



# In Brief



## Central Amerika: Child Trafficking in Guatemala, El Salvador and Nicaragua

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### The situation of the children in Guatemala, El Salvador and Nicaragua

- The situation of the children in Guatemala, El Salvador and Nicaragua is characterized by the increasing impoverishment of the society in the last two decades as a consequence of the neoliberal economic policy and sweeping globalisation. The visible repercussions include an increase in the unemployment figures, growing migration and increasing child labour.
- Poverty and the accompanying migration are two factors favouring child trafficking.
- Violence against children within the family is a widespread and, to a large extent, accepted phenomenon in the society. This applies to all three states included in this study.
- Likewise, sexual abuse of children and youngsters by members of their own family is also widespread.
- El Salvador is particularly affected by migration due to the civil war in the eighties.

### Child Trafficking Segments in the three Central American States

- Prostitution or other forms of commercial sexual exploitation
- Adoption (national and international)  
Adoptions play a part only in Guatemala and El Salvador.
- Drug smuggling
- Trading in organs
- Work / Hard labour

These are the segments in which child trafficking take place although there are no facts currently available regarding the exact extent and the number of children affected, their ages and their origins.

### Child trafficking and Missing Children or Young Persons in the Public Consciousness

- Trafficking in children and the problem of missing children and young persons impresses itself on the public consciousness only to a very limited extent in these three Central American states. The entire theme complex is not perceived as a problem either in public administration nor in Government institutions or among the populace. On the contrary it is either suppressed or ignored. And this in spite of the fact that the existence of child trafficking is basically very well known.
- The official authorities do not provide comprehensive and meaningful statistics, reliable sources or any methodical studies on this theme. Not one Government institution in the three states - neither civil authorities nor the police - maintains proof or statistics about the number of missing children and young persons.



- As a rule, reports on child trafficking or missing children and young persons can be obtained only from the press. However, even these sources contain few reliable facts about organisations, backgrounds, interconnections between the state and organised criminality or trade routes. Instead, they usually repeat conjectures or rumours. They also cannot be regarded as an adequate substitute for the deficient statistics since the press only reports a part of the cases and people who surface again are rarely mentioned.
- The findings in this study are thus based more on assumptions, smaller studies or media reports than on evidence or verifiable facts.

### **The problem of Child Trafficking as Codified in Legislation**

- Basically, after the wars and the civil wars of the past two decades, none of the three states has a well-developed civil society that makes an adequate provision for child trafficking in its laws.
- Up until now none of the three states has a specific law that defines child trafficking as a criminal offence. Judicial prosecution is usually possible only on the basis of generally applicable laws (such as *Comercio de personas* in El Salvador) or through laws for adults. Only in Nicaragua, the *Código de la Niñez y Adolescencia* contains an article in which trafficking in children is made a punishable offence. However, a differentiated handling of this offence is lacking here as well.
- The political parties in all three states have opposed the passing of national laws for the protection of children and young persons. For instance, in Guatemala, *El Código de la Niñez y la Juventud* was delayed for years in the Parliament before it was passed in 1996. In Nicaragua there is a law that threatens to facilitate adoption of children.
- International conventions are adopted in the national legislation very cautiously. For instance, the *Convención Interamericana sobre Tráfico Internacional de Menores* of August 1997 has not been ratified in any of these three states up until now (As of: September 2000).

### **Factors that favour Child Trafficking**

- The corruption that is widespread in all three states, which also includes collaboration between the child traffickers and the judiciary, police and the administrative machinery. Among other things, this favours or facilitates the issuing of false adoption papers.
- Lack of systematic registration of child trafficking by the responsible state institutions.
- Lack of laws against child trafficking.
- Lack of support and an inadequate supervision of the civil and religious relief organisations by the responsible state institutions.
- Inadequate checks at the borders, which could have restricted or prevented international child trafficking.
- Efforts by the police to locate missing persons are either inadequate or non-existent.
- Lack of or poorly maintained register of persons. Among other things this facilitates the issuing of false birth certificates or enables children to disappear without a trace, since births or migration are only documented to a very limited extent.
- Lack of public consciousness of the problem within the society.

### **Extent and Methods of Adoptions**

- The studies mentioned are mainly restricted to information regarding adoptions in Guatemala and El Salvador.
- In Guatemala there are two legal possibilities for adopting children: private and state adoption. Private adoptions are mediated through an attorney or a Notary who is expected



to protect the interests of the adoptive parents as well as the interests of the mother and the child within the framework of the legal stipulations. The attorney or Notary also prepares the necessary documents in cooperation with the state administration (Procuraduría General de la Nación) and subsequently documents the adoption. In the process the state administration also plays the role of a supervisory authority. State adoptions take place through the competent family courts (Juzgados de Familia) and primarily deal with orphans or abandoned children. In this case the proceedings usually take more than a year and is more time-consuming than a private adoption. 99 per cent of the adoptions take place through an attorney or Notary and only one per cent through the courts.

- In 1997, the family courts registered a total of 1,325 international and 49 national adoptions. In 1998 the state authorities recorded 1,029 adoptions up until September 30 and a total of 2,254 adoptions in 1997.
- Adoptions to a foreign country accounted for 95% of the registered cases. The remaining 5% of the children were adopted within Guatemala.
- In Guatemala 15,000 - 28,000 USD are paid for adoptions to a foreign country. This amount includes the costs of the required air travel and the fees of the agencies involved. Adoptions within the country cost about 300 USD.
- The destination countries for adoptions from Guatemala are the USA, Canada, Great Britain, Israel, Italy, Ireland, France, Norway, Finland and the Netherlands.
- The number of the entry visas for adopted children from Guatemala in the USA in the period between 1989 and 1998 amounted to: 329 children (1989), 202 (1990), 266 (1991), 418 (1992), 512 (1993), 436 (1994), 449 (1995), 427 (1996), 788 (1998) and 911 (1998).
- High population growth, migration, poverty and a post-war society are said to be the main causes of adoptions in El Salvador. The facts mentioned in the study are based mainly on investigations by the Asociación Pro-Búsqueda de Ninas y Ninos Desaparecidos since 1996.
- The study mentions 41,000 affected children for El Salvador (without specifying a time period).
- As opposed to this, the state authorities responsible for adoptions (Oficina para Adopciones) reported only 327 adoptions in 1991 and 91 in 1994. At the same time the statistics show a decrease of an average of 40 cases each year between 1995 -1998 in El Salvador.
- As a rule, the future adoptive parents demand newborn babies. According to one placement agency, babies aged 3-6 months are no longer placeable.
- As in all segments of child trafficking, only rudimentary figures and facts are available on legal adoptions, not to mention illegal ones. The high figures however indicate illegal trafficking and at the same time point to the involvement of several people or institutions from varying fields. Some of the examples that have come to light point to adoptions carried out illegally. For instance the case of a single lady who registered 33 babies for adoption within a period of two and a half years.

#### **Some of the methods used in illegal adoptions:**

- Children are registered under the names of the interested parties from abroad directly after birth instead of being registered under the names of their mothers or families.
- Children are registered under the name of another woman instead of being registered under their mother's name. This other woman then immediately signs the papers releasing the child for adoption.
- Children are abducted and registered in another municipality under another name with the help of the authorities there and then given over for adoption by the pseudo-parents.
- Abducted children are brought to Guatemala, provided with falsified documents there and adopted.



- All this requires an extensive organised network of attorneys, members of the judiciary and the military, officials belonging to various parties, employees in the health services, the church and the state authorities as well as other mediators. This list gives rise to the suspicion that the state authorities are cooperating with the people involved in organised child trafficking.

### **Child trafficking for the Purpose of Commercial Sexual Abuse**

- Data and facts on the commercial sexual abuse of children and youngsters are available from Guatemala but there is no information pertaining to El Salvador or Nicaragua.
- Guatemala is the destination country for children and young persons from El Salvador, Honduras or Mexico.
- Guatemala is the country of origin and/or country of transit for child trafficking to Mexico, North America, Central America, Germany, Spain, the Netherlands and Italy.
- According to the Policía Nacional de Guatemala (1996), about 2,000 young girls and women were working in approximately 600 illegal brothels in Guatemala city. Of these, around 1,200 girls and women were from El Salvador, 500 from Honduras and a smaller number came from Nicaragua and from Guatemala itself. According to the estimates of child relief organisations, the number of the affected in the entire national territory has tripled.
- In 1999, the price that could be obtained in Guatemala for a young girl from Nicaragua or El Salvador was said to be 60 USD.
- The majority of the young girls and women working as prostitutes in Guatemala had their first sexual contact at the age of 8-11 years, they were sexually abused by family members and/or forced into prostitution, they came from the marginalised sections of society, were either uneducated or very poorly educated and were threatened with bodily harm and suffering from diseases.
- The NGOs working on this theme in the three states complain that NGOs deal with the theme of child prostitution only in exceptional cases, there are no common concepts or exchange of information between the NGOs and that there is no system that is equally valid for all the NGOs that would enable a documentation and a statistical recording of the theme.

### **Child Trafficking for Exploitation through Work / Hard Labour**

- There is no concrete data available on child trafficking for the purpose of exploitation through work and/or hard labour from any of the three surveyed states.
- In Guatemala, due to the situation at the Mexican border, it can be assumed that children and youngsters are forced to do various jobs. In Mexico there is a great demand for cheap labour in the agricultural sector. On the other hand, Guatemala is plagued with unemployment so that there is a permanent, in part time-related restricted migration of adults, young persons and children to Mexico. Mexican authorities report that the number crossing the border ranges from 5,000 -7,000 each night. Of these, 55% are said to be children and young persons. At the same time there is considerable, very often illegal import of goods from Guatemala to Mexico. There are also a large number of street children living in the border between Mexico and Guatemala.

### **Trading in Organs**

- There is no reliable information from any of the three states regarding trafficking in children for the purpose of subsequent organ transplantation.



- A United Nations report indicated that Guatemala does not have any hospital that meets the medical or technical requirements for organ transplantations. There are some such hospitals in Honduras and Costa Rica.

### **Drug Smuggling**

- There are also no reliable findings about the links between drug trafficking and child trafficking. However, this link should be assumed.
- The study mentions Guatemala as the intermediate stop and main place of transshipment on the Central America to Mexico smuggling route.



**STOP CHILD TRAFFICKING**

**Contact & further Information**

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