

A Review of Recent OAS Research on Human Trafficking in the Latin American and Caribbean Region

Laura Langberg*

INTRODUCTION

No review of research on human trafficking worldwide would be complete without an examination of the situation in Latin America and the Caribbean. In the past few years, the Latin American and Caribbean regions have witnessed increased activities by the US Government, international organizations, and civil society alerting governments and migrants on the continually evolving nature of human trafficking, both domestically and across international boundaries. Effective policy responses to the scourge of human trafficking require reliable data based on solid empirical research. The clandestine nature of this criminal activity makes it only possible to rely on estimates, primarily from the non-governmental organization (NGO) community. As in most parts of the world, before the year 2000 the problem had been overlooked and understudied in Latin America and the Caribbean. In an effort to ameliorate this problem and provide governments information that more fully addressed the scope and nature of the problem, the Inter-American Commission of Women (CIM) and the Inter-American Children's Institute (IACI), both of the Organization of American States (OAS), collaborated with the International Human Rights Law Institute (IHRLI) of DePaul University to study human trafficking in Latin America and the Caribbean.

As indicated in the project title – *The Trafficking of Women and Children for Sexual Exploitation in the Americas* (Trafficking in the Americas) – the OAS/DePaul research focused on the trafficking of women and children for sexual

* Inter-American Commission of Women (CIM), Organization of American States (OAS), Washington, DC, USA.

exploitation. From the beginning of the study and during the interviewing process, the general confusion between migrant smuggling and trafficking in human beings became clear and, in many cases, was even quite explicit. The same lack of distinction was encountered in government institutions and civil society organizations. Two main factors account for this confusion. The first point of confusion is the translation from English into Spanish of the word “trafficking”. The word generally used in Spanish countries is *tráfico* (in reference to drug trafficking, arms trafficking). In the case of trafficking in persons, the United Nations (UN) official documents translated “trafficking in persons” not as *tráfico de personas*, but as *trata de personas*. It is the only situation where the word “trafficking” does not translate as *tráfico* but as *trata*. The second point of confusion is the absence of a clear understanding of the difference between “trafficking” and “smuggling”, which is also a problem in other regions of the world.

While trafficking for forced labour other than sex work is definitely a pressing problem in Latin America and the Caribbean, trafficking for sexual exploitation was perceived as more widespread and oppressive for women, adolescents, and children. The project aimed to provide an understanding of the sex trafficking practice in seven countries in Latin America and the Caribbean: Belize, Costa Rica, El Salvador, Guatemala, Honduras Nicaragua, Panama, the Dominican Republic, and Brazil.

A large number of local NGOs conducted the field research in each of the target countries. Most of them had expertise assisting abused women and children. The study focused on adolescents and women. Representatives from IHRLI/DePaul and the CIM verified and complemented the research with interviews in the field, at the governmental and non-governmental levels. Despite the underground nature of the phenomenon, the multitude of factors that encourage silence and impunity, and the lack of trafficking-specific indicators which make the quantification of trafficked persons impossible, the project’s research data provides governments and international organizations a factual base to draft and implement adequate policy responses to combat trafficking and protect victims. The results of the research are compiled in a series of publications (see IHRLI, 2002; Leal and Leal, 2003).

Since 2004, CIM, and the OAS Anti-Trafficking Coordinator’s Unit, in partnership with the International Organization for Migration (IOM), have been implementing a one-year capacity building and applied research project to study, train, and raise awareness on the importance and need for coordinated mechanisms to address trafficking. This effort is being carried out in Bolivia, Mexico, and Belize, with funding from USAID and a contribution from the Government of Mexico

for its country project. The project is coordinated by the CIM/OAS, using the resources and expertise of IOM field staff in the countries. In 2004, IOM received funding from the office of Population, Refugee and Migration (PRM/DOS) to implement a similar project in partnership with CIM/OAS in the following countries: Bahamas, Barbados, Guyana, Jamaica, the Netherlands Antilles, Suriname, and Saint Lucia.

This paper reflects the findings of the first research project (IHRLI/ CIM/IACI-OAS).

METHODOLOGY OF THE STUDY

A first step in the project was to convene a meeting of experts held at the OAS headquarters on 11 April 2000, in Washington, DC. More than 60 persons, including representatives of UNICEF, IOM, UNIFEM, OAS, as well as US Government officials, attended the meeting to discuss methodology and strategy for accomplishing the trafficking research. Most of the major US and Latin American NGOs working in the field participated at the meeting, including: the Women's Caucus, National Organization for Women (NOW), Amnesty International, Human Rights Watch, Lawyers Committee for Human Rights, experts from several universities in the United States, International Human Rights Law Group, and several Latin American groups from Argentina, Brazil, Uruguay, and Costa Rica. The discussions and results were crucial in outlining the methodology of the Trafficking in the Americas project.

The research design that developed from the meeting included four key elements:

1. IHRLI guidance and collaboration with NGOs as counterpart organizations in each participating country;
2. Initiation of public debate on the issue of trafficking through a national consultation meeting in each country;
3. Field investigation on the trafficking of women and children for sexual exploitation; and
4. Use of the study's findings and conclusions to draft effective regional and national recommendations for trafficking.

The fieldwork research included the following components:

1. Interviews with relevant government officials to contribute to a diagnosis of each state's recognition and reaction to the problem;
2. Interviews with non-governmental actors and other key informants regarding the incidence of trafficking and the effectiveness of the government's response;

3. A study and evaluation of national legislation, including policies and laws, related to trafficking, and its enforcement;
4. A study and evaluation of international protections and mechanisms applicable and/or available to combat trafficking and its effects; and
5. The compilation and analysis of data from all available sources of the patterns and practices of trafficking and exploitation.

Interviews were conducted first by the NGOs and local consultants, and later by experts from IHRLI and OAS. Meetings and interviews included representatives of government institutions, women's affairs, youth and children, health and AIDS commissions, labour, immigration offices, foreign affairs, national and local authorities, and tourism offices. Consulates played an essential role, particularly those consulates with a large number of smuggled and potentially trafficked victims (Dominican Republic, El Salvador, Honduras, Guatemala, Nicaragua) and Central American consulates in countries of transit and destination (Costa Rica, Panama, Mexico).

In addition, interviews were held with representatives of international organizations (ILO/IPEC, IOM, UNICEF), civil society organizations such as academic institutions, research institutes, churches, NGOs active in the fields of human rights, women and children, individuals involved in or affected by trafficking practices, family members of disappeared adolescents and women, and media representatives (see IHRLI, 2002: 91, 127-142).

The research was conducted in two phases. A structured questionnaire was discussed among the main partners and used by NGOs as a basis during the first phase of the preliminary research. The second phase was conducted by representatives of IACW and DePaul University. This phase aimed at validating the first phase and to expand or deepen the questionnaire, according to the information gathered during the first phase.

DIFFICULTIES IN DATA COLLECTION

The study in Central America, the Dominican Republic, and Brazil had the objective of assessing trafficking based on reliable information and data. However, the collection of accurate data posed great difficulties, owing to circumstances such as violence, abuse, coercion, trauma, and stigma associated with sexual exploitation. Victims were very reluctant to denounce their recruiters and preferred to remain silent, in many cases because of the existence of institutional disincentives, such as policies that criminalize rather than protect victims, the absence of witness protection programmes, and judicial proceedings that tend to re-victimize the victims of trafficking.¹

Political leaders recognized publicly the existence of smuggling but did not have enough information on trafficking for sexual exploitation. Trafficking is considered to be related to prostitution, rather than to slavery. Gender and age discrimination foster an acceptance regarding the sexual exploitation of trafficking. These aspects ensure that knowledge of trafficking activities remains anecdotal (IHRLI, 2002: 80). As is the case with most black market and clandestine activities, essential information is guarded and corruption is fed by the traffickers. Traffickers have good networks and more resources than law enforcement officers, whose investigative capacities are extremely limited by human, technical, and financial resources. Finally, the already scarce collected data in government offices is often lost in inadequate management and coordination systems.²

In general, consulates recognize only those individuals who have escaped from their trafficking experience; in some cases consulates realized that women were involved in the sex industry, but did not discover their exploitative conditions. Health officers, for their part, attend to only the most visible populations who work in streets, parks, markets, relatively open bars, and other establishments.³ This research initiative was a first step to bringing to light the realities of sex trafficking in Central America, the Caribbean, and Brazil. A more targeted research remains necessary to complete the understanding of this exploitative situation of migrants, particularly regarding other trafficking purposes, such as domestic servitude and forced labour.

RESEARCH FINDINGS/GAPS

Trafficking in Latin America is fuelled by several factors: poverty, political and social violence, gender attitudes leading to inequalities, and a general indifference toward women, adolescents, and children. Globalization, liberalized borders policies, and ease of movement of people have exacerbated the problem by creating what some call market opportunities for traffickers in human beings (IHRLI, 2002: 40 and 46). There is a lack of adequate anti-trafficking legislation and training at all levels, whether national, regional, or municipal. The crime of trafficking as such is not explicitly defined in the legislation. Moreover, the enforcement of existing laws against pimps and facilitators is practically non-existent.

Many of the focus population, young adult women (aged 18 to 25) and children (aged 12 to 17) fell victim to traffickers because of economic necessity, responsibility as single heads of households, illiteracy or minimal education, lack of technical skills, and a history of physical and sexual abuse. Other external

factors contributing to an environment conducive to trafficking are widespread gender discrimination, unemployment and poverty, attitudes of disdain, lack of respect for women and children, weak migration controls, corruption, as well as the impact of globalization. The sex market, sex tourism, and other forms of demand for sexual services are also fundamental components in the existence of trafficking networks (IHRLI, 2002: 47).

Traffickers act as businessmen and are savvy in their tactics. They are well aware of migration policies, legislation, and practices and frequently operate through legal means for illegal purposes. Traffickers have a network with private and public agents including shippers, taxi drivers, cyclists (rickshaws), and truckers who participate in the recruitment and transportation process. They make use of the media to recruit through classified ads with false jobs and radio announcements. In addition, internet service stimulates demand through web pages that offer sex tourism and arranged marriages with foreigners. Attorneys are intermediaries in the forgery of documents, or prepare fraudulent marriage documents. Owners of nightclubs, brothels, cabarets, bars, massage parlours, and hotels participate in the process of recruiting and exploiting, receiving and gaining control over the victims' earnings, and withholding their documents to ensure a position of power over them. Most frequently, they operate with impunity. Public officials, including immigration and police officers, assist traffickers together with other public officials.

The demand in the region is mainly for prostitution and pornography. It is concentrated in areas where there is tolerance of trafficking, such as border areas, tourist areas, ports, locations along international routes, and certain agricultural areas where migrant workers are primarily men. The increase in organized sex tourism and the massive establishment of casinos in the region have opened up a growing international market.

The study also identified source countries, such as the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua, and transit and/or destination countries, such as Mexico, Belize, Costa Rica, and Panama. The source countries are characterized by the lowest GDP figures and the highest youth illiteracy rates together with the lowest female primary school entrance rates (IHRLI, 2002: 27-30). Other relevant reports and studies in Central America and Panama have been taken into account and their findings mentioned in the report.⁴ In 1995, a study on adult prostitution in Panama concluded that lack of housing, unemployment, and economic reasons were the most common causes among those interviewed, representing 42.5 per cent of the total. Another indicator is that the sex worker was victimized by friends, neighbours, or familiar persons; family disintegration and abandonment were also part of the principal causes, registering 22 per cent and 16 per cent respectively (Villareal, 1995).

Researchers, NGOs, and service providers emphasize that providing employment alternatives could significantly reduce the risk for women to fall prey to human trafficking. Where female labour training programmes exist, they have focused on beautician skills, sewing, and cooking. These programmes are thus far ineffective. Some businesswomen associations expressed concern over the growing problem of sex trafficking, but little has been done so far to offer alternatives to poor women, such as training in sustainable micro-enterprises or commercial skills.

Combinations of political, legal, cultural, and socio-economic factors, which create a deep level of desperation in vulnerable communities, provide ground for traffickers. Taking into consideration particularities in each country, similar problems and obstacles were detected in all of them. It is important to remember that trafficking in persons is a recent issue for the governments, and that the UN Protocol has had a very short life since it was signed in 2000. A first analysis detected the following: absence of public policies against trafficking and smuggling; legal gaps or inadequacy of existing legislation and corruption affecting particularly police, border migration, and consulates. All of these lead to the impunity of the traffickers (recruiters, intermediaries, owners of establishments). The lack of adequate services for the victims (health and legal assistance, economic alternatives, etc.), are push factors to becoming re-trafficked. The chain in the process of deportation-smuggled-trafficked continues without adequate intervention, particularly in the routes from Central America to Mexico.

Other challenges are the lack of specialization in the investigative police, including the police gender unit; and prejudicing the appropriate handling of victims, resulting in the absence of charges due to a fear of authorities and lack of confidence in the judicial system. The scarcity of human, technical, and financial resources is alarming. It is difficult to quantify trafficking cases owing to the absence of registration systems. Governments and NGOs do not maintain regular data on specific or potential trafficking cases. Social tolerance to sexual abuse, discriminatory stereotypes of women and children victims of sexual exploitation, and a culture that discourages reporting those suspected of trafficking make the crime less visible. Few court proceedings are initiated. Practically no one is convicted on charges of trafficking or as promoting the entry of women for prostitution. Health and welfare services for women and children rarely offer assistance to the victims.

POLICY RESULTS

The research study was designed to assess the existence of sex trafficking in Latin America and the Caribbean, to survey existing programmes and policy

responses to the problem, and to identify local as well as regional needs to formulate effective strategies to combat the problem. The fieldwork and the research study created some awareness of the need to adopt policies at the General Assembly of the OAS.

The results of the study by itself cannot be measured without considering the debates that have emerged in numerous meetings at the OAS. The institutional responses from different areas of the government produced slow but steady changes in the attitude toward trafficking victims. The fieldwork by the NGOs, CIM/OAS, and IHRLI, visits to border areas, and interviews conducted with some 40 public offices in each country during several months contributed to promoting awareness and creating interest in understanding how to conduct prevention and information campaigns. In addition, the meetings and discussions held at OAS headquarters on the subject had a positive impact within the OAS agencies and in the member states.

The outcome of the efforts to promote policies within the OAS can be summarized as follows:

- Recognition of trafficking in persons as a human rights violation, a criminal activity and the responsibility of governments to take immediate actions;⁵
- Inclusion of civil society and the private sector in partnership with the government, in any plan of action;⁶
- Adoption of the two General Assembly Resolutions on the subject and instructing the appointment of an OAS Coordinator on the Issue of Trafficking in Persons;⁷
- Prevention of trafficking in women and children in the tourism sector, at the meeting of Ministers of Tourism in the Americas;⁸ and
- The Fifth Meeting of the Ministers of Justice and Attorneys General of the Americas (REMJA-V).⁹

RECOMMENDATIONS/FUTURE RESEARCH NEEDS

The Latin American and Caribbean regions are two of the most under-researched and under-funded regions in the world on trafficking in persons. The official data is extremely insufficient, and the available information on smuggling cases is scarce and does not provide much help to the researchers. Until very recently, governments have been reluctant to acknowledge the existence of trafficking, and in most cases the focus never moves beyond sexual exploitation. While this type of exploitation is extremely damaging to the mental and physical health of victims, and violates a number of human rights, there are other forms of traf-

ficking for exploitation less visible but also severe: domestic servitude and labour exploitation.

Governments and civil society must recognize the existence of trafficking in persons as a form of labour exploitation, more than just as the movement of migrants. More attention should be given to internal trafficking. Countries like Argentina, Brazil, Mexico and Costa Rica are already concerned about sex tourism and are in the process of designing policies on the prevention of internal trafficking of children to satisfy the demand in tourist areas. Officials working on anti-trafficking cases might include and give more emphasis to situations of forced labour, domestic servitude, begging, and other forms of exploitation in their national agendas. Thus, officials from labour ministries, particularly labour inspectors, who have access to much of the workforce, play an essential role and have specific responsibility in identifying situations of exploitation in a variety of workplaces. They should do more than giving a warning and/or fine to the employer. They could help timely interventions, during the rescue and the referral of victims to existing protection networks, and assist the authorities during the investigation. Ministries of labour are engaged in some countries in a practice of authorizing work permits for “entertainment visas”.¹⁰ These regulations should be reviewed in light of the cases that emerged from abusing this visa category to facilitate the trafficking for purposes of sexual exploitation.

The following are the areas in need of further research:

- The demand-supply dynamic and the sex industry.
- The trafficking for other purposes of exploitation and the demand for cheap labour (forced labour, domestic servitude) and removal of organs.
- Little attention has been given to those who economically benefit from the trafficking business, either individuals or associations.
- More data is needed to study the connections between corruption and trafficking networks.
- A better understanding of the sociological root causes of massive migration and of good practices to favour orderly migration. Changing the focus of future research could complement what has been done so far and contribute to making substantial and positive policy decisions at the national and regional levels.

NOTES

1. National Reports, especially Nicaragua, Honduras, Dominican Republic and Brazil, unpublished and on files at the IHRLI-DePaul University and Inter-American Commission of Women.
2. National reports on Nicaragua and Belize (unpublished).
3. National report of Belize (unpublished).
4. Special recognition to Casa Alianza for facilitating its report “Investigación regional sobre tráfico : prostitución, pornografía infantil y turismo sexual infantil en México y Centroamérica”, Costa Rica, 2002 (Spanish).
5. CIM Assembly of Delegates resolution “Fighting the crime of trafficking in persons, especially women, adolescents and children” (CIM/RES.225 (XXXI-O/02), expresses that trafficking in persons is a “flagrant violation of human rights of women, adolescents and children who are victims of trafficking, who live in dangerous and inhumane conditions during their transfer, reclusion and exploitation in the countries of origin, transit and ultimate destination, and the impunity of the criminal networks (recruiters, carriers and owners of establishments) that thrive on this criminal activity”.
6. CIM Assembly of Delegates resolution “Fighting the crime of trafficking in persons, especially women, adolescents and children” (CIM/RES.225 (XXXI-O/02) states: “to engage the private sector, especially the travel and tourism industry and the media, in strategies designed to eradicate trafficking in persons...”.
7. “Fighting the crime of trafficking in persons, especially women, adolescents and children” (GA/RES.1948 (XXXIII-O/03) and GA/RES.2019 (XXXIV-O04), in which the General Assembly reaffirms that “trafficking in persons, especially in women, adolescents, boys and girls is a modern form of slavery...”, and resolves “...to instruct the Secretary General to appoint an OAS Coordinator on the Issue of Trafficking in Persons, Especially Women, Adolescents and Children...”.
8. “Declaration and Plan of Action adopted by the Inter-American Tourism Congress, (XVIII Inter-American Travel Congress, 18-20 June 2003, Guatemala): The Ministers of Tourism of the Americas agreed to include in the Declaration “that the trafficking and exploitation of women, adolescents and children for sex tourism is a serious scourge on our societies, which negatively impacts the structure of families and the image of our countries as tourism destinations...”.
9. Held in Washington DC, 28-30 April 2004, included in its agenda the discussion of trafficking in persons, organized crime and the adoption of specific recommendations to prevent and combat trafficking in persons, especially women and children. The recommendations (OEA/Ser.K/XXXIV.5, REMJA-V/doc.7/04 rev. 4, 30 April 2004) are expressed in Section VI.
10. In Spanish *Visa de Alternadora*, which means working in bars in prostitution, illegal in itself but misguided under these special permits or visas.

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