human trafficking;
- Add to the growing literature available on anti-trafficking initiatives in Latin America and the Caribbean for research and study.

This report offers a limited and time-bound view of the anti-trafficking issues in the region, based only on five countries. However, the author did review the literature on trafficking throughout the Caribbean and Latin America and this review is brought to bear on the analysis.

The assessments and this report are limited in scope to the issue of human trafficking for the purpose of commercial sexual exploitation and child trafficking. The data in the assessments, particularly the recommendations, is intended to complement and contribute to the successful implementation of reform initiatives called for by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Organization of American States declarations and U.S. Department of State reports.

SECTION I: THE HUMAN TRAFFICKING SITUATION

The five Latin American and Caribbean (LAC) countries focused on in this report—Jamaica, Dominican Republic, Nicaragua, Guatemala, and Ecuador—have high population growth rates, with youth comprising a significant percentage of the population. The polarization between rich and poor is extreme, with high levels of poverty and low development indicators.¹ The education and social services sectors remain under-resourced and overburdened, and, as a consequence, all five countries maintain persistently high levels of illiteracy, school drop-outs, HIV/STDs, teen pregnancies, and women headed households.

The women and children of these LAC countries are often exposed or are at-risk to family violence, defined as psychological, physical, or sexual abuse. The prevalence of family violence is due in part to antiquated norms of a patriarchal society, poor socio-economic conditions, and increased incidence of crime in the community and schools. Generally, the public perceives victims of violence as isolated cases of misfortune, rather than a systemic socio-economic health and human rights problem deserving national attention. Adult prostitution remains legal in most of the LAC region, with legal and illegal brothels widely available throughout.² In a region where gender-based discrimination and inequality remain entrenched, a system that legalizes prostitution seemingly serves to validate, and perhaps even perpetuate among the young, gender-based violence as socially acceptable behavior.³ As a result, the commercial sex trade is perceived by many as legitimate employment option for the marginalized.

Due to outward migration trends in all of the five countries studied, there exist villages where the number of women greatly outweigh the men or villages where a majority of children are being raised by grandparents or others in the community. Left behind as single heads of household, the women and children of these villages are prone to poverty and are at risk of being exploited by smugglers and human traffickers. Migration is common from rural areas to urban communities, as well as emigration to other countries. Some migrants, both legal and illegal, fall into the vicious cycle of debt bondage, forced to pay off their accrued

“In terms of absolute numbers, 47 million people are still in extreme poverty.”

- World Bank. Latin America and the Caribbean. *Global Monitoring Report 2007: Confronting the Challenges of Gender Equality and Fragile States*, 2007

¹ World Bank. Latin America and the Caribbean. “Global Monitoring Report 2007: Confronting the Challenges of Gender Equality and Fragile States.” 2007; United States Agency for International Development. “Regional Strategy for Central America and Mexico FY 2003-2008” 2003.

² Catholic Relief Services, Report for Congress: Trafficking in Persons in Latin America and Caribbean, 2005.

³ Organization of America Sates Inter-American Commission of Women, Pan American Health Organization Department of Women, Health and Development. Trafficking of Women and Children for Sexual Exploitation in the Americas, 2001.

debt through forced labor and commercial sexual exploitation. The rationale among the poor and marginalized for emigrating is that the risk of falling prey to traffickers simply does not outweigh the overwhelming sense of despair and extreme poverty in their current lives. The common perception of a better life abroad is reinforced by the high level of remittances received from the huge diaspora residing outside their country of origin, a significant percentage of whom are women.⁴

Despite progress in several developmental areas in recent years, the five countries still suffer from structural deficiencies which result in rampant levels of corruption (in which the state is often complicit), debilitated rule of law, political stagnation and unaccountability.⁵ Organized crime networks throughout the LAC region are known to be involved in youth gangs, money laundering, document falsification, bribery, and all forms of trafficking. Fear of retribution and a void in leadership, at national and regional levels, have stifled any serious, concerted efforts to address the rise in illicit criminal activity.

Generally, all of the countries in the LAC region are categorized as countries of origin, transit and destination for trafficking in persons. In the five countries under study, vulnerability to exploitation is characterized by a host of factors: abandonment or gross family negligence, family violence, economically impoverished single parenthood, desire to emigrate or parental migration, extreme poverty, unemployment and illiteracy. Regardless of gender, victims include institutionalized children; abandoned or neglected children; children of prostitutes; persons and children from rural, border and coastal communities; persons and children residing near major corporations or in free trade zones; remaining children of emigrants.

Recruitment in these countries normally occurs through community or family members with false promises of employment, travel, and a prosperous, safe future away from home. Youths have been known to be deceived into by joining alleged “tour excursions” out of the country. The youths are lured by fictitious promises of employment, usually in dance clubs, massage parlors, strip clubs, online pornography rings and brothels. Reportedly family members have profited from prostituting their daughters to fishermen⁶. Some victims have fallen prey to

“The causes of human trafficking are complex and often reinforce each other. The supply of victims is encouraged by many factors, including poverty, the attraction of perceived higher standards of living elsewhere, lack of employment opportunities, public and private corruption, organized crime, violence against women and children, discrimination against women, political instability and armed conflict.”

- US Department of State Trafficking in Persons Report 2007.

⁴ Organization of American States, Rapid Assessment Report: Trafficking in persons from Latin America and Caribbean Region to Japan, 2004. Inter-American Development Bank, Population Division, “La Trata de Mujeres: Sus conexiones y desconexiones con la Migración y los Derechos Humanos, 2003.

⁵ John Hopkins School for Advanced International Studies, Protection Project, Human Rights Report on Trafficking in Persons, Especially Women and Children, 2005. Catholic Relief Services, Report for Congress: Trafficking in Persons in Latin America and Caribbean, 2005.

⁶ United States Agency for International Development. Chemonics International Inc. “Ecuador Anti-Trafficking Assessment.” 2006, page 4.

traffickers in the process of being illegally smuggled out of the country, typically to the United States or Europe. Direct and indirect evidence indicate the demand side is comprised of both nationals and foreigners.

The data available reveals that victims, nationals of the five countries under study, are being trafficked within their national borders and internationally through most of the LAC region, with final destinations worldwide, including the United States, the Middle East, Asia, Northern Africa and Europe. For example, one route may take the victim from Ecuador through Colombia, Venezuela, and Peru then to the Dominican Republic or Central America, and onwards to Mexico or the United States. For the most part, the majority of victims trafficked from the LAC region are usually destined to spend a period transiting through Guatemala before being trafficked onwards. Reportedly 300,000 persons cross the border annually through the Guatemala/Mexico border, an undetermined number of whom are trafficked..⁷

Trafficking for the purposes of forced labor has also been confirmed to exist in the five countries, primarily within the fishing, hospitality, construction, mining and agriculture

“There is mounting evidence that the trafficking of women and children for sexual exploitation, with its concomitant human rights abuses and health consequences, is a significant problem in the Americas – one that promises to worsen unless collective action is taken.”

- Organization of American States Inter-American Commission of Women, Pan American Health Organization Department of Women, Health and Development. *Trafficking of Women and Children for Sexual Exploitation in the Americas*, 2001.

industries. The assessments noted that labor exploitation in the five countries studied involved child domestic servitude: children, mainly rural girls, exploited as domestic servants in private homes.⁸

According to the assessments conducted in the five countries studied, children are regularly trafficked into local begging rings.⁹ Victims are also exploited for the purposes of drug trafficking, used as mules to transport drugs across borders. The case of Haitian children exploited in the Dominican Republic warrants

special attention. The Dominican-Haitian and Haitian immigrant communities continue to reside as marginalized social groups without protection and exploited as street

⁷ United States Agency for International Development. Chemonics International Inc. *Guatemala Anti-Trafficking Activity Review*. 2005, page 3.

⁸ International Labour Organization, International Programme on the Elimination of Child Labour. *National Program for the Prevention and Elimination of Child Labour in Jamaica and SIMPOC Survey* June 2004; Oficina Internacional del Trabajo Programa Internacional para la Erradicación del Trabajo Infantil. *Síntesis de los Resultados de la Encuesta Nacional de Trabajo Infantil y Adolescentes en Nicaragua* Mayo 2004; Oficina Internacional del Trabajo Programa Internacional para la Erradicación del Trabajo Infantil. *Informe de la Encuesta Nacional de Trabajo Infantil y Adolescentes en Nicaragua 2000* Julio 2004; Alianza Contra el Tráfico de Mujeres, Niños/as y Adolescentes. *El Cuidado en el Trabajo con la Niñez* 2005.

⁹ International Organization of Migration. *Exploratory Assessment of Trafficking in Persons in the Caribbean Region*. June 2005; Casa Alianza. ECPAT. *Investigación Regional sobre Tráfico, Prostitución, Pornografía Infantil y Turismo Sexual Infantil en México y Centroamérica*. 2002; International Program on the Elimination of Child Labor. *Commercial Sexual Exploitation of Children and Adolescents in Central America, Panama and Dominican Republic*. 2003.

vendors, shoe shiners, agriculture workers, construction workers, drug mules, domestic servants, and prostitutes.

In each of the five countries, trafficking for sexual exploitation is fueled both by a nearly unlimited supply of potential victims and the highly profitable demand presented by the tourist industry. The problem of child sex tourism is increasingly prevalent in the Dominican Republic, Jamaica and Ecuador. Children and youths are trafficked to and from the tourist areas. In the coastal communities in all five of the countries under study and throughout the LAC region, there is a high incidence of trafficked children and youths who are exploited by the sex tourism industry. Generally speaking, the urban centers of the Dominican Republic, Jamaica and Ecuador serve as recruitment centers; whereas in Guatemala and Nicaragua, urban centers are places of final destination for sex tourism and child pornography rings.

The U.S. State Department Annual Report

The U.S. State Department annually completes a trafficking in persons report, with each country ranked according to a three-tier system. Tier 1 consists of countries whose governments fully comply with the United States Trafficking Victims Protection Act's minimum standards for combating trafficking. Tier 2 consists of countries whose governments do not fully comply with the Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards. Tier 3 consists of countries whose governments do not fully comply with the minimum standards and are not making efforts to do so.

The U.S. State Department developed the Tier 2 Special Watch List, consisting of countries meeting Tier 2 standards, along with one of the following three additional factors:

- 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
- c) The original determination that a country is making significant efforts to bring themselves into compliance with minimum standards—which placed them on Tier 2 in the prior year—was based on commitments by the country to take additional future steps over the next year, which they did not take.

The U.S. State Department determines these rankings through research conducted by the Office to Combat and Monitor Trafficking in Persons (G/TIP) and through information submitted by embassies, government officials, non-governmental organizations and international organizations. Information is also submitted to the "report email", a service established so NGOs and individuals can share information on progress in addressing trafficking.

Governments of countries in Tier 3 may be subject to certain sanctions by the U.S. Government, such as the withholding of non-humanitarian, non-trade-related assistance. These governments may also face U.S. opposition to assistance from international financial institutions and other international organizations.

The June 2007 U.S. State Department annual Trafficking in Persons identified the five countries of this report as falling primarily into the Tier 2 category, with two of the countries placed on the Tier 2 Watch List. Jamaica, Nicaragua, and Ecuador are classified as Tier 2 countries, identified primarily as countries of transit, but also considered source and destination countries. The Dominican Republic and Guatemala do not fully comply with the minimum standards for the elimination of trafficking and were therefore placed on the Tier 2 Watch List.

Methodology

This report was designed to synthesize the five assessments conducted under the ATTO in LAC, Guatemala, Nicaragua, Dominican Republic, Jamaica, and Ecuador from 2005-2007.

The purpose of these assessments were to review the scope of trafficking in persons (TIP) and synthesize available data to document existing anti-trafficking activities, identify trends and challenges, and determine additional programmatic activities. The assessments were focused on the four areas as set out in the Mission's Scope of Work (SOW):

- Provide the USAID Mission with a compilation of available information and data on the nature and magnitude of TIP in the country;
- Assess development activities and organizations involved in addressing TIP;
- Assess government efforts to address TIP and identify country-level and regional-level priorities and gaps;
- Identify gaps and possible programmatic responses to protecting victims, preventing trafficking, and prosecuting offenders.

The assessment team in each country consisted of two Chemonics consultants.¹⁰ Prior to conducting in-country interviews, the assessment team conducted a comprehensive desk review of relevant literature and research. In close coordination with the USAID missions, they identified a list of in-country interview candidates. The assessment team met with the USAID Mission and U.S. Embassy in-country for an introductory briefing and discussion of the content and deliverables associated with the SOW. Thereafter, the team met with primary actors and stakeholders, including government agencies, non-governmental organizations (NGOs), private businesses, and international

¹⁰ Geraldine Ramos Bjallerstedt as Teamleader, Betty-Ann Blaine/Jamaica, Gladys Piñeyro/Dominican Republic, Violeta Ortero/Nicaragua, Maria-Elena Pesantez/Ecuador, Wendy Blanpied/Guatemala, Lelia Mooney/Guatemala.

organizations (IOs). In some instances, the team also organized and co-chaired thematic roundtables with representatives from NGOs, government bodies, private sectors, and international donors.

Following the interview sessions the team debriefed the USAID missions and the U.S. embassies on the strengths and weaknesses of anti-trafficking efforts in the country and on the preliminary recommendations for how to address the weaknesses. The annexes of this report include a list of organizations interviewed, a bibliography of available literature and research reviewed, and an organizational chart of the national anti-trafficking policy-making body in each country.

The assessment team conducted interviews during a two-week time span, thereby offering a limited and time-bound view of the issues for the specific purpose defined in the SOW. The assessment team utilized interviews, general background research, reports and studies, NGO informational sources, and other documents cited in the bibliography.

SECTION II: A SYNTHESIS OF FINDINGS

The following best practices, challenges and recommendations are a synthesis of the findings from each of the five LAC country assessment reports.

BEST PRACTICES

- *Internal communication mechanisms and procedures have been established for data collection and exchange among government agencies, domestically and regionally.* The Guatemalan Ministry of Social Welfare developed a digital communication project in cooperation with its neighboring countries where data on children found in vulnerable or suspicious circumstances outside of their country-of-origin can be reported, leading to their monitoring and repatriation. Another model initiative is the Dominican Republic's Ministry of Foreign Affairs' Regional Network of Consuls. The regional network of consuls, operational since 2005, is comprised of Dominican Republic consuls who conduct liaison activities and training to combat human trafficking in the foreign country in which they are posted. To this end, they attend conferences, facilitate information-sharing, conduct presentations, and do follow-up work on individual cases.
- *Civil society organizations (CSOs), in partnership with international organizations, have strategically focused and developed long-term comprehensive assistance and protection services for children victims of sexual exploitation.* Ideally, trafficking projects are designed using a multi-sectoral, holistic approach to provide immediate assistance and protection to victims, as well as prevention of re-trafficking and capacity training for service-providers. It has been shown that an increase in the number of cases entering the legal process for prosecution is linked to the availability of social re-integration and psychosocial assistance for the victim. Using this holistic approach, The Ecuadorian Center for the Promotion and Action for Women in Guayaquil (CEPAM) helps minors who have been internally trafficked through peer counseling, legal counseling, court representation, and emergency safe accommodations. In Guatemala and Nicaragua, CSOs have been instrumental in the development of a regional mapping exercise to determine the major trafficking routes permitting holistic programs targeting specific geographical communities.
- *The education sector has begun to collect data and raise awareness among teachers, students and parents in vulnerable communities on the push-pull*

factors of human trafficking. Formal and informal training topics have included anti-trafficking, family based violence, nondiscrimination, human rights, and social justice. In the Dominican Republic, the Ministry of Education conducted a survey in targeted schools identifying types of violence, fears, and injustices faced by students and school personnel in order to sensitize policymakers to address the issue of increasing violence in society.

- *Government gender machinery, in partnership with gender advocacy CSOs, have taken the lead in developing policies and programs against the various forms of gender-based violence.* CENSEL, a women's legal service provider in the Dominican Republic, is in the process of establishing the country's first database containing statistical data on cases of domestic violence involving the death of the victim. In Nicaragua, the Ministry of Interior Gender Commission Division consists of 23 offices where victims receive psycho-social counseling and referral services for assistance with health, legal issues, shelter and assistance in filing a police claim for sexual or domestic abuse.
- *The tourism sector has begun to play a more active role, domestically and regionally, in efforts to combat human trafficking.* A number of the countries under study have drafted or are in the process of developing their National Plan of Action against Sexual Tourism outlining preventive and protective strategies against sexual tourism. Activities consist of awareness raising campaigns, dissemination of information on sex tourism, and training workshops in targeted tourist areas and vulnerable communities. In the case of the Dominican Republic, trained specialized police forces have been established, charged with protecting areas of tourism and authorized to make arrests in cases of sex tourism. Ecuador's Chamber of Tourism in Guayaquil has taken active steps to protect children against sex tourism and labor exploitation through the implementation of community-based programs such as micro-credit projects and skills development training for women and at-risk youth.
- *Networks of non-governmental organizations work with governments to expand anti-trafficking awareness raising and public education activities* These networks often have immediate access to a significant number of vulnerable persons at the grassroots level, to whom they can effectively relay anti-trafficking activities and messages and provide immediate basic protection, including emergency shelter to victims. Ecuador's civil society network, Defense for Children International (DNI), has been the driving force behind the pending adoption of an anti-trafficking ordinance aimed at raising awareness, improving data-collection, and outlining standard operating procedures instrumental in combating human trafficking at the local municipal level.
- *Advances have been made in addressing the issue of safe migration and border monitoring practices.* Governments have begun to play a more active role in the repatriation of nationals identified in other countries as victims of human

trafficking. Nicaragua has secured bilateral protocols on repatriation with Guatemala and El Salvador. Also, the Nicaragua Ministry of Interior Department of Immigration implemented a border control project in 2005 which resulted in the successful identification of minors attempting to cross, or having succeeded in crossing, the border; some of these cases may have been child trafficking cases.

CHALLENGES

- *The lack of comprehensive legislation against trafficking in persons has had a negative impact on the number of cases prosecuted successfully.* Jamaica, Ecuador, and Dominican Republic currently have a specific law against human trafficking, whereas Guatemala and Nicaragua continue to prosecute cases based on anti-trafficking provisions within the criminal code. However, successful implementation of any anti-trafficking legislation can be hampered by the lack of professional capacity to deal with anti-trafficking.

In the countries studied there was a lack of training on new laws for practitioners and no procedures guaranteeing the personal security of witnesses. There was a need to institute a mechanism for the accountability of law enforcement and legal professionals (i.e., incompetence, corruption, conflict of interest) and there was a need for the implementation of a streamlined victim referral system involving service providers; increasing human and financial resources within the police and judiciary.

The five country assessments confirmed that once a human trafficking case has entered the legal system, there is a need for data exchange, case analysis, and an evaluation process in order to extract the lessons learned, both the strengths and the weaknesses, from the implementation process.

- *Insufficient qualitative and quantitative data has limited the scope of anti-trafficking initiatives.* There is a need in all of the countries studied for the development of mechanisms permitting systematic data collection and data analysis. For example, in Guatemala and Nicaragua partner organizations interviewed during the assessment reported not having information about the magnitude of trafficking in remote border villages, particularly coastal and indigenous villages. The villages in Nicaragua's northern Atlantic coast serve as one example of an information gap. Due to the dangers presented by the international drug trafficking activities in this semi-autonomous region of Nicaragua, the local municipal government and partners have been unable to adequately assess the human trafficking situation.¹¹

¹¹ United States Agency for International Development. Chemonics International Inc. "Nicaragua Anti-Trafficking Assessment," 2006; United States Department of Labor and Human Rights. "Country Reports on Human Rights Practices. Nicaragua." 2005.

In the Dominican Republic, partners repeated the need for baseline data on the situation (impact, scope, magnitude, vulnerability, etc.) between human trafficking and children left behind in the villages by outward migration. Another issue of concern particular to the Dominican Republic and requiring research attention is the human trafficking situation with regards to Haitian nationals and Haitian-Dominican children. There is a significant undocumented population of Haitian children born in the Dominican Republic. In Ecuador, the assessment identified the need for further research on the nature of human trafficking in indigenous highland villages and border villages in northern and southern Ecuador which are plagued by the overflow of armed conflicts in Colombia and Peru.

“The number of children sexually exploited in the [LAC] region is increasing, while the age of sexually exploited children is decreasing. Large percentages of children are sexually exploited in order to provide income for their families....many remain living with family while being prostituted...adolescent motherhood increases female vulnerability to trafficking and related exploitation.”

- United States Agency for International Development. Development Alternatives Inc. *Literary Review of Trafficking in Persons in Latin America and the Caribbean*, 2004

In Jamaica, baseline data is needed on the role of youth gangs in human trafficking activities. Also in Jamaica and the two Central American countries under study, additional studies need to be conducted on the region’s recent liberalized border policies and their impact on human security . All five countries require data collection on the boys and men who are victims of human trafficking; the demand side in the trafficking problem; the legal process based on cases prosecuted; and baseline studies on existing social push factors, such as the prevalence of domestic, family and sexual violence in a society.

- *Neglect of human rights violations, especially gender-based rights, is at the core of human trafficking.* The prevalence of gender-based violence and discrimination leaves women and girls powerless and vulnerable to trafficking. In Nicaragua, the most widespread violation of women's human rights is domestic and sexual violence, where in 2006, 50% of violent cases registered by the police were domestic violence cases and 30% of the violent cases were of a sexual nature.¹² The Nicaraguan Center for Prevention of Violence reported that “one of three girls and one of five boys had been the victim of sexual abuse.”¹³

In the Dominican Republic, there were 2,434 cases of violence against children of the 10,000 family violence cases registered in 2006.¹⁴ In Guatemala, the Office of the Prosecutor registered 9,657 complaints of family violence against women and children; and women accounted for 10% of the victims in the 5,885 murder

¹² United States Department of States. Bureau of Democracy, Human Rights, and Labor. Country Reports on Human Rights Practices, Nicaragua” 2007.

¹³ United States Department of State. “Trafficking in Persons Report” 2007.

¹⁴ United States Department of States. Bureau of Democracy, Human Rights, and Labor. Country Reports on Human Rights Practices, Dominican Republic” 2007.

cases reported, of which 21.5% of the cases involved death by strangulation.¹⁵ In Jamaica, there were 635 rape cases reported in 2006 (excluding statutory rape) by the Jamaica Constabulary Force; however, this was considered a conservative estimate since the majority of cases are unreported due to a lack of trust in law enforcement officials.¹⁶

The tradition and tolerance for prostitution is another factor making it especially challenging to address gender based violence in the five countries. In the case of Ecuador, adult prostitution and brothels are legally and socially accepted.¹⁷ Brothels are most commonly referred to as “lugares de tolerancia” and “casa de citas” (*places of tolerance and meeting houses*). According to an International Labor Organization study, Ecuador has approximately 25,000 women working as prostitutes, of which an estimated 5,200 are minors.¹⁸ An undetermined percentage of these women were most likely forced into the practice at a tender age due to dire socio-economic circumstances, including long term exposure to domestic and/or sexual violence. In Ecuador, the National Office of Gender reported in 2006 having a domestic violence caseload of 68,184 cases in the country.¹⁹

The assessments conducted in the five countries confirmed that gender-based violence, in all its forms, remains a serious problem for a significant percentage of women and children in the LAC region. A challenge in each of the five countries is the social tolerance for gender based violence. Root causes known to give rise to gender-based violence in a society include factors such as: poverty, patriarchal values, substance abuse, indirect victim of violence (witnessing violence as a child), child abuse, changing gender roles, as well as economic, political, and post-conflict transitions in a society.²⁰ Households most at-risk of family violence are rural households with a high risk of poverty, unemployment, social deprivation, low educational level.²¹

¹⁵ United States Department of States. Bureau of Democracy, Human Rights, and Labor. Country Reports on Human Rights Practices, Guatemala” 2007.

¹⁶ United States Department of States. Bureau of Democracy, Human Rights, and Labor. Country Reports on Human Rights Practices, Jamaica” 2007.

¹⁷ With the exception of Jamaica, prostitution is legal in the other four countries in this study. The de facto practice of prostitution is prevalent however throughout the LAC region, including Jamaica.

¹⁸ United States Agency for International Development. Chemonics International Inc. “Ecuador Anti-Trafficking Assessment.” 2006.

¹⁹ United States Department of States. Bureau of Democracy, Human Rights, and Labor. Country Reports on Human Rights Practices, Ecuador” 2007.

²⁰ United States Agency for International Development. “Domestic Violence in Europe and Eurasia” 2006; World Health Organization. “World Report on Violence and Health” 2002.

²¹ Ibid.

RECOMMENDATIONS

- *Foster partnerships between state and civil society actors to ensure assistance and protection from the victim identification phase through the legal process and on to social reintegration.* Given the inter-disciplinary and holistic approach required to properly address trafficking in persons, it is necessary for governments and civil society to communicate, coordinate and exchange information on a regular basis. The partnership is defined as a cooperative victim-centered working relation among the various professional sectors (social workers, judiciary, law enforcement, healthcare providers, shelter operators, legal advocates, etc.) assisting and protecting trafficked victims. This working relationship should be clearly defined by memoranda of understanding outlining the basic working principles, duties, responsibilities and standard operational procedures for each member of the service provision network. Once formed, the partnership could benefit from forums held periodically to discuss challenging cases, identifying trends and best practices.

Globally, countries are using this model of “national referral mechanisms” and they are readily available for replication. Out of the five countries in this study, Ecuador and the Dominican Republic have in place similar mechanisms, but with room for improvement and expansion. In the Dominican Republic, the model initiative is the Ministry of Foreign Affairs (MFA) regional network of consulars, with consulates in four regions, the Caribbean, South America, Central America, and Europe. The consular networks deal with human trafficking issues by organizing meetings, training staff, attending conferences, facilitating information-sharing, conducting presentations, and following-up on individual cases.

In Ecuador, the Prosecutorial General Office (or Public Ministry) established a multi-disciplinary taskforce of service providers to implement the country’s witness protection program. The taskforce is comprised of a psychologist, social worker, health personnel, prosecutor, and police. The program permits each witness to receive assistance and shelter for one year, after which she/he would need to be self-sustainable. The program has been successful in leveraging more resources through the development of close working relationships with civil society organizations and other service-providers assisting victims of violence for free or little cost.

Sigma Huda stressed the need to provide opportunities for empowering women who are at risk for trafficking and prostitution. She stated that civil society, international organizations and governments all play a role in seeing that these vulnerable groups have alternative livelihoods for survival so they do not fall prey to traffickers.

Interview with Sigma Huda, United Nations Special Rapporteur on Trafficking in Persons, Especially Women and Children. John Hopkins University. The Protection Project. *The Protection Project Journal of Human Rights and Civil Society*, 2007

- *Heighten public awareness through focused, continuous and aggressive public awareness campaigns, developed and sponsored by the various professionals and local communities.* Sectors which should be targeted by public awareness activities include: education, health, judiciary, police, social workers, hospitality sector, travel agencies, vocational schools, unemployment centers, trade unions, transport companies, entry ports and borders, universities and parliamentarians. A particularly challenging audience is the men who constitute the majority of the demand side of trafficking for sexual exploitation.

Awareness-raising activities should be directed to communities in their native language and be developed with input from community leaders and CSO advocates. The campaigns should carefully distinguish between human trafficking and smuggling, with information provided about safe migration. Gender-based violence and family violence should be issues of concern in the campaigns as well. Youth programs that have successfully incorporated an awareness raising component include: peer counseling, remedial education, vocational training, life skills training, employment skills training, sporting events/camps and art programs. The role of the hospitality industry in preventing child sex tourism in the LAC region is another focused area where public education and awareness-raising initiatives have had some success

Each of the five countries under study have innovative approaches underway to raise awareness (radio and televised programs, public interest announcements) and public education projects (community peer discussions, school debates, general publications). Ecuador's National Institute for Children and Family launched a long-term, highly visible youth oriented public information campaign in collaboration with the Ricky Martin Foundation, a regional charitable organization working against child exploitation. The campaign has a series of television and movie advertisements and stickers to put on public transport vehicles with the messages "No al Tráfico" and "No a la Trata" (*No to Trafficking, No to Smuggling*).

In Jamaica, CSOs have taken the lead, in cooperation with government agencies, in raising awareness about human trafficking through community-based programs, especially among the youth and economically marginalized communities. There was also a media campaign targeting borders/entry-ports, selected airline flights and high profile sporting events.

In the Dominican Republic, the Ministry of Education has been successful in providing sensitization training to educators and integrating the issue of human trafficking and smuggling into the educational curricula. Training topics include anti-trafficking, gender-based violence, nondiscrimination, human rights, and social justice.

- *Develop institutionalized trainings and manuals to support basic and specialized ongoing training of law enforcement and legal professionals to better identify, investigate, and prosecute human trafficking cases.* Law enforcement, legal professionals and CSO advocates require ongoing specialized, multi-disciplinary trainings on subjects such as proper identification, victim protection, investigation and prosecution of cases. Training manuals can be developed to include relevant regulations, departmental operating procedures and best practices. The trainings and manuals should then be incorporated into existing curricula at training institutes, universities, academies and professional continuing education programs. In each of the five countries, basic anti-trafficking training targeting professionals have been organized, but primarily on an adhoc basis, rather than in a systemic manner.

Furthermore, trainings should promote regional exchanges of lessons learned and best practices. Anti-trafficking partners should liaise with their professional counterparts nationally, regionally and internationally. Such networks provide professionals with the opportunity to exchange practical and tactical information such as how best to investigate an alleged trafficking case, prosecute a case, identify victims following a raid, provide protection and direct assistance to victims, and deal with the sensitive complexities of child trafficking.

- *Strengthen existing judicial systems through legislative reform.* A reform needed in most of the countries studied is legislation to protect victim-witnesses. Victims and witnesses who testify in a trafficking or trafficking-related case are at risk for retribution from the traffickers. Protective methods of providing evidentiary testimony in court may include written testimonies or video-linkage. Without such options, the testimony of a victim or witness may be negatively affected due to the victim's sense of fear and intimidation at having to directly confront her/his alleged trafficker in the court room. Legislation should make specific reference to the state's obligation to provide trafficked victims with assistance and protection (i.e., shelter, compensation, immigration status for foreign victims).

Legislative reform initiatives need to include a component to lobby parliamentarians and the judiciary, in order to help galvanize support for legislative reform. In the Dominican Republic, the Fundación Institucionalidad y Justicia (FINJUS) has taken the lead in pushing for institutional legal reform. FINJUS has been instrumental to the government's anti-trafficking efforts by providing its legislative lobbying and legal reform expertise to its partners.

In Jamaica, the Child Protection Act reflects successful legal reform to combat child trafficking in the country. The Child Protection Act, adopted in 2004, criminalizes various types of violence against children, and specifically trafficking in children. The Child Protection Act is the legal basis for the Office of the Children's Advocate, which is responsible for protecting and reporting on the status of the rights of children. The Children's Advocate is vested with the

authority to raise public awareness and conduct investigations on violence against children and other forms of child rights violations, such as sexual exploitation, child labor and domestic violence.

- *Empower and build the capacity of national anti-trafficking policy-making machineries.* Government sponsored commissions or taskforces to combat trafficking in persons should undergo a lessons learned and strategic planning process. The process may include the consideration of thematic working groups (e.g. migration; trafficking in children; public education; legal reform; prosecution) and the improvement of intra/inter communication (e.g., cyber space discussion forums; electronic monthly newsletters; restricted access websites). The process should result in suggested revisions to the governing legal framework to include the commissions' terms of service, accountability and reporting requirements.

Development of national plans of action and standard operating procedures would further improve and facilitate the work of the national anti-trafficking machinery by clearly detailing the responsibilities and duties of each agency partner.

Two examples of successful national machineries can be found in Jamaica and Ecuador. Jamaica's National Taskforce against Trafficking in Persons was formed in 2005 under the auspices of the Ministry of National Security. The Taskforce coordinator is the Permanent Secretary within the Office of the Prime Minister. The 13 representatives on the multi-sectoral, inter-ministerial Taskforce are responsible for the systematic reform in counter trafficking efforts and for galvanizing political will from politicians, parliamentarians, donor governments and agencies, and the public. They have drafted a National Action Plan detailing short and long term anti-trafficking activities.

Ecuador's National Committee against Trafficking in Persons was established under the auspices of the Ministry of Interior. Comprised of various government ministries and six non-governmental organization representatives, the NCTP was mandated by an executive decree to draft the country's national action plan detailing the duties and strategies of agency members' to combat human trafficking, migrant smuggling, sexual and labor exploitation, child prostitution and pornography. In 2006, the National Action Plan (NAP) was completed and subsequently approved by the government in September. The NAP budget and operational strategy were also developed, as was a decree to make the NCTP a permanent body, with duties to implement and monitor the action plan. The NAP budget subsequently was estimated at \$9,137,000 for a period of 18 months and public sector organizations and NGOs currently are seeking funding resources from national and international sources for the implementation of the NAP.

- *Use gender analysis consistently in the design, implementation and evaluation of anti-trafficking programs, particularly in regards to gender-based violence.* At the core of human trafficking in the LAC region is violence against women and children. Gender-based violence in a society derives from a variety of often inter-linked root causes, consisting of, but not limited to, factors such as: poverty, discrimination, substance abuse, child witness of violence, child victim of violence, changing gender roles, entrenched patriarchal values, cultural norms about marriage (i.e., forced marriages), economic and political transition, low education levels, and post conflict environment.²²

Gender-based violence exists throughout the countries studied for this report. Among the over 10,000 cases of family violence and sexual assault registered in the Dominican Republic in 2006, an estimated 2,434 cases involved a child victim.²³ In Ecuador, the government's Office of Gender estimates a caseload of 68,184 cases of domestic violence against women.²⁴ Guatemalan women often find themselves in abusive relationships with their husbands due in part, to the patriarchal culture, high rates of alcohol consumption and poor economic conditions. In 2006 the Guatemalan office of the prosecutor reportedly registered 9,657 complaints of family violence against women and children; and in 10 % of the 5,885 murder cases reported were female victims; 21.5% of the cases reported involved death by strangulation. According to reports, an estimated 11% of murders in the country can be attributed to violence against women.²⁵ In Jamaica, there were 635 rape cases reported (excluding statutory rape) by the Jamaica Constabulary Force in 2006. However, this figure was considered a conservative estimate since the majority of cases are unreported due to a lack of trust in law enforcement officials.²⁶

Addressing the problem of violence and discrimination against women will indirectly and inevitably bolster national efforts to combat human trafficking. To this aim, the Government of the Dominican Republic should hasten and invigorate the implementation of policies and programs strengthening principles of non-discrimination; equal economic opportunities; equal representation in the decision-making process; elimination of gender stereotypes; and promotion of gender equality.

Conclusion

²² United States Agency for International Development, *"Domestic Violence in Europe and Eurasia"* 2006; World Health Organization World Report on Violence and Health 2002

²³ United States Department of States. Bureau of Democracy, Human Rights, and Labor. *Country Reports on Human Rights Practices, Dominican Republic* 2007

²⁴ United States Department of State, Bureau of Democracy, Human Rights and Labor. *"Country Reports on Human Rights Practices. Ecuador"* 2007. <http://www.state.gov/g/drl>

²⁵ US Department of State Human Rights Report 2007

²⁶ United States Department of States. Bureau of Democracy, Human Rights, and Labor. *Country Reports on Human Rights Practices, Jamaica* 2007

The information consolidated and analyzed in this review illustrates the concerted effort being made, in varying degrees, by each of the five countries in this study to comply, in a comprehensive manner (i.e., prevention, protection, prosecution), with their commitments under international human rights law, namely the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.²⁷

Having said that, the programmatic and institutional weaknesses in combating human trafficking in each of the five countries are also indicative of the complexity of the problem in the LAC region and the multitude of challenges which continue to face Jamaica, Dominican Republic, Guatemala, Nicaragua and Ecuador.

In addition to the issues discussed, other pertinent areas of concern identified in the course of this study and worthy of immediate in-depth attention are initiatives that identify and target sex tourism, child prostitution, clientele fueling the demand-side, entertainment visa-holders and/or applicants; fake marriages and adoptions; and socio-economic re-integration of victims and their families.

Finally, the recommendations contained in this report are intended to contribute towards improved implementation of ongoing anti-trafficking initiatives both at the national and regional levels.

²⁷ United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. UN Doc. A/55/383 (2000).

SECTION III: THE COUNTRY PROFILES

DOMINICAN REPUBLIC

Trafficking in Persons Overview

Despite progress in several development areas in recent years, the Dominican Republic continues to be plagued by many of the same challenges facing less socio-economically stable island-nations today. These challenges include alarming poverty levels, large marginalized communities, and prevalence of family violence, high illiteracy rates, weak judicial system, ineffective social services, and political stagnation.

The Dominican Republic has a population of 9.2 million with an estimated additional 650,000 to 1,000,000 undocumented Haitian nationals. In the capital city of Santo Domingo, over 35 percent of the local population lives under the poverty level; while in the tourist district of Puerto Plata the percentage of the local population living under the poverty level actually increases to 60 percent. Family violence, and specifically gender-based violence, continues to be a challenge in Dominican society: fifty percent of the Dominican population are women and forty percent of the population are youths under 18 years of age, and extreme poverty leads to higher percentages of family and community violence.

There is a lack of a concerted effort in the Dominican Republic to address the “push-pull” factors linked to the rise in illicit criminal activity within Dominican society. These factors have created a sense of desperation among Dominicans, especially among vulnerable and marginalized communities. By seeking to emigrate abroad, Dominicans risk being illegally smuggled into another country and often find themselves being deceived by and falling prey to traffickers. The rationale among the poor is that the risk of becoming a victim simply does not outweigh the tremendous sense of despair and poverty in their current lives.

This common perception of a better life abroad is reinforced by the high level of remittances received from the over one million Dominicans who are estimated to be living overseas, the vast majority of whom are women. Consequently, it has proven difficult to convey the dangers associated with unlawful migration from the country. The limited resources and lack of strategy applied by the Dominican government to address the socio-economic causes of its human trafficking problem has left an ever-increasing pool of Dominican nationals vulnerable to trafficking.

The June 2007 U.S. State Department Trafficking in Persons report ranked the Dominican Republic on the Tier 2 Watch List, identified as not meeting minimum

requirements to combat trafficking in persons. The Dominican Republic is recognized as a country of origin, transit, and destination in human trafficking for the exploitative purposes of commercial sex, forced labor, pornography, domestic servitude, and forced marriage. Reports by international and national organizations estimate between 30,000 and 50,000 Dominican nationals are victims of human trafficking. The number of Haitian children trafficked to the Dominican Republic is estimated by UNICEF to be over 2,000 at any given moment.

Human trafficking in the Dominican Republic is intrinsically linked to organized networks and corruption such as money laundering, document falsification, bribery. Recruitment, regardless of gender, occurs through family networks and false employment advertisements with promises of travel or a bright future. More often than not, recruiters are well-known community or family members. Direct and indirect evidence indicates clients are both national and foreigners. The tourism industry continues to fuel trafficking of children for purposes of sexual exploitation. Clients pay between 1500 Dominican Pesos and 5000 Dominican Pesos (approximately \$55 to \$175 USD) for a trafficked child. Brothels are known to keep minors through the use of falsified identification documents. In 2005, the law did not provide for sanctions against clients who paid for services of a commercially sexually exploited minor who is being kept in a brothel under false identification documents.

At the core of human trafficking in the Dominican Republic is violence against women and children. Among the over 10,000 cases of family violence and sexual assault registered in the Dominican Republic in 2006, an estimated 2,434 cases involved a child victim (United States Department of States. Bureau of Democracy, Human Rights, and Labor. *Country Reports on Human Rights Practices, Dominican Republic* 2007).

In November 2005, USAID/EGAT/WID conducted a trafficking in persons assessment in the Dominican Republic at the request of the USAID Mission in the country. The purpose of the assessment was to carry out a review of the scope of trafficking in persons and synthesize available data with the objective of evaluating existing anti-trafficking activities, identifying trends and challenges, and recommending additional programmatic activities.

The assessment concluded that a number of initiatives demonstrate the country's progress in combating trafficking in persons. Among these initiatives are legislative reforms in human trafficking and smuggling, sexual exploitation of minors, immigration, domestic violence and a number of ratified international instruments including the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the U.N. Convention on the Elimination of the Worst Forms of Child Labor.

Other notable efforts include the establishment of a transit center and shelter services for trafficked victims, toll-free help lines, training of law enforcement and other professionals, public sensitization campaigns, and youth awareness school programs.

At a policy level, a multi-sector national committee against human trafficking, a regional network of consuls, a national committee against child labor, and a national committee on gender have been created. Critical to the fight against trafficking have been the advances in democratization, coupled with a proactive network of anti-trafficking civil society organizations, immigration civil society advocates, and media reform.

Lessons Learned

- The case of Haitian children exploited in the Dominican Republic warrants special attention. The Dominican-Haitian and Haitian immigrant communities continue to reside in the country as marginalized social groups without equal access to basic rights and protection. An undetermined but significant number of street children found in the Dominican Republic are Haitians or Dominican-Haitians exploited as street vendors, shoe shiners, agriculture workers, construction workers, drug mules, domestic servants, and prostitutes. There are well-publicized allegations of the army being implicit in illegal border activities, including facilitating the entry and transport of Haitian children across the border for exploitative purposes.
- Limited state-allocated resources and political stagnation on trafficking have had a debilitating impact on the Dominican Republic's counter trafficking activities. Interviewees emphasized the need for more political commitment and institutional reform mandating accountability and transparency from state agencies, particularly the agencies tasked with the prosecution of such cases. Appointed and elected political officials also need to be sensitized about trafficking to ensure that they recognize the magnitude of the problem and respond appropriately as a matter of national priority.
- A number of legislative reforms require adoption and implementation. For example, the unavailability of witness protection legislation hampers successful prosecutions as victim-witnesses refuse to testify out of concerns for personal security. There is confusion in the application of the Law 136-03, which covers elements of both human trafficking *and* smuggling. The Law is vague in some aspects and lacks implementing provisions. One needed clarification is to make consent by a minor irrelevant (and thus not a legal defense of exploitation). The law makes no reference to the availability of translation services to victims and access to legal information through an interpreter in their mother language (e.g., Haitian language). Another gap in the national legislation is the lack of a provision penalizing the "possession of child pornography." However, the Government of the Dominican Republic in 2006 adopted the proposed comprehensive anti-trafficking legislation, Law 137-03, which clarified some of these issues.
- The Inter-disciplinary Committee for the Protection of Women and Victims of Human Trafficking and Smuggling (CIPROM) was established in coordination

with the country's anti-trafficking policies. It suffers, however, from a lack of authority to require accountability from its members and ineffective inter-ministerial coordination and use of technical expertise due to the lack of a strategic plan of action. The consensus is that CIPROM is overwhelmed with the number of activities being implemented by member agencies. With a total membership between 35 and 45, coordinating activities and exchanging information without established protocols, is almost impossible.

Best Practices

- The Ministry of Education (MoE) has been proactive and creative in its efforts to raise the awareness levels among students and youth in vulnerable communities of trafficking. Moreover, the MoE has been successful in providing sensitization training to school personnel and integrating the issue of human trafficking and smuggling into the local school curricula. Relevant training topics include anti-trafficking, gender-based violence, nondiscrimination, human rights, and social justice. More recently, as of December 2005, the MoE unveiled the preliminary results of a survey conducted in targeted schools identifying the types of violence, fears, and injustices faced by students and school personnel. The MoE's research is groundbreaking in that the statistical survey provided in the research is expected to sensitize policymakers about the need for greater national attention to social violence as a root cause of trafficking. The survey will sensitize policy makers also on the impact of trafficking on the development of the country's future generation, including Dominican-Haitian communities.
- Institutional and legal reforms are required to assist with the successful prosecution for trafficking or trafficking related cases. Fundación Institucionalidad y Justicia (FINJUS) is one of the leading civil society organizations in the Dominican Republic working towards institutional and legal reform. In fact, FINJUS has been instrumental within CIPROM by providing legal technical assistance and lobbying for reform through consensus-building. FINJUS has been active in successfully implementing a USAID-funded project consisting of public sensitization, legal reform, and institutional capacity building. In an effort to streamline anti-trafficking activities, FINJUS is working with CIPROM on the adoption of the country's first National Plan of Action against Trafficking in Persons.
- A network of specialized civil society organizations working in collaboration with the Ministry of Gender has implemented activities against domestic violence and specifically gender-based violence. One such organization is NGO Centro de Servicios Legales Para la Mujer (CENSEL), a recognized women's legal service provider since 1984. CENSEL also has 156 community leaders trained as paralegals that provide community residents with advice and guidance. CENSEL

established the first database in the country containing statistical details on the cases of women killed at the hands of their husbands/partners in the Dominican Republic. Another model civil society organization working to combat gender-based violence is the NGO Centro de Orientación e Investigación Integral (COIN). COIN conducts research and organizes awareness-raising campaigns against gender-based violence and human trafficking. COIN operates the local transit center for trafficked victims provided with immediate basic assistance and protection services, including family re-integration support, psychological counseling, and medical and legal services. COIN also operates a toll-free helpline for victims, family members, and the public.

- One model initiative in coalition-building is the Ministry of Foreign Affairs (MFA) regional network of MFA consulars, established in 2001. The MFA consulars have been divided into four regional groups. The consular network responsible for the Caribbean region is comprised of 15 Dominican consulars and chaired by the Dominican consular of St. Martin. Three other regional networks will be developed, assuming funding is available, and include South America, Central America, and Europe. These regional networks organize meetings and training events along with conducting liaison activities in their host country to combat human trafficking (attending conferences, facilitating information-sharing, conducting presentations, follow-up work on individual cases).

Recommendations

- **Raise public awareness through a focused and aggressive campaign of broadcast and print media to disseminate testimonial experiences of trafficked victims.** Interviewed partners strongly agreed on the necessity for a more aggressive approach to raising the awareness—the “social conscience”—of Dominican society about the links between socio-economic issues, health perils, and human trafficking. A particularly challenging audience is those involved in the demand side of trafficking for sexual exploitation, specifically local men and tourists. Awareness-raising activities should target the Dominican-Haitian communities in their native language with input from community leaders and civil society organizations. A suggested approach is for a new campaign that distinguishes between the forced nature of human trafficking and smuggling.
- **Strengthen the CIPROM national committee to implement a coordination mechanism and develop formal partnerships among its members.** Suggestions for reform of this policymaking structure consist of establishing an entity or appointing a person from the executive branch of government who would have overall responsibility for coordinating, collecting data, reporting, monitoring, and supporting the commission’s work. Working groups on focus topics should be linked under the auspices of CIPROM (e.g., working groups against trafficking in children, smuggling and migration, public education/prevention, research, law enforcement/prosecutions, direct assistance,

protection to victims). The legal framework for CIPROM should include its members terms of service, accountability, reporting requirements, etc. Implementation of a National Plan of Action, Memorandum of Understanding and Standard Operating Procedures between CIPROM members would further improve the situation by detailing responsibilities and duties of each member.

- **Provide capacity-building for the only operational NGO-managed shelter for trafficked victims in the Dominican Republic.** The Alianza shelter is operational and offers immediate shelter and basic assistance to presumed or identified national victims of human trafficking, including minors. The Alianza shelter staff need training for strategic planning, monitoring and evaluation, case file management, fundraising, and public information promotions (i.e., enabling the public to refer cases to the shelter). Alianza should be encouraged to develop a Memorandum of Understanding as a member of the CIPROM national committee and Standard Operating Procedures with cooperating partners including the police and legal aid services, as well as with partners implementing health and re-integration programs.
- **Empower law enforcement and legal professionals** through sustainable, specialized training. Successful prosecutions of trafficking cases depend on the qualitative evidence collected and the competence of those professionals involved in the identification, investigation, prosecutorial, and judicial processes. Ideally, a multi-disciplinary working group involving police, prosecutors, social workers, and civil society organizations would collaboratively develop an anti-trafficking curriculum, which would be implemented in a series of pilot workshops. Afterwards the content and methods of the training would be modified, if necessary, before publication as a training module and incorporation into national training facilities for prosecutors, judges, coastguards, and police.

ECUADOR

Trafficking in Persons Overview

Ecuador is listed among the most impoverished economies in South America. It has a politicized and fragile democracy, weakened social services, regional border conflicts, and high levels of unemployment. Ecuador has a multi-ethnic population of over 13.5 million persons, with over forty percent under 18 years of age. Unemployment rates can reach 50 percent, and 42 percent of the population is categorized as living in poverty. Approximately 70% of the country's 4.8 million children live in poverty and malnutrition affects 15% of children under age five, according to UNICEF in 2006.

Structural deficiencies in some key sectors have had a direct impact on the increasing levels of socio-economic disintegration, including intra-family violence and criminal activities. Ecuador's major financial crisis of 1998 led to migration out of Ecuador, much of which likely involved human trafficking. Men are often the first to leave, either through migration or smuggling. The women left behind to care for the children and other family members become more impoverished, and thus are increasingly at risk of becoming a victim of trafficking. Those most vulnerable include institutionalized and abandoned children of emigrants, children of prostitutes, the poor from border and coastal communities and from villages near major corporations. According to media reports, between 2002 and 2005, over 3,900 children were reported missing in Ecuador, many believed to have been trafficked internally or externally to Latin America or Europe.

In the June 2007 U.S. State Department Trafficking in Persons Report, Ecuador was placed in Tier 2 based on progress made with anti-trafficking. Ecuador is identified as a country of origin, transit, and destination for the commercial sexual exploitation and forced labor of adults and children, with notable increased activities in child pornography.

The majority of Ecuador's trafficking victims are believed to be children trafficked within Ecuador for commercial sexual exploitation and forced labor. Children are also trafficked into hazardous forms of labor, domestic servitude, forced to beg on the streets, work in the national hospitality and commercial sectors, and perform hard labor in mines. According to a 2002 International Labor Organization (ILO) report, incidents of commercial sexual exploitation of children in Ecuador numbered over 5,000.

In Ecuador rural areas, close to the city of Cuenca, are well-known for both trafficking and smuggling. There are many more women than men due to outward migration. Departing from the villages of Ecuador, the migrants, and victims of trafficking and smuggling make their way to Central America. Another route takes them through Colombia, Venezuela, and Peru then to the Dominican Republic or Central America. Migrants and victims of trafficking who do make it to Mexico continue north to reach the United States. Anecdotal evidence indicates that it costs about \$10,000 to \$12,000 USD to be smuggled into the United States. Many who do make it end up in a vicious cycle of

debt bondage, a form of slavery, as they attempt to pay off their debt accrued from their trip. Allegedly, as many as seven boats depart daily from Ecuador, smuggling between 60 and 100-plus persons for an initial fee of \$1,000 to \$2,000 USD.

Along the coastline, trafficking is prevalent. The community of Santo Domingo – located between the coast and mountainous region – has a high incidence of internally trafficked children and adolescents who are exploited for commercial sexual purposes. These victims arrive in Santo Domingo from various parts of Ecuador in transit or as a final destination. Anecdotal evidence claims that traffickers post job announcements along the lampposts of Santo Domingo's streets "seeking young attractive women for better paid jobs." Other coastal communities such as Machala and Guayaquil are referred to as recruitment centers, places of origin for a number of victims trafficked internally and internationally. Interviewees revealed that in Puerto Bolivar and Manta, some fathers reportedly profit from prostituting their daughters to fishermen and/or merchant boat employees.

In the highlands there are reports of minors from indigenous villages, located in and around Otavalo, trafficked to other Latin American and European countries (e.g., Spain, Italy). These youth are exploited for labor purposes, commercial sex exploitation, domestic servitude, and for drug trafficking (used as *mules* to transport drugs across borders). Interviews revealed that an estimated 1,000 minors have gone missing from Chimborazo over the last 10 years, and that children are sold to traffickers by their parents for an estimated \$200 USD.

The Government of Ecuador (GOE), in partnership with several key government and non-government organizations, has taken significant steps towards responding to its human trafficking problem. The Government of Ecuador has recently passed domestic legislation criminalizing trafficking in persons in its various forms of exploitation. Ecuador's civil society has stepped up efforts to fight trafficking through their involvement in nationwide awareness-raising campaigns and grassroots safe migration education, and by developing more targeted shelter services for trafficking victims. The Government of Ecuador, by presidential decree, formed an inter-institutional committee mandated with fighting trafficking in persons through a national action plan that was approved by Presidential Decree in September 2006. In June 2005, the GOE revised its criminal code to incorporate provisions criminalizing human trafficking in its various forms of exploitation. In 2006, the GoE supported an NGO-operated shelter for trafficked victims in partnership with the national agency National Institute for Children and Family.

In February/March 2006, upon request of USAID/Ecuador, USAID/EGAT/WID conducted a trafficking in persons assessment in Ecuador. The purpose of the assessment was to carry out a review of the scope of trafficking in persons and synthesize available data with the objective of evaluating existing anti-trafficking

activities, identifying trends and challenges, and recommending additional programmatic activities.

Lessons Learned

- Gender-based violence and inequality remain a long-standing social reality in Ecuador. Adult prostitution is legal and the country is rife with brothels. According to a study by the ILO, approximately 25,000 women work as prostitutes in Ecuador, of which 5,200 are minors. Research conducted by Defense for Children International indicates that over 2,900 adult prostitutes in Ecuador became involved in the commercial sex trade before they turned 18 years of age. While Ecuadorian society may oppose child prostitution, the GOE has demonstrated little interest in protecting victims of human trafficking (adult or minors) who may be held against their will in the country's brothels and forced to work as prostitutes.
- There is still a lack of available shelters in specific areas and specialized personnel skilled in effectively treating victims of human trafficking. Among shelter programs currently deemed successful, yet in need of additional capacity building, include Hogar de la Madre Joven, Fundación Casa de Refugio Matilde and Casa Tres Manueles in Quito; Fundación Amauta in Riobamba; Fundación Quimera in Machala; Fundación Esperanza in Santo Domingo.
- There is a lack of networking among the staff of the shelter programs whereby they can exchange data and experiences. Such exchange serves as the basis for staff training to improve the quality of their assistance to victims. The training also can be offered to other professionals—such as social workers, teachers, and law enforcement—to help them better understand the complexity and depth of the damage to the victim caused by the trafficking experience.
- There are few formal standard operating procedures to enhance cooperation among law enforcement officials during the investigative and prosecutorial process. By clearly delineating responsibilities and accountabilities for each unit involved in processing a trafficking case, these internal procedures can provide a strong foundation for prosecuting such cases and ensuring that victims receive the proper care and attention.

- Although the Government of Ecuador has revised its criminal code to incorporate provisions criminalizing human trafficking in its various forms of exploitation, there are no legislative references to the state’s role in providing assistance and protection services to the victims. Although the victim and witness protection program is an excellent step in the right direction, to have a legal framework that does not mandate the state to provide protection to victims and witnesses in human trafficking cases is a serious gap.

Best Practices

- The Ministry of Education’s (MOE) *National Plan on Sexual Education* mandates that curricula include information against sexual violence, including how students can prevent and protect themselves from commercial sexual exploitation and trafficking. The MOE also targets parents and family members in an awareness raising campaign, “Escuela para Padres” (School for Parents).
- The Ministry of Tourism (MOT), through their draft *National Plan of Action against Sexual Tourism*, is preparing to implement preventive and protective activities against sexual tourism. Some of these activities consist of awareness raising campaigns, dissemination of information on sex tourism, and training for members of the hospitality sector in key areas such as Otavalo and the Galapagos. In addition, a specialized police force charged with protecting areas of tourism, Poli-Tourism, is authorized to arrest persons when crimes related to sex tourism occur. Furthermore, Guayaquil’s Chamber of Tourism has taken active steps to protect children against sex tourism and labor exploitation through the implementation of micro-credit programs, children’s education programs, and skills development programs for women and at-risk youth.
- The U.S. Peace Corps is actively fighting trafficking through a 12 member task force focused on prevention activities within the communities of Esmeraldas, Machala, Guayas, Tena-Napo, Otavalo, and Santo Domingo. They facilitate “charlas” (discussions) on the dangers of human trafficking and discuss how to migrate safely. They also speak about life and employment skills, sex and health education, and gender equality.
- The National Institute for Children and Family (INNFA) launched a long-term highly visible youth oriented anti-trafficking public information campaign in collaboration with the Ricky Martin Foundation, a US-based regional charitable organization working against child exploitation. The campaign has a series of television and movie advertisements and stickers to put on public transport vehicles with the messages “No a la Trata” and “No al Tráfico” (No to Smuggling, No to Trafficking).

- The comprehensive longer-term assistance and psychosocial care victims receive throughout the court process has led to an increase in the number of cases entering the legal process. The Ecuadorian Center for the Promotion and Action for Women (CEPAM) in Guayaquil helps minors who have been internally trafficked through peer counseling, legal counseling, court representation, and emergency accommodations.
- The civil society organization, Defense for Children International (DNI), has been the driving force behind the pending adoption of an anti-trafficking ordinance outlining procedures and regulations for at the local municipal level. The local ordinance is also a result of the newly adopted anti-trafficking criminal code provision and child protection legislation at the national level. DNI is implementing a data collection project, aimed at improving the capacity of local municipalities to collect and analyze data instrumental in combating human trafficking at the local level.
- Catholic Relief Services (CRS) collaborates with a grassroots network of community and faith-based organizations enabling CRS to broaden the scope of its anti-trafficking prevention activities in Ecuador. The network has access to a significant number of vulnerable persons, to whom they can effectively relay anti-trafficking activities and messages and provide immediate basic protection, including emergency shelter to victims.

Recommendations

- **Establish a network among civil society organizations working on similar anti-trafficking activities and groups working directly with victims.** Implementing and coordinating activities as part of a network will enable the organizations to have a larger impact and reduce the incidence of duplication. Technical assistance in developing and managing larger scale activities can be provided to these organizations. Once formed, networks can benefit from forums held periodically to discuss challenging cases, developing trends, obstacles, achievements, and sustainability issues. Some in the network may want to focus on more specialized areas of concerns such as conducting social impact litigation, fostering legislative reform (regulations, ordinances), organizing study-visits in the region, and developing standard operating procedures.
- **Support law enforcement and legal professionals to better identify, investigate, and prosecute human trafficking cases.** Law enforcement, legal professionals, and service providers (e.g., consulates, social workers, and gender commissions) still require specialized multi-disciplinary continuous training. Also useful would be the development of a training manual for legal professionals with up-to-date ministerial regulations, departmental standard operating procedures and best practices.

- **Draft legislation to include modern methods for protecting victims and witnesses who testify in a trafficking or trafficking-related case.** Protective methods of providing evidentiary testimony in court include written testimonies or video-linkage. Without these methods, the testimony of a victim or witness will continue, more often than not, to be negatively affected due to the victim's sense of fear and intimidation at having to directly confront her/his alleged trafficker in the court room. Once drafted, the legislation should make specific reference to the state's obligation to provide trafficked victims with assistance and protection, including shelter, compensation and immigration status for foreign victims.

GUATEMALA

Trafficking in Persons Overview

Guatemala is the most populous country in Central America, with a population of 12.7 million and a high growth rate of over two percent a year. According to the Pan American Health Organization, unemployment rates are relatively low at 3.2% but underemployment is very high at 37%. Approximately 25% of Guatemala's households are fatherless, headed by a single woman and the polarization between rich and poor leaves about 80% of the population in poverty. Forty percent of children who enter primary school finished their third year and only 30% were promoted beyond sixth grade. The United Nations Committee on the Rights of the Child estimate that 10,000 children belong to street gangs and over 5,000 street children reside in Guatemala, the majority of whom are located in Guatemala City.

In the June 2007 U.S. Department of State Trafficking in Persons Report, Guatemala is placed on the Tier 2 Watch List. Guatemala is identified as a source, transit, and destination country for internal and cross-border human trafficking, especially children for the purpose of commercial sexual exploitation and forced labor.

Trafficking in persons, including child trafficking, is a significant problem in Guatemala, particularly along the country's border with Mexico and El Salvador. Extreme levels of poverty, gender-based discrimination and family violence are among the *push* factors of human trafficking in Guatemala. Although Guatemala is a source and destination country for trafficking, it is primarily a transit country for victims being trafficked to the United States. The Government of Guatemala reports that an estimated 300,000 persons cross the border annually between Jutiapa and Tecún Umán (Guatemala/Mexico border); an undetermined number of whom may have been trafficked. Often children looking to join their parents in the United States fall prey to traffickers through promises of assistance to cross the border and instead become victims. The Government of Guatemala's migration agency is working with the International Organization of Migration on a procedures manual to identify and monitor persons who frequently travel across borders with minors and youths.

The majority of victims trafficked into Guatemala are from El Salvador, followed by Honduras and Nicaragua. Although little is known about the scope of the problem along the borders with Belize and Honduras, there is reason to believe that underage boys from Honduras are being trafficked into the commercial sex industry in Guatemala. Anecdotal information suggests that minors are trafficked to work in begging rings and young, indigenous girls are trafficked to work as domestic servants in private homes.

Foreign women in Guatemala illegally are particularly vulnerable. Because prostitution is legal in Guatemala, authorities often fail to make the appropriate classifications as to whether an identified foreign woman is a trafficking victim. The police often mistakenly presume that foreign women discovered in brothels are illegal migrants smuggled into

the country by choice. When discovered by the police, undocumented foreigners, irrespective of whether they may be trafficking victims, have 72 hours to leave Guatemala.

Despite Guatemala's limited resources to combat human trafficking, in recent years there has been increased political will on the part of the Guatemala Government to fight this scourge. This political will has translated into the establishment of the National Civilian Police Trafficking in Persons Unit, the Public Ministry Special Prosecutors Office for Trafficking in Persons and the Attorney General Specialized Anti-Trafficking Units. The Ministry of Foreign Affairs formed the Inter-Institutional Group to Combat Trafficking in Persons and Illegal Migration in 2004 and developed a national strategy on trafficking in persons and illegal migration later in the same year. The Ministry of Social Welfare created the National Commission for the Prevention and Eradication of Commercial Sexual Exploitation of Children and Adolescents in Guatemala, which then implemented a prevention program highlighting the sexual abuse of children within their own homes.

Guatemala in 2005 amended its anti-trafficking laws to expand the definition of trafficking and to put in place stringent penalties for traffickers. Although, Guatemala has made these significant improvements in their response to trafficking, much remains to be done, including awareness raising campaigns and specialized training for service-providers (i.e., legal professionals, psychologists and social workers). In addition, Guatemala should develop a national referral mechanism for service providers to ensure that all the relevant actors are working together to provide the appropriate assistance and protection to trafficked victims.

In August 2005, USAID/EGAT/WID conducted a trafficking in persons review in Guatemala at the request of the USAID Mission in the country. The purpose was to carry out a review of the scope of trafficking in persons and synthesize available data with the objective of evaluating existing anti-trafficking activities, identifying trends and challenges, and recommending additional programmatic activities.

Lessons Learned

- Legal professionals, law enforcement agents, teachers, social workers and health officials lack sufficient, specialized training on how to better identify and assist actual and potential victims of human trafficking. Judges and lawyers, for example, 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 successful prosecutorial efforts and discourages victims from participating in the legal process. Although the anti-trafficking law was revised in 2005, members of the judiciary did not utilize the new law, reportedly due to the lack of clarity on how to apply the provisions of the revised law. Professional training and continued efforts on legal reform should remain a priority.

- The Guatemalan public lacks awareness of the issue of trafficking in persons. Having had little exposure to anti-trafficking awareness raising activities, the general public remains insensitive to the root causes and realities of human trafficking. International and national organizations have conducted some anti-trafficking general awareness raising activities in Guatemala, but in August of 2005 little visible evidence remained of any on-going awareness activities. 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.
- For the most part, anti-trafficking initiatives aimed at the prevention of trafficking and the protection of victims and potential victims in Guatemala are minimal, thus leaving a number of vulnerable persons without the necessary support and protection to avoid falling prey to sexual or labor exploitation. There are insufficient shelters offering integrated and comprehensive assistance and protection services to identified victims of violence, specifically trafficking victims. There is a void in victim repatriation protocols defining clear duties and responsibilities with neighboring countries in the region. This void has negatively affected the quality of assistance provided to foreign nationals, including child victims of trafficking, discovered in Guatemala.
- There is insufficient qualitative and quantitative research on trafficking in persons in several specific geographic areas of Guatemala and among certain key vulnerable groups, namely, adult women and indigenous communities. For example, the Belize/Mexico border with Guatemala in the Peten is known to be the least developed region in Guatemala where law enforcement is weak and trafficking in its various forms has flourished. A data collection mechanism is needed to monitor the human trafficking situation at the various borders in the country. At present, the most widely available information is focused solely on the commercial sexual exploitation of minors.

Best Practices

- The development of internal mechanisms and procedures for the systematic exchange of information and communication among the agencies of the Guatemala Government has been instrumental in combating trafficking in persons, domestically and regionally. The Guatemalan Ministry of Social Welfare developed a digital communication project in cooperation with its neighboring countries where data on children found in vulnerable or suspicious circumstances outside of their country-of-origin can be reported, leading to further monitoring of the case and at times eventual repatriation.
- Civil society organizations in partnership with international organizations have increasingly focused on the issue of sexual exploitation and trafficking of children in Central America. They have provided protection, prevention and training

services and have designed materials on laws and basic procedures for police and other law enforcement officials when intervening with an actual or presumed child or adolescent trafficking victim. In Guatemala a regional mapping exercise to determine the major trafficking routes has been developed and implemented by Save the Children, an international NGO, permitting more focused programs. Another successful project was implemented by the regional NGO CASA Alianza, through which children victims of human trafficking have been rescued from brothels and sheltered and offered rehabilitative and reintegration services.

Recommendations

- **Conduct targeted research into the incidence and nature of trafficking in persons in geographic areas and among vulnerable groups not previously studied in Guatemala.** For effective data collection, the researchers should be fielded to the regions where suspected trafficking activity is occurring. The researchers should conduct surveys and interviews with local law enforcement authorities and others providing direct services to actual or potential victims, especially at-risk youths, located in the targeted geographical areas or among the targeted vulnerable communities, especially indigenous populations.
- **Enhance collaboration between anti-trafficking government and non-governmental partners to expand public awareness raising activities.** In 2006, public awareness campaigns targeted tourist locations and border municipalities known for trafficking activities. A preventive public education campaign would need to address the push factors of family violence, gender inequality, and social-economic conditions of despair.
- **Provide additional professional skills development training for special anti-trafficking law enforcement units to increase capacity to combat trafficking, to ensure victim rehabilitation and prevent further re-victimization.** The staff of these units need specialized training in victim identification (to recognize the differences between a trafficking victim, smuggling victims, and migrants), the causes of trafficking, the psychology of victims, victim's legal rights, and appropriate referral mechanisms. Improved mechanisms for cooperation and intelligence gathering among the border law enforcement officials and civil society organizations working in border villages may also lead to more raids and rescues, thereby decreasing the number of trafficked victims and leading to more successful prosecutions.
- **Establish a strategic partnership among service-providers working with trafficked victims in order to establish a national referral mechanism involving all relevant actors and ensuring an effective support system within Guatemala.** Given the inter-disciplinary approach required to address the trafficking problem, significant coordination among law enforcement, judiciary

and social services is needed. Many countries have developed successful referral mechanisms and standard operating procedures to combat trafficking in persons and those models are readily available to be tailored (within the context of the host country) and disseminated.

JAMAICA

Trafficking in Persons Overview

In the June 2007 United States Department of State Trafficking in Persons report, Jamaica was categorized as a Tier 2 country of origin, transit and destination in the trafficking of persons. Trafficking in children in Jamaica is most commonly manifested in the form of sexual exploitation, prostitution, child pornography, domestic servitude, and child labor.

Jamaica is identified as a country of origin, transit and destination in the trafficking of persons, particularly children, both foreign and national victims. Prostitution, child pornography, domestic servitude and child labor are the most common forms of exploitation. The persons most at risk are youths in socio-economically impoverished communities located near tourist destinations and in urban Kingston. The current victim identification system is inadequate and the assistance referral process for victims does not yet exist. There exists real possibility for an increase on illicit border activities, including human trafficking, due to the regional open-door migration policy in recent years. The lack of successful prosecutions allow for human trafficking in Jamaica to remain a “low risk-high profit” organized crime activity.

Substantial evidence, including interviews with actual victims, reveal that both foreign and national victims are being trafficked from Jamaica to the Dominican Republic, Bahamas, Antigua, Trinidad Tobago, Panama, Honduras, Puerto Rico, St. Marten, Barbados, Bahamas, and Curacao. Minors, both girls and boys, are lured into sexual exploitation through employment in dance clubs and massage parlors in final destination countries such as the United Kingdom, the United States, and the Middle East, specifically Saudi Arabia, Qatar, and Dubai.

Within the country, trafficking for purposes of sexual exploitation occurs primarily in response to the significant demand presented by the tourist industry. Reportedly, weekly individual earnings from the sex trade range between \$3000 - \$6000 JD (\$50-\$100 USD), with peak tourist season averaging \$20,000 JD (\$350 USD) per week. Children, young woman and men are trafficked to and from the tourist areas and the nearby coastal communities, most notably Montego Bay, Negril and Culloden. According to governmental reports, human trafficking activities, including recruitment and harboring, occur in the Jamaican communities of Greater Kingston, St. Catherine, Spanish Town, St. Andrew, Savannah La Mar, Lucea, St. Elizabeth, Denham Town, Portmore, Harbor View, Papine, and Trench Town.

Jamaica’s sluggish socio-economic development results in a debilitating economy, rampant corruption and gang-related crimes, high rates of school drop-outs and illiteracy. Jamaica has a population of approximately 2.7 million. An estimated 16% of Jamaicans live below the poverty line. Youth account for 18% of the population, and the

youth unemployment rate is 34%. Estimates of street children reach 6,500. Jamaica is reputed to be at the forefront of the region's drug trade, pushing an undetermined number of young persons towards illicit activities and positioning them as potential targets for traffickers. Among those arrested for major crimes in 2004, an overwhelming 50% were between the ages of 16-25. It is within this overall context that human trafficking has been able to flourish undetected in Jamaica.

Furthermore, the liberalization of country borders in an impoverished socio-economic society, without protective enforceable mechanisms against abuse, may inadvertently bolster illicit cross-border activities of organized crime networks responsible for trafficking in persons. The perceived unlimited supply of victims presents an urgent need for a strategic and sustainable regional approach to combat human trafficking in the Caribbean.

In October 2005, USAID/EGAT/WID conducted an assessment in Jamaica upon request by USAID/Jamaica. The purpose of the assessment was to carry out a review of the scope of trafficking in persons and synthesize available data with the objective of evaluating existing anti-trafficking activities, identifying trends and challenges, and recommending additional programmatic activities.

The assessment concluded that, within a relatively short time span and with limited resources, Jamaica has risen to the challenge of addressing their human trafficking problem. Specifically, Jamaica has established a National Taskforce against Trafficking in Persons, ratified the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, passed child protection legislation against child trafficking, and has pending anti-trafficking criminal legislation. Jamaica also has an organized crime police unit, a number of anti-trafficking NGOs, a children's advocate, a governmental child development agency, and a witness protection law, with pending legislation for video testimony. The government has a women affairs bureau, a national action plan to combat human trafficking, a national framework for the integrated protection of children, a national action plan on youth development, and a pending action plan on gender equality.

Lessons Learned

- The Ministry of Justice led the drafting of the comprehensive human trafficking legislation aimed at increasing the number of cases prosecuted. The legislation clearly sets forth the activities and actions that constitute the crime of human trafficking according to the law. In February 2007 the parliament adopted comprehensive anti-trafficking legislation, the Trafficking in Persons Act of 2007. However, implementation of the law remains a challenge. Law enforcement must be trained on the new law to be able to competently identify, investigate and prosecute cases of human trafficking. There is a general lack of data, analysis,

reporting and monitoring regarding the number and status of trafficking cases in the legal process.

- The prosecution process is hampered by the lack of practical procedures in place for the personal security of witnesses, especially minors, who agree to testify. The witness protection program has undergone improvements to strengthen its efficacy, after a number of witnesses died while under protection. But to further support victims serving as witnesses, the proposed comprehensive anti-trafficking legislation in parliament will reference measures for the protection of victim-witnesses.
- A strategic partnership among service providers along with multi-sector professional development training would further improve the victim identification and assistance referral process. Jamaica lacks a functional and coordinated referral system among service providers which would immediately provide for basic assistance and protection, including secure accommodations, legal information and counseling to victims following a police raid.
- In Jamaica, root causes which are fueling the human trafficking problem include the alarming increase in poverty levels of urban communities, family and youth violence, teen pregnancy, youth dropout rates and the systemic challenges of weak rule of law. Too often the women and girls are depicted through popular culture as a disposable commodity without value or respect. Willful neglect of these socio-economic trends by policy-makers and politicians serves to increase the number of victims being trafficked and to allow traffickers to continue with impunity. This, in turn, increases the amount of illicit funds supporting gang violence, state corruption and other forms of trafficking.

Best Practices

- Through the establishment the National Taskforce Against Trafficking in Persons, policymakers demonstrated their political commitment to begin combating the human trafficking problem in Jamaica. Jamaica formed the National Taskforce against Trafficking in Persons in June 2005 under the auspices of the Ministry of National Security (MNS). The Taskforce coordinator is the Permanent Secretary within the Office of the Prime Minister (OPM). The 13 representatives on the multi-sectoral, inter-ministerial Taskforce are responsible for the systematic reform in counter trafficking efforts and for galvanizing political will from politicians, parliamentarians, donor governments and agencies, and the public. They have drafted a National Action Plan detailing short and long term anti-trafficking activities.
- Awareness raising initiatives launched in the recent past between 2006 and 2007 consist of a comprehensive research study on vulnerable persons and

communities impacted by human trafficking; preventive media campaigns at borders/entry-ports, selected airline flights, and high profile sporting events in the country. Civil society organizations (CSOs) have taken the lead, in partnership with government agencies, in raising awareness about human trafficking through community-based programs, especially among Jamaica's youth. They are well known for their service and respected among the residents and leaders in these communities, which tend to be volatile and poverty-stricken. These CSOs include faith-based organizations and have links with other organizations working in related fields (health etc) with women, youth, children, and the unemployed. These informal community-based networks facilitate the dissemination of awareness materials, increase the number of indirect beneficiaries, and promote the exchange of lessons learned and best practices.

- The Child Protection Act is a model legal reform for combating trafficking in children. The Child Protection Act, adopted in 2004, criminalizes various types of violence against children, and specifically trafficking in children. The Child Protection Act is the legal basis for the Office of the Children's Advocate, which is responsible for protecting and reporting on the status of the rights of children. The Children's Advocate is vested with the authority to raise public awareness and conduct investigations on violence against children and other forms of child rights violations, such as sexual exploitation, child labor and domestic violence.

Recommendations

- **Continue activities targeting at-risk youth, women, vulnerable persons and parents by expanding public awareness through community-based projects.** Some exemplary public education activities in Jamaica consist of peer counseling, remedial education and vocational skills training. Public education activities can target service providers such as teachers, social workers, child advocate office staff, parents, community groups, media and tourist industry personnel (i.e. hotels, travel agencies, transport agencies).
- **Establish an appropriate shelter for presumed and identified victims of human trafficking, along with an SOS helpline.** Shelter and assistance available to adult victims is extremely limited. Once identified, trafficking victims require safe and secure accommodation where they can receive the necessary basic services including medical, psychosocial, and legal counseling. In November of 2005 there was only one available shelter, limited in space and technical expertise. As a longer-term solution, the National Taskforce can sponsor comparative research to select an appropriate shelter model for local implementation based on the realities for Jamaica. Also, in order to provide victims and potential victims with information on available services including shelter, an NGO-managed operational SOS helpline is recommended. This NGO managed helpline would provide callers with preventive information involving emigration procedures, travel safety, counseling and referrals to service

providers for survivors or victim family members, list of contacts for service providers and an escape plan for actual victims.

- **Build capacity through specialized trainings allowing for in-depth examination of a particular case.** The trainings can be structured for a particular profession or senior personnel within the profession (e.g. advanced-level training for prosecutors with three years of experience). The trainings can incorporate videos, case studies, and input from national and foreign experts. A multi-disciplinary training approach increases the participant's ability to understand the multi-sectoral dimensions of a successful response to human trafficking.
- **Strengthen collaboration and information sharing among service providers (police, prosecutors, social workers, health officials, etc.) for trafficked victims by creating strategic partnerships.** The strategic partnership would be defined by a memorandum of understanding signed between the respective service providers agreeing on basic working principles, duties and responsibilities and standard operational procedures for assisting and protecting trafficked victims.
- **Create a system for the continual exchange of lessons learned and best practices from a regional perspective.** Jamaica is not alone in its fight against this international human rights violation. Jamaica's anti-trafficking partners need to liaise and network with their professional counterparts, regionally and internationally, in order to better grasp the magnitude of the connection of human trafficking with migration, economic, health, and organized crime issues. Other examples of shared experiences include case investigation process, case prosecution process, victim identification procedures after a police raid, and protection and assistance services to victims, particularly child victims. One recent initiative among regional partners was the establishment of a specialized taskforce to combat drug and human trafficking activities at national airports in Jamaica, a project implemented with the technical support of the United States.

NICARAGUA

Trafficking in Persons Overview

Nicaragua is a post-conflict society in transition and with a population of approximately 5.4 million. Vulnerability to trafficking is characterized by a host of factors: abandonment or gross family negligence, intra-family violence, economically impoverished single parenthood, desires to emigrate or parental migration. Additionally, extreme poverty, illiteracy, narcotics trafficking and the consequential need to survive are factors contributing to vulnerability. Notable districts known for human trafficking in the country include: Rio San Juan, Rivas, Madriz, Chinandega, and Nueva Segovia. Municipalities where human trafficking occurs include: San Carlos, Penas Blanca, Ocotal, Esteli, Somotillo, Granada, Leon and Managua.

The June 2007 U.S. State Department annual report on Trafficking in Persons placed Nicaragua in Tier 2, as a source and transit country of primarily women and children from both rural and urban areas, trafficked internally and cross-border for sexual and labor exploitation.

Nicaraguan youths, mainly girls, are deceived into sexual exploitation by joining alleged “tour excursions” out of the country, most often to Guatemala. There are reports that some traffickers have approached young people working in free trade zone factories in Managua and sought to lure them into trafficking with spurious offers of better remunerated employment abroad.

Trafficking for the purposes of forced labor is also reported to be common in the fishing, construction, and agriculture industries, as well as private homes where young girls are sent to work as domestic servants. The southern border town of San Carlos is a well-known trafficking route, mainly for child labor, a majority of who are boys.

Despite having one of the poorest economies in Central America, in recent years Nicaragua has been pro-active in protecting victims of exploitation, namely children. The Government of Nicaragua’s commitment is reflected in national legislation and policies, ratification of the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and enactment of a Child Protection Code making sexual exploitation of minors a crime. The Law on Tourism allows the business license of any company engaged in tourism that is linked to the sexual exploitation of children to be revoked. Mediating or promoting prostitution (pimping) is illegal and punishable by three to six years imprisonment.

In addition, Nicaragua has adopted a number of national policies on the protection of children, for example the National Plan for the Eradication of Child Labor and Protection of Adolescent Laborer; the National Plan for the Prevention of Intra-Family Violence; the National Plan against Commercial Exploitation of Children; and the Plan of Action on Children and Adolescents.

In 2006, a revised anti-trafficking legislation, Article 182 was submitted to parliament for adoption. The existing legislation (Article 203 of the criminal code), as well as the proposed legislation, is limited in its definition of human trafficking, mainly because it does not prohibit adult or child trafficking for the purposes of forced labor.

Other advances include introducing safe migration and border control practices; establishing a multi-sector coalition responsible for policy development; a draft National Action Plan against Human Trafficking; and specialized units established for the prosecutors and police. A high profile preventive awareness raising campaign was launched in partnership with the Ricky Martin Foundation targeting tourist sites and immigration centers. As of 2006, Nicaragua had established its first national SOS helpline.

At the request of USAID/Nicaragua, USAID/EGAT/WID conducted a trafficking in persons assessment in Nicaragua between January and February 2006. The purpose of the assessment was to carry out a review of the scope of trafficking in persons and synthesize available data with the objective of evaluating existing anti-trafficking activities, identifying trends and challenges, and recommending additional programmatic activities.

Lessons Learned

- Existing Nicaraguan legislation against trafficking fails to define the crime with sufficient precision to enable police and prosecutors to adequately apply the law in practice. Consequently traffickers tend to be prosecuted on charges such as kidnapping or rape, which do not carry prison sentences as lengthy as the crime of human trafficking. The proposed criminal law reforms call for the replacement of existing Criminal Code articles 203 (Trafficking in Persons) and 552 (White Slavery). The anticipated reforms will better define the crime, increase penalties, include the various methods of trafficking and harmonize child protective legislation with international law.
- In Nicaragua trafficked victims seldom agree to be witnesses as the legal system fails to provide protection against threats and intimidation by the accused trafficker. Current national legislation does not allow protective methods of testimony in the courtroom, such as video linked testimonies, separate screened rooms, permissible written testimonies or special protection measures for minors testifying. Occasionally, members of the judiciary offer the victim protection within the courtroom, but this is done on a completely ad-hoc basis and is unenforceable. Proposed revisions to the law in this area are being drafted.
- As a policy-making, multi-disciplinary entity, the National Coalition against Trafficking in Persons (NCCTP) faces a number of challenges. With an overall

membership of 75 representatives in the coalition, it is limited in its ability to effectively coordinate the group, facilitate data exchange, and formulate and monitor the implementation of policies. This structural weakness can be attributed to the lack of a legal framework delineating and regulating its scope of work, reporting mechanisms, membership terms of reference and obligations, accountability and enforcement mechanisms.

- Anecdotal evidence and survey reports reveal that much of the public is not sufficiently familiar with the negative consequences of human trafficking on Nicaraguan society. The public tends to regard trafficking in persons cases as the problem of individual victims and their families rather than as a systemic socio-economic human rights problem requiring attention. Instead, a significant portion of Nicaraguan society continues to blame the victim, even child victims, for their unfortunate predicament. The public remains confused between migrant smuggling and human trafficking, and are ignorant about the inter-relation between these two unlawful exploitative activities.

Best Practices

- The NGO Casa Alianza operates a shelter program providing direct assistance to street children, a number of whom are victims of internal trafficking. Casa Alianza is part of a Central American regional network with offices in Guatemala, Honduras, and Mexico and NGO partners in Costa Rica and El Salvador. Residents of the shelter program are provided with immediate shelter, health services, life and vocational skills, remedial education and family reintegration (if and when appropriate). Annually, Casa Alianza assists an average of 450 Nicaraguan street children and victims of internal trafficking.
- In recognition of the inter-relationships among migration, smuggling and trafficking in persons, the Nicaraguan government has made advances in addressing the issue of safe migration and border monitoring practices. Nicaragua is one of two countries in the region with both border officers and inspectors physically stationed at the border control post stamping passports and checking identification documents. The Ministry of Interior's Department of Immigration implemented a border control project in 2005 which resulted in the successful identification of 1,876 cases of minors (1,355 boys and 808 girls) attempting to or having succeeded in crossing the border. Some of these cases may have been child trafficking cases.
- The Nicaraguan government plays a key role in the repatriation of its nationals identified in other countries as victims of human trafficking. Through a series of working sessions between the Nicaraguan Ministry of Foreign Affairs (MFA) and their relevant counterparts in the region, victim repatriation has been successfully facilitated. For example, Nicaragua has secured bilateral protocols on repatriation with Guatemala and El Salvador. The MFA's consulates and embassies in the

region provide assistance with case files, police investigations, regulatory advisories and security alerts. During 2005, the MFA assisted with the repatriation of five cases of human trafficking in Guatemala, El Salvador and Honduras.

- Civil society organizations in partnership with government agencies continue to strengthen Nicaragua's efforts to combat gender-based violence, as one of the root causes of trafficking in persons. The Ministry of Interior Gender Commission Division consists of 23 offices spread throughout the country reporting on and filing police claims for intra-family and sexual abuse cases. The Gender Commissions also offer psycho-social counseling and referral services for assistance with health, legal issues and shelter. The Gender Commission offices in the municipalities are usually located near or adjacent to the local police office (perhaps not always an ideal location because of the apprehension of the community towards the police in some countries, but in Nicaragua this is apparently not the case). There are ten centers for women victims of sexual violence operated by the NGO Center for Female Victims of Sexual Violence (IXCHEN). In these IXCHEN centers women receive immediate medication, psycho-social, legal, educational and vocational services. The Nicaraguan government is currently reviewing a draft National Action Plan against Gender-based Violence which is pending adoption.

Recommendations

- **Bolster public support against human trafficking through public education campaigns and specialized trainings on investigative journalism.** Media attention on the successful convictions of trafficking cases can encourage the public to report suspected incidents of human trafficking. Responsible reporting and media training to address trafficking can bring pressure on public officials to prioritize and implement public policies to combat human trafficking. An aggressive, public information campaign can focus on the negative impact human trafficking has on crime and corruption, public health and safety, human capital and economic development, and human rights and children's rights. Innovative approaches already underway to raise awareness (radio programs, televised films, public interest television ads) and public education projects (town hall meetings, community peer discussions, school debates) need to be expanded.
- **Raise awareness among parliamentarians and legal professional groups in order to galvanize support for anti-trafficking legislative reform efforts.** To date, despite considerable lobbying by national and international partners, the Nicaraguan parliament has yet to pass pending legislative reforms to strengthen efforts to combat human trafficking in the country. One activity aimed at sensitizing parliamentarians is to arrange for the Nicaraguan Parliamentary

Committee on Women to host a seminar for their fellow parliamentarians on the devastating socio-economic consequences to the country caused directly and indirectly by human trafficking.

- **Increase capacity building of the National Coalition to Combat Trafficking in Persons (NCCTP) to strengthen institutional support for effective collaboration, resource sharing and exchange of information.** In order to regain a sense of commitment among its 75 members, the NCCTP should initiate a self-evaluation of its structure to re-examine its mission, short and long term objectives, and coordination mechanisms. It can consider the addition of more thematic working groups (i.e., witness protection reform, victim re-integration services, prevention through combating gender-based violence) and improvement of intra/inter communication (cyber space discussion forum, electronic monthly newsletter, restricted access webpage).
- **Use NCCTP to lobby for the implementation of reforms aimed at strengthening ministerial cooperation** and improving capacity of state service-providers on better identifying and assist possible victims of human trafficking among at-risks groups such as street children, remaining children of migrating parents and foster care children. For instance, such programs can include training municipal-level officials and non-government partners and increasing the involvement of the private sector in combating human trafficking at the municipal level.