

STRATEGIES FOR COMBATING HUMAN TRAFFICKING WITHIN THE UNITED STATES, CANADA AND MEXICO

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The Coalition Against Trafficking in Women is an international nongovernmental organization, with consultative status to the United Nations Economic and Social Council. Founded in 1988, the Coalition works against trafficking and related forms of commercial sexual exploitation of women and girls as practices of violence against women and as severe violations of human rights. The Coalition conducts research into trafficking; advocates for legislation on the national, regional, and international levels; supports community education and victim services projects in Asia, Africa, Latin America, and Europe. The Coalition includes three regional coalitions: the Coalition Asia-Pacific, headquartered in Manila, the Philippines; the Coalition Africa, headquartered in Bamako, Mali; and the Coalition Latin America, headquartered in Mexico City.

For my presentation today, I draw on the work and experience of our Latin American Coalition in Mexico, led by Teresa Ulloa. Ms. Ulloa, a lawyer who has fought for decades against gender-based violence and exploitation in Mexico, oversees a project to prevent the recruitment of Mexican girls into the sex industry by implementing anti-trafficking educational programs directed at girls and boys in schools and community centers. She has also developed a video, shown on buses, airlines, and other transportation facilities,

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that warns travelers in Mexico about the risks and penalties of trafficking and sexual exploitation. The focus of my presentation will be the trafficking of Mexican women and girls into prostitution and related forms of commercial sexual exploitation over the past decade.

By all accounts, the sexual trafficking of Mexican women and girls has increased dramatically since 1994. In November, Ambassador John Miller, the head of the State Department's Trafficking in Persons Office, was in Mexico and held a press conference. At it, he stated that each year 17,000 persons are trafficked from Mexico into the United States and that 16,000 to 20,000 children are sexually exploited in Mexico, primarily in Mexico's border, urban, and tourist areas.

These gender-neutral statistics conceal the gendered nature of the industry. The U.S. State Department estimates that seventy percent of trafficking is for purposes of sexual exploitation, and eighty percent of trafficking victims are female. Although the highly publicized prosecutions of child prostitution in Mexico have spotlighted male sex tourists who prey on boys, experts in Mexico estimate that 90 percent of the prostituted children in Mexico are female (Elena Azaola, Center of Higher Research and Studies in Social Anthropology). The demand that drives the supply of these victims is almost exclusively male.

But while the victims are primarily women and girls and the buyers overwhelmingly men, trafficking in women and girls is sometimes equal-opportunity employment, involving women, as well as men. In 2003 and 2004, there were numerous successful prosecutions of male and female Mexican nationals who trafficked women and girls into the United States for purposes of prostitution. On July 1 of last year, for example, a Mexican woman joined three male compatriots in pleading guilty to recruiting a dozen young women in Mexico and paying for them to be smuggled to a Los Angeles brothel to work as prostitutes.

None of these statistics on trafficking of Mexicans include figures for *domestic* trafficking within Mexico. Researchers and service providers alike report that women and girls are routinely trafficked from rural to urban or tourist areas within Mexico for pur-

poses of prostitution. In 1999, the Mexico City government estimated that there were 50,000 individuals in prostitution in that municipality, 2,500 of which were minors. Domestic trafficking in Mexico is carried out both behind closed doors and in public space. In 1999, I visited a brothel in Mexico City and interviewed the *madam* who ran it and two women who worked in it, both of whom had been trafficked from rural areas by their husbands, who served as their pimps. Last year, Teresa Ulloa took me on a tour of Mexico City's red light districts, where one could observe scores of scantily-clad teenage girls standing on the streets, monitored intently by men crouched nearby in the shadows.

For purposes of this presentation, I will use the definition of trafficking from the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, also known as the Palermo Protocol, which entered into force December 25, 2003. Although the U.S. Trafficking Victims Protection Act (TVPA) condemns all trafficking, its operative provisions--both its victim protection and criminal penalties--apply only to "severe forms of trafficking," defined as trafficking involving force, fraud, or coercion. While the original draft definition of the Palermo Protocol similarly limited its scope to trafficking involving force, fraud, or coercion, abolitionists, feminists, and representatives of the Group of 77, the U.N.'s Third World Coalition,¹ successfully argued during drafting sessions that this force-based definition excludes victims forced into trafficking by social, political, environmental, and economic conditions, while according their traffickers impunity. Thus, the Protocol's final definition of trafficking not only includes

¹ The Group of 77 (G-77) was established on 15 June 1964 by seventy-seven developing countries signatories of the "Joint Declaration of the Seventy-Seven Countries" issued at the end of the first session of the United Nations Conference on Trade and Development (UNCTAD) in Geneva. Beginning with the first Ministerial Meeting of the Group of 77 in Algiers in 1967 which adopted the Charter of Algiers, a permanent institutional structure gradually developed which led to the creation of Chapters of the Group of 77 in Rome (FAO), Vienna (UNIDO), Paris (UNESCO), Nairobi (UNEP) and the Group of 24 in Washington, D.C. (IMF and World Bank). Although the membership of the G-77 has increased to 132 countries, the original name was retained because of its historic significance.

trafficking carried out by means of force or other forms of coercion, abduction, fraud, and deception but also trafficking effected by “the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.” Recognizing that the abuse of power can vitiate consent, the definitional section of the Protocol specifies that where any of these means have been used, the consent of a trafficking victim to the intended exploitation is irrelevant.

Applying the more inclusive definition of trafficking in the Palermo Protocol to a country like Mexico makes sense for many reasons. Ignoring those who have been driven into conditions of commercial sexual exploitation by severe poverty, persistent unemployment, and histories of violence and oppression that leave them vulnerable to the wiles of traffickers and recruiters, is not only unjust, it shields their predators from accountability. Force-based definitions of trafficking also lead to the creation of two classes of sexually exploited persons--the worthy, who are coerced and thereby deserving of protection, and those who are complicit in their exploitation and therefore ignored by the law. Limiting protection to those who have been defrauded or coerced also reinforces patriarchal paradigms, deeply embedded in Mexican and many other traditional cultures that pit virtuous “madonnas” against wicked “whores.” It should be noted that, stereotypes aside, research shows that the vast majority of Mexican women in conditions of commercial sexual exploitation--as many as eighty percent--are mothers, and a key factor precipitating their entrance into prostitution is the need to provide for their children.

Discussions of the root causes of trafficking and the best strategies for combating it often center on *push* and *pull* forces, the former usually connected with supply and the latter with demand. While push and pull forces are most often discussed in the context of cross-border international trafficking, an analysis of them can be useful in understanding domestic trafficking, as well. What are the predominant push and pull forces that have contributed to the increase in the trafficking of Mexican women and children over the past decade?

Among the chief *push factors* are clearly the economic forces and policies that have roiled the Mexican economy since 1994 and, as a result, Mexico's economic and social structure. The impact of NAFTA was profound, leading to a loss of 1.3 million jobs in Mexico's agricultural sector. That reality, together with the impact of Mexico's economic crisis of 1994, the ensuing recession, and the impact on Mexico of the later recession in the United States, resulted in a fifty percent increase in the poverty of female-headed households between 1994 and the present. While the NAFTA-facilitated export processing zones and *maquiladoras* provided employment for many displaced female agricultural workers and other women and girls seeking employment, these factory jobs placed them at far greater risk of violence, sexual harassment, and sexual exploitation. The close to four-hundred murdered or disappeared women and girls working in the *maquiladoras* in Ciudad Juarez is an extreme example of the dangers facing young women workers in Mexico, many of whom are far from home. Rape, sexual harassment by employers, and unsafe working conditions are far more common. Many *maquiladoras* fire pregnant women workers, plunging them into destitution at the very time they are most in need of income. The salaries that these foreign-owned factories pay their workers--the majority of whom are young women--are among the lowest wages in Mexican industry.

The economic transformation of Eastern Europe, *post-perestroika*, plunged hundreds of thousands of educated women and girls into conditions of poverty and sex discrimination, providing European sex industry entrepreneurs with a supply of human merchandise that far exceeded their wildest dreams. The economic conditions in Mexico since the mid-90's have had similar effects, leading to an unprecedented migration of young Mexican women from rural areas to cities and export processing zones, and from Mexico into the United States. Far from family and community support systems, these women are at great risk from traffickers and other sexual predators. Indeed, the sex industry is the largest source of employment for women who have lost jobs as a consequence of globalization.

If poverty is a chief *push factor* in the trafficking of Mexican women and girls, the major *pull factor* is demand. In the case of Mexican women and children, demand takes many different forms. One is the demand for prostitution in the United States created by American nationals. This demand motivates recruiters and traffickers to send their agents into Mexican cities, towns, and villages to troll for girls and young women that might appeal to American buyers. Whether promised jobs as babysitters or receptionists, or offered lucrative work in the sex industry, most Mexican trafficking victims end up closely guarded and under threat, with their travel documents confiscated in brothels where they serve five to ten buyers a shift. Demand from the North also takes the form of sex tourists, whether they are American or Canadian men on business trips in Mexico City or vacationing in Acapulco. Casa Alianza estimates that thousands of American men cross the U.S. Mexican border on a daily basis seeking underage prostitutes and has noted that the crackdown on sex tourism in Asia has only served to heighten the demand in Mexico and Central America.

The demand fueling the trafficking of Mexican girls and women does not only come from American and Canadian men, however. A significant source is Mexican immigrants in the United States, both documented and undocumented, who patronize brothels in their communities and near their workplaces filled with trafficked Mexican women and girls. The ethnic and linguistic character of these brothels has made them all but impervious to law enforcement anti-trafficking efforts. Some of the men buying trafficked women are themselves exploited, as in the cases of the undocumented Mexican migrant workers in Florida, South Carolina, and San Diego, who were served by prostitution rings trafficking in enslaved Mexican girls and young women.

Demand also takes the form of troops in Mexico's army--well known consumers of sexually exploited women and girls. As with NAFTA, U.S. policies are implicated--since September 11, 2001 the current political administration has doubled military aid to Mexico with the hope of securing Mexican oil reserves and lessening U.S. dependence on Middle Eastern oil. In areas such as Chiapas, where the Mexican army has deployed troops and government-supported

paramilitary forces are active, girls and women have been raped and forced into prostitution and sexual slavery.

Finally, the demand of ordinary Mexican men for prostitutes throughout Mexico contributes significantly to the domestic trafficking of Mexican women and girls. Clearly, Sweden's successful strategy of combating demand through public education and criminal sanctions against buyers could have a big deterrent effect on the trafficking of Mexican women and girls, especially if implemented in both the United States and Mexico.

I'd like to conclude by focusing on the Mexican women and girls who are trafficked in the NAFTA region. Only recently, have systematic studies been conducted evaluating their experiences and the impact on them of the trafficking. In the anthology *PROSTITUTION, TRAFFICKING, AND TRAUMATIC STRESS*, psychologist Melissa Farley describes the results of interviews with one hundred twenty-three women in street, brothel, strip club, and massage prostitution in Mexico City and Puebla, almost all of whom fall within the definition of trafficking under the Palermo Protocol. Well over half had been sexually abused as children, had been physically and/or sexually assaulted in prostitution, and were diagnosed as suffering from post traumatic stress disorder. Their responses, when asked, "What do you need?" speak volumes: sixty-seven percent replied "healthcare," eighty-seven percent replied "a home" or "a safe place," and ninety-two percent replied "job training." Unless we can begin to provide Mexican women and girls with protection from and economic alternatives to commercial sexual exploitation, traffickers in Mexico and the United States will continue to have a ready supply of human merchandise.