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SEX WORKERS PROJECT

**Submission on Mexico to the
General Discussion of Rural
Women to the United Nations
Committee on the Elimination of
all forms of Discrimination
Against Women (CEDAW)**

September 2013

Introduction

1. Instituto para las Mujeres en la Migracion (IMUMI) is an NGO that advocates for women in the migration process in the Mexican context, whether they are women living in communities of origin, in transit through Mexico, immigrants residing in Mexico or Mexican migrants in the United States. IMUMI works from a rights-based perspective to ensure that women have the resources to take advantage of the positive aspects of migration, avoid the negative consequences, and remain in their communities of origin should they choose. IMUMI provides direct legal services to women affected by migration with a focus on cases that involve the right to lead lives free of violence, the right to identity, and the right to family unity. Based on case studies, documentary and field research, IMUMI also prepares reports and policy briefs to advocate for broader change in policies that affect women in migration. IMUMI helps to facilitate cross-border cases through professionals who are bi-lingual, bi-cultural and combine their knowledge of Mexican and US law. For more information about IMUMI, please visit <http://www.imumi.org>.
2. The Sex Workers Project provides client-centered legal and social services to individuals who engage in sex work, regardless of whether they do so by choice, circumstance, or coercion. One of the first programs in the nation to assist survivors of human trafficking, the Sex Workers Project has pioneered an approach to service grounded in human rights, harm reduction and in the real life experiences of our clients. Our professional service providers are multi-lingual, non-judgmental and bring more than ten years of experience.
3. As the only US organization meeting the needs of both sex workers and trafficking victims, the Sex Workers Project serves a marginalized community that few others reach. We engage in [policy](#) and [media advocacy](#), community education and [human rights documentation](#), working to create a world that is safe for sex workers and where human trafficking does not exist.
4. The Sex Workers Project is a project at the Urban Justice Center. The Urban Justice Center serves low-income and marginalized New Yorkers through a unique combination of direct legal services, systemic advocacy, community education, and organizing. For information about the Urban Justice Center, please visit <http://www.urbanjustice.org>.
5. (IMUMI) and the Sex Workers Project at the Urban justice Center (SWP) submit the following information to the Committee on the Elimination of Discrimination against Women (the Committee). This briefing reflects the research of SWP, in cooperation with IMUMI, on human trafficking from Mexico to the United States, in particular with regard to rural women, including violence against women, economic impoverishment, lack of education, and sex role stereotyping and cultural prejudice, in addition to human trafficking.

6. IMUMI and SWP collaborated on a report about human trafficking from Mexico to the United States for the purpose of forced prostitution. This briefing is based upon our report. The full report is available from <http://sexworkersproject.org/publications/reports/the-road-north/>.

Human Trafficking

7. Trafficking in persons refers to the transportation and compulsion of an individual into any form of labor through use of force, threats of force, fraud, or coercion, or debt bondage. (United Nations Optional Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000). Human trafficking occurs in many industries and is not equivalent to prostitution; although this conflation is common.
8. This brief is based on our research about the experiences of Mexican women from rural areas who have been trafficked to the United States. Victims of human trafficking in the United States can apply for T-visas, created for victims of trafficking. Certified victims receive the same package of assistance as refugees.
9. An affidavit is a written account about an event or experience that is sworn to be true under oath. The affidavits used for this report describe trafficking experiences and events surrounding those experiences. These affidavits were written by clients of SWP and Safe Horizon, an NGO that serves victims of trafficking in New York City, in collaboration with their attorneys, to fulfill part of the T-nonimmigrant status (T-visa¹) application requirements. The T-visa allows trafficked persons to legally remain in the United States. The goal of writing these affidavits was to show that the clients met the standard of eligibility for the T-visa, thus, the affidavits include facts that prove the client was a victim of a severe form of human trafficking, complied with requests for assistance from law enforcement, and would suffer extreme hardship if returned to their home country. Some affidavits offer additional information about the pre-trafficking life of the client, some focus solely on the trafficking experience.
10. The report was based on affidavits made in support of applications for T-visas for trafficked persons in the United States from 36 men, women and transgender women brought to the United States, with supplementary information from interviews with 6 of the affiants. All but one person in our sample, a woman not from Mexico, experienced forced prostitution. This submission to the Committee includes only data from Mexican women in cases involving forced prostitution.

¹The T Non-immigrant status (T Visa) is issued to persons who have been trafficked into the US. Read more about this type of Visa on the US Citizenship and Immigration Services website, link below.
<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=02ed3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=02ed3e4d77d73210VgnVCM100000082ca60aRCRD>

11. While all participants were forced into prostitution, some worked alongside women who were not forced into prostitution but were participating voluntarily. These individuals were free and able in some cases to offer assistance, highlighting the importance not to conflate prostitution with trafficking. Some described working in sex work after trafficking in order to be able to support their families, in situations that are not coercive and highlight the difference between sex work and trafficking. The confusion between trafficking and prostitution often leads law enforcement to conduct raids to identify trafficking victims that end up placing women in long legal procedures with little psychological or social services to support them. In Mexico, as prostitution is legal, the best approach would be to work from a rights based perspective, providing social and legal assistance to sex-workers so that they have better working conditions, access to education and health care, and are able to make decisions about where, how and when to work. Informed sex-workers are often able to identify and assist trafficking victims and are important allies in the fight against human trafficking. Furthermore, the experiences of IMUMI highlight the need to recognize trafficking and abuses in other sectors such as agricultural work, domestic work and organized begging. In addition, a special concern is the high number of kidnapping cases of migrant women who end up being trafficked while held in safe houses.
12. The data from the affidavits was supplemented by interviews. Interview participation was limited to SWP clients whose affidavit was already included in the study. SWP's human rights and harm reduction model contributed to the relationships with victims of crime that led to their participating in this project. In order to recruit interviewees, SWP service providers (i.e. client's lawyers and social workers) were asked to use their professional judgment and to approach people who were least likely to feel distress during the interview. These individuals were asked whether they would be interested in participating in this study by being interviewed about their experiences. Out of 25 potential interviewees, 6 were interviewed.
13. The interview questions were centered on three main subject areas: the client's childhood, the trafficking situation, and recommendations for service providers, policy makers, and community members. The interviews were conducted using a specific interview protocol as a guide. A copy of the protocol can be found in the appendix of the full report. Generally, respondents were asked questions about violence in their childhood home, their families' financial situation, what their life was like with the trafficker, and what advice they would give a young girl in Mexico today that may help them avoid this type of situation.

Places of Origin

14. For this submission on rural women, we have used only the information from the women originating from rural areas, including 30 affidavits and 5 interviews with affiants.

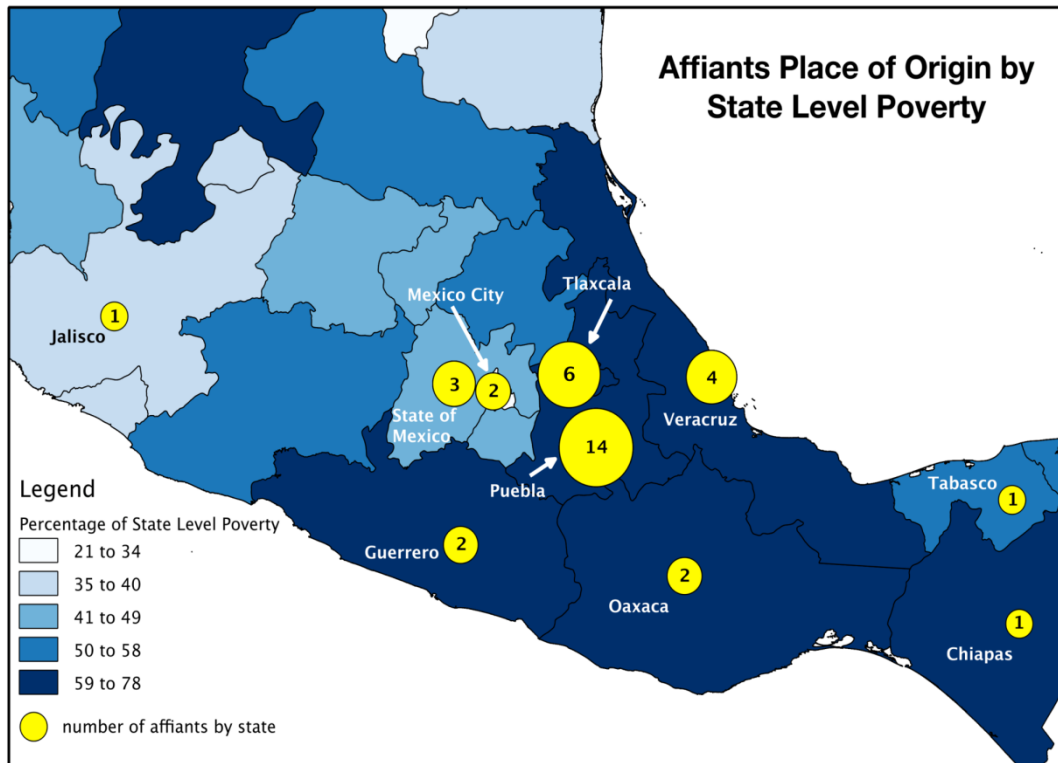
Summary of findings

15. The abuses that comprise trafficking, namely force, fraud and coercion, are greatly affected by structural, economic and social situations that are far larger than the interpersonal interactions. Without the social and structural factors we identified, the interpersonal abuses reported would not be as prevalent and trafficking situations would diminish greatly.
16. There were three key findings that deepen our understanding of how people become trafficked in Mexico. The first was that poverty and violence experienced before trafficking appears to have contributed to affiants' vulnerability to trafficking. Secondly the majority, 67.5 percent, of affiants met the traffickers through a family member, friend or neighbor. Thirdly, traffickers often exploited cultural norms and expectations about gender roles to manipulate affiants into the trafficking situation. This relates not only to Article 14 but also to Article 5.
17. These findings demonstrate that Mexico has not lived up to the obligations of Article 14, including recognizing the contributions of rural women to the economic survival of their families, and rights to education and participation in community and adequate living conditions. These failures have led rural women to be more vulnerable to human trafficking. Furthermore, Mexico has not lived up to other articles of the Protocol as they affect rural women.

The Role of Poverty

18. Poverty appears to be a contributing factor to affiants' vulnerability to trafficking. Poverty is assessed in this study by educational attainment and examples of fiscal hardship.
19. 75% of people in the study mentioned experiencing financial hardship during childhood. Within the group who did mention examples of poverty, they generally describe extreme poverty situations.
20. Poverty contributes to vulnerability to abuse, including in human trafficking. Often traffickers would manipulate affiants by convincing them that they could have a better life if they went with them. The traffickers would tell the affiants they would be taken care of and be able to take care of their own families. Many affiants believed that they had finally found a way out of poverty and that going with the trafficker to the US or marrying the trafficker would help them fulfill their dreams.

21. Poverty cut short the education of rural women in the study. Childhood poverty often made it necessary for them to work in order to support the family. This relates not only to Article 14 but also to Article 10. For example, one person in the study explained, *“My family was very poor, even compared to other families in the village. My parents worked as farmers on other people’s lands. They traveled to other states to find work, and they took us with them. I worked alongside my parents starting when I was 8 years old. I tried to also go to school, but had to stop after 6th grade because I missed so much school in order to work. The work I generally did was harvesting vegetables.”*
23. This map of Mexican states includes state poverty levels and the number of affiants from each state. This demonstrates that the people in the study primarily came from the poorest states. Many described living in rural areas, in small villages dependent on subsistence farming and remissions from people who had moved to larger towns and cities.
24. Migrating to find work was a common theme throughout the stories shared by trafficking survivors. Some of the people in the study ended up migrating while they were still under 18 from a small rural community to a large city in order to find work. Migration at such an early age, often alone seemed to increase vulnerability to manipulation by a trafficker.



Map created using QGIS software. Data sources:
 1. Anexo estadístico de la Medición Municipal 2010: Indicadores de pobreza por entidad federativa [computer file]. 2010. Mexico City, MX: El Consejo Nacional de Evaluación de la Política de Desarrollo Social (CONEVAL). Available online: http://www.coneval.gob.mx/cmsconeval/rw/pages/medicion/multidimensional/anexo_estadistico_municipal_2010.es.do
 2. Global Administrative Areas (December 2011). University of California, Berkeley. Museum of Vertebrate Zoology. [digital geospatial data]. Available online: <http://www.gadm.org> [04/27/2012].

The Role of Violence

25. In addition to poverty, affiants' vulnerability to trafficking appears to be compounded by experiences of violence prior to being trafficked, including experiencing direct physical and sexual violence as well as witnessing violence or otherwise being affected by violence. 20 affiants, 54 percent of the sample, mention a violent experience prior to trafficking in their affidavit. Within that group, 12 affiants also mentioned fiscal hardship during childhood. The violent experiences included: witnessing domestic violence, being a victim of physical or sexual abuse, being a victim of intimate partner violence, witnessing a murder, and being harassed and beaten in school. For many affiants, the experience of violence caused them to leave home at an early age or divorce their spouse. Additionally, many affiants experienced multiple forms of violence, often severe and traumatic.
26. Importantly, the highest levels of violence were perpetrated against the two transgender women in this sample. In addition to facing violence from their families they also faced violence and discrimination from their community, which appears to have directly contributed to their vulnerability to trafficking. This relates not only to Article 14 but also to Article 3, as violence is a human rights violation.

27. One of the effects of suffering violence is to normalize violence: family violence was accepted by many, with partner violence particularly accepted by their families and communities. The experience of family violence disrupts norms and expectations associated with love. This relates to the acceptance of violence against women and domestic violence. While Mexico has passed a law against domestic violence, it is not evenly enforced throughout the country. In some communities, girls and women are still afraid to reach out to local authorities because they do not want to harm the reputation of their family and they also know that the authorities may not assist them or may even blame them for the violence. It is common for authorities to stress the economic impact on a family should the principle economic provider be arrested and question the victims' decision to denounce the violence. This relates not only to Article 14 and Article 3 but also Articles 1 and 5, addressing gender and discrimination.
28. In addition to high numbers of people in the study reporting having experienced violence, they also reported that they feared police and would not turn to them, based on experiences of abuse and violence and bribery from police. The impunity rate for criminal cases in Mexico is 99%. This fact, combined with the cultural stigma of denouncing crimes that occur within the family often means that filing a complaint may be more dangerous than other solutions such as escaping from the family home. This relates not only to Article 14 and Article 2 but also Articles 1 and 5, addressing gender and discrimination.

The Role of Gender Roles

29. Another key finding was that traffickers often exploited cultural norms in order to manipulate the affiants. This was especially true in situations where traffickers feigned or began romantic relationships with affiants while appearing to follow traditional courting customs. Traffickers consistently distorted traditional marriage rituals, such as *robo de la novia* ("theft of the bride"), and exploited gendered cultural expectations. The pressure to conform to gender norms and cultural expectations often led affiants to enter into a relationship with the trafficker, and kept them from being able to turn to their families for help after they realized the danger of their situation. This relates not only to Article 14 but also Article 5.

Geographic Locus

30. Some women were recruited from small rural villages where they lived with their families. Some women came from small rural villages and travelled to larger cities for work, where they were recruited. Many were then taken to

- the family home of the trafficker, whom they initially viewed as a husband, before travel to other places where the young women were forced to sell sex.
31. People in the study described Tenancingo in the state of Tlaxcala as a hub of human trafficking into the sex industry. Anthropologist O. M. Torres has documented this as well, and says that this has occurred for at least three generations. This phenomenon has led to a few particularly high-profile cases in the United States involving particular families from Tlaxcala. Victim-witnesses in these cases described trafficking by multiple generations in numerous US locations. Torres and the cases document that young men from Tenancingo travel to other places, including rural villages, to woo young women whom they later force into prostitution.

Mexican government's response to trafficking

32. IMUMI has noted that police raids of sex work venues have been undertaken even though prostitution is legal. Theoretically, while raids could be helpful to identify trafficked women, they are not a long-term solution as criminal procedures are often unsuccessful, the women do not receive proper legal, emotional and economic support, and they may be vulnerable to re-trafficking in worse conditions. Rural women who have often migrated to urban areas are particularly vulnerable because they do not have social networks to turn to, they cannot return to their communities because they fear being reproached, and they often have few alternative employment opportunities.
33. The Committee has made recommendations to the Mexican government specific to trafficking in its 2012 review (CEDAW/C/MEX/CO/7-8). These recommendations include implementing the General Law on the Prevention, Punishment and Eradication of Crimes in Trafficking and the Protection and Assistance of Victims with the view to standardize the criminalization of trafficking in persons at the federal and state level and ensure adequate allocation of resources for its implementation; as well as data collection about trafficking including scope and sectors, investigating any link to disappearances of women, and nationwide awareness-raising campaigns. We support these recommendations and propose further specific recommendations below.

In relation to rural women IMUMI and UJCSWP recommend:

- Government should support service organizations to provide services for trafficked persons in Mexico, including migrants and women and children who are alienated from their marital families and families of origin in rural areas.
- Government should support organizations to develop campaigns for awareness and communication within families about trafficking and

domestic violence, including child abuse and child sexual abuse, particularly in impoverished and isolated rural communities.

- Government should adopt economic policies that address rural poverty, particularly of women and single parent households.
- Government should implement policies that distinguish between trafficking and sex work, and address trafficking into the wide variety of labor sectors including agriculture, domestic work and organized begging.
- Government should rely on prevention through information, employment rights and access to education and health care rather than raids, which perpetuate police abuse, often do not help people leave trafficking situations, and rarely end with prosecution of traffickers and restitution for victims.
- Government should improve investigation procedures to prosecute people involved in human trafficking. Few prosecutions have been undertaken against traffickers in Mexico using pre-existing statutes or the new anti-trafficking law enacted.
- Government policy should promote economic initiatives and poverty reduction in rural areas, especially for female-headed families.
- Government should ensure the enforcement of anti-violence laws including the 2007 law against domestic violence, including domestic violence involving children.
- Government policy on migration should address the specific needs of young women who leave home, with respect to their autonomy.
- Government should facilitate immigration documentation to rural migrant women living in southern Mexico to decrease their vulnerability to human trafficking.

For more details please contact:

Lorena Morrow Celis

IMUMI – Instituto para las Mujeres en la Migración

lorenam@imumi.org

Tel. +52 (55) 5211-4153

Tel. +1 (208) 753-7041

Melissa Ditmore

Urban Justice Center Sex Workers Project

123 William Street 16th floor

New York, NY 10038

USA

mhd12@cornell.edu

Tel. +1 646 602 5695

www.sexworkersproject.org