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IN MODERN BONDAGE
**Sex Trafficking
in the Americas**

**EDITED BY DAVID E. GUINN
AND ELISSA STEGLICH**

T r a n s n a t i o n a l P u b l i s h e r s

IN MODERN BONDAGE: Sex Trafficking in the Americas

*National and Regional Overview of
Central America and the Caribbean*

*Belize, Costa Rica, Dominican Republic, El Salvador,
Guatemala, Honduras, Nicaragua & Panama*

**EDITED BY DAVID E. GUINN
AND ELISSA STEGLICH**

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International Human Rights Law Institute

In 1990, the International Human Rights Law Institute was established within DePaul University College of Law in response to sweeping global changes that created new opportunities to advance human rights and strengthen domestic and international legal institutions. The Institute is dedicated to developing and promoting international human rights law and international criminal justice through fieldwork, research, documentation, publications and advocacy.

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Preface

In 1998, the International Human Rights Law Institute (IHRLI) began its work examining the international trafficking of women and children for sexual exploitation within a human rights framework. A review of the efforts of various United Nations bodies and UN Special Rapporteurs over the past ten years, and a study of the publicly available literature on the subject including relevant treaties suggested that a global approach was required for an appropriate understanding of the phenomenon, even though its characteristics may be regional or national and are often influenced by unique cultural, economic and geographic factors.

The global research perspective on human trafficking has highlighted the common elements of this practice in modern-day slavery and its consequences to every nation. It has also underscored the need to establish and support a worldwide response regime to this human rights, social and crime problem. Several important steps have been taken in recent years to build momentum for an international response: the international community has signaled its support for the UN Convention against Transnational Organized Crime (2000, *not yet in force*) and its supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000, *not yet in force*); the UN High Commissioner for Human Rights issued a set of Recommended Principles and Guidelines for Human Rights and Human Trafficking (2002) applicable universally; and as a result of recent legislation, the United States government has begun to collect information and report on the status of trafficking around the globe. As these developments continue, research on the particular needs of countries and regions will become more important to ensure the effectiveness of international efforts.

As a result of its long-standing involvement in human rights work in the Americas and the lack of information on human trafficking in the region, IHRLI began to focus research efforts on Latin America and the Caribbean in 2000. By virtue of its past experience in investigating gender violence elsewhere in the world, IHRLI focused its attention on trafficking of women and children for purposes of commercial sexual exploitation.

The project responded to both the nature of the information available at the time and the research goals. First, the regional literature that existed as this project began demonstrated that most of what was known about trafficking for sexual exploitation was based on anecdotal reports in the media and derived from certain human rights organizations, particularly those assisting victims. In view of the clandestine and criminal nature of the phenomenon, the inadequate monitoring by law enforcement agencies, and public confusion about the nature of the problem, accurate quantitative data of the trafficking for sexual exploitation was impossible to obtain. In fact, available quantitative data was purely speculative and based on extrapolations. Therefore, the approach taken in this research was to develop a qualitative methodology that would elicit a more reliable level of anecdotal data and combine with other data and information to achieve a rich and nuanced assessment of patterns of conduct and public policy responses.

The more policy-oriented aims of the project—to heighten the attention given by governments to this phenomenon, increase public awareness, and contribute to the public and private debate on the types of policies that are needed to prevent and suppress trafficking without further harming the victims—also contributed to the methodological framework. Moreover, by clearly identifying and defining the problem, the research also aimed at facilitating the gathering of increasingly accurate information about the nature and extent of the problem. Finally, IHRLI wanted to focus greater attention on the plight of the victims in the hope that more would be done by governments and international organizations to reduce the level and number of victims and to provide them with greater material and human support.

IHRLI proceeded to develop an innovative methodology through which to study the veiled practice of sex trafficking, which is explained in detail within the report. The methodology, which includes broad public consultation and field investigation, intends to be explorative. The goal of the public consultation was to encourage a discussion of definitions and perspectives on trafficking—considering the important conceptual differences between smuggling and trafficking, the challenges of defining “sexual exploitation,” and standards of treatment for women and children. The field investigations aimed for a qualitative review of information and an explanation of why quantitative data may or may not be available. In constructing the project’s design, IHRLI sought a method that would be applicable elsewhere in the world but able to record the cultural, linguistic, historical, economic and social patterns that may figure into the realities of sex trafficking as they may exist in the region.

The discussion of country selection for purposes of study was complicated by the large number of countries within the Americas and their differences. In consultation with experts, IHRLI identified nine countries in the hemisphere in which to begin concentrated investigations. They are: Belize, Brazil, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama. The countries representing Central America and the

Caribbean were selected because of a perceived nexus between them in terms of regional organizations, geographical proximity and other factors. Studying them as a group also allowed researchers to develop a detailed understanding of trafficking within the individual countries as well as the interrelationship between the countries and the region as a whole. Brazil was also deemed an important focal point.¹

On this basis, IHRLI turned to the Inter-American Commission of Women of the Organization of American States (OAS), to seek the involvement of the Commission in this initiative. After the Commission agreed to IHRLI's proposal and to its partial funding, it suggested involving the Inter-American Children's Institute of the OAS, who also joined in the sponsorship of this project.

Prior to conducting field investigations, IHRLI organized and the Commission hosted a Meeting of Experts in April 2000 to consult with individuals, organizations and government representatives on the viability of the study and the methodological framework. Over sixty non-governmental organization (NGO) and government experts participated in the meeting. Several important contributions were made by the participants, which advanced the implementation of the project in the region.

Over the course of the research, the project developed and evolved in its learning, drawing knowledge from those who participated in the effort. The project greatly benefited from the assistance and support of the OAS Country Offices and the Principal Delegates of the Inter-American Commission of Women in the countries under study. Important contributions were also made to the project through the advice and insights of many government officials in the selected states, as well as from representatives of international organizations in and outside the region. In particular, IHRLI is grateful for the open discussions that have been possible with numerous government officials in the region who have demonstrated the concern of their governments for trafficking in women and children for sexual exploitation, not only in appreciation of its criminal nature, but also, and above all, for its human dimensions.

In carrying out this project, IHRLI involved NGOs, international organizations and government representatives: as consultants in the development and formulation of the methodology and its implementation; as coordinating agencies in the countries under study; and as information sources, participants and partners in the research. In each country, IHRLI aimed to generate local interest and ownership, so as to secure a network of actors at the national and

¹ The project in Brazil was implemented with a welcomed degree of local ownership by IHRLI's counterpart, CECRIA, and the dozens of local partners and research contributors. The comprehensive, five-region study was conducted over the course of almost two years. It followed the same methodology as was applied in Central America and the Caribbean. The findings and conclusions are being published in a separate report, which is available from IHRLI.

regional level that was committed to turning research findings into action. Toward that end, IHRLI selected NGO counterparts to act as country coordinators in the following states: Brazil—Reference Center for Studies and Actions in Favor of Children and Adolescents (*Centro de Referência, Estudos e Ações Sobre Crianças e Adolescentes*; CECRIA); Costa Rica—Inter-American Legal Services in Human Rights (*Servicios Interamericanos de Abogados en Derechos Humanos*); Dominican Republic—CIPAF (*Centro de Investigación para la Acción Femenina*); El Salvador—FESPAD (*Fundación de Estudios para la Aplicación de Derecho*); Guatemala—PRONICE (*Pro Niños y Niñas Centroamericanos*); Nicaragua—INPRHU (*Instituto Nicaragüense de Promoción Humana*); and Panama—*Casa Esperanza*. The National Committee for Families and Children in Belize and *Alternativas y Oportunidades* in Honduras contributed to early project activities. In many instances, these organizations brought numerous other groups into the project; in Brazil, for example, the project benefited from the participation of over 130 NGOs and academic institutions. We are grateful to these organizations and to those in them who have worked with us over the last two years. The project also benefited from the experience, advice and counsel of many other NGOs and international organizations in the region.

In the course of this experimental project, IHRLI learned a great deal about how to conduct such fieldwork. Hopefully, the lessons learned will serve as a guide to others who will follow.

Chicago
April 15, 2003

M. Cherif Bassiouni
Professor of Law, President, IHRLI

Acknowledgments

This book is the product of many years of research and learning at IHRLI on the complex issue of human trafficking. It builds on the knowledge gained through a rigorous review of trafficking literature around the world. Student and volunteer researchers examined over 200 United Nations reports from treaty-monitoring bodies, Special Rapporteurs and other bodies for information on trafficking and related practices.² In addition, international and regional treaties were analyzed and specially assessed for their force and application in the Central American region.³ Domestic legislation and policy statements were also collected, reviewed and compared.⁴ All of these research efforts have contributed to the findings discussed in this book.

The present work bears the mark of many hands who have helped to bring it to fruition – far more than can be properly recognized in this brief space. The National Counterparts led the research in their countries and were principle authors of their respective national reports. Elissa Steglich, Trafficking Project Officer (2001-2002) was principle author of the regional report and the national report from Belize. Contributions were made by volunteer lawyers and IHRLI Fellows and Research Assistants: Erin Abrams, Michele Dempsey, Jill Esenwein-Holly, Carolyn Frazier, Jennifer Healy, Anne Relias, and Sara Wraight. IHRLI staff members, such as Meredith Barges and Cora Maddox, spent many hours working on this manuscript. Laura Langberg of the Inter-American Commission of Women assisted in the final eight weeks of the project's fieldwork. Angela Hernandez provided translation services.

IHRLI is grateful to the Inter-American Commission of Women, and to its Executive Secretary, Carmen Lomellin, for assistance in this project and for the generous funding that IHRLI received through the Commission from the U.S. Mission to the Organization of American States, the U.S. Agency for International Development and the Pan American Health Organization. The Inter-

² See *infra* UN Documents Index, Appendix D.v.

³ See *infra* International Legal Protections, Appendix D.iv.

⁴ See *infra* Criminal Legislation, Appendix D.i. and D.ii.

American Children's Institute of the OAS provided additional financial underwriting. The OAS Country Directors and the Principal Delegates to the Inter-American Commission of Women deserve recognition for the keen interest they assumed in the investigations as they advanced, and the technical support they offered to researchers during country visits. Their efforts facilitated access to many critical information sources, without which this research would have been lacking.

The NGO partners in selected states and named in the Preface proved invaluable for their contributions to this project. Their commitment to improving the situation of human rights in their countries and advocating for the protection of the most vulnerable sectors of society inspired the development of the investigations. As the constant on-ground eyes and ears for this project, their significance cannot be overstated. Special mention should also be made to Romeo Magaña who assisted researchers in Belize, and the Offices of the National Human Rights Ombudsman in Santa Rosa de Copán, San Pedro Sula and La Ceiba who provided invaluable support and assistance for research in Honduras.

Lastly, IHRLI would like to express its appreciation and gratitude to DePaul University for its financial support of this project and, in particular, to its President, the Rev. John Minogue, C.M., and to Ambassador John Kordek, Associate Vice President for External Relations, for their support in so many ways. The University Research Council of DePaul University also generously supported the project. In addition, the Institute extends its sincere thanks to the Jeanne and Joseph Sullivan Foundation, which supports the Jeanne and Joseph Sullivan Program for Human Rights in the Americas.

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National Counterparts

Belize

The National Committee for Families and Children and Servicios Interamericana de Abogados en Derechos Humanos (Servicios)

The National Committee for Families and Children, a quasi-governmental organization under the partial direction of the Ministry of Human Development. The NCFC serves as the focal point for advocacy on issues relating to the UN Convention on the Rights of the Child. Representatives from the CIM and IHRLI conducted investigation activities during a ten-day visit to Belize.

Costa Rica

Servicios Interamericana de Abogados en Derechos Humanos (Servicios)

Servicios was selected as regional coordinator due to the expertise of Victor Rodriguez, a former official with the Interamerican Court. Sr. Rodriguez had developed outstanding contacts with Human Rights leaders and organizations throughout the region-contacts that proved to be invaluable in setting up the project. In undertaking the Project, Mr. Rodriguez enlisted additional collaborators with skills and expertise appropriate for projects under the organization name *Servicios*.

Dominican Republic

Centro de Investigación para la Acción Femenina (CIPAF)

A non-governmental organization dedicated to the advancement of women, CIPAF aims to promote women's participation in social, economic, and political spheres, sponsor women's issues on the public agenda, and increase awareness of gender rights and discrimination. Its activities focus on research and training, and include the monthly publication of an international journal, *Quehaceres*.

El Salvador

Fundación de Estudio para la Aplicación del Derecho (FESPAD)

FESPAD is a legal research organization whose mission is to promote the rule of law and encourage the development of juridical science especially in areas of economic, social and cultural rights. It coordinates the activities of its sub-parts: the Legal Information Center; Center for Constitutional Studies and Human Rights; Center for Penal Studies in El Salvador; and the Center for

Studies for the Application of Law.

Guatemala

Pro Niño y Niña Centroamericanos (PRONICE)

Founded in 1992, PRONICE is a non-governmental organization devoted to the protection and promotion of children's rights. Its principal objective is the development of an awareness package involving training, publications, and educational materials to prevent child exploitation and violence against children. In recent years, its activities have included work on child trafficking. PRONICE is the lead organization in the creation of a proposed national action plan against the commercial sexual exploitation of children.

Honduras

Alternativas y Oportunidades

Since 1989, *Alternativas y Oportunidades* has worked for the protection of children's rights in Honduras. Recent activities have focused on street children and other child groups that are in situations of particular vulnerability.

Nicaragua

Instituto Nicaragüense de Promoción Humana (INPRHU)

INPRHU, one of the oldest NGOs in Nicaragua, works throughout the country with children and adolescents to promote their economic and social integration. In collaboration with state agencies and other civil society organizations, INPRHU responds directly to the needs of children and families. Its activities include popular education programs and social services. INPRHU currently heads the Coordination of NGOs for the Defense of Children.

Panama

Casa Esperanza

Casa Esperanza is a non-governmental organization dedicated to the eradication of child labor. Working at the community level, its activities include: education programs to encourage children to remain in school; health education and services on malnutrition, reproductive health (STD awareness), and drug abuse; human rights campaigns for children's rights and programs to assist in child birth registration and access to public services; and popular education training courses for families and single mothers.

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Part One

A Regional Overview: Central America and the Caribbean