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Solving Human Trafficking Between Mexico and the United States

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## Solving Human Trafficking Between Mexico and the United States

### **Introduction**

Human trafficking is a complex issue in the twenty-first century. Trafficking in persons is a major human rights violation that leads to exploitation of vulnerable persons. Increased globalization and refined trafficking techniques have established a strong trafficking route between Mexico and the United States. This paper analyzes the issue of human trafficking for sexual exploitation between Mexico and the U.S. It examines policies that contribute to the scale of the problem, both in the U.S. and Mexico. Finally, this paper recommends ways to implement policy to significantly decrease human trafficking between the two countries based on a provided set of criteria.

Human trafficking definitions differ widely. The most common definition comes from the United Nations (UN), which defines human trafficking as “the recruitment, transportation, transfer, harboring, or receipt of persons by improper means (such as force, abduction, fraud, or coercion) for an improper purpose including forced labor or sexual exploitation” (Human Trafficking, 2016). When discussing human trafficking between Mexico and the U.S., it is important to clarify that trafficking is “distinct from the smuggling of willing migrants from one country to another, (because) human trafficking refers to the use of coercion for the purpose of labor, sexual, or other exploitation (Shirk & Webber, 2009, p. 168).

Mexican traffickers, often called “coyotes,” take advantage of desperate situations of poverty or hardship in Mexico and promise safe passage to a new life in the U.S. “Roughly 60 percent (of migrants) are leaving (Mexico) to seek a better life, and roughly 30 percent are fleeing in response to direct threats or experiences of violence and escape from crushing poverty” (Olson, 2016). Frequently, those trafficked are women and children in desperate situations—such as prostitution, homelessness, or extreme poverty. Naively believing that once

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they cross the border they will be free to find a job or work for a previously arranged job, those fleeing Mexico do not realize that sexual services will be demanded from them. Once in the U.S., coyotes hand over their victims to pimps, who then trap the victims through violence or debt bondage. Girls are often moved along a trafficking route to keep them trapped, vulnerable, and unable to find help. Frequently, these girls are victims of abuse, both sexual and physical, and of extreme manipulation. This manipulation often occurs because the pimps frequently take their victims' passports, using the threat of deportation as a technique to keep their victims from going to the police.

It is extremely hard to find reliable statistics because of the clandestine nature of human trafficking; however, the following represents reasonable estimates of human trafficking worldwide and in the U.S. The U.S. Department of State “estimates that between 70 and 80 percent of human trafficking victims worldwide are female, with 70 percent of these women and girls experiencing forced commercial sexual exploitation” (Shirk & Webber, 2009, p. 169). Additionally, an estimated 45,000 to 50,000 persons are trafficked into the U.S. yearly (Richard, 2000, p. 3). The Department of State also expresses that Mexico is the primary country of origin for trafficking victims in the U.S. (Hepburn & Simon, 2013, p. 375). Organized crime networks and gangs are frequently trafficking persons across the border. In fact, “only criminal networks have the logistical capacity and informal intelligence networks capable of finding the weak links and getting people in place to cross” the border (Olson, 2016). It is important to protect women and children from the horrors of sexual exploitation because of the human rights abuses involved. For this reason, the paper will focus on trafficking across the border for the purposes of sexual exploitation.

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Both Mexico and the U.S. already have policies in place concerning human trafficking. In both countries, human trafficking is a crime and is against federal law; however, in Mexico, there are inconsistencies among states regarding enforcing laws and assigning punishments for traffickers. Looking at recent history, Mexican anti-human trafficking legislation was implemented in 2007 under the name of Law to Prevent and Sanction Trafficking in Persons. Similarly, the U.S. implemented a policy called the Trafficking Victims Protection Act (TVPA) in 2000, and has since had several reauthorizations of this act. The goal of TVPA is to protect victims of human trafficking and to establish a department in the U.S. government addressing the problems of human trafficking. Notably, TVPA led to the creation of the “T-Visa,” which gives long term visas to victims who have been trafficked into the states. The T-Visa can also include access to social services, healthcare, and medical programs. Both countries have made improvements in the last two decades to deal with human trafficking, but there is still more work to be done.

### **Literature Review**

The issue of human trafficking between Mexico and the United States has gained wider attention in the twenty-first century as a result of growing awareness and information on the topic. A review of past literature is necessary to understand previous research and development in this field, as there is growing research on the topic. The first category of sources analyzed includes reports based on global research and data collection. The next category focuses on specific anti-human trafficking policies in both the U.S. and Mexico.

First, we turn to the Department of State’s Trafficking in Persons (TIP) Report, which provides a detailed analysis of the level of human trafficking in most countries, and provides

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recommendations for how to further improve anti-human trafficking efforts. The TIP Report of 2016 places Mexico at a Tier Two level (out of four potential tier levels), meaning that Mexico has made efforts to improve, but it does not fully meet the standards that the U.S. sets to eliminate trafficking. To be classified as Tier One, Mexico needs to “fully comply with the Trafficking Victims Protection Act’s minimum standards” (Tier Placements, 2015).

The TIP Report of 2016 highlights some of the key ways that Mexico has improved over the past year, which includes refining data collection and increasing coordination between the U.S. and Mexico. Even so, there are still many ways by which Mexico can decrease human trafficking within its borders and between itself and the U.S. Some recommendations that the U.S. Department of State offers include increasing enforcement, especially for officials who are involved in the business; increasing funding towards anti-human trafficking efforts; and improving consistency for punishments of criminals. The Department also recommends “strengthening the national anti-trafficking law, invigorating the interagency anti-trafficking commission, providing comprehensive assistance to victims, and strengthening civil society participation in anti-trafficking efforts” (2016, p. 269). Overall, the Trafficking in Persons Report provides thorough recommendations to ameliorate the issue.

Another data-driven source is “The Global Slavery Index 2016,” which is conducted in association with Gallup, and includes surveys and research in most countries around the world concerning modern-day slavery. The 2016 Index highlights Mexico in a case study that reports the improvements Mexico has made recently, the difficulties Mexico still faces, and includes recommendations to decrease modern-day slavery.

The Index provides a comprehensive understanding of the issue and offers significant recommendations. It focuses on the lack of employment opportunities in Mexico, for both men

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and women, who are then driven into trafficking either as pimps or victims, respectively. The Index also explains the increased vulnerability for groups in Mexico, such as indigenous girls or girls of the mestizo ethnic group. For example, “women from poor southern states, particularly Chiapas, Oaxaca, and Guerrero are highly vulnerable to recruitment into the sex industry in Northern Mexico and abroad” (2016, p. 128). Additionally, organized crime continues its involvement in human trafficking, further complicating the issue. Although the “Global Slavery Index” provides many ways to lessen human trafficking in Mexico, the key points include creating a “national coordination mechanism to streamline the implementation of each state’s counter-trafficking legislation,” increasing border identification methods, and raising awareness throughout Mexico about the dangers of human trafficking (2016, p.129).

For sources that look specifically at policy, we begin with *Human Trafficking Around the World*, which provides a broad overview of the policies that Mexico has implemented since 2007. Hepburn and Simon explain that Mexico is the “primary country of origin for persons trafficked to the United States”; thus, attention needs to be focused on decreasing the flow of persons being involuntarily smuggled into the U.S. (Hepburn & Simon, 2013, p. 375). This source explains the lack of awareness in Mexico on issues such as human trafficking, even though it is approximated that “at least 47 sex-trafficking rings operate in Mexico and that an estimated 800,000 adults and 20,000 children are trafficked each year” (Hepburn & Simon, 2013, p. 374). Other issues include prostitution being legal in most Mexican states (in designated areas), the reduction of federal funding to fight trafficking in 2011, and a lack of services and facilities for victims.

To solve this, several steps must be taken. Increasing awareness of human trafficking in Mexico is important, especially among the vulnerable populations, such as in areas of

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prostitution or extreme poverty. This is significant because there is a lack of awareness among these groups about the dangers of human trafficking. Increasing funding, especially for victim services; increasing interaction with non-governmental organizations (NGO's) that are working in the field of anti-human trafficking; and formalizing the punishment for traffickers would all be appropriate steps towards eliminating trafficking within Mexico and between the U.S. and Mexico.

Another source that looks at anti-human trafficking policy is Anthony DeStafano's *The War on Human Trafficking: U.S. Policy Assessed*. It examines U.S. policy since the Trafficking Victims Protection Act (TVPA) was passed in 2000. DeStafano highlights how enforcement of the TVPA is weak, which accounts for several violations against human- especially female- rights. He also finds that there are inconsistencies among countries on definitions of human trafficking, which makes it hard for countries to collaborate against this issue. Moreover, DeStafano points out the seemingly partisan issue from the Trafficking Victims Protection Reauthorization Act, which prevents government funding from going to any organization that does not share the belief that prostitution should be illegal. By reforming and enforcing the original policies created, the U.S. would be on a better path towards eliminating human trafficking.

The next source is *Human Rights Along the U.S.-Mexico Border*, which is a compilation of articles concerning the abuse of human rights along the border. An important chapter, written by David Shirk and Alexandra Webber, is titled "Human Trafficking and Protections for Undocumented Victims in the United States." This chapter focuses on the vulnerability of migrants, especially undocumented migrants, who are more susceptible to exploitation than others. The chapter refers to the Department of State which estimates that between 2004-2009



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“approximately six to eight hundred thousand people cross international borders as victims of human trafficking each year around the world” (Shirk & Webber, 2009, p. 168). Given the staggering number of human trafficking victims, the authors argue that the issue relates more to American immigration policy, rather than a lack of Mexican anti-trafficking policies. They state that “above all, human trafficking appears to be yet another unfortunate outgrowth of the current wave of global migration and the inability of the U.S. policy makers to respond effectively to it” (2009, p. 171). In light of this, the authors argue for a comprehensive reform of U.S. immigration policy so that more people can come to the U.S. legally, instead of risking their lives and their livelihoods upon entrance. They also call for more effective usage and promotion of T-Visas. About a thousand T-Visas are annually distributed, which is vastly disproportionate to the number of trafficking victims that enter the country. To make T-Visas more accessible to those in need, Shirk and Webber believe that the U.S. must first establish ways to better identify victims.

Another source, “Prostitution and Trafficking of Women and Children from Mexico to the United States,” argues that U.S. policies need specific improvements, including amending the requirement that “the burden of proof falls on the victims to show evidence of force, fraud, or coercion,” increasing victim services, and building stronger bilateral approaches with Mexico (2008, p.148). The authors also argue that a multicultural education would improve knowledge of and increase awareness of the issue of human trafficking between Mexico and the U.S. Concerning this issue, the U.S. also faces a cultural problem because some Americans have the prejudice that this issue is a “problem of illegal immigrants.” Americans need to be educated and must understand victims of human trafficking to be just that: victims, deserving of our concern and care because without our efforts, this human rights abuse will continue.

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A final source offering a comprehensive examination of human trafficking between Mexico and the U.S. is *Borderline Slavery*. Focusing on the negative impact that globalization has on human trafficking, the author claims that globalization “creates a world economy that is increasingly transnational, while public administration and other government functions continue to be bounded nationally” (Tiano & Murphy-Aguilar, 2012, p. 10). Although globalization is not the cause of human trafficking, it allows for an increased ease in trafficking people across borders, and, unfortunately, our law enforcement has not created mechanisms to address this growing concern.

Despite the failures of government policies, the authors note that these failures are not the sole cause behind the continuation of human trafficking: culture plays a role. Americans look at the issue of migration of illegal immigrants to the U.S. as both a blessing and a curse. Many American companies use Mexican workers; however, many Americans also look at illegal immigration negatively. Additionally, Americans focus on the war on drugs, not on fighting human trafficking which deserves warranted attention since it deals with human rights violations. Together, these realities create a negative or indifferent cultural response to human trafficking that does not demand immediate action to ending the crime. Instead, it is often ignored or forgotten.

### **Criteria**

With so many avenues for policy changes, it is necessary to build strong criteria for determining which policies need to change immediately. First, the policy changes recommended must increase protection of vulnerable persons. Vulnerable persons are typically the prey for traffickers and thus need protection in both the U.S. and Mexico. If trafficked, they need to be

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protected rather than persecuted. Within these policy recommendations, everyone, including vulnerable persons, must be respected and valued. Second, the policy recommendation must provide for enforcement capability because without enforcement, policies are meaningless. Any policy recommendation provided must be possible to enforce immediately. Lastly, the policy recommendations provided must not contribute to other issues facing the two countries now, such as increasing attempted immigration between the U.S. and Mexico.

### **Possible Alternatives**

As has been shown, human trafficking is a major issue demanding attention in both countries. Victims are made into commodities. Based on American ideals, everyone is worthy of respect and freedom, thus human trafficking and modern-day slavery needs to be eliminated. Policies are a key tool in decreasing human trafficking. This section will present a variety of alternatives intended to decrease human trafficking between Mexico and the U.S.

First, we must acknowledge the option to keep the status quo. The U.S. has put in place the TVPA and several reauthorizations of this act, meaning that there is already a comprehensive policy in the U.S. dealing with human trafficking. Mexico has also created policies to fight human trafficking so the option to maintain the status quo is possible. The extent of human trafficking between the two would most likely remain unchanged and each country could continue dealing with this issue on their own. This option upholds criteria two and three, as it is plausible and it does not contribute to other bilateral issues; however, it violates the first criterion, as it does not protect vulnerable persons.

Another option is to build a wall between the U.S. and Mexico prohibiting illegal immigrants from crossing into the U.S. The confronted issue is trafficking persons from Mexico

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to the U.S.; thus, a way to completely halt that movement is to create a structure that would not let migrants, coyotes, or victims through to the U.S. This option has the potential to dramatically reduce the rates of people crossing the border; however, this option also is expensive, would take years to complete, and most likely would not be effective. Migrants who are desperate to come to the U.S. and coyotes who run an industry of bringing people into the U.S. will find a way to continue coming. This option might put a barrier in the path of people trying to enter the U.S., but this wall could prove useless in time. Furthermore, if this policy option did, in fact, lower levels of trafficking between the U.S. and Mexico, it would also trap people in vulnerable situations in Mexico, and it might increase trafficking between Mexico and other countries. This option violates all three criteria because it does not protect vulnerable persons, it is not enforceable, and it could increase tensions between the two countries.

An additional option is to reform the American immigration system to make legal entry easier. Such a reform would significantly decrease the number of people using coyotes to enter the U.S. This immigration reform could focus on helping vulnerable people desperate to escape to better lives, so that the people who are most vulnerable to being trafficked are the ones most helped by a new immigration policy. This policy reform could protect many people and provide better lives to those in dire situations; it is extremely partisan, though. Getting an immigration reform through the U.S. Congress would be arduous and time-consuming. Additionally, the people likely to be trafficked by coyotes into the U.S. are often either those already working in prostitution or Mexican girls who are lured into trafficking through a false relationship. Reforming U.S. immigration laws is unlikely to impact these cases, and trafficking would continue. This option, while fulfilling criteria one and three, violates the second criterion because it would be very hard to enforce and would not be able to happen for quite some time.

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A fourth option is to improve coordination between the two countries. The steps that have been taken to bolster the relationship between the U.S. and Mexico are insufficient; therefore, more must be done. For example, a recently created bilateral partnership called the Merida Initiative is working to improve rule of law and fight crime networks in Mexico, preventing spillover into the U.S. This initiative focuses on the war on drugs; however, since its mission also includes protecting human rights, it could work towards lessening human trafficking between the two countries. The Merida Initiative is working to end corruption and organized crime in Mexico, both of which directly relate to human trafficking, and thus could be expanded to fight trafficking in persons as well. Another great example of cooperation that could be expanded or replicated is the Bilateral Safety Corridor Coalition in San Diego, which is a coalition among U.S. and Mexican organizations, especially those based in Southern California and near Tijuana. This is a coalition of a variety of different sectors all coming together to assist human trafficking victims. They work not only to protect and support victims, but also to educate the public on human trafficking and to advocate for vulnerable persons. Creating such coalitions between key border cities on each side would have a significant impact on interceding in trafficking cases and on educating populations near the border on human trafficking. The option of bolstering bilateral coordination meets all criteria by protecting vulnerable populations, being enforceable, and not agitating other bilateral issues.

A fifth option is to increase awareness in the citizens of both the U.S. and Mexico. Mexicans, especially the youth, need to be informed of the dangers of human trafficking and the potential scams that may lead to being trafficked involuntarily or voluntarily across the border. Because of the frequency of men using relationships to lure girls into human trafficking, an increase in education on human trafficking is essential, especially with respect to young girls.

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Furthermore, both countries need to have more measures on identifying trafficking victims and what to do in a situation of witnessing trafficking. This can be done through a school curriculum that teaches a series on human trafficking each year. Such a curriculum should also increase awareness of U.S. T-Visas that are accessible to Mexicans. T-Visas should be included in the school's curriculum so that if a young girl falls into a trafficking situation, they know their options in the U.S. This policy option is extremely beneficial because more education can help prevent trafficking situations and protect vulnerable persons. It also fulfills all of the established criteria. A potential downside is the cost of creating and implementing a new curriculum. Additionally, it will have to be decided if teachers will be provided material to teach this or if a group, potentially an NGO, will go into schools to teach about human trafficking. Further, increasing public knowledge on T-Visas might lead some to try to fake a trafficking case in order to receive a T-Visa and the benefits that often accompany this, such as healthcare or welfare; therefore, an implementation plan for this option would need to pay thorough attention to this possibility.

A final option is to improve enforcement mechanisms. Currently in Mexico, there is not a consistent policy for law enforcement regarding human trafficking, and there is no standard by which to identify a victim of human trafficking. This option would establish an agreed upon national standard that each state could use in identifying potential victims. Further, this option would include a provision on how to prevent corruption within the police force and of government officials who have been known to work with organized crime or trafficking rings for their own benefit. Government officials need to be held accountable for their actions and must be obliged to respect human rights. This option also meets all of the criteria.

## **Recommendation and Conclusion**

Keeping all the criteria in mind, the policy recommendation to decrease human trafficking between Mexico and the U.S. is threefold. This recommendation combines options four, five, and six to create the most effective policy recommendation, including (1) improving bilateral cooperation between the two countries, (2) improving on enforcement mechanisms in both countries, and (3) increasing public awareness and education on human trafficking in both countries.

First, improving communication and cooperation is important because human trafficking is an issue facing both countries; it is vital that they work together to solve this issue. There are problems on each side of the border and if Mexico and the U.S. work together to solve these problems, it is likely that trafficking will significantly decrease. This aspect of the recommendation is accomplished by bolstering the current coalitions that exist, such as the Merida Initiative, and forming new coalitions between cities on opposite sides of the border. The Merida Initiative is important because it already brings together law enforcement, lawyers, justices, and other groups that would be very useful towards working together on human trafficking. Additionally, the Merida Initiative works to train and provide Mexican officials with material and intelligence on how to eliminate crime networks. To add in human trafficking material is an effective way of decreasing human trafficking between Mexico and the U.S. Meanwhile, connecting cities on each side of the border creates a cooperation effort where it matters most. The groups on each side of the border can help look out for human trafficking victims and report trafficking activities. This requires extensive funding and research to determine how these coalitions can be most effective. Provided the funds are attained, this recommendation upholds all three of the criteria because it increases the protection of vulnerable

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persons by forming and enhancing coalitions for victims, it can be enforced, and it can be used effectively. Finally, this recommendation does not exacerbate other major issues between the U.S. and Mexico.

The second part of the recommendation is to improve law enforcement methods in both countries. In the U.S., the government must enforce immigration laws so that illegal immigrants will be dissuaded from crossing the border. In Mexico, law enforcement, with respect to human trafficking, must be standardized throughout the entire country, and existing laws must be upheld. For instance, the Trafficking in Persons Report explains that “14 states, out of 31, have aligned their trafficking laws with the federal law” (Trafficking in Persons Report, 2016). All states need to adopt the federal law so that there is consistency throughout the entire country. Additionally, there needs to be a standardized method for identifying victims and this needs to be taught to law enforcement and governmental officials. All persons working for the government should have standardized training on human trafficking to ensure that any official who encounters an instance of human trafficking knows how to properly respond. Additionally, there needs to be an enforcement mechanism that holds government officials accountable and that acts as a deterrent towards corruption. One solution is to create a trafficking bureau. This could establish an entity that checks government official’s corruption regarding human trafficking, and makes sure that government officials are not involved in any trafficking schemes. This second piece of the recommendation also upholds all of the criteria because it continues to increase protection for vulnerable persons by limiting government corruption and standardizing identification mechanisms. It can be enforced and has already proved possible in the fourteen states which have adopted the national laws already. Finally, it does not increase any of the current U.S.-Mexican issues.



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Third, awareness must be raised in both countries, especially along the borders, because increasing education is an effective and cost-efficient method to reducing vulnerability to trafficking. There should be a comprehensive, compulsory curriculum in both the U.S. and Mexico on human trafficking which can be taught annually in schools. This will decrease human trafficking because students will be knowledgeable of scams that lead to trafficking and thus will be better equipped to identify possible trafficking victims if ever needed. In the U.S., children need to be aware of what trafficking is and how to identify victims, especially in the border states. As such, the curriculum should include the basics on human trafficking, how to identify human trafficking victims, and the correct response to witnessing a situation of human trafficking. In Mexico, a curriculum on the various scam methods and dangers of trafficking is vital. This curriculum should also include how to identify victims and what to do in situations of witnessing a potential case of trafficking. Akin to the previous two portions of the recommendation, the third upholds the three criteria as well. It protects vulnerable persons through education, and it increases cases of identification of victims. It can be “enforced” and it would not be overly difficult to implement once a standard curriculum was agreed upon. Finally, this part of the recommendation would not intensify other issues between the U.S. and Mexico.

A recommendation that would completely solve human trafficking is impossible due to the complexity of the issue and the vast array of factors contributing to it. Even so, this recommendation is both feasible and can significantly reduce the number of women and children trafficked into the U.S. annually from Mexico. By improving and increasing cooperation between the U.S. and Mexico, establishing consistent law enforcement mechanisms, and increasing awareness through education of the youth in both countries, the number of trafficking victims could significantly decrease. It is imperative to make changes to policies in both

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countries to protect vulnerable persons. This is not an issue that we should only work on once the war on drugs is over or U.S. immigration policy is reformed. It is an issue that deserves our attention today. As mentioned in Ugarte and Zarate's work, prostitution and human trafficking allows for people to have access to sex whenever they please (Ugarte & Laura Zarate, 2008). However, sex is not a right and the U.S. and Mexico need to remember this when making policies about human trafficking. This issue demands immediate attention to protect women and children from being trapped in situations of sexual exploitation. With these recommendations, human trafficking between Mexico and the U.S. can significantly decline.

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