

## **MEXICO (Tier 2)**

Mexico is a large source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Groups considered most vulnerable to human trafficking in Mexico include women, children, indigenous persons, persons with mental and physical disabilities, as well as lesbian, gay, bisexual, and transgender youth, and undocumented migrants. Mexican women and children are exploited in sex trafficking within Mexico and the United States, lured by fraudulent employment opportunities, deceptive offers of romantic relationships, or extortion, including through the retention of identification documents or threats to notify immigration officials. Mexican men, women, and children also are exploited in forced labor in agriculture, domestic service, manufacturing, construction, in the informal economy, and in forced street begging in both the United States and Mexico. Staff at some substance addiction rehabilitation centers and women's shelters have subjected residents to forced labor and forced prostitution. The vast majority of foreign victims in forced labor and sexual servitude in Mexico are from Central and South America, particularly Guatemala, Honduras, and El Salvador; many of these victims are exploited along Mexico's southern border. Trafficking victims from the Caribbean, Eastern Europe, Asia, and Africa have also been identified in Mexico, some *en route* to the United States.

Organized criminal groups coerced children and migrants into prostitution and work as hit men, lookouts, and in the production, transportation, and sale of drugs. There were also reports during the year of criminal groups using forced labor in coal mines and kidnapping professionals, including architects and engineers, for forced labor. Child sex tourism persisted in Mexico, especially in tourist areas such as Acapulco, Puerto Vallarta, and Cancun and in northern border cities like Tijuana and Ciudad Juarez. Many child sex tourists are from the United States, Canada, and western Europe, though some are Mexican citizens. In some parts of the country, threats of violence from criminal organizations impede the ability of the government and civil society to combat trafficking effectively.

The Government of Mexico does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, authorities approved a new national anti-trafficking law and increased convictions of trafficking offenders at the state level. Some states strengthened their anti-trafficking law enforcement capacity, and the government maintained varied training efforts at the national and local level. Specialized victim services and shelters remained inadequate, however, and victim identification and interagency coordination remained uneven. There was no centralized data on victim identification or law enforcement efforts, efforts against forced labor continued to be relatively weak, and official complicity continued to be a serious problem.

**Recommendations for Mexico:** Continue to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, at both the federal and state level, including for forced labor crimes; increase funding for specialized victim services and shelters in partnership with civil society, and ensure that victims of all forms of trafficking receive adequate protection;

increase efforts to hold public officials who are complicit in trafficking accountable through prosecution and conviction; enhance formal procedures to identify trafficking victims among vulnerable populations, such as people in prostitution and undocumented migrants, and to refer them to appropriate care services; improve coordination mechanisms between federal, state, and local authorities; increase the ability of regional and state coalitions and specialized units to more effectively respond to human trafficking cases through increased funding and trained staff; improve data collection efforts; ensure effective protection for witnesses and victims testifying against trafficking offenders, and ensure that victims are not coerced into testifying against trafficking offenders; and increase training on human trafficking victim identification and treatment for law enforcement officers, immigration officials, labor inspectors, prosecutors, judges, social workers, and other government employees.

## **Prosecution**

The Government of Mexico continued to increase law enforcement efforts, particularly at the state level; however, lack of coordination, official complicity, and some officials' limited understanding of human trafficking continued to undermine anti-trafficking efforts. Authorities approved a new anti-trafficking law in June 2012 that obligates states to adjust their anti-trafficking legislation to be in line with national legislation. Despite a 90-day time limit in which to do so, the regulations were not issued during the reporting period and, as a result, administrative portions remained unenforceable. The law prohibits all forms of human trafficking, prescribing penalties of five to 30 years' imprisonment depending on the form of trafficking; it also prohibits and classifies as offenses crimes that are not considered trafficking offenses under the 2000 UN TIP Protocol, such as illegal adoption. These penalties are sufficiently stringent and commensurate with those prescribed for rape. NGOs and attorneys practicing in the area criticized the law as being unduly complex. The previous federal anti-trafficking law prohibited all forms of human trafficking, prescribing penalties of six to 18 years' imprisonment but allowed victim consent to negate the crime; this loophole was closed with the new law.

In Mexico's federal system, state governments investigate and prosecute only domestic, not transnational, trafficking cases. In addition, state law enforcement authorities do not have jurisdiction over cases that involve organized crime, take place on federally administered territory, or involve allegations against government officials. All 32 Mexican states have passed some trafficking-related penal code reforms, and 23 states have specific state trafficking laws, five of which were passed in 2012. Only some states criminalize all forms of trafficking, and inconsistencies among state legislation on human trafficking continued to cause confusion on the part of law enforcement personnel and to complicate interstate prosecutions. A protocol enacted during the year created a coordination mechanism for state and federal prosecutors on human trafficking. Cases involving children who may have been forced by criminal groups to engage in illicit activities were not investigated or handled as potential trafficking cases, despite indications that force or coercion may have been involved.

The attorney general's Special Prosecutor's Office for Violence Against Women and Trafficking in Persons (FEVIMTRA) handled federal trafficking cases involving two or fewer suspects, while the Special Prosecution Unit on Investigations of Trafficking in Minors, Persons and Organs (UEITMPO) investigated cases with three or more suspects. Some states had dedicated prosecutor or police units for human trafficking, though effectiveness varied and resources and staff for dedicated units remained limited. The new trafficking law obligated states to have a dedicated human trafficking prosecutor but provided no funding to do so. Law enforcement coordination between different government entities and data collection on human trafficking efforts were weak. Officials and NGOs reported that some investigations and prosecutions were delayed while authorities determined which prosecutors had jurisdiction or coordinated with officials in other parts of the country, to the detriment of both the criminal case and the victims.

The government released no comprehensive law enforcement statistics on human trafficking during the year. According to different government entities, Mexican authorities at the federal and state levels convicted at least 25 trafficking offenders in 2012; at least six of these convictions were for forced labor. In comparison, in 2011 Mexican authorities convicted at least 14 sex trafficking offenders, but reported no forced labor convictions. In 2012, FEVIMTRA initiated 72 trafficking investigations; it was unclear how many prosecutions it initiated, but prosecutors reported convicting two trafficking offenders who were sentenced to nine years' imprisonment for forced child labor. In 2012, UEITMPO conducted 24 trafficking investigations and initiated three prosecutions but did not convict any trafficking offenders. The attorney general's office in the federal district reported convicting at least nine sex trafficking and four labor trafficking offenders, whose sentences ranged from 10 years' and seven months' to 52 years' imprisonment. Several states also prosecuted human trafficking cases; authorities in Puebla reported two convictions, Tlaxcala reported four, Sonora reported two, and authorities in Chiapas convicted at least two trafficking offenders.

NGOs, members of the government, and other observers continued to report that trafficking-related corruption among public officials, especially local law enforcement, judicial, and immigration officials, was a significant concern. Some officials reportedly accepted or extorted bribes including in the form of sexual services, falsified victims' identity documents, discouraged trafficking victims from reporting their crimes, solicited sex from trafficking victims, or failed to report sex trafficking in commercial sex locations. An employee of the attorney general's office in Chihuahua state was charged with forced labor for allegedly subjecting a Guatemalan child to domestic servitude, and Puebla prosecutors continued investigating four officials for suspected trafficking crimes. The government did not report any prosecutions or convictions of government employees for alleged complicity in trafficking-related offenses during the reporting period.

Some public officials in Mexico did not adequately distinguish between alien smuggling, prostitution, and human trafficking offenses and many officials were not familiar with trafficking laws. NGOs reported that some officials pressured victims to denounce their traffickers, in some cases threatening to prosecute trafficking victims as accomplices. Prosecutors reported that many

judges did not fully understand the dynamics of trafficking crimes, including the trauma experienced by victims, often leading to the acquittal of trafficking offenders. Some federal government agencies trained officials on human trafficking investigations and victim identification, often with support or funding from NGOs, international organizations, and foreign governments. In partnership with a foreign government, FEVIMTRA reported developing a unified training model on the new law for justice officials. The Mexican federal government partnered with the U.S. government on 16 bilateral trafficking investigations in 2012, resulting in four extraditions to the United States in two separate cases.

## **Protection**

The Mexican government continued to provide only limited victim services, mostly for female sex trafficking victims in Mexico City. There were few specialized victim services outside of the capital, and services for forced labor victims and male victims were inadequate. The government continued to cooperate with NGOs, international organizations, and foreign governments to provide victim care, relying on these partners to operate or fund the bulk of specialized assistance and services for trafficking victims. Mexican immigration agents continued to implement a system to identify potential trafficking victims, and some government institutions had informal victim referral procedures, but most victim referral to care services continued to be *ad hoc* and uneven. Some NGOs were critical of the government's ability to accurately identify trafficking victims, and most states lacked formal procedures for identifying trafficking victims among vulnerable populations, such as migrant workers and people in the sex trade. There were no comprehensive statistics available on the number of trafficking victims identified during the year. The Special Prosecutions Unit for Attention to Victims of Crime, a government entity responsible for providing legal, medical, social, and psychological services to victims of all crimes, reported assisting at least 63 possible trafficking victims in 2012, while FEVIMTRA reported assisting 58 victims. Mexican consulates in the United States reported identifying 40 sex trafficking victims and 18 forced labor victims in 2012, while the National Institute for Migration (INM) reported identifying 21 foreign trafficking victims in Mexico.

Victim services in most parts of the country, particularly in high-crime areas, remained inadequate in light of the significant number of trafficking victims. FEVIMTRA continued to operate a high-security shelter in Mexico City dedicated to female victims of sex trafficking and other violence, as well as women whose family members had disappeared or been murdered. Authorities reported spending the equivalent of approximately \$100,000 to operate the shelter during the year. The shelter housed victims for up to three months, during which time victims were not allowed to leave the shelter unaccompanied, reportedly due to safety concerns. Some NGOs raised concerns that this arrangement re-traumatized some victims. The shelter coordinated medical, psychological, and legal services for 95 individuals during the year, though it was unclear how many of these individuals were trafficking victims. Mexico's social welfare agency maintained general shelters for children under the age of 13 who were victims of violence; statistics were not maintained on how many trafficking victims were housed in these shelters during the reporting period. The government continued to support a national network of

shelters and emergency attention centers for female victims of violence, but few of these shelters offered specialized care for trafficking victims. Some victims received services at shelters that were operated and funded by NGOs, international organizations, and religious groups; officials referred some victims to these shelters during the reporting period. Not all such facilities were well monitored, and staff at some substance addiction rehabilitation centers and women's shelters subjected residents to forced labor and forced prostitution. The government did not provide adequate shelter services for male victims, though some men received services at NGO shelters for migrants. The lack of reintegration services remained a challenge, and authorities provided limited services to some repatriated Mexican trafficking victims.

Mexican law has provisions to protect trafficking victims from punishment for unlawful acts committed as a direct result of being subjected to human trafficking, and foreign trafficking victims could receive refugee status independent of any decision to testify against trafficking offenders; however, NGOs and international organizations reported these legal alternatives to deportation were often not provided in practice. Reportedly, some officials handed victims over to INM for detention and subsequent deportation due to victims' lack of legal status or lack of identification as a victim of trafficking. Many foreign trafficking victims opted to return to their countries of origin after giving testimony, in some cases due to a lack of adequate shelter or information about their rights. INM reported that 20 of the 21 foreign victims it identified in 2012 were eligible for legal residency in Mexico; authorities reported repatriating voluntarily the other victim but did not report how many of the 20 victims received legal residency during the year.

Although authorities encouraged victims to assist in trafficking investigations and prosecutions, many victims in Mexico were afraid to identify themselves as trafficking victims, and few sought legal remedies due to their fear of retribution from trafficking offenders, the lack of specialized services, or a lack of trust in authorities. Some civil society groups reported that local authorities threatened to arrest victims as accomplices if they refused to testify against their traffickers. Traditionally, prosecutions of human trafficking offenders in Mexico have relied almost entirely on victim or witness testimony. There were no reports that trafficking victims were awarded compensation for damages. Many victims feared for their safety, since the witness protection program in Mexico remained nascent and did not provide sufficient protection.

## **Prevention**

Federal and state governments sustained trafficking prevention efforts in 2012. Although an interagency commission that coordinated the federal government's efforts on trafficking met twice during the year, NGOs questioned its effectiveness. The commission was responsible for implementing the national anti-trafficking program, but it was unclear how much funding it had to do so. Despite its mandate, the commission did not publish any data on anti-trafficking efforts in Mexico; however, authorities did fund an international organization to conduct a diagnostic study of human trafficking, which was finalized though not published during the year. The government engaged in a variety of awareness-raising activities, often in the context of larger

awareness efforts on women's and children's rights. Authorities distributed trafficking awareness materials in 10 indigenous languages. Some states established or maintained state-level anti-trafficking committees, which varied in effectiveness, and the National Human Rights Commission also maintained regional partnerships with NGO and government actors in 13 states. Authorities raised awareness of child sex tourism and reported training tourist sector representatives on this issue. While authorities reported investigating some cases and extraditing an American child sex tourist during the year, the government reported no prosecutions or convictions of child sex tourists, and some NGOs alleged that some corrupt local officials allowed commercial sexual exploitation of children to occur. There were no reported efforts to reduce the demand for commercial sex acts or forced labor or to punish labor recruiters or brokers complicit in human trafficking.