

Caribbean Association of Judicial Officers
Third Biennial Conference: “Equality, Justice and Caribbean Realities—
the Way Forward”

Human Trafficking - The Belizean Experience
By
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“The victims of modern slavery have many faces. They are men and women, adults and children. Yet, all are denied basic human dignity and freedom. All too often suffering from horrible physical and sexual abuse, it is hard for them to imagine that there might be a place of refuge”

President Barack Obama

- Belize is a source, a destination, and a transit country for men, women, and children subjected to sex trafficking and forced labour.
- Belize is bordered by Mexico to the north and Guatemala to the west and south thus the geographical position of Belize makes it particularly vulnerable to the trafficking in persons. Belize is also an attractive destination to those who are fleeing unemployment in Honduras, Guatemala and El Salvador. In recent times we have had cases of persons being trafficked from as far away as India and China.
- Belize is sold to the victims as having a relatively good development level, high land and job availability due to the fact that it is sparsely populated, and many natural resources. In addition to this, Belize has a long and open border particularly difficult to control and regulate.
- The inconvenient truth about trafficking in Belize is that it is not just a relationship between the trafficker and the victim, it is also a relationship with taxi and truck drivers, hotels, bars and pubs, even legal practice and accountants participate in the crime. Corruption also plays a key role in this process with the participation of migratory employees, custom and police officers.
- It is a well documented fact that a common form of human trafficking in Belize is the “coerced prostitution of children, often occurring through parents pushing their children to provide sexual favours to older men in exchange for school fees, money and gifts”. This is referred to as the ‘Sugar Daddy Syndrome’.

Why is Belize so attractive to Traffickers?

- Traffickers find Belize attractive for a number of reasons. Firstly, a potential trafficking case that starts in Nicaragua will probably follow a path that includes Honduras, possibly El Salvador and will finish in Guatemala, Belize or the south of Mexico. It is relatively easy to move from and through one country to another. There are also rivers which flow from Guatemala to Belize.
- Belize’s history has none of the civil wars which have occurred in some of the neighboring Central American countries and therefore, it is viewed as a ‘panacea’ by some and sold as such to potential victims.

- The large citrus and banana farms in southern Belize are always in need of cheap unskilled labour. Women and children are recruited in Honduras to work in El Salvador, Guatemala and Belize. El Salvador is a supplier spot for Guatemala, Mexico and Belize. Guatemala is a supplier for southern Mexico and Belize.
- Although the official language of Belize is English, Spanish is widely spoken throughout the county especially in the border communities and towns.
- There is a perception (or reality) by international traffickers that due to corruption, lax border controls, the
- The presence of ‘middlemen’ as well as the growing trend in sex tourism, fuels the perception that trafficking to and through Belize is an attractive endeavour.
- Belizean brothel operators are in direct contact with traffickers to bring women and girls from Central America into Belize for the illicit sex trade. Belizean girls are also trafficked internally for sexual exploitation in the prostitution and pornography industry. Persons who facilitate the bringing of girls to Belize to work in the brothels are often referred to as “cayotes”¹. Bound for Mexico and the U.S., many illegal migrants perform labour in Belize to pay off their huge smuggling debts.
- Geographically, Belize is very accessible to Mexico and thereafter, the United states.

¹ The “cayotes” are the ones that guide the victims from contact to contact or through the border- legal or illegally- and they assure them that the way they are going through goes directly to the United States.

MAP OF BELIZE



The Trafficking in Persons (Prohibition) Act 2013

BELIZE

The Trafficking in Persons (Prohibition) Act 2013 repealed the Trafficking in Persons (Prohibition) Act 2003.

- Part 1 – interpretation and definition sections
- Part 2 - establishes the Anti Trafficking in Persons Council (ATIPS)
- Part 3 – Sets out the offences
- Part 4 – Assistance and protection for victims
- Part 5 - Forfeiture of assets relating to trafficking in persons
- Miscellaneous Provisions
- Part one of the act defines Trafficking to be : The recruitment, transportation, transfer, harbouring or receipt of a person by means of threat or use of force or other means of coercion, or abduction, fraud, deception, abuse of power or abuse of a position of power or abuse of a position of vulnerability, or by the giving or receiving of payments or benefits to achieve the consent of a person having control of or over another person, for the purpose of exploitation. ²

Other offences set in the act are:

- Trafficking children for adoption
- The offence of facilitating child prostitution etc³
- The offence of facilitating exploitation etc
- The offence of profiteering from trafficking in persons
- The offence of advertising
- The offence of providing facilities in support of trafficking in persons
- The offence of unlawfully withholding identification papers

The new Trafficking in Persons Act establishes in Part 2 (5) The **Anti -Trafficking in Persons Council**

The members of the council are:

A. The CEO OF The Ministry responsible for human development

² A wide definition which serves as a ‘catch all’

³ Although these offences are outlined in the act, persons suspected of trafficking are often only charged with immigration offences. I am of the opinion that the specialist trafficking unit needs to be re-enforced and the number of personnel increased.

- B. Representative of the Ministry responsible for foreign affairs
- C. Representative of Ministry responsible for national security
- D. Representative of AG's Ministry
- E. Representative of the Ministry responsible for Health
- F. Representative of the Belize Tourism Board
- G. The Labour Commissioner
- H. The Commissioner of Police⁴
- I. Director of Immigration and Nationality Services
- J. The Director of Public Prosecutions
- K. The Comptroller of Customs
- L. And not more than three other persons from a NGO or any other relevant organization having appropriate experience, knowledge and expertise in relation to the problem of and issues relating to trafficking in persons including the protection and support of trafficked persons.

The Functions of the Council are set out in great detail in the act and include the following:

- (a) coordinate the implementation of this Act, and formulate policies and programmes to prevent or suppress trafficking in persons, including the support and protection of victims of trafficking in persons;
- (b) develop, within one year of the commencement of this Act, a national action plan on the prevention and suppression of trafficking in persons including the support and protection of victims of trafficking in persons, the prosecution of offenders, training of personnel and thereafter to review and update the national action plan every three years;**⁵
- (c) develop, coordinate and monitor the implementation of the national referral system for the proper identification of. assistance to and protection of victims of trafficking in persons including child victims. and to ensure that they receive adequate assistance and protection;**
- (d) monitor the immigration and emigration patterns in Belize to ascertain evidence of trafficking and to secure the prompt response of government agencies to problems related to trafficking in persons;**

⁴ The fight against Human trafficking has to be a multi-agency one. It is significant to note that there is not a representative from **the Financial Intelligence Unit** included on the council.

⁵ In accordance with the Palermo Protocol, there are positive obligations on the state to take active measures to deal with the trafficking of persons

- (e) formulate and coordinate measures to educate the public on preventative and protective measures for victims or potential victims of trafficking and the offences and the penalties under this Act;
- (f) facilitate cooperation with regional and international bodies in relation to trafficking in persons including the support and protection of victims of trafficking in persons;
- g) advise the government on trafficking in persons including developments at regional and international levels;
- (h) collect and collate data and authorize research relating to prevention and suppression of trafficking in persons;
- (i) facilitate inter-agency and multidisciplinary
- cooperation between governments and non
 - governmental organizations;
- (j) act as a focal point for institutions engaged in prevention of trafficking in persons;
- (k) make recommendations to the Minister on all aspects of prevention and suppression of trafficking in persons; and
- (l) perform any other functions as directed by the Minister for the proper implementation of this Act.⁶

Slavery is alive and well.....

- Most of the world's slaves are in sedentary forms of servitude, such as hereditary collateral-debt bondage, but about 20 percent have been unwittingly trafficked by predators through deception and coercion. Human trafficking is often highly mobile and dynamic, leveraging modern communications and logistics in the same basic ways contemporary business does generally.
- Traffickers are opportunist in nature. After the earthquake of 2010 devastated Haiti⁷, Hispaniola was quickly overrun with opportunistic traffickers targeting children to sell into forced domestic work or brothels.
- As pervasive as contemporary slavery is, it's remained marginal as a global issue until relatively recently. There are a couple of big reasons why -- one having to do with the scale of the problem, the other with the idea of slavery itself.

⁶ This act places positive obligations on the Government of Belize to act in a proactive manner in relation to Trafficking in Persons.

⁷ <http://www.theatlantic.com/magazine/archive/2010/01/island-of-lost-children/307876/>

- The International Labour Organization (ILO) estimates the number of slaves in the world today at around 21 million. Kevin Bales, of Free the Slaves -- the U.S. affiliate of the world's oldest human-rights organization, the U.K.-based Anti-Slavery International -- (and the author of *Disposable People: New Slavery in the Global Economy*) puts it at 27 million. Siddharth Kara of Harvard's Carr Center for Human Rights Policy says more than 29 million.

Caribbean Countries have been placed on the Trafficking in Persons Watch List

WASHINGTON, USA, Monday June 24, 2013 – Even as Caribbean Community (CARICOM) governments, during the past year, have seemingly made efforts in addressing human trafficking, the United States says many of them have still not done enough in tackling the issue.

In this nexus, in its 2013 Trafficking in Persons (TIP) Report, the US Persons (TIP) Report, the US Department of State placed six CARICOM countries - Barbados, Guyana, Haiti, St. Lucia, Suriname, and Trinidad and Tobago - on its Tier 2 Watch List.

Another four - Antigua and Barbuda, **Belize**, Jamaica, and St. Vincent and the Grenadines - have been listed on the Tier 2 List. In distinguishing the two “lists” Washington defines countries on the Tier 2 Watch List as those whose governments “do not fully comply” with the minimum standards in its Trafficking Victims Protection Act (TVPA) but are making significant efforts to bring themselves into compliance with those standards, and the absolute number of victims of severe forms of trafficking is, among other things, “very significant or is significantly increasing”.

Countries on the Tier 2 List, on the other hand, are those whose governments do not fully comply with the TVPA’s minimum standards but are simply making significant efforts to bring themselves into compliance with those standards. The State Department said Haiti is a source, transit and destination country for men, women and children subjected to forced labour and sex trafficking.

It says most of Haiti’s trafficking cases comprise the estimated 150,000 to half a million children in domestic servitude in households throughout the French-speaking Caribbean country.

In addition to experiencing forced labour, the report says these children are vulnerable to beatings, sexual assaults and other abuses by family members in the homes in which they are residing. Washington said “dismissed and runaway children” from domestic servitude make up a “significant proportion” of the large population of street children who end up forced into prostitution, begging or street crime by criminal gangs in Haiti⁸.

The Face of a Trafficking Victim



News snippets from Belize

In August 2013, The Mexican Embassy in Belize in conjunction with the Government of Belize, coordinated the repatriation to Mexico of a 12 year old Mexican who was found by Belizean authorities in Belizean territory near the border with Guatemala in the company of two undocumented Honduran nationals who have criminal records, were recently deported from the U.S. and one of them is a member of the gang MS-13. Belizean authorities, with the

⁸ : <http://www.caribbean360.com/index.php/news/799681.html#ixzz2epr9dxZG>

support of the Embassy of Mexico in Belize, are investigating a possible case of human trafficking, because the child is 12 years. We understand that the two men, who are older than 30 years, convinced the child to leave her house located in Balancán, Tabasco Mexico and accompany them from the state of Tabasco, Mexico, through Guatemala to Belize.

With the support of the Mexican Embassy and members of the Department of Human Services today the child was handed over to Mexican authorities and her mother. Police have since detained Raul Villanueva Cardenas, (aka) "Hugo Ramirez Pardons" also known as "Rolando Hernández Jiménez" or "Justin Daniel Jordano Palace", who is an alleged member of the gang MS-13, and Jose Antonio Paredes.

Both were recently deported from the U.S. and have criminal records and were remanded to the Belize Central Prison.

Convicted under the 2003 Act

Another Human Trafficking Conviction
posted (February 10, 2012)

Last week, we told you about 54 year-old Narciza Orellana, a naturalized Belizean who became the first person in Belize to be convicted of human trafficking. She was sentenced by Chief Magistrate Anne Marie Smith to 18 months imprisonment. Today, another naturalized Belizean was convicted and given a custodial sentence for the very same offense, also in front of Chief Magistrate Smith. She is 41 year-old Yolanda Garcia, a hair dresser and manager of the La Serenita Bar located on Regent Street West. She is also a mother of three. According to the police, from June 29 to July 6 of 2010, she engaged in the trafficking of persons when she hired a 17 year-old female minor to work in her bar. The minor told police that she had just graduated from high school.

This minor also said that Garcia allegedly told her that part of her job description is that she is required to have sex with customers for money. Garcia testified in court, and she denied ever employing the young woman. Chief Magistrate Smith didn't accept her version, and after 15 months of continuity, the trial came to a close with a guilty verdict. Chief Magistrate Smith sentenced her to 12 months imprisonment.

She was represented by attorney Simeon Sampson, and the Director of Public Prosecutions, Cheryl Taitt-Vidal prosecuted the case.

On January 31, 2012, 54-year-old Narciza Orella became the first Belizean to be convicted for attempted human trafficking in approximately seven years. Orella had hired a young woman to work for her as a domestic “helper” in the western town of San Ignacio. Unbeknownst to her new employee, however, Orella planned to drag her into the commercial sex trade. When the young woman reported to work for the first time, Orella told her that she would serve as a waitress at a bar inside the home where Orella lived. While she was on the job, one of the bar’s patrons propositioned the young woman to have sexual relations with him for money. Shocked by the patron’s offer, she flatly refused. Rather than offering support for her new employee when she mentioned the man’s proposition, Orella told the young woman that “while you are young and pretty you should take on the opportunity of prostituting yourself.” The following day, the young woman quit her job and courageously reported the incident to the Belize Police Department. Orella was subsequently brought to trial and sentenced to 18 months in prison for attempted trafficking in persons at the end of January 2012.⁹

A case currently before the courts.....

The arraignment of a group of eleven Indian nationals, who entered Belize illegally from Guatemala on Wednesday night, has been deferred to Monday in the Belmopan Magistrate’s Court. The men have been in police custody since being caught by officers attached to the Mobile Interdiction Team near Billy White, in the vicinity of the Spanish Lookout community. According to immigration officials, they were notified about a plan to unlawfully cross the group into the country several hours prior to their arrival at the western border. That information was subsequently relayed to MIT, who dispatched personnel into the area to establish a checkpoint. Nabbed during the sting were nine men and two minors whose only legal entry into Central America was recorded in Nicaragua. They are thirty-four year old Gobinder Singh, twenty-

⁹ The Government of Belize maintained efforts to raise public awareness of human trafficking. The government continued to air public service announcements in multiple languages and distributed posters and anti-trafficking materials. The lack of co-ordination of governmental agencies coupled with corruption is being addressed by the Trafficking in Persons Council.

four year old Jaspreet Singh, twenty-seven year old Sarajit Singh, twenty-two year old Naitik Guvantbhai Patel, thirty year old Prakash Kumar Patel, twenty-two year old Montukumar Chandrakant Patel, twenty-year old Pragnesh Kumar Patel and twenty-three year old Hitesh Narendrabhai Jani. The names of the two minors are being withheld. Of note is that the last names Singh and Patel are recurrent but immigration officials, we are told, have not been able to ascertain the relation of the men. News Five understands that two of them are wanted for fraud in India. They have been charged with the immigration offense of illegal entry. Meanwhile, a charge of aiding in the smuggling of an illegal immigrant is expected to be brought against Clifton Hyde, whom it is believed was escorting the group as it traveled north towards Mexico. Hyde is a driver/mechanic employed by the British High Commission. The men were transported to the Belmopan Magistrate's Court at two o'clock this afternoon, where they were informed that Senior Magistrate Lindsbert Willis was unavailable to preside over the indictment. A Justice of the Peace was subsequently brought in to authorize the extension of their remand since the forty-eight hour window during which charges could have been levied had expired.

Conclusion

The above cited cases and convictions as well as the passing of the new and improved Trafficking in Persons Act (2013) demonstrates that Belize's justice system is achieving progress in the face of rising criminal threats to security and the rule of law in Central America. The IOM (International Organization for Migration) and the American Bar Association Rule of Law Initiative has provided in depth training to justice sector officials in Belize as we continue to combat transnational criminal networks and attempt to build a more efficient judicial system.