

In order to understand
the need of a
**comprehensive
care**

Chapter 2

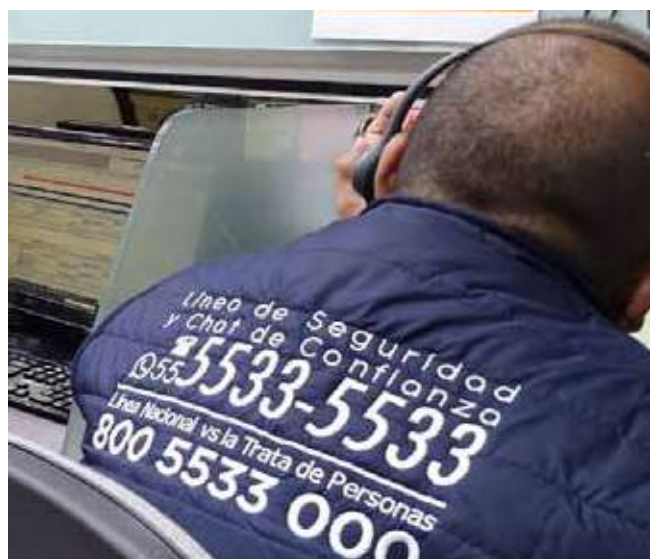


LAWS THAT DEFEND THE MOST VULNERABLE



This conceptual framework about crimes related with Human Trafficking refers to diverse legal and social definitions that specialize in the understanding of the criminal action and the need to protect Human Rights, mainly those of women, children and teenagers. Said fundamental elements allow understanding the context in which the comprehensive care that the Citizen Council offers victims who ask for help takes place.

On December 203 Mexico ratified the Proto-



col to Prevent, Repress and Sanction Human Trafficking, especially of women and children, and that is known as United Nations Protocol Against Human Trafficking or Palermo Protocol. In its 3rd article, the international human rights instrument says:

“Human Trafficking will be understood as the capturing, transportation, movement, hosting or harboring of people, recurring to threats or the use of force or other coercive activities, kidnapping, fraud, deceit, abuse of power or of a vulnerable situation or the concession or reception of payments or benefits in order to obtain a person’s consent in relation with having authority over another with exploitation purposes. This exploitation will

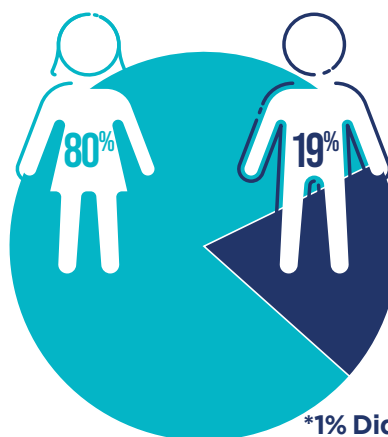
include, at least, the exploitation of another’s prostitution (understood as the illegal collection of financial benefits or other material benefits from another person’s sexual exploitation) or other forms of sexual exploitation, forced labor, slavery or other activities that are similar to slavery, servitude or organ extraction.”

The Protocol to Prevent, Repress and Sanction Human Trafficking is one of the three instruments adopted in Palermo, Italy, in the year 2000. The other two are against Illicit Trafficking of Migrants through Land, Sea or Air and against the Manufacturing and Illicit Trafficking of firearms.

“**Consent given by the victim of Human Trafficking to any form of intentional exploitation (...) will not be taken into account when they have used any of the means mentioned in said section (threat or the use of force or other coercive activities)”.**

THE MOST VULNERABLE

Four out of five victims that are identified in the reports of the National Line Against Trafficking are women, so they conform the most vulnerable population.



*1% Did not specify gender

LAW AGAINST TRAFFICKING

In 2012 the General Law to Prevent, Sanction and Eradicate Crimes in Matters of Human Trafficking and for the Protection and Assistance of Victims of these crimes came into force, and in its article 10 it defines the crime as:

“Any action or wrongful omission of one or many people to capture, hook, transport, transfer, retain, deliver, receive or lodge one or several people with exploitation purposes.”

Both the Protocol and the Law consider the commercialization of human beings

and this is part of an international market based on the employers, consumer and exploitation networks demands.

Nowadays, only Baja California, Campeche and Morelos don't have a local law against Trafficking. Mexico City has the Law for the Protection, Attention and Assistance of Victims of Human Trafficking in CDMX, given that, in November 2020 the Chief Minister Claudia Sheinbaum Pardo sent the local Congress the proposal that also promotes the creation of a Comprehensive Care for Victims in Mexico City, which came into force on February 2021. This program will help direct and indirect victims, offended people and witnesses.

OUR MEXICAN LAW CONSIDERS 11 FORMS OF EXPLOITATION:	
	Condition of servant 
 Slavery	Labor exploitation 
 Another's prostitution or other forms of sexual exploitation	Forced homelessness 
 Forced labor or services	Illegal adoption of a person under 18 
 Use of underage people for criminal activities	Living human organ, tissue and cells trafficking 
 Forced or servile marriage	Illicit biomedical experimentation in human beings 



The local law establishes the participation of the Executive Commission of Attention to Victims, the Commission for the Search of Missing People, the Comprehensive System of Human Rights and the Towns and Neighborhoods and Resident Indigenous Communities Ministry.

It's important to know the difference between Human Trafficking and other crimes, because it can be confused with illicit migrant trafficking.

The Consulate Attention Protocol for Mexican Victims of Human Trafficking Abroad, by the International Migration Organization (OIM) establishes the main differences.

THE GENDER PERSPECTIVE AND CHILD PROTECTION

Applying gender perspective contributes to preventing Human Trafficking by eliminating its concrete circumstantial causes, such as inequality, anxiety and a lack of access to justice between women and men. This is one of the main axis of the Line and National Chat.

This vision helps consider the physical and

social differences that exist among women and men and who are affected by this problem in the mechanisms and procedures related with attention to victims. In terms of assistance, this means avoiding re-victimization.

The principle of taking children into consideration above all must be applied systematically in any measure, based on what's established in the Convention about Children's Rights.

ATTENTION IN INDIGENOUS LANGUAGES

The LNCTP also operates under the consideration that people from indigenous communities in Mexico are in more vulnerable situation than those from other population groups. For decades, their communities have been abandoned and subject to serious economical, social and educational shortages, so they are forced to leave their places of origin in search of better opportunities.

This desire to have a better life and to survive puts them more at risk of being victims of crimes related with Human Trafficking. Indigenous communities must face the language gap, the disappearance of some of their

languages and the fact that there are now less people who can speak or understand an indigenous language.

With the purpose of fighting against discrimination and the obstacles that impedes them from having access to and exercising their rights, the Citizen Council formed an alliance with the Ministry of Towns and Neighborhoods and Indigenous Communities that Reside in Mexico City (SEPI), so that four lawyers who come from indigenous communities offer attention at the LNCTP.

In order to do this, they were trained in relation with Human Trafficking, how the crime is committed, its phases, warning signs, forms of exploitation and how the Line an National Chat work.

In that sense, the National Commission of Human Rights established in its “Diagnostic on Human Trafficking in Mexico 2019”, that “the victim’s language is a fact that is rarely registered by the general attorney’s offices, so in over 52 percent of the cases there is no information about this, while 47% of victims speak Spanish and at least one percent speaks another language.














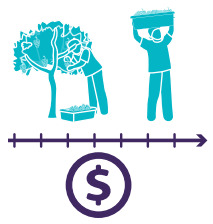




It’s important to say that, nationwide, there are only 17 victims registered with a language other than Spanish, a situation that does not reflect the number of victims from other parts of the Continent that have been identified or Mexico’s multicultural environment where we find 68 indigenous languages.”



“Those who call the Line are people, not numbers or folios, so attention must be humanized. Several people call after bad experiences so dignifying them is fundamental. It’s good to know that, thanks to the reports, one victim was rescued and is receiving help from another institution we channeled her to. Every day I tell myself: one person at a time.”

Norma Nely Linares Padrón
*Lawyer and first specialized
counselor at the LNCT*



	MIGRANT TRAFFICKING 	HUMAN TRAFFICKING 
GOAL	 <p>Enable an irregular transportation of a person to another country.</p>	 <p>Benefiting from a person's exploitation.</p>
TRANSNATIONALITY	 <p>It always implies crossing a border unlawfully.</p>	 <p>It happens within a country or crossing a border.</p>
CONSENT	 <p>There is an express and willing consent for the transportation.</p>	 <p>If there is any, it's forced, through deceit or coercion.</p>
PROTECTED LEGAL PROPERTY	 <p>It's a crime against the State and its sovereignty.</p>	 <p>It works against people's dignity.</p>
TRANSACTION	 <p>The trafficker gets a payment for the transportation.</p>	 <p>The trafficker gets benefits during exploitation.</p>
INTERACTION	 <p>The relationship between trafficker and migrant ends when reaching the destination.</p>	 <p>The relationship between trafficker and victim does not end when reaching the destination.</p>
VIOLENCE	 <p>Migrants are exposed to suffering violence but it doesn't always happen.</p>	 <p>It implies physical or psychological aggression during hooking and exploitation.</p>

OUR ALLIES SAY



BACK
HOME

This pandemic has raised awareness about the amount of violence and how little we know about this crime and its relationship with other crimes. Phone calls asking for help before digital violence are often related with Human Trafficking and they have increased. Due to world confinement, life has changed and education, professional and commercial activities have migrated to the digital world.

Having Internet access is a need and not a luxury. However, children under 18 have become vulnerable by socializing through social networks and diverse communication platforms where there is no control and their personal data is exposed together with their image and intimacy, thus becoming vulnerable to possible Human Trafficking network, rapists, extortion, and more.

Preventive education is urgent and necessary to fight the risks young people, children and teenagers face and that, if not attended, this vulnerable part of society is not protected against Human Trafficking.

The pandemic gave governments an excellent opportunity to offer dignified ways out of prostitution to women and children rather than only offering them a way to reduce the damage, and their goal is to minimize the health risks prostituted women suffer.

An important opportunity was lost given that there could have been an investigation about the conditions in which women who prostitute themselves live, whether they have a pimp or not, what they need to leave prostitution, whether they have children or not and where they leave them.

The root of the problem is found in the concept of prostitution. It's not sex or work and it represents a constant danger for women who are exploited in this illicit activity.

The countries that have legalized or depenalized the commercial abuse of women will have to face the consequences and acknowledge that Trafficking, drug abuse, HIV rates and other STDs, as well as child exploitation worsen whenever men are free to pay for sex with vulnerable and socially excluded women.



Maestra Teresa C. Ulloa Ziaurriz

**Director of the Regional Coalition Against Women's and Girl's Trafficking
in Latin America and the Caribbean (CATWLAC)**

OUR ALLIES SAY



**Centro de Estudios Sociales y Culturales
Antonio de Montesinos, A.C.**

We have analyzed the public policy in diverse states of the Republic and we've found that there is a law in terms of Trafficking and Inter-institutional Commissions whose goal is to create and implement a program to detect, prevent, help and help victims recover. However, there is no specific program that owns a budget to carry this out. We're worried that in most entities there are no shelters or refuge, while this crime is minimally persecuted, excepting in Mexico City. It's even more

worrying that there are almost no sentences dictated by the Judicial Power.

The pandemic has worsened poverty and with it the chance for Human Trafficking to exist among migrants from the country's states and from other countries of the northern triangle of Latin America, including Venezuela. We ask the State to establish clear public policies with a specific budget to help prevent, attend, persecute, sanction and repair situations of Human Trafficking.

Alicia Mesa Bribiesca
Executive Director

Migrant workers suffer from abuse ever since they are recruited in their communities of origin and until they reach the work place thousands of kilometers from home: debts and high recruiting rates, fake job offers, deceiving or inexistent contracts, discrimination, stolen salaries, dangerous work conditions and harassment. These factors have created conditions that enable labor exploitation and Human Trafficking.



After fifteen years of working with thousands of migrant workers to defend their labor rights, the Migrant Rights Center, Inc (CDMX) has seen how the COVID-19 and the government's response have put migrants in a more vulnerable situation before Human Trafficking with labor exploitation purposes.

During the past few months, we have seen cases that show how some companies have used the pandemic to take control over every aspect of the lives of migrants.

The Mexican and American government institutions' responses to protect migrants' rights, guarantee their access to justice and offer them alternatives whenever they face exploitation, has been reduced or inexistent. This job has fallen into the hands of migrants themselves and civil society organizations that had few resources even before the pandemic.

Julia Coburn
*Operations Director, Mexico
Coordinator, Migrant Women Project (ProMUMI)*