UNDEREXPOSED CHILD SEX TOURISM INDUSTRY IN GUATEMALA

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Abstract

With the international spotlight pointed on the child sex tourism trade in Southeast Asia, Central American countries such as Guatemala have become the new haven for child sex tourists. This morally complex human rights dilemma stems from socioeconomic disparities, cultural perceptions, governance issues, and globalization. Yet the simple moral indignation at the exploitation of children is not the best guide to effective public policy. This paper offers a series of practical short- and long-term recommendations focused on legalized child labor, a nationwide human rights educational curriculum, the increase of the compulsory education, legislative reform, and nationwide awareness campaigns.

Introduction

One Internet site quotes a sex tourist, “When it comes to sex, it is not far from the truth to describe Guatemala as the Thailand of Central America. You only have to look in the newspapers, under the headings of ‘massages’ to find what you want. If you are charged more than US$50, you are being robbed.”

The increased level of international awareness about the prevalence of child sex tourism in Southeast Asia has forced the illicit industry to relocate to Central American countries. According to estimates provided by National Plan of Action against Sexual Exploitation of Children in Guatemala, at least fifteen thousand children suffered sexual exploitation in Guatemala in 2001. Indeed, the 2002 report by the United Nations special rapporteur on the sale of children, child prostitution, and child pornography estimated two thousand minors in prostitution in Guatemala City alone. Despite international public opposition to sexual exploitation of children—and legal prohibitions articulated in the United Nations Convention on the Rights of the Child—the underexposed child sex tourism industry in Guatemala poses a morally complex human rights dilemma. Children are forced into the sex tourism industry to provide for their poverty-stricken families.

To understand the factors that make the child sex industry in Guatemala a complex policy dilemma, we need to identify its key players and take into account previous attempts made by the international community in countries such as Thailand and Bangladesh. Subsequently, we can formulate a multilateral, comprehensive plan composed of short- and long-term recommendations that incorporates sociocultural, legislative, and economic reforms.

Key Players in the Child Sex Industry

In order to understand the magnitude of the problem and its human rights implications, one

In an increasingly globalized world, the problem of the child sex industry has become too large and too close to home to ignore. This article provides fresh analysis of the industry by shifting our attention to the problem in Guatemala. Author Glenda L. Giron rolls up her sleeves to tackle the tough questions: what works and what doesn’t in dealing with this growing human rights crisis?

—Ben Kidder, editor
must set clear parameters to describe who is considered a child victim and who are the abusers, the duty holders, and the key NGOs involved in this predicament.

The Children

There are conflicting views about who should be considered a child and whether we should differentiate between children and adolescents. Article I of the 1989 Convention on the Rights of the Child establishes that a child is “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” It is important to note that under Guatemalan law, majority is also reached at age eighteen. The victims tend to be children between the ages of eight and sixteen who have been sold by their parents to traffickers or pimps. Other children, who come from the countryside, are being lured in with promises of jobs as housekeepers but are instead sent to brothels in inner cities. While most of the victims are local children, there seems to be an increasing proportion of children trafficked from other neighboring countries such as El Salvador and Honduras.

The Abusers: Customers and Suppliers

Different actors take part in the underworld industry of child sex tourism in Guatemala. The supply network is made up of not only traffickers and pimps, but also taxi drivers, managers, owners of hotels and bars, and even lawyers who falsify documents. When it comes to the actual child sex tourists, there is a common misconception that the abusers are exclusively foreigners. According to a report by ECPAT International, most international child sex tourists in Guatemala are Europeans, Americans, Canadians, Japanese, and South Americans. However, internationals are not the only sex tourists in Guatemala; many are domestic. In the same way, there is a tendency to believe that pedophiles are the only customers of the child sex tourism industry. Although pedophiles clearly fit the criteria of child abusers, typical male tourists represent a large portion of the population of child abusers. As long as the sex partner meets the desirable physical requirements of the sex tourists, legal age of consent is not a concern. In her testimony before the Senate Foreign Relations Committee on 7 March 2002, ECPAT-USA’s coordinator, Carol Smolenski, declared:

> There are other sex tourists who are not pedophiles . . . These are men who wish to experiment by having children as sexual partners when they are in a situation where they believe this is acceptable behavior, for example in a foreign country, with a racial group different from their own. Or they have sex with children because they simply do not care whether their sex partner is twelve, eighteen, or twenty-five as long as that partner meets certain physical requirements that the men consider attractive.

As in any other human rights issue, if there are “right bearers” (in this case, the children) there must be “duty holders.” Through the Secretariat of Social Welfare, the Guatemalan government is responsible for the wellbeing and safety of Guatemalan children. Therefore the government of Guatemala has the obligation to implement adequate measures to combat the child sex tourism industry within its jurisdiction. If we subscribe to the idea that countries have the duty to “do no harm,” we must include “sending states” (countries from which the customers hail) such as the United States, Canada, and European countries as bearers of partial responsibility.

Factors Contributing to the Child Sex Tourism Dilemma

Simply cracking down on the industry while failing to analyze the reasons that force minors
into prostitution is a futile endeavor. In the case of Guatemala, these reasons include socioeconomic disparities, cultural perceptions, governance issues, and globalization.

Socioeconomic Disparities

As developing countries struggle to increase prosperity, the child sex tourism industry has emerged as a de facto tool to combat extreme poverty. Like Thailand in the early 1970s where large gaps in wealth between urban and rural communities evolved, Guatemala’s current economic situation is defined by high levels of poverty, and the pressure to increase revenues from services rather than agricultural production has the potential to produce the next haven for the child sex tourism industry. According to a recent country report by the U.K. Foreign and Commonwealth Office, Guatemala has the world’s third most unequal wealth distribution, as measured by its Gini coefficient. Although no child should be forced, directly or indirectly, to enter the vicious cycle of sexual exploitation for commercial means, the reality of this dilemma is embedded in an economic framework of high demand for child sex tourism and the readily accessible supply of economically marginalized Guatemalan children.

Ironically, there are cases in which the abusers are seen as saviors of impoverished communities. This was the case of Thomas Frank, an American man accused of sexually abusing up to seventy-nine Mexican boys. Yet after having financed the installation of potable water in the community, he was seen as the rescuer of the disadvantaged town. Even after the abuse cases were disclosed, many residents believed that he had done more good than harm to their community.

Cultural Perceptions

In all economic, social and political levels of the Guatemalan society, gender perceptions are entrenched in the ideology of machismo, which views females as sexual objects and has contributed to the societal tolerance to exploitation of vulnerable minors, especially girls. Men are encouraged to have sex before marriage while women are encouraged to remain virgins until marriage, creating the demand for prostitution. Another factor is the misleading perception that masculinity is measured by the numbers of virgins with whom men have sex.

Machismo and other cultural beliefs deeply rooted in the idea that men are superior to women negatively affect the self-esteem of young girls. Even more alarming are the findings of a study conducted by Casa Alianza activists who infiltrated the dangerous child prostitution network in Central America. They found that many of the female minors spoke of their exploiters in positive terms. Moreover, Guatemalan families make daughters take significant responsibility for their economic wellbeing. Based on these cultural practices that perpetuate gender discrimination and inequality, sex tourists often believe that it is culturally acceptable to have sex with minors in developing countries such as Guatemala. They even justify their actions by arguing that they are helping these deeply impoverished children by giving them money.

Governance Issues

The Guatemalan government’s failure to truly recognize that the problem exists is characterized by the lack of adequate legislation to protect child exploitation, and persistent corruption among law enforcement officers is a key factor contributing to the present situation. Due to the illegal nature of this industry, estimates of the total number of victims are very difficult to establish. I argue that by using this limitation as a pretext, the Guatemalan government fails to acknowledge that the child sex exploitation industry constitutes an alarming problem. The current policies dealing with children’s issues are inadequate, outdated, and paternalistic. For
instance, the 1969 Children’s Code in Guatemala allows judges to incarcerate children for their own protection. There is no surprise that most victims choose not to report abusers since they are afraid of the police.

A central problem stems from the government’s inability to stop corruption among law enforcement. It is common for sex tourists to pay police officers a mordida (bribe), a small amount of money that allows them to go home with no criminal record. Corruption also affects other branches of the government that are needed to protect children from child exploitation. In 2001, the Discipline Unit of the Guatemalan Supreme Court investigated 503 cases of wrongdoing, which resulted in fourteen judges being sanctioned, thirty-two being suspended, and four being sanctioned with the recommendation to be removed. The persistent problem of corruption in the judicial system results in ineffective prosecution of child exploiters, especially child traffickers.

Even honest law enforcement officials are part of the problem. They fail to be effective due to lack of proper training and adequate knowledge of the legislation on how to deal not only with child sex tourists, pimps, and traffickers, but also the victims.

Globalization

Globalization has brought unprecedented levels of mobility, but also convergence in law. More countries are signing international treaties that deal with the protection of universal human rights, such as the 1989 Convention on the Rights of the Child that Guatemala has also signed and states in Article XIX:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Unfortunately, globalization has also produced greater economic disparity and has opened the doors to unlawful markets such as the sex child tourism industry, especially in poor, developing countries that suffer from corruption, lax enforcement of laws, and socioeconomic inequality. The Casa Alianza study collected a list of 173 direct or indirect links to Web sites on the Internet promoting child sex tourism in Central America. As Ron O’Grady puts it:

Two of the key contributors to globalization—tourism and the Internet—have provided an unexpected bonus to child abusers, making the opportunity for child abuse more accessible. One could draw a causal relationship between the rapid expansion of globalization and the growth of child sex trade.

Current Efforts by the International Community

Recently many prosperous Western countries have accepted responsibility for the acts of sexual exploitation of children committed by their citizens abroad, and they are passing laws to prosecute child sex tourists. The United States has put into effect the most stringent law of any “sending state,” the 2003 Protect Act, which makes it a crime for a U.S. citizen to travel abroad for the purpose of having sex with children, punishable with fifteen to thirty years in jail.

Most NGOs have taken the role of investigators, whistle-blowers, and defenders of the victims. The major NGOs in the region are Casa Alianza, the Latin American branch of the New York-based child advocacy organization Covenant House, and ECPAT International, an organ-
ization founded by the UNICEF when the child sex industry was first exposed in Southeast Asia. With the help of the international media, they have been successful in exposing abuses and helping global organizations pass international laws such as the International Labor Organization’s Convention on the Worst Forms of Child Labor and the UN Convention of the Rights of the Child. The latter has revolutionized the way we used to view children as property of their parents. Now, children are endowed with inalienable rights and have the same rights as other disenfranchised minorities.19

Lessons from Thailand and Bangladesh

One of the turning points in the fights against the child sex tourism industry in Thailand was a 1993 Time Magazine issue. Since then, Thailand has passed laws against customers buying sex from children under fifteen. This year the United States has helped fund airport billboards warning child sex tourists of the penalties. Moreover, Thailand has received financial support for awareness campaigns, training of law enforcement bodies, and full participation of international organizations to ensure transparency and efficiency.

However, not all interventions yield positive results. With all good intentions, the United States passed the Child Deterrence Act in order to ban imports of goods made by children younger than fifteen.19 In response to this short-sighted policy, Bangladesh dismissed thousands of child workers from their jobs, who immediately ended up in the streets, mainly working as child prostitutes. Although UNICEF eventually realized the problem and intervened, children had already been traumatized by the experience.

Words of Caution: The Larger Threat of HIV/AIDS

For policy changes to be effective, we need to ensure accountability through constant assessment of progress. On the final question of why the Guatemalan government and the international community should take all the steps necessary to fight child sex tourism, global health issues are too dangerous to be ignored. Children have a greater risk of contracting AIDS. According to a 2002 report of the Special Rapporteur on the sale of children, child prostitution, and child pornography,

The forced penetration of a child by a larger individual is more likely to cause injuries and bleeding by which HIV is transmitted. Children are physically weaker, less experienced and therefore less empowered to negotiate the terms of the abuse, such as an insistence on the use of a condom or refusal to be subjected to particularly violent and physically damaging sexual activity . . . This is particularly the case in the countries of Africa, Asia, and South and Central America.20

Practical Short- and Long-Term Recommendations

There is no single, instant, straightforward solution to this dilemma. As such, I propose a comprehensive plan focused on economic, sociocultural, and legislative reforms and local, regional, and international participation.

Legalized Child Labor and Increased Compulsory Education

Because the severe economic desperation cannot be ignored, I propose legalized, regulated, and safe child labor as an alternative. If the main reason why Guatemalan children are facing commercial sexual exploitation is to earn money for their survival, those above the age of
twelve should be allowed to work in strictly non-dangerous jobs and with full legal worker protection and benefits. To avoid labor exploitation, international organizations must oversee the program and provide reports to UNICEF.

The government must ensure that children under fifteen attend school and be allowed to work only on a part-time basis. To do this, the compulsory school level needs be raised from sixth grade to at least the ninth grade. We cannot expect children to be successful in the job market if they only complete elementary school. Possible financial sources are UNICEF, national taxes, and USAID.

Additionally, we must have a microeconomic plan in which poor families can take out small loans in order to become entrepreneurs. The World Bank must add stipulations about child sex exploitation and should give additional consideration to those countries that are willing to combat the child sex tourism industry, but have no financial means to do so.

National Awareness Campaign and Human Rights Curriculum

In order to deal with the local demand for young girls in Guatemala, high media exposure of the horrible reality of child sex exploitation should be initiated. As in the case of Thailand, a national media campaign would educate the general public about the detrimental effects of gender discrimination and machismo. This awareness campaign could be financed with the help of the private sector in Guatemala, as well as the sending countries. To avoid misappropriation of funds, the United Nations should assign and fund ECPAT International or another appropriate international organization to oversee the program.

As a long-term approach, a human rights education curriculum should be incorporated into the Guatemalan educational system. The curriculum for both primary and secondary education should include core ideas from the UN Convention on the Rights of the Child; however, gender discrimination should be a priority at the secondary level. This subject should be explicitly taught as a single subject for at least seventy-five minutes per week. The educational campaign can be financed by national tax revenues and the national lottery as well as UNESCO.

Finally, more female participation in the political system must be encouraged, not only to address problems of discrimination and abuse previously described, but to provide positive role models for young girls.

Legislative Reform and Governmental Transparency

Current policies and laws need to be reformed in a way that protects victims and punish the abusers. The penalties for all who participate in the sexual exploitation of children should be increased, targeting first the brothel owners and child traffickers. At the same time, the practice of incarcerating rescued children must be changed. Guatemala’s Secretariat of Social Welfare should be responsible for the creation and maintenance of shelters that provide psychological and educational services in key regions of Guatemala. The shelters should also provide job training, so rescued children can learn a trade and begin to earn an income.

However, simply reforming or passing laws is futile unless law enforcement officials become part of the solution. The penalties for law enforcement agents who accept bribes should be higher, while a new rewards system could acknowledge officers who demonstrate high levels of dedication and honesty. As part of the rewards system, recipients would be featured in the campaign ads against sexual exploitation of children.

As a long-term goal, the Guatemalan government needs to ensure the protection of local and foreign journalists and human rights advocates in order to guarantee freedom of expression and the collaboration between local and foreign investigative entities. The Guatemalan Ministry of Foreign Affairs must support the foreign experts and scholars who are interested in conducting research and gathering more reliable data.
Since the Guatemalan government still faces low levels of public approval regarding transparency issues, an independent judiciary body should be created in collaboration with international human rights organizations.

Globalization Can Be Part of the Solution

In an attempt to greatly diminish the foreign demand for child sex tourism, the level of international attention should be raised through an international awareness campaign focused on the travel industry to warn tourists of the penalties. As part of this campaign, brochures should be given to tourists at main ports of entry, and billboards should strategically be placed in tourist locations. Also, the creation of a hotline where the general public anonymously can report suspected cases of child sex exploitation should be a priority. Like in the case of Thailand, wealthy sending states should be responsible for paying for the campaign since it is targeted to child sex tourists from their countries.

Another long-term strategy should be international cooperation in the development of universal standards for the collection of evidence in cases of child sex exploitation in order to guarantee efficiency and accuracy. We should take advantage of the opportunity provided by globalization to create common, more effective parameters.

I concur with the vision of the World Congress against Sexual Exploitation of Children in which it was declared that child prostitution “constitutes a form of coercion and violence against children.” I believe that the way we treat the most vulnerable members of our society reflects who we are, and the development and wellbeing of children should be a primary concern to all nations. Nevertheless, policy makers must understand that when faced with this complex human rights issue, simple moral indignation is not the best guide to effective public policy. The Guatemalan government must take a realistic approach to combat the child sex tourism industry. Most child rights advocates may oppose child labor; however, when faced with a strong demand for child sex tourism and a supply of impoverished Guatemalan children, responsible societies must choose the lesser of two evils.

Endnotes


5. Ibid.


7. “Sexual Exploitation and Trafficking.”


12. UK Foreign and Commonwealth Office.


15. UN General Assembly.


18. Ibid.


20. UN Commission on Human Rights.