Judges, prosecutors, plaintiffs, and witnesses continued to report threats, intimidation, and surveillance, most often from drug trafficking organizations. By the end of August, the special prosecutor for crimes against judicial workers received 157 complaints of threats or aggression against workers in the judicial branch, compared with 129 through August 2017.

Trial Procedures

The constitution provides for the right to a fair and public trial, the presumption of innocence, the defendant's right to be present at trial, and the right to legal counsel in a timely manner. The law requires the government to provide attorneys for defendants facing criminal charges if the defendant cannot find or afford an attorney. Defendants and their attorneys may confront adverse witnesses and present their own witnesses and evidence. The law provides for plea bargaining for minor offenses with short-term prison sentences and the right of appeal. Three-judge panels render verdicts. The law provides for oral trials and mandates free language interpretation for those needing it; however, interpreters were not always available. Officials conduct trials in Spanish, the official language, although many citizens only speak one of the 23 officially recognized indigenous languages.

The Public Ministry, acting semi-independently of the executive branch, may initiate criminal proceedings on its own or in response to a complaint. Private parties may participate in the prosecution of criminal cases as plaintiffs.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations have access to administrative and judicial remedies to submit lawsuits seeking damages for, or cessation of, a human rights violation or other alleged wrongs. While the judiciary was generally impartial and independent in civil matters, it suffered from inefficiencies and a legal system that often permits spurious complaints. The judiciary estimated the country had a ratio of 2.46 judges for every 100,000 inhabitants, which international and domestic observers considered insufficient.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and the law prohibit such actions, and the government generally respected these prohibitions. In 2016 President Morales dismissed Jorge Lopez, the secretary of administrative and security matters of the president, and his deputy, Cesar Sagastume, for alleged illegal surveillance. At year's end the case remained under investigation by the Public Ministry. In August a local newspaper published an investigative series alleging that former president Otto Perez Molina created an illegal surveillance network in 2012 to listen to calls, mirror mobile phones, and access social media accounts. According to the article, the Ministry of Government dismantled the network in 2015.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. The intimidation of and violence against journalists resulted in significant self-censorship, however.

Freedom of Expression: Following President Morales' August 31 press conference announcing he would not renew CICIG's mandate, several prominent human rights defenders and activists reported the PNC visited them ostensibly to inquire about their protection measures. Several journalists also reported suspected surveillance of their homes and offices in the days following the August 31 press conference. The activists and journalists interpreted these actions as an effort to intimidate them from criticizing the administration's measures with respect to CICIG.

Press and Media Freedom: There were no legal restrictions on the editorial independence of the media. Reporters covering organized crime, including its links to corrupt public officials, acknowledged practicing self-censorship, recognizing the danger investigative journalism posed to them and their families. Independent media were active and expressed a wide variety of views. Since August 31, public security forces have imposed more stringent identification checks on journalists covering government events and activities.

Violence and Harassment: Online attacks against independent journalists and media outlets increased throughout the year. These included hacking of journalists' private accounts, publishing stolen or falsified personal information,

and apparent coordinated attempts to undermine specific journalists and the press. Members of the press continued to report threats and violence from public officials and criminal organizations, which impaired the practice of free and open journalism. The government failed to establish a journalist protection program, a voluntary commitment the country accepted in 2012 during the Universal Periodic Review of the UN Human Rights Council.

According to the Public Ministry, 54 complaints were filed for attacks or threats against journalists, and two journalists were killed from January through the end of August, compared with 116 complaints and three killings in all of 2017.

In November 2017 the Supreme Court lifted the parliamentary immunity of Congressman Julio Antonio Juarez Ramirez based on allegations from the Public Ministry and CICIG that he ordered the killing of journalist Danilo Efrain Zapon Lopez in 2015 in Mazatenango, Suchitepequez. Journalist Federico Benjamin Salazar Geronimo was also killed in the attack and reporter Marvin Tunches was injured. At year's end the case was at the intermediary public trial phase.

The Public Ministry employed a unit dedicated to the investigation of threats and attacks against journalists, but the NGO Center for Reporting in Guatemala noted it had few prosecutions.

Censorship or Content Restrictions: Members of the press reported receiving pressure, threats, and retribution from public officials regarding the content of their reporting. Some owners and members of media accused the government of following a discriminatory advertising policy that penalized or rewarded print and broadcast media based on whether the government perceived the news or commentary as supportive or critical. Significant self-censorship occurred as a result.

Nongovernmental Impact: Organized crime exerted influence over media outlets and reporters, frequently threatening individuals for reporting on criminal activities.

Internet Freedom

The daily newspaper *elPeriodico* experienced a two-day denial of service attack and another three-day attack starting on September 1. The source of the attacks remained unknown.

A local newspaper reported former president Otto Perez Molina's administration created a surveillance network in 2012 to access social media accounts of diplomats, government officials, politicians, journalists, students, and academics.

According to the International Telecommunication Union, 41 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights, with a few exceptions.

Freedom of Peaceful Assembly

The law provides for freedom of association, and the government generally respected this right.

On September 12, the congressional spokesperson reported that more than 2,100 police were present at Congress during a commemoration of the country's independence, led by President Morales. A protest scheduled to converge at Congress on the same day was not able to approach the perimeters of Congress. The heavy police presence ostensibly serving as presidential security and crowd control received widespread criticism and media as a form of intimidation against the protesters. Civil society groups expressed concern over the presence of Kaibiles, military special forces who were implicated in war crimes during the country's internal armed conflict from 1960-96.

On September 14, when President Morales and his cabinet attended a ceremony at the cathedral on the central plaza, NGOs and journalists accused the government of using excessive security measures to intimidate citizens and restrict their right to assemble. Observers stated security measures included the deployment of antiriot military police; the registration of all pedestrians entering the plaza, including children; and excessive security checks. On September 14, a Public Ministry prosecutor stated publicly he would investigate for possible violations of freedom of movement.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right. There were reports, however, of significant barriers to organizing in the labor sector (see section 7.a.).

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution and the law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

An immigration law in effect since 2017 overhauled the country's migration system and defined the term "refugee" as well as listing refugees' rights in accordance with international instruments. The preparation of regulations to implement the law, including on the refugee application process and refugee rights, was underway at year's end. Government agencies made limited progress in implementing the Protection Council mandated by the new migration code, which would support the protection, reception, and reintegration of returned children.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern, including during the mid-October surge of Central American migrants that passed through the country.

Internally Displaced Persons (IDPs)

UNHCR expressed concern regarding violence against IDPs and strengthened its efforts to monitor the problem and provide assistance to the displaced. The country does not officially recognize the existence of IDPs within its borders, with the exception of those displaced by climate change and natural disasters. The Inter-American Commission on Human Rights characterized as IDPs 400 farmers the government evicted from the Maya Biosphere Reserve in 2017. Media and

civil society groups reported the evictees did not receive government assistance in a timely manner.

Protection of Refugees

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. UNHCR, however, reported that identification and referral mechanisms for potential asylum seekers were inadequate. Both migration and police authorities lacked adequate training concerning the rules for establishing refugee status.

Access to Basic Services: UNHCR reported access to education for refugees was challenging due to the country's onerous requirements for access to formal education, including documentation from the country of origin.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on nearly universal and equal suffrage for those ages 18 and older. Members of the armed forces, police, and incarcerated individuals are not eligible to vote.

Elections and Political Participation

Recent Elections: In 2015 James Ernesto Morales Cabrera of the National Convergence Front party defeated National Unity of Hope candidate Sandra Torres in a second round of voting and was sworn in as president in January 2016. An Organization of American States international election observation mission characterized the elections as generally free and fair. The Attorney General's Office continued to investigate allegations of illicit campaign financing in the 2015 elections and petitioned for immunity reviews against two parties' secretaries general, including President Morales. An additional immunity review from 2017 against Morales for illicit campaign financing remained pending.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Traditional and cultural practices, in addition to discrimination and institutional bias, however, limited the political participation of women and members of indigenous groups.

While the indigenous population constituted 44 percent of the population, according to the latest 2002 government census, indigenous representation in national government was minimal. There was one indigenous female member on the Constitutional Court and one on the Supreme Court. In September the first and only female indigenous cabinet member, former labor minister Leticia Teleguario, resigned, citing personal reasons and not being able to continue supporting originally prioritized policies. There were approximately 20 indigenous members of Congress. Indigenous individuals comprised a larger share of elected local government officials, filling one-third (113 of 333) of the mayoral seats elected in 2015.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year, many of which the Public Ministry, with support from CICIG, investigated and prosecuted on charges including money laundering, illegal political party financing, and bribery.

Corruption: On February 13, the Public Ministry brought charges against former president Alvaro Colom and nine former members of his cabinet after a long-running investigation into fraud involving a bus system in Guatemala City known as Transurbano. Prosecutors claimed that in local currency equaling approximately $35 million, government funds were paid to a consortium of private bus companies in charge of the Transurbano system in a deal approved by Colom's cabinet without proper legal oversight. According to prosecutors, almost one-third of the money was spent on equipment that was never used. On March 1, a judge found sufficient evidence to charge the defendants, and Colom and the former members of his cabinet were placed under house arrest.

On January 20, the Public Ministry, accompanied by CICIG personnel, conducted raids as part of an investigation of the Brazilian company Odebrecht, which allegedly paid local currency worth $17.9 million in bribes to local officials. The investigation led to charges against former presidential candidate Manuel Baldizon, who was detained in Florida on an international arrest warrant on September 18 on separate money laundering and conspiracy charges. Baldizon was accused of accepting inn local currency at least $1.3 million in bribes from Odebrecht to help it win public works contracts. Authorities also sought the arrest of former communications minister Alejandro Sinibaldi, who allegedly distributed the bribes and embezzled at least nine million dollars. Sinibaldi remained a

fugitive and was implicated in another case of bribery and influence peddling linked to former president Otto Perez Molina's administration.

Financial Disclosure: Public officials who earn more than 8,000 quetzals ($1,070) per month or who manage public funds are subject to financial disclosure laws overseen and enforced by the Comptroller General's Office. The financial disclosures were available to the public upon request. Administrative and criminal sanctions apply for inadequate or falsified disclosures of assets.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

A number of NGOs, human rights workers, and trade unionists, however, reported threats, violence, and intimidation. The local human rights NGO Unit for the Protection of Human Rights Defenders (UDEFEGUA) reported 24 killings of human rights defenders from January through October. The NGO also reported 303 attacks against human rights defenders from January through September, compared with 493 attacks in all of 2017. According to human rights NGOs, many of the attacks related to land disputes and exploitation of natural resources. NGOs asserted the government did little to investigate the reports or prevent further incidents.

NGOs also reported the government, fringe groups, and private entities used threats of legal action as a form of intimidation. UDEFEGUA reported 158 cases of criminalization of human rights defenders from January through August.

Government Human Rights Bodies: The PDH monitors the human rights set forth in the constitution and reports to Congress. The government cooperated generally with the ombudsman. The office operated independently and issued public reports and recommendations, including an annual report to Congress on the fulfillment of its mandate. NGOs generally considered the PDH to be an effective institution with limitations in rural areas due to lack of resources.

The President's Commission on Human Rights (COPREDEH) formulates and promotes human rights policy. COPREDEH also led coordination of police

protection for human rights and labor activists. COPREDEH generally benefited from the administration's cooperation and operated without political or party interference. Some NGOs claimed the COPREDEH was not an effective interlocutor on human rights issues.

The Congressional Committee on Human Rights drafts and provides guidance on legislation regarding human rights. The law requires all political parties represented in Congress to have a representative on the committee. Some NGOs did not consider the committee to be an effective forum for human rights promotion and protection.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, and sets penalties between five and 50 years in prison. Police had minimal training or capacity to investigate sexual crimes or assist survivors of such crimes, and the government did not enforce the law effectively.

Rape and other sexual offenses remained serious problems. The government took steps to combat femicide and violence against women. The judiciary maintained a 24-hour court in Guatemala City to offer services related to violence directed toward women, including sexual assault, exploitation, and trafficking of women and children. The judiciary also operated specialized courts for violence against women throughout the country, but not in every department. In March the Public Ministry established a 24-hour victim service center to provide medical, psychosocial, and legal support to victims, including restraining orders for their immediate protection. On August 6, in compliance with a finding from the Inter-American Court on Human Rights, the Public Ministry launched the Isabel-Claudina Alert, a national alert system for finding disappeared women. According to the Public Ministry, 428 women were reported missing via the alert through November 26, with 294 women found and 134 alerts remaining active.

The law establishes penalties for femicide of 25 to 50 years in prison without the possibility of reducing the sentence; however, femicide remained a significant problem. Unknown assailants murdered indigenous Maya women's rights leader Juana Ramirez in Nebaj on September 21. The PDH reported Ramirez and her organization, the Ixil Women's Network, had received multiple death threats for supporting female victims of violence.

Violence against women, including sexual and domestic violence, remained serious problems. The law establishes penalties of five to eight years for physical, economic, and psychological violence committed against women because of their gender. There were numerous examples of the PNC's failure to respond to requests for assistance related to domestic violence. As of September 8, the PNC reported 48 open investigations against PNC officials for violence or discrimination against women or children.

Sexual Harassment: No single law, including laws against sexual violence, deals directly with sexual harassment, although several laws refer to it. Human rights organizations reported sexual harassment was widespread. On June 18, former minister of foreign affairs Edgar Gutierrez alleged that President Morales had abused at least one young women. Civil society expressed concern about the allegations, but no formal abuse charges were filed against President Morales. Gutierrez did not make public the evidence he claimed to have.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Although the law establishes the principle of gender equality and criminalizes discrimination, women faced discrimination and were less likely to hold management positions. Two women in high-level government positions claimed critics often used gender to undermine their credibility publicly or privately block their ability to do their jobs.

Children

Birth Registration: Children derive citizenship by birth within the country's territory or from their parents. UNICEF described low birth registration as a "serious problem," and UNHCR reported problems in registering births were especially acute in indigenous communities due to inadequate government registration and documentation systems. Lack of registration restricted children's access to some public services and created conditions that could lead to statelessness.

Education: While primary education is compulsory through age 14, access was limited in many rural areas; education through the secondary level is not obligatory.

Child Abuse: Child abuse remained a serious problem. A unit under the Special Prosecutor for Crimes against Children and Adolescents handled child abuse cases. The Public Ministry reported 8,930 reports of minor abuse of all types, more than triple the number from the same period last year. The ministry reported 82 convictions for child abuse from January through August.

The NGO Mutual Support Group (GAM) reported 417 minors suffered violent deaths nationwide from January through June. While deaths of minors decreased overall, GAM reported an increase in the number of girls killed compared with the same period in the previous year. NGOs dealing with gangs and other youths reported young persons detained by police were subject to abusive treatment, including physical assaults.

Early and Forced Marriage: The legal age for marriage is 18. There were reports of early and forced marriages in some rural indigenous communities and in the Lev Tahor religious community. UNICEF reported 30 percent of women ages 20 to 24 years were first married or in union by age 18 (7 percent of them by age 15) between 2008 and 2014.

Sexual Exploitation of Children: The law provides sentences ranging from 13 to 24 years in prison, depending on the victim's age, for engaging in sex with a minor. The minimum age of consensual sex is 18.

The law prohibits child pornography and establishes penalties of six to 10 years in prison for producing, promoting, and selling child pornography and two to four years' imprisonment for possessing it. The Public Ministry and the PNC conducted several raids against alleged online child pornography networks. A new Regional Unit against Trafficking in Persons responsible for eight departments in the Western Highlands was launched in April, expanding the government's investigative capacity against child pornography actors. The commercial sexual exploitation of children, including child sex tourism, remained a problem, including in privately run orphanages.

Displaced Children: Criminals and gangs often recruited street children, many of them victims of domestic abuse, for purposes of stealing, extortion, transporting contraband, prostitution, and conducting illegal drug activities.

Institutionalized Children: As of September more than 500 children and adolescents lived in shelters run by the Secretariat for Social Welfare (SBS). The Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons

(SVET) continued temporarily to manage three shelters for children and adolescents, each with a capacity for 30 children. A government-mandated transfer of the three SVET shelters to SBS had not taken place by late November.

Overcrowding was common in shelters, and federal funding for orphanages remained limited. Local and international human rights organizations, including Disability Rights International, raised concerns that child abuse was rampant. A July investigative report claimed children with disabilities were consistently mistreated and neglected, including by being locked in cages. The Public Ministry received 22 formal reports of abuse or mistreatment of institutionalized minors during the year. In April adolescents rioted in a shelter, denouncing abuse by SBS employees and improper living conditions.

A March 2017 fire at the Hogar Seguro orphanage resulted in the deaths of 41 girls and severe injuries for 14 others. Authorities charged seven individuals with murder, abuse of authority, breach of duty, and abuse against minors in relation to the deaths of the 41 girls. Among those facing charges were former SBS secretary Carlos Rodas, former deputy secretary for protection and shelter Anahi Keller, and former shelter director Santos Torres. Trials continued, but there had been no convictions. On August 22, Congress approved a monthly government pension for the 15 survivors of the fire. The government did not make significant structural changes to the national shelter system, however.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html.

Anti-Semitism

The Jewish population numbered approximately 1,500 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution contains no specific prohibitions against discrimination based on physical, sensory, intellectual, and mental disabilities. The law, however, mandates equal access to public facilities and provides some other legal protections. In many cases, however, the law was not enforced. The law does not mandate that persons with disabilities have access to information or communications.

The National Council for Persons with Disabilities reported few persons with disabilities attended educational institutions or held jobs. The council, composed of representatives of relevant government ministries and agencies, is the principal government entity responsible for protecting the rights of persons with disabilities. Most schools and universities did not have facilities accessible to persons with disabilities. In July, Congress published the Law against Sexual Violence, Exploitation, and Trafficking in Persons in braille, the first time a law was translated into braille and published.

The Federico Mora National Hospital for Mental Health, the only public health-care provider for persons with mental illness, lacked basic supplies, equipment, hygienic living conditions, and adequate professional staff. Media and human rights organizations reported mistreatment of residents, including physical, psychological, and sexual violence by other residents, guards, and hospital staff, especially with respect to women and children with disabilities. Multiple legal actions were pending against the hospital.

Indigenous People

The government's National Institute of Statistics estimated indigenous persons from 22 ethnic groups comprised 44 percent of the population. The law provides for equal rights for indigenous persons and obliges the government to recognize, respect, and promote the lifestyles, customs, traditions, social organizations, and manner of dress of indigenous persons. The government does not recognize particular indigenous groups as having a special legal status provided by national law.

Multiple local NGOs raised concerns over the killings of at least nine indigenous leaders from May through September. According to Public Ministry investigations and NGO assessments, at least three of the leaders killed may have been targeted because of their political involvement and advocacy for indigenous rights. The

ministry was in the process of forming a technical working group charged with investigating the killings.

Indigenous representatives claimed actors in a number of regional development projects failed to consult meaningfully with local communities. In some cases indigenous communities were not able to participate in decisions affecting the exploitation of resources in their communities, including energy, minerals, timber, rivers, or other natural resources. They also lacked effective mechanisms for dialogue with the state to resolve conflicts. On September 3, the Constitutional Court ordered the Ministry of Energy and Mines to hold International Labor Organization (ILO) Convention 169-compliant consultations with Xinka populations, upholding the suspension of the operating license of Tahoe Resources' San Rafael Mine until after conclusion of the consultations. Previously, businesses carried out consultations independently without government oversight. A 2017 ruling allowed a hydroelectric project to continue operations concurrently during consultations led by the energy and mines ministry.

Indigenous communities were underrepresented in national politics and remained largely outside the political, economic, social, and cultural mainstream. This was mainly due to limited educational opportunities (contrary to law), limited communication regarding their rights, and pervasive discrimination. Government agencies dedicated to supporting indigenous rights lacked political support. These factors contributed to disproportionate poverty and malnutrition among most indigenous populations.

Indigenous lands lacked effective demarcation, making the legal recognition of titles to the land problematic. Indigenous rights advocates asserted that security authorities lacked familiarity with indigenous norms and practices and this engendered misunderstandings. PNC and indigenous leaders in the Western Highlands worked together to establish 37 model police precincts to better serve indigenous-majority communities, reduce violence, expand government services, and establish rule of law. The PNC established substations in three indigenous villages, Salacuim, Teleman, and Tierra Blanca, at the request of communities.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law does not extend specific antidiscrimination protections to LGBTI individuals based on their sexual orientation, gender identity or expression, or sex characteristics. Efforts to pass laws against such discrimination, including a

gender identity law, encountered severe opposition among legislators. LGBTI human rights groups stated police officers regularly engaged in extortion and harassed male and transgender individuals whom they alleged to be sex workers. There was general societal discrimination against LGBTI persons in access to education, health care, employment, and housing. The government made minimal efforts to address this discrimination. Sandra Moran, the first openly lesbian member of Congress, was harassed and intimidated based on her sexual orientation. Several attacks targeted journalists for supposed membership in the LGBTI community. LGBTI activists groups reported increased social media attacks against them following President Morales' August 31 decision to end CICIG's mandate. PNC officials visited one local LGBTI NGO's office on September 8, which the group claimed was an intimidation attempt.

According to LGBTI activists, gay and transgender individuals often experienced police abuse. The local NGO National Network for Sexual Diversity and HIV and the Lambda Association reported that from April 20 through November 11, 19 LGBTI persons were killed, including several transgender individuals the NGOs believed were targeted due to their sexual orientation. In May major media outlets reported that an unknown assailant shot and killed two LGBTI persons inside a home in Guatemala City. The case remained under investigation. The NGO Somos reported 35 violent attacks against LGBTI individuals during the year. LGBTI groups claimed women experienced specific forms of discrimination, such as forced marriages and forced pregnancies through "corrective rape," although these incidents were rarely, if ever, reported to authorities. In addition transgender individuals faced severe discrimination.

HIV and AIDS Social Stigma

The law includes HIV/AIDS status among the categories prohibited from discrimination. Societal discrimination against persons with HIV/AIDS remained a problem, however, despite efforts by the Ministry of Health to address it. Forms of discrimination included being required by some government authorities to reveal HIV/AIDS test results to receive certain public benefits or from employers in order to be hired. In addition HIV/AIDS patients experienced discrimination from medical personnel when receiving services at some public hospitals and clinics and had their right to confidentiality violated by disclosure of their status. Discrimination against LGBTI persons with HIV/AIDS was particularly common and affected access to HIV-prevention programs, especially for transgender individuals.

Other Societal Violence or Discrimination

Several times vigilante mobs attacked and killed those suspected of crimes such as rape, kidnapping, theft, or extortion. The NGO Mutual Support Group reported three persons were killed and 41 injured in public assaults by vigilante groups from January through June.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers, with the exception of security force members, to form and join trade unions, conduct legal strikes, and bargain collectively. The law, however, places some restrictions on these rights. For example, legal recognition of an industrywide union requires that the membership constitute a majority of the workers in an industry and restricts union leadership to citizens. The law prohibits antiunion discrimination and employer interference in union activities and requires employers to reinstate workers dismissed for organizing union activities. A strike must have the support of the majority of a company's workforce. Workers are not restricted to membership in one union or one industry.

The president and cabinet may suspend any strike deemed "gravely prejudicial to the country's essential activities and public services." The government defined "essential services" more broadly than international standards, thus denying the right to strike to a large number of public workers, such as those working in education, postal services, transport, and the production, transportation, and distribution of energy. Public employees may address grievances by means of conciliation for collective disputes and arbitration directly through the labor courts. For sectors considered essential, arbitration is compulsory if there is no agreement after 30 days of conciliation.

The law prohibits employer retaliation against workers engaged in legal strikes. If authorities do not recognize a strike as legal, employers may suspend or terminate workers for absence without leave. A factory or business owner is not obligated to negotiate a collective bargaining agreement unless at least 25 percent of workers in the factory or business are union members and request negotiations. Once a strike occurs, companies are required to close during negotiations. Strikes have been extremely rare, but work stoppages were common.

The government did not effectively enforce the law. Government institutions, such as the Ministry of Labor and the labor courts, did not effectively investigate, prosecute, or punish employers who violated freedom of association and collective bargaining laws or reinstate workers illegally dismissed for engaging in union activities. The Public Ministry was ineffective in responding to labor court referrals for criminal prosecution in cases where employers refused to comply with labor court orders. Inspectors often lacked vehicles or fuel to carry out inspections, and in some cases they failed to take effective action to gain access to worksites in response to employers' refusal to permit labor inspectors access to facilities. Inspectors were encouraged to seek police assistance as required. Inspections were generally not comprehensive, and if complaint driven, focused on investigating the alleged violation, rather than attempting to maximize limited resources to determine compliance beyond the individual complaint. Penalties for labor law violations were inadequate and rarely enforced.

In June 2017 passage of Decree 07-2017 restored sanction authority to the Ministry of Labor. Business groups complained the shortened time frame to investigate and verify compliance with Ministry of Labor remediation orders resulted in more cases being referred to the labor courts, without an opportunity to conciliate. The ministry indicated it had collected 1.06 million quetzals in fines ($141,000), but the lack of information about the law's implementation made it difficult to assess its impact on improving labor law enforcement.

The Special Prosecutor's Unit for Crimes against Unionists within the Office of the Special Prosecutor for Human Rights in the Public Ministry was responsible for investigating attacks and threats against union members as well as for noncompliance with judicial orders in labor cases. Staffing for the unit has increased, but successful prosecutions remained a challenge. The government reported some 2,000 cases involving noncompliance with labor court orders were under investigation.

An ILO special representative continued to monitor the 2013 roadmap, which includes indicators on increased compliance with reinstatement orders, increased prosecution of perpetrators of violence against trade unionists, reforms to national legislation to conform to Convention 87, and unimpeded registration of trade unions. In November 2017 a tripartite agreement was reached at the ILO, which calls for the formation of a National Tripartite Commission on Labor Relations and Freedom of Association, which would monitor and facilitate implementation of the 2013 ILO roadmap and its 2015 indicators. The commission would report, annually to the governing board and publicly, on progress implementing the ILO

roadmap until 2020. In addition to establishing the commission, the parties also committed to submitting to Congress a consensus legislative proposal that would address the long-standing ILO recommendations on freedom of association, collective bargaining, and the right to strike.

The tripartite commission was established in February, but a lack of consensus remained between employers and workers on legislation seeking to address long-standing ILO recommendations related to freedom of association, collective bargaining, and the right to strike, particularly in industry-wide unions. The Ministry of Government convened the Interagency Committee to Analyze Attacks Against Human Rights Defenders, including trade unionists, on a regular basis. NGO participants complained the ministry imposed restrictions on civil society participation in the committee and reduced working-level officials' authorities to respond to attacks.

Despite these efforts, the country did not demonstrate measurable progress in the effective enforcement of its labor laws, particularly those related to freedom of association and collective bargaining. The ILO noted the need for additional urgent action in several areas related to the roadmap, including investigation and prosecution of perpetrators of trade union violence; the adoption of protection measures for union officials; passage of legislative reforms to remove obstacles to freedom of association and the right to strike; and raising awareness of the rights to freedom of association and collective bargaining, particularly in the apparel and textile industries. The ILO also called for greater compliance with reinstatement orders in cases of antiunion dismissals. Based in large part on the 2017 tripartite agreement, the ILO Governing Body closed the case in November.

Violence and threats against trade unionists and labor activists remained serious problems, with four killings of trade unionists, 20 documented threats, and two violent attacks reported during the year. Authorities did not thoroughly investigate most acts of violence and threats, and by often discarding trade union activity as a motive from the outset of the investigation, allowed these acts to go unprosecuted. Several labor leaders reported death threats and other acts of intimidation. The Public Ministry reported one conviction during the year related to a trade unionist killed in 2012.

Procedural hurdles, union formation restrictions, and impunity for employers refusing to receive or ignoring court orders limited freedom of association and collective bargaining. Government statistics on attempted union registrations indicated most registrations were initially rejected, and when they were issued, it

was done outside the legally established period. In addition credentials of union leaders were regularly rejected and delayed. As a result union members were left without additional protections against antiunion retaliation.

Employers routinely resisted union formation attempts, delayed or only partially complied with agreements resulting from direct negotiations, and ignored judicial rulings requiring the employer to negotiate with recognized unions. There were credible reports of retaliation by employers against workers who tried to exercise their rights, including numerous complaints filed with the Ministry of Labor and the Public Ministry alleging employer retaliation for union activity. Common practices included termination and harassment of workers who attempted to form unions, creation of illegal company-supported unions to counter legally established unions, blacklisting of union organizers, and threats of factory closures. Local unions reported businesses used fraudulent bankruptcies, ownership substitution, and reincorporation of companies to circumvent legal obligations to recognize newly formed or established unions, despite legal restrictions on such practices.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government failed to enforce the law effectively in some cases. Reports persisted of men and women subjected to forced labor in agriculture and domestic service. Penalties were inadequate and rarely enforced. Criminal penalties for forced labor range from eight to 18 years' imprisonment. The government had specialized police and prosecutors handle cases of human trafficking, including forced labor, although local experts reported some prosecutors lacked adequate training. In July 2017 the Public Ministry arrested two sisters who forced six children to beg in the streets for money. The case remained pending at year's end. There were also other reports of forced child labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law bars employment of minors younger than age 14, although it allows the Ministry of Labor to authorize children younger than age 14 to work in exceptional cases. The ministry's inspectorate reported it did not authorize any exceptions during the year. The law prohibits persons younger than age 18 from working in places that serve alcoholic beverages, in unhealthy or dangerous conditions, at

night, or beyond the number of hours permitted. The legal workday for persons younger than age 14 is six hours; for persons ages 14 to 17, the legal workday is seven hours.

The Ministry of Labor's Child Worker Protection Unit is responsible for enforcing restrictions on child labor and educating minors, their parents, and employers on the rights of minors. Penalties were not sufficient to deter violations. The government did not effectively enforce the law, a situation exacerbated by the weakness of the labor inspection and labor court systems. The government devoted insufficient resources to prevention programs.

Child labor was a widespread problem. The NGO Conrad Project Association of the Cross estimated the workforce included approximately one million children ages five to 17. Most child labor occurred in rural indigenous areas of extreme poverty. The informal and agricultural sectors regularly employed children younger than age 14, usually in small family enterprises, including in the production of broccoli, coffee, corn, fireworks, gravel, and sugar. Indigenous children also worked in street sales and as shoe shiners and bricklayer assistants.

An estimated 39,000 children, primarily indigenous girls, worked as domestic servants and were often vulnerable to physical and sexual abuse. In the Mexican border area, there were reports of forced child labor in municipal dumps and in street begging.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The law explicitly prohibits discrimination with respect to employment or occupation based on race, color, sex, religion, political opinion, national origin or citizenship, age, and disability. The government did not effectively enforce the law and related regulations.

Discrimination in employment and occupation occurred. Anecdotally, wage discrimination based on race and sex occurred often in rural areas.

e. Acceptable Conditions of Work

The law sets national minimum wages for agricultural and nonagricultural work and for work in garment factories. The minimum wage for agricultural and nonagricultural work and for work in export-sector-regime factories did not meet the minimum food budget for a family of five. Minimum wage earners are due a mandatory monthly bonus of 250 quetzals ($33), and salaried workers receive two mandatory yearly bonuses (a Christmas bonus and a "14th month" bonus), each equivalent to one month's salary.

The legal workweek is 48 hours with at least one paid 24-hour rest period. Workers are not to work more than 12 hours a day. The law provides for 12 paid annual holidays and paid vacation of 15 days after one year's work. Daily and weekly maximum hour limits do not apply to domestic workers. Workers in the formal sector receive the standard pay for a day's work for official annual holidays. Time-and-a-half pay is required for overtime work, and the law prohibits excessive compulsory overtime.

The government sets occupational health and safety standards that were inadequate, not current for all industries, and poorly enforced. The law does not provide for the right of workers to remove themselves from situations that endangered health or safety without jeopardy to their employment.

The Ministry of Labor conducted inspections to monitor compliance with minimum wage law provisions but often lacked the necessary vehicles or fuel to enable inspectors to enforce the law, especially in the agricultural and informal sectors. The ministry did not employ a sufficient number of labor inspectors to deter violations, and many of them performed conciliation or administrative duties rather than clearly defined inspection duties.

Labor inspectors reported uncovering numerous instances of overtime abuse, but effective enforcement was undermined due to inadequate fines and labor courts' reluctance to use compulsory measures, such as increased fines and referrals to the criminal courts, to obtain compliance. Other factors contributing to the lack of effective enforcement included labor court inefficiencies, employer refusal to permit labor inspectors to enter facilities or provide access to payroll records and other documentation, and inspectors' lack of follow-up inspections in the face of such refusals. Labor inspectors were not authorized to sanction employers but had to refer alleged violations to the labor courts. Due to inefficient and lengthy court proceedings, the resolution of cases was often delayed, in many instances for several years. Employers failing to provide a safe workplace were rarely

sanctioned, and legislation requiring companies with more than 50 employees to provide onsite medical facilities for their workers was not enforced.

Trade union leaders and human rights groups reported employers required workers to work overtime without legally mandated premium pay. Management often manipulated employer-provided transportation to worksites to force employees to work overtime, especially in export processing zones located in isolated areas with limited transportation alternatives. Noncompliance with minimum wage provisions in the agricultural and informal sectors was widespread. Advocacy groups estimated the vast majority of workers in rural areas who engaged in daylong employment did not receive the wages, benefits, or social security allocations required by law. Many employers in the agricultural sector reportedly conditioned payment of the minimum daily wage on excessive production quotas that workers generally were unable to meet. In order to meet the quota, workers felt compelled to work extra hours, sometimes bringing family members, including children, to help with the work. Because of having to work beyond the maximum allowed hours per day, workers received less than the minimum wage for the day and did not receive the required overtime pay. According to ILO statistics, 74 percent of the workforce worked in the informal sector and outside the basic protections afforded by law.

Local unions highlighted and protested violations by employers who failed to pay employer and employee contributions to the national social security system despite employee contribution deductions from workers' paychecks. These violations, particularly common in export and agricultural industries, resulted in limiting or denying employees' access to the public health system and reducing or underpaying workers' pension benefits during their retirement years.

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2019 Trafficking in Persons Report: Guatemala

JUNE 20, 2019

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GUATEMALA: Tier 2

PRIORITIZED RECOMMENDATIONS

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underlying problems in the nation's shelters providing for child trafficking victims; referred only 64 percent of victims to care, and specialized victim services remained inadequate given the scope of the problem and lack of services for adult victims. Corruption and complicity rem significant concerns.

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PRIORITIZED RECOMMENDATIONS

Vigorously investigate and prosecute trafficking offenses, with increased focus on suspected cases of forced labor. • Convict traffickers under the 2009 anti-trafficking law, rather than lesser offenses, and sentence them to adequate penalties, which should include significant prison terms. • Review shelter standards and operations in shelters providing for child trafficking victims nationwide and address overcrowding, abuse, and neglect. • Investigate and hold government officials criminally accountable for complicity in trafficking. • Expand authority to refer victims to care to additional appropriate authorities and ensure all victims are referred quickly to appropriate care facilities. • Increase efforts to identify trafficking victims, particularly among vulnerable populations, such as working children, returning migrants, individuals in prostitution, and children apprehended for illicit gang-related activities. • Improve access to and quality of specialized services for adult victims. • Amend the 2009 anti-trafficking law to include a definition of human trafficking consistent with international law. • Increase efforts to investigate, prosecute, and convict child sex tourists and others engaged in sex trafficking of children. • As part of developing a cadre of specialized prosecutors and judges outside of the capital, expand training to include training on the use of forensic and other evidence to ensure trafficking cases are investigated and prosecuted as such rather than as lesser offenses. • Provide reintegration and witness protection support to victims once they leave shelters to prevent re-trafficking. • Increase efforts to proactively look for indicators of forced labor, including in the agricultural sector where workers were particularly vulnerable to forced labor.

PROSECUTION

The government slightly increased law enforcement efforts. The anti-trafficking law of 2009 criminalized sex trafficking and labor trafficking and prescribed penalties from eight to 18 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law did not consider the use of force, fraud, or coercion as an essential element of an adult trafficking offense. The law defined trafficking broadly to include labor exploitation and illegal adoption without the purpose of exploitation.

The government initiated investigations of 272 complaints of trafficking-related offenses i compared to 254 complaints in 2017 and 243 complaints in 2016. In 2018, the government

reported 140 of these complaints were specifically trafficking rather than related offenses compared to 127 in 2017. The Human Rights Ombudsman reported receiving 23 complaints of potential trafficking, which it referred to the Public Ministry. Authorities prosecuted 32 defendants for trafficking in 2018, compared with 52 defendants in 2017 and 43 defendants in 2016. Authorities secured 14 convictions against 22 traffickers, compared with 19 convictions in 2017 and 13 convictions in 2016, with sentences ranging from eight to 15 years' imprisonment. In October 2018, Public Ministry officials arrested 11 individuals, including eight prison guards, for allegedly facilitating child trafficking by recruiting and employing a 17-year-old girl as a domestic worker and offering her for commercial sexual services to an alleged drug trafficker who was in the custody of the prison guards in a private hospital. The government convicted the eight prison guards for failure to report sexual exploitation and sentenced them to three years in prison in February 2019. The government charged two other individuals with human trafficking and their cases were pending trial at the close of the reporting period.

The Judicial System dedicated resources to increase investigative and prosecutorial capacity outside the capital. In December 2018, the Judicial System approved the opening of a specialized First Instance Criminal Court and Criminal Trial Court in Quetzaltenango to compliment the Public Ministry's anti-trafficking unit. The Quetzaltenango regional anti-trafficking unit received 19 complaints, an increase over previous years due to greater capacity in the Western Highlands. Some judges, especially in the interior, lacked adequate training to apply forensic evidence in prosecutions, which led to cases tried as sexual assault rather than trafficking. Observers reported recent training for judges improved their awareness of and ability to identify trafficking crimes, but more training was needed given the decrease in prosecutions and convictions. The government provided or participated in training on trafficking indicators and processing trafficking cases offered by international organizations and a foreign government for police academy recruits, crime scene experts, prosecutors, and judges on trafficking indicators and processing trafficking cases.

PROTECTION

The government increased protection efforts. The government identified 371 trafficking victims (308 female victims and 63 male victims) in 2018, compared with 316 in 2017, 484 in 2016, and 673 in 2015. Reported data did not specify the types of trafficking involved in those cases. The government made efforts to address child forced labor by conducting an operation in coordination with three municipalities against 82 tortilla vendors and convenience stores, which

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resulted in the identification of 47 possible child labor victims and arrest of 17 alleged traffickers. The interagency anti-trafficking commission initiated the development of a new victim identification guide and planned to finalize and disseminate it in 2019. Meanwhile, officials use the inter-institutional protocol for the protection and attention to victims, first published in 2016. The commission worked to strengthen the immediate Response Team (ERI) convened by the Public Ministry and led by the Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons (SVET), including by developing an ERI action guide on the formal process for identifying, referring, and protecting victims. While some government officials received training to implement another protocol to identify potential forced labor victims during labor inspections, NGOs expressed concern the labor ministry did not proactively look for indicators of forced labor, including in the agricultural sector where workers were particularly vulnerable to forced labor.

The attorney general implemented a victim assistance protocol and victims' bill of rights by establishing procedures for victim attention, investigations, protection, and reparations. Guatemalan law required judges make all referrals to public or private shelters. In 2018 judges referred 239 victims to care facilities compared to 210 in 2017 and 256 victims in 2016. In practice, judges did not make timely referrals, delaying access to needed assistance. Judges at times referred child victims to their families, leaving some vulnerable to re-trafficking, as family members often were involved in their exploitation. Authorities repatriated four Guatemalan victims from abroad in 2018. Authorities repatriated two Honduran trafficking victims in coordination with foreign consular officials and in accordance with an established protocol. Civil society expressed concern some adult foreign victims chose to leave shelters and return to their home countries due to lengthy investigation processes. The government screened returning unaccompanied children for trafficking indicators using Secretariat of Social Welfare (SBS) protocols for the attention and reception of such children in two government shelters. An NGO maintained a specialized shelter for unaccompanied minors that assisted repatriation, deterred irregular migration, and screened for trafficking. The government provided 19.4 million quetzals ($2.51 million) in funding in 2018 for government shelters, as well as NGOs that provide specialized services, mostly for child trafficking victims compared to 17.6 million quetzals ($2.28 million) in 2017. The government allocated 21 million quetzals ($2.72 million) in funding for 2019. While funding has increased, NGOs advocated for additional funding to increase service provision.

The government and NGOs provided shelter and services to 238 trafficking victims, comp 127 trafficking victims in 2017, including victims of sex trafficking and forced labor, adults and

children, female and male victims. SVET shelters provided such services in cooperation with other government agencies and implemented improvements to provide vocational training leading to certifications in computer programming and cooking. SBS shelters provided basic services, including food and housing, and more advanced services, such as healthcare, vocational education, and therapy. SBS adopted a new shelter model to limit the number of children per shelter to 15 and a process to evaluate each child within the first 72 hours before determining treatment. As of January 1, 2019, SBS assumed leadership over two of the three SVET-managed shelters for child trafficking victims. Authorities determined the third shelter would better serve the gap in shelter for adults and began the process of dedicating it strictly for adult trafficking victims and migrants. SVET developed a protocol for specialized attention to children in shelters, which it distributed to public and private shelters, and a model of integral attention for adult victims to be used in the new adult shelter. The government-run shelters housed 77 trafficking victims (74 females and three males) in 2018 compared to 89 trafficking victims (82 females and seven males) in 2017 and 77 in 2016. SVET reported the average time victims stayed in its shelters was four months, and SBS reported the average time children stayed in its specialized program in Coatepeque was 10 months. Four NGOs provided shelter and services to 161 children and adults ranging from housing, healthcare, education, psychological services, and legal services. Observers reported NGOs provided the highest quality and most comprehensive care for child victims. One NGO shelter provided services to adult female victims, but it restricted victims' freedom of movement. Observers expressed concern the government had not established a mechanism to provide victims with follow-up and reintegration support once they leave shelters, which could jeopardize victims' safety and increase vulnerability to re-trafficking.

Observers reported monitoring and oversight of all government shelters for children remained weak, noting the government did not implement structural changes to overhaul the system in the aftermath of the March 2017 fire in an overcrowded government-managed shelter, which resulted in the deaths of 41 girls and injuries to others. The shelter had previously faced allegations of corruption, sexual exploitation, and a UN investigation into the shelter's management. In addition, Guatemala's president had called for a restructuring of the country's shelter system and authorities published a new 2017-2032 action plan on the protection of children and adolescents, including trafficking victims and children in state-run institutions. In the previous reporting period, the government prosecuted seven government officials for offenses including, but not limited to, abuse of power, neglect of their duties, and maltreatment of [illegible]s, some of whom may have been trafficking victims, for the March 2017 fire and as of March the courts planned to proceed to trial in May 2019 against three government officials.

Authorities encouraged victims to assist in the investigation and prosecution of traffickers and made options available for victim testimony to be given either in a Gesell Chamber or from behind a partition in the courtroom to protect the victim's identity and privacy. The Public Ministry employed social workers and psychologists to serve as liaisons between the office and victims, accompany victims through the proceedings against their traffickers, and assist victims in accessing medical services; the Public Ministry assisted 270 individuals in 2018. Judges must order restitution when sentencing traffickers, and victims also had the right to file civil claims for compensatory damages and harm suffered as a result of traffickers exploiting them in sex trafficking or forced labor; the government did not report any victims received restitution or a civil damages award in 2018 or 2017, compared to seven victims who received restitution in 2016. The Judiciary reported judges consistently order restitution, but observers reported a gap in enforcement of orders for payments. Guatemalan law provided legal alternatives to the removal of foreign victims who may face hardship or retribution upon return to their home countries, but all known foreign victims opted for repatriation. Foreign victims had the same access to care as domestic trafficking victims.

PREVENTION

The government increased prevention efforts. SVET served as the secretariat for the interagency anti-trafficking commission, which coordinated government efforts against trafficking, expanded to include eight new members, held 15 meetings attended by both government officials and NGOs, and implemented the national anti-trafficking action plan for 2018-2024. SVET coordinated several departmental networks, which identified trafficking cases and in 2018 conducted an information campaign in 18 departments in the country. The anti-trafficking commission convened agencies and civil society in November 2018 to develop a 2019 operational plan assigning targets, due dates, and entities responsible. The government funded and conducted a wide range of initiatives to educate potential victims, the public, government officials, and tourists about the dangers, causes, and consequences of trafficking, including by continuing its support of the "Blue Heart" campaign for a third year and by providing materials in indigenous languages and in braille. The government launched a new national anti-trafficking campaign focused on informing youth about the dangers of forced labor and recruitment by criminal groups for illicit activities. The government created new messaging to raise the awareness among the general public, particularly in border regions, and among staff at mi shelters to improve their ability to identify trafficking. The government took steps to resp the June 2018 volcanic eruption, which forced thousands of Guatemalans from their homes, and

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to the migration of thousands of Central Americans beginning in October 2018 by providing training for shelter workers on trafficking indicators and educational materials and radio spots on the risks of trafficking in emergency situations for the public. SVET and the General Transportation Directorate promoted an awareness-raising campaign in the public transportation system in 19 departments of the country. The government did not operate a trafficking-specific hotline but encouraged the public to call the hotline operated by the national police, which operated 24 hours a day and year-round and accepted reports anonymously. The Human Rights Ombudsman encouraged the public to call its 24-hour hotline to report potential trafficking cases. Neither agency reported how many calls it received in 2018.

SVET reactivated the National Working Group for the Prevention and Protection of Children and Adolescents against Sexual Exploitation in Activities Related to Travel and Tourism, developed an operational plan to implement its 2018-2022 strategic plan, trained members of the national taxi association, and ran prevention campaigns on sex tourism targeting students, visitors to hospitals, activists, airport security officials, tourist police, businesses, tourism operators, and travelers. The government investigated a suspected sex tourist for allegedly exploiting children in commercial sexual exploitation during the reporting period. The government developed draft regulations related to labor recruiting of Guatemalan workers in the previous reporting period but did not finalize or implement them in 2018. The government worked with the private sector to promote policies to exclude products made with forced labor in efforts to reduce the demand for forced labor. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Guatemala, and traffickers exploit victims from Guatemala abroad. Traffickers exploit Guatemalan women, transgender persons, girls, and boys in sex trafficking within the country and in Mexico, the United States, Belize, and other foreign countries. Foreign child sex tourists, predominantly from Canada, the United States, and Western Europe, as well as Guatemalan men, patronize child sex trafficking victims for commercial sex acts. Traffickers exploit women and children from other Latin American countries and the United States in sex trafficking in Guatemala. Traffickers exploit Guatemalan men, women, and children in forced labor within the country, often in agriculture or domestic service, and in the garment industry and domestic service in Mexico, the United States, and other countries. Experts identified the coffee, broccoli,

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sugar, stone quarry, and firework manufacturing sectors as vulnerable to potential child forced labor cases. Domestic servitude in Guatemala sometimes occurs through forced marriages. Indigenous Guatemalans, including children, are particularly vulnerable to and exploited in forced labor, including in tortilla-making shops. Traffickers exploit Guatemalan children in forced begging and street vending, particularly within Guatemala City and along the border with Mexico. Criminal organizations, including gangs, exploit girls in sex trafficking and coerce young males in urban areas to sell or transport drugs or commit extortion. Traffickers exploit some Latin American migrants transiting Guatemala en route to Mexico and the United States in sex trafficking or forced labor in Mexico, the United States, or Guatemala. Police, military, and elected officials have been placed under investigation for paying children for sex acts, facilitating child sex trafficking, or protecting venues where trafficking occurs.

TAGS

Guatemala Office to Monitor and Combat Trafficking in Persons

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Guatemala 'closes its eyes' to rampant child sex trafficking: U.N.

Anastasia Moloney

BOGOTA (Thomson Reuters Foundation) - Every day 33 people become entrapped in sex trafficking rings in Guatemala, including a "shocking" proportion of children, some of them sold into the sex trade by their mothers, the United Nations Children's Fund (UNICEF) said.

Nearly 60 percent of the 50,000 victims of sex trafficking in Guatemala are children, according to a report by UNICEF and the U.N. Commission against Impunity in Guatemala (CICIG), which estimates the industry to be worth $1.6 billion a year.

"We never imagined the magnitude of the number of children being sexually exploited. People were shocked by the figures, as were we," Kagoshima said, referring to the recent U.N. report.

Girls as young as 12 work in brothels and are forced to have sex with up to 30 customers a day, while virgin girls are recruited at schools, she said.

(5/10)

Sex trafficking is fueled by a "social tolerance" of children being sold for sex work, a business equal to 2.7 percent of Guatemala's gross domestic product, she said.

"Society collectively closes its eyes to children being exploited. We have to open our eyes to the problem," Kagoshima told the Thomson Reuters Foundation late on Tuesday.

Poverty is one of the biggest drivers of sex trafficking in the central American country where three in five people live on less than $3.10 a day, UNICEF said.

Traffickers often target poor, uneducated and unemployed women and girls, luring them with false promises of earning money as a waitress or model, UNICEF said.

DOMESTIC VIOLENCE

Guatemala's engrained macho culture, along with widespread sexual abuse in the home, also fuels trafficking.

"Often human trafficking starts from domestic and sexual violence by fathers and stepfathers. This is a very common scenario in Guatemala," Kagoshima said.

She said such violence prompts boys and girls to run away from home, leaving them prey to sexual exploitation by traffickers.

The U.N. report cited the case of Claudia, who was caught in a sex trafficking ring aged 12 after leaving home to escape abuse by her stepfather.

"For months, Claudia endured the touching, until the stepfather threatened her one day of abusing her little sister if she would not have sex with him," the report said.

"She accepted to have sex to save her little sister but she was unable to tolerate the situation for long," it said.

Mothers who are known to sell their children into the sex trade are often themselves victims of trafficking or domestic abuse.

"They go to car parks where there are trucks and sell their daughters for a very low price," Kagoshima said.

The report gave the example of Juanita, who at 14 was sold by her mother in 2011 for $13,000 to a policeman who kept her captive as a sex slave for nearly a year.

"I said I didn't want to do anything with him ... he threatened me with a gun and he said "well, you have to do it," the report quoted Juanita as saying.

Guatemala has introduced several initiatives and laws to tackle human trafficking.

These include a 2009 anti-trafficking law, a protocol implemented in 2014 to guide officials when assisting victims, and greater focus on combating the online child sex trade.

Despite these efforts, there are just two prosecutors working on sex trafficking cases across the country, and the number of trafficking convictions in Guatemala remains low, the U.N. report said.

In 2014, the Guatemalan authorities convicted 20 human traffickers, according to the 2015 U.S. State Department report on human trafficking.

"Only 1,600 sex trafficking cases are detected a year. The rest are kept in the dark," Kagoshima said.

Reporting by Anastasia Moloney, editing by Katie Nguyen.; Please credit the Thomson Reuters Foundation, the charitable arm of Thomson Reuters, that covers humanitarian news, women's rights, trafficking, corruption and climate change. Visit http://news.trust.org

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PROOF OF SERVICE

On 3/14/2020, **I,** Yalila Guerrero, **served a copy of this** Respondent's Additional Evidence in Support of her Application **and any attached pages to the** Government Attorney for the Department of Homeland Security **at the following address:** 126 Northpoint Dr., Room 2020, Houston, TX 77060.

Yalila Guerrero

3/14/2020
Date