









Excerpt from the book:

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Cautionary note: The terms 'child prostitution' and 'prostituted children' are used in this text to denote children that are sexually exploited and sexually trafficked. The connotative manner in which these definitions are perceived and analyzed may differ due to linguistic, cultural, and perceptual differences.

MEXICO

	POPULATION 129,2 million		GDP PER CAPITA 8,902.8 USD
	POLITICAL SYSTEM Presidential Regime with a Federal Organization		HUMAN DEVELOPMENT INDEX 77 th rank among 187 countries
	GENDER INEQUALITY INDEX 73 rd rank among 147 countries		CORRUPTION PERCEPTIONS INDEX 135 th rank among 180 countries

Hundreds of thousands of people are reportedly victims of sexual exploitation in Mexico, and the country's sex industry is estimated to account for 2% of its GDP (*Al Día*, March 8, 2017). The phenomenon is linked to the country's larger issue of daily violence against women. Mexico is ranked as one of the world's 25th countries with the highest rates of femicide (*Forbes*, June 22, 2016). The country's rate of early marriages is the 8th highest in the world. As a result, many young girls are trafficked and forced into prostitution. Corruption is the main obstacle to combating sexual exploitation, as many law enforcement officials are often complicit in these acts.

Legislation in effect

Mexico is predominantly prohibitionist, with the exception of 13 out of its 31 states that regulate prostitution.

The Colima State Health Act, for example, provides for the allocation of certain tolerance zones for the practice of

prostitution (articles 67 to 70), the location of which are determined by municipal authorities. Prostituted persons are required to use condoms and are subject to periodical medical examinations (*Dirección de Procesos Legislativos*, February 7, 2015).

Mexico City's health law also provides for the use of condoms, as well as free medical care by healthcare authorities to any prostituted persons suffering from Sexually Transmitted Infections (STI) (*Gaceta Oficial del Distrito Federal*, August 17, 2012). A specific law is foreseen to regulate prostitution in the Mexican capital. Prostitution is prohibited outside of specifically allocated tolerance zones defined by the city. Prostitution establishments must abide by certain rules (no prostitution of children, mandatory medical checks and availability of hygiene services...). The offer and promotion of prostitution activities in the press or on the internet are also prohibited. In the federal district of Mexico, prostituted persons are subject to a certain number of rules, such as

not practicing at home or outside authorized areas, not providing sexual acts to children, not being under the influence of drugs or alcohol, etc. The penalties for not following these rules is a fine ranging from 20 to 100 days' minimum wage, and 36 hours in police custody (*Gaceta parlamentaria de la Asamblea legislativa del Distrito Federal*, October 31, 2013).

Trafficking and sexual exploitation are regulated by the Anti-Trafficking in Persons Act of 2012 and the Penal Code. Thus, the law condemns all forms of trafficking (including the exploitation of persons through activities of a sexual nature, as well as the promotion of such activities) with penalties ranging from 5 to 30 years' imprisonment (*Cámara de Diputados del H. Congreso de la Unión*, June 14, 2012). The Penal Code focuses on the sexual exploitation and trafficking of children (articles 202 to 204). Procuring, managing prostitution establishments, pornography and sex tourism involving children are punishable by sentences ranging from 7 to 15 years in prison. Sex buyers of prostituted children incur penalties of 12 to 16 years in prison. The procuring of adults is punishable by two to nine years in prison (article 206) (*Justia*, 2018). However, procurers are rarely arrested or are arrested because of corruption offences. Prostituted persons are often subjected to police harassment. Furthermore, the minimum legal age of entry into prostitution (18 years old) is rarely respected and few investigations into crimes of sexual exploitation of children have been carried out. In October 2016, amendments were proposed in order to closely align Mexico's legislature with international anti-trafficking laws, but these amendments have yet to be adopted.

The situation of prostituted women and men

It is estimated that there are between 450,000 and 500,000 prostituted persons, both adults and children, in Mexico (*Fondation Scelles*, 2016). In Tapachula, a city near the border with Guatemala, an estimated 30,000 migrants from Guatemala, El Salvador and Honduras enter prostitution in hopes of earning enough money to travel across Mexico and to enter the USA (*Thomson Reuters Foundation News*, January 11, 2017). Most prostituted people resort to prostitution for economic reasons. Some, with little education, can only claim under-paying jobs which are insufficient to meet their needs, and thus have no choice other than to enter prostitution to survive. Others are engaged in prostitution to be able to finance their drug addictions. Many prostituted persons are trapped in an escapeless cycle of poverty and, consequently, see prostitution as their only way out.

Despite having been legalized in many parts of the country, prostitution remains largely stigmatized. Mexican society, as a whole, has a very negative view of prostituted persons: only immoral people choose to engage in prostitution. These ideas are widespread, causing prostituted persons to have a profoundly negative self-image and devalue themselves. Some mothers are too ashamed to see their children and they fear that their children will reject them as a result of their activity. Some prostituted people turn to drugs in an attempt to cope with the difficulty of their lives. In an attempt to gain more control them, some heads of trafficking cartels even force these prostituted people into drug use. Access to drugs is particularly easy for these trafficking cartels given the pervasiveness of this trade in Mexico.

Prostituted men are confronted with even more prejudices, as homophobia is still very prevalent in many parts of Mexico.

Most prostituted men usually only have a middle school education, leaving them with few options other than prostitution. They have little access to social services, unlike prostituted women. Some enter into prostitution due to their family or hometown's lack of acceptance of their homosexuality. They are particularly exposed to a higher risk of contracting HIV/AIDS. Homosexual prostitution is particularly common in tourist cities across Mexico, such as Puerto Vallarta and Guadalajara among others.

The legalization of prostitution has not freed women from their procurers. In Tijuana, women are often threatened by their procurers if they decide to go to the police station to report cases of abuse or assault.

Violence against transgender prostituted persons

Transgender people face prejudice and hate in Mexico. Today, the life expectancy for a transgender woman is only 35 years. This is partly due to the 217 murders of transgender people between 2008 and 2016 (*USA Today*, March 21, 2017). Mexico City has the second highest murder rate of transgender people in the world. Many of them are rejected by their families at a very young age and live on the streets, which exposes and makes them more vulnerable to exploitation.

Prostituted transgender people are confronted with many dangers, such as abuse and violence from sex buyers and the general population, as well as harassment from police. In 2016, a prostituted transgender woman was shot and killed by a sex buyer in Mexico City. Despite testimonies of six prostituted women as well as video evidence, the women's words were ignored and the man was not convicted. This case is an example

of the ineffectiveness of the justice system and the discrimination that transgender prostituted women face when they try to seek justice.

Child prostitution

Child prostitution is illegal throughout the country (*Fondation Scelles*, 2016). According to some estimates, there are about 22,000 children forced into prostitution in Mexico City. However, the actual number is likely higher (*Mexico News Daily*, June 20, 2017). Prostituted children are more exposed than adults to violence and the risk of HIV/AIDS transmission: 5.9% of children are infected with HIV/AIDS compared to only 1.5% of adults (*Journal of the American Medical Association*, August 4, 2015). There are different routes into prostitution for children: parents sell their daughters to traffickers or, more frequently procurers seduce young girls. A procurer offers to help her get to the USA or to marry her. The procurer convinces her to leave her family and go with him, but will then either force her into prostitution or sell her to another person who will. Migrant minors, often isolated, fleeing violence and poverty in countries like Nicaragua, Honduras, Guatemala and El Salvador are at a very high risk for being trafficked and forced into prostitution. Traffickers promise to smuggle them into the USA, but instead force them into prostitution in Mexico. Child sex tourism is very prevalent in some cities such as Tijuana, where there is a demand for underage boys and girls. Nevertheless, in the eyes of sex buyers and procurers, the majority of these young girls are not seen as "prostituted children", but simply as "prostituted persons".

Early marriage and its links to trafficking

Latin America is the only region in the world where the overall rate of child

marriage is increasing, not decreasing. In Mexico, the rate of early marriage has remained stable for the last 30 years at 23%; currently making it the world's 8th highest rate of child marriage (*Girls Not Brides*, June 23, 2017). In rural areas, this rate can reach as high as 30%. Mexican law has set the minimum age of marriage at 18 years of age, but also allows for girls to be married at the age of 14 and boys at the age of 16 if there is parental consent. While the exceptions in this law are problematic, 4 in 5 unions in Mexico are informal, meaning that 80% of couples living together as if they are married do not go through the legal process (*Girls Not Brides*, June 23, 2017). Thus, modifying the law would not be sufficient; it is necessary to educate the public about the dangers associated with child marriage. 70% of young girls who are in formal or informal unions are living with a man that is at least 11 years older than them (*The Guardian*, May 2, 2017). The strong culture of "machismo" that prevails in Mexico sexualizes young girls and perpetuates the idea that marrying younger girl makes a man more masculine, in part because young girls are considered easier to dominate. Again, this shows how important it is to change societal and cultural norms, as well as the law, to fight against early marriages.

Early marriages can end up leading girls to prostitution. These marriages exponentially increase the likelihood of a girl dropping out of school: 92% of girls in informal unions and 86% of girls in early marriages abandon their studies completely (*INSAD*, 2017). Young girls with little education are more likely to enter into prostitution at some point in their lives as they have fewer future employment prospects. Thus, early marriages and sex trafficking are closely linked. As previously mentioned, procurers and traffickers will

often seduce these young girls and convince them to go away with them; once they have accepted, they become victims of trafficking and forced into prostitution. Tenancingo, a small town in the state of Tlaxcala known as the hub of human trafficking, is where many families who run trafficking rings live. Oftentimes, young girls are taken there and then trafficked to other cities in Mexico, and sometimes end up in the USA. These young teenage girls, naive and willing to believe these promises of love or future opportunities, are easily deceived by procurers, who prostitute them as soon as they gain their trust. This cycle is continuously repeated throughout Mexico.

Girls who enter into unofficial unions as children also face the risk of abandonment or being victim of abuse by their spouse or families. Abandonment can lead young girls into prostitution and increase their risk of exploitation. Even if they are not abandoned, husbands will sometimes force their wives into prostitution if they need money.

Mexico as a country of destination, origin and internal human trafficking

Mexico is a country of major importance for sex trafficking, as a country of origin, transit and destination. Drug cartels make USD 10 billion a year from the trafficking of women and children, mainly for sexual exploitation purposes (*Index on Censorship*, June 29, 2016). It is estimated that 20,000 women are trafficked every year in Mexico (*United Nations University*, May 4, 2016). Due to the violence in many Central American countries, particularly in the Northern Triangle region (Guatemala, El Salvador and Honduras) as well as the ongoing crisis in Venezuela, Mexico is exposed to a continuous flow of migrants and refugees, most of whom are seeking to cross the country and make it to the USA. Traffickers

will often promise these migrants safe passage to the USA as well as jobs in restaurants or hotels, but instead force them into prostitution, either in the USA or in Mexico. Some victims of trafficking, from African, Asian and Eastern European countries are brought to Mexico before being transferred to the USA, as it is easier to enter in the USA illegally by crossing the Mexican border than it is to fly into an American airport or to cross the border between the USA and Canada. Thousands of Mexican women of all ages have been transferred across this border to the USA for prostitution; others are victims of internal trafficking and are found in various cities within Mexico. Poor and indigenous women are at an even higher risk of trafficking. Many of these women and girls are trafficked to border towns or major metropolitan areas in the American Southwest, but many others are also taken to Queens, New York City.

Most trafficked women and girls are subjected to violence from traffickers as well as their sex buyers; they are raped, beaten, tortured. These women generally have between 10 and 40 paid sexual relations per day, usually unprotected as their procurers, or “madam”, do not allow them to use condoms in order to increase the prices they charge to sex buyers. Thus, these practices increase the risk of pregnancy and infection with HIV/AIDS and STI’s. In addition to adult victims, girls as young as 14 years old are smuggled in the USA to be prostituted, oftentimes in bars or “cantinas” (local bars). *Polaris*, an anti-trafficking organization that operates a specialized anti-trafficking hotline, reports that of all call received from Mexican victims of sex trafficking, more than half were from underage girls (*The Guardian*, September 8, 2016).

A study conducted by the University of Tlaxcala found that 1 of 5 boys in

Tenancingo, want to become procurers when they grow up, considering it a lucrative and profitable “profession” (*The Guardian*, April 5, 2017). This shows the urgency of raising public awareness. Sex trafficking in Tenancingo is practiced in plain sight and no one is preoccupied about law enforcement. It is important to raise awareness about the consequences of sex trafficking on the lives of women and young girls.

As a result of the widespread normalization of sex trafficking in Tlaxcala, the number of investigations and prosecutions for human trafficking does not reflect the reality of prostitution. Since 2011, only 14 people have been imprisoned for human trafficking (*The Guardian*, April 5, 2017). Overall, Mexico is a corrupt country. According to a lawyer who specializes in trafficking cases, police officers are implicated (or complicit) in 8 out of 10 cases (*Thomson Reuters Foundation News*, January 11, 2017). A priest, who runs a shelter for victims of trafficking, went so far as to say that “as far as the government is concerned, trafficking doesn’t exist”, highlighting the government’s lack of commitment to fighting this rampant problem (*Thomson Reuters Foundation News*, January 11, 2017).

Progress and recommendations

Currently, the Mexican government is making little progress in its fight against the sexual exploitation of women. Out of 330 individuals charged with trafficking since 2009, only 87 have been convicted (*Thomson Reuters Foundation News*, January 11, 2017). While there were more convicted traffickers in 2016 than there were in 2015, there were fewer identified victims (*US Department of State*, June 2017). In addition to identifying fewer victims, not all victims were able to access assistance services, as they are unavailable

in many non-urban parts of the country. In 2016, the government identified 740 trafficking victims, including 707 of those being sex trafficking victims (compared to 1,800 in 2015). Although corruption remains a widespread problem in trafficking, prostitution and almost all areas of the law in Mexico, the government has continuously failed to investigate officials on their corruption or involvement in trafficking cases since 2010 (*US Department of State*, June 2017).

Assistance provided to trafficking victims is very limited, and the government is not encouraging its development. In 2016, funding for the Special Prosecutor's Office for Violence Against Women and Trafficking in Persons (FEMVITRA) was reduced by USD 1 million from the previous year (*US Department of State*, June 2017). While the government does run some shelters, the majority of services are provided by NGOs. Due to the risk of retaliation from the gangs or cartels, NGO-run shelters sometimes fear taking in trafficking victims. Women who are able to escape their traffickers are also afraid to involve the police because of the risk of reprisals when the officer is complicit with the trafficker. Some reports implicate police officers who illegally detained trafficking victims who came to them for help.

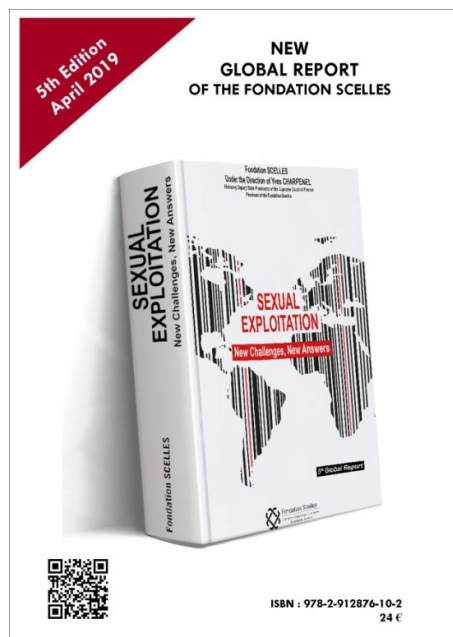
It is even more difficult for prostituted persons to find support services. The police will sometimes arrest prostituted persons, even if they are in red-light districts where prostitution is not reprehensible. In some cases, they may be forced to have sexual intercourse with the police officers in order to be allowed to leave. The legalization of prostitution does not automatically solve the problem of police harassment and unlawful detention, which are a consequence of the stigmatization of prostituted persons.

Overall, the Mexican legal system is incredibly ineffective: the vast majority of crimes go unpunished, and crimes of sex trafficking and sexual exploitation are no exception. While sexual relations with a child are illegal, prosecutions on this ground are almost non-existent and no child sex tourists have been investigated in recent years. Changing the public's opinion about child marriage is a necessity for Mexico, as this could save many young girls from human trafficking and sexual exploitation. In addition, FEMVITRA funding should be increased and corruption in the country should be actively combated. This is the only way traffickers and procurers will be prosecuted. Sex buyers should be prosecuted effectively and prostituted persons should be able to access support services, just like victims of sex trafficking.

In conclusion, Mexico faces many challenges in the fight against sex trafficking, sexual exploitation and prostitution. The biggest obstacle Mexico faces is the country's endemic corruption, which hinders all attempts to investigate traffickers and exploiters. Societal and cultural norms also contribute to the perpetuation of early marriages and in turn facilitate sexual exploitation in Mexico. The lack of education for many people prevents them from accessing jobs that pay enough to survive. Currently, the situation is unchanging, as traffickers continue to exploit the large number of vulnerable women and girls. This will continue until the government takes further action to stop the phenomenon.

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The Global Report is produced by the International Observatory on Sexual Exploitation, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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