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Modern Slavery: A Thorough Examination on Human Trafficking of Indigenous Women and Children in Mexico

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MODERN SLAVERY: A THOROUGH EXAMINATION ON HUMAN TRAFFICKING OF INDIGENOUS WOMEN AND CHILDREN IN MEXICO

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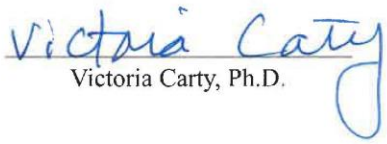

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ABSTRACT

MODERN SLAVERY: A THOROUGH EXAMINATION ON HUMAN TRAFFICKING OF INDIGENOUS WOMEN AND CHILDREN IN MEXICO

by Sarah Altuwaijri

Modern-day slavery is an international crime against humanity which affects millions of lives each year. Human trafficking, a form of Modern Slavery, has negative long-lasting implications on trafficked victims and society, particularly vulnerable members such as indigenous women and children. This study examines human trafficking and forced labor in Mexico with a focus on indigenous women and children. It uses a mixed methodology composed of both qualitative and quantitative data. Qualitative data is used to analyze historical materials related to Spanish colonialism in Mexico, while quantitative data is used to measure poverty, numbers of trafficked victims, and to establish the overall scope of the problem. This research also examines the role of organized crime groups in human trafficking throughout Mexico. It dissects the involvement of corrupt government officials in organized crime and human trafficking and explains the intersectionality of criminal groups and corrupted authorities and government officials.

Keywords: Modern slavery, Human trafficking, Sex trafficking, Child sex trafficking, Forced labor, Child labor, Indigenous groups, Mexico, Rebel groups, Organized crime, Cartel.

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1. INTRODUCTION

Slavery to many is believed to have been abolished, deemed a thing of the past. As a violation of an individual's basic human right to freedom and security, it has been outlawed universally. Yet slavery is widespread and growing in our world today, manifested in various forms otherwise known as “Modern Slavery.” Despite its prohibition by the 1945 Universal Declaration of Human Rights, modern slavery comprises a wide range of illegal exploitation including human trafficking, sex trafficking, forced labor, domestic servitude, debt bondage, and child soldiers.

To be a victim of modern slavery is one of the worst forms of abuse any individual can endure. Traffickers typically prey on women and children, as they are the most vulnerable in society, subjecting them to psychological, physical, sexual, and emotional abuse. Human trafficking can be understood as a process and not a single offense, and typically proceeds in three stages. The first is the abduction or recruitment of an individual. The second stage occurs in cases of transborder trafficking: the transportation and the entry of that individual into another country. The third is the exploitation phase, when the victim is forced into sex and labor slavery (Aronowitz, 2009, p. 9). Unable to escape or call for help, exploited victims find themselves trapped in a daily cycle of abuse.

Human trafficking is the second most profitable criminal industry in the world and the fastest growing across the globe, bringing an estimated $150 billion annually (United States Department of Justice, 2016). Mexico is known to have one of the highest rates of human trafficking in the world. As a growing epidemic, it is estimated that 341,000 victims currently live in modern slavery according to the Global Slavery Index (Global Slavery Index, 2018, P. 1). Women, young girls, children, and indigenous people are the ones most at risk. The primary

focus of this research will be on human trafficking and forced labor in Mexico with a focus on Indigenous Mexicans. It aims to answer several questions. The first is why the indigenous Mexican population faces high rates of human trafficking and forced labor. Secondly, why do rebel groups and organized crime groups commit human trafficking in Mexico and what role do they play in human trafficking there? And finally, what are the impacts on victims of contemporary anti-trafficking policies adopted by the Mexican government?

The study looks closely within Mexico to identify the root causes of human trafficking and forced labor, but will make more specific claims with respect to indigenous groups in the states of Oaxaca and Chiapas. It addresses the core reasons indigenous Mexicans are discriminated against, identifying who is responsible for trafficking them, where they are being trafficked to, the methods used to traffic them, and ways to identify victims. In identifying the reasons why rebel groups and groups of organized crime commit human trafficking within Mexico, it is critical to analyze the ways in which they operate, identify those who are being targeted and trafficked, explore the legal policies in place that allow this to occur, and further investigate where this phenomenon takes place within the country. It also analyzes whether economic migration causes new opportunities for abuse and exploitation. The general causes of human trafficking that occurs throughout Mexico include corrupt government officials, insufficient government efforts to combat human trafficking within the country, criminals not fearing police, or government officials knowing they can easily get away with their crimes due to weak judiciary. I further argue that human trafficking and forced labor against the indigenous population of Mexico are due in a significant degree to racism, ethnolinguistic differences, and the existing legacies and enduring traumas of colonialism. Additional contributors are extreme poverty, low levels of education, and government neglect. As for human trafficking that occurs

throughout Mexico generally, it is due to high levels of corruption, government compliance, organized crime members wanting to establish their power, and fear of retaliation from cartel members.

2. LITERATURE REVIEW

The existing literature on modern slavery is substantial. Slavery has existed for thousands of years, dating to prehistoric hunting societies (Kara, 2017, p. 5). Slavery has been practiced by different types of societies and governments (Landman, 2020, p. 306). Despite this, it took ninety years after the abolition of slavery in the British Empire for the first internationally accepted definition of slavery to appear. It was defined as, “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (Kara, 2017, p. 6). Further, in 1926 The Slavery Convention of the League of Nations defines it as, “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.” This definition was a significant step for international law on slavery and is still used for modern definitions (Mende, 2018, p. 231).

2.1 MODERN SLAVERY

Despite the various definitions of “slavery”, there is no legal definition for “modern slavery” as it is used as a more general term that incorporates more specific categories of exploitation. However, a victim of modern slavery can be understood as, “Any individual who is forced to work against their will with the use of mental or physical threat. Being owned by an employer through mental or physical abuse. Someone who is dehumanized, treated as commodity, and bought or sold as property. Someone who is physically constrained or has restrictions placed on their freedom of movement (Haeley, 2012, p. 11). Today the term is used to

describe a wide range of exploitative practices including sex trafficking, forced labor, forced child labor, and unlawful recruitment or use of child soldiers (U.S Department of State, n.d, p. 1). Despite human rights acts and policies meant to eradicate violations of human dignity, there are an estimated 50 million people living in modern slavery globally (International Labor Organization, 2022, p. 1).

The 1946 Universal Declaration of Human Rights uses an all-encompassing definition of human rights which are guaranteed for individuals around the world (Global Citizens Commision, 2016, p. 33). Article 4 of the Declaration strictly states that, “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms” (United Nations, 1946, p.1). The declaration sets out fundamental rights to be universally protected and offers a shared definition for understanding the concept of human rights with the common understanding that represents “a common standard of achievement for all peoples and all nations”. Additionally, the Declaration sets forth a common expectation for nations in their dealings with one another, has been translated into 250 languages and is the most cited human rights document on earth (Global Citizens Commision, 2016, p. 33).

2.2 HUMAN TRAFFICKING

Because human trafficking is a common form of exploitation, it is critical to define it. A definition will help us identify what characterizes a victim of trafficking, recognize when a trafficking crime is taking place, and even prevent these crimes in the future. Human trafficking is defined by The Office of The High Commissioner of Human Rights as:

> *Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other*

> *forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (OHCHR, 2000, p. 14).*

Trafficking negatively affects societies as a whole, violating human rights and the dignity of victims, it drives organized crime and fuels political corruption as well as spreads venereal diseases such as HIV. Statistics on trafficking are rarely precise due to the nature of the phenomenon, and different organizations have different estimates as to the scope of the problem (Borg Jansson, 2019, p. 43).

2.3 HUMAN TRAFFICKING IN MEXICO

Looking more closely at the case of Mexico, human trafficking is an ongoing problem that the country fails to address effectively and has been continuously ignored by important socio-political actors, including the media. The relationship between the media and sexual exploitation is complex due to the failure to report sex trafficking cases accurately. The Mexican media have vague perceptions of trafficking due to disagreements between specialists on what characterizes human trafficking (Veloz and Pinto, 2023, p. 26). There have been studies conducted on combating sex trafficking in Mexico, including in cities such as Puerto Vallarta. The International Organization for Migration Mexico has established a committee to review a study on sex trafficking of children for both sexual and labor exploitation in Puerto Vallarta, with the aim to improve availability of both quantitative and qualitative data, including on the profiles

of victims and traffickers, and to create strategies to combat human trafficking at the local level (International Organization for Migration Mexico, 2014, p. 4).

2.4 SEX TRAFFICKING

Sex trafficking crimes can be understood and broken down into two categories, slave trading and slavery. Slave trading involves the supply of trafficked victims, slavery represents the demand side, and the interrelationship between the two describes the structure of sex trafficking (Kara, 2010, p. 5). Sex slaves are primarily acquired in five different ways, including deceit, sale by family member, abduction, seduction or romance, or recruitment by former slaves (Kara, 2010, p. 6). While literature on sex trafficking tends to focus on traffickers as being part of organized crime groups, Kelly argues that there is little knowledge on traffickers and what is known about them is that the majority of traffickers are male (Segrave, Milivojevic, and Pickering, 2009, p. 11). The main focus of the examination of human trafficking has been on women and children, given that they are particularly more vulnerable and make up most cases of trafficking (Segrave, Milivojevic, and Pickering, 2009, p. 11). Amnesty International argues that women are more likely to face gender-based violence, including trafficking, when faced with economic desperation and do not have their basic needs met, conditions which are exacerbated during conflict and displacement (Amnesty International, 2020, p. 5).

2.5 FORCED LABOR

Furthermore, literature on labor trafficking breaks down the definitions of forced and child labor and examines the violations faced by victims. Labor trafficking has several forms of exploitative practices that include forced labor, child labor, and bonded labor (Office of the Administration for Children and Families, n.d, p. 2). In the 2000 Trafficking Victims Protection

Act (TVPA) labor trafficking is defined as, “the recruitment, harboring, transportation. Provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery” (Office on Trafficking in persons, n.d, p. 1). The act was the first comprehensive federal law to combat trafficking by providing protection for trafficking victims and the prosecution of traffickers in the United States (Department of Education, n.d, p. 1).

Forced Labor has been defined by the International Labour Organization as: “All work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily” (International Labor Organization, n.d, p. 2). While the definition of child labor is defined as any “work that deprives children of their childhood, their potential and their dignity it refers to work that is mentally, physically, socially, or morally dangerous and harmful to children; and or interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work” (International Labor Organization, n.d, p. 2).

Forced labor affects millions of lives worldwide. An estimated 160 million children are victims of child labor of which 79 million are victims of labor in hazardous work directly endangering their safety and lives. Out of the world's child laborers 8.2 million are in Latin America and the Caribbean (Bureau of International Labor Affairs, n.d, p.5). The number of modern slavery victims rose by 9.3 million in recent years. The COVID-19 pandemic intensified poverty rates, which in turn caused an upsurge in modern slavery rates (Alliance, 2022, p. 6).

In order to identify a situation in which child labor is used, certain criteria as to the child’s age, their working hours, and the conditions of their working environment must be met. Furthermore,

it is critical to understand the “worst forms of child labor”. These are defined by Article 3 of the international labor organization convention as

> *All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. (International Labor Organization, n.d, p. 2).*

The definition of forced labor also encompasses “traditional practices, and various forms of debt bondage, as well as new forms of forced labor that have emerged in recent decades such as human trafficking” (Office of the Administration for Children and Families, n.d, p. 2). This is a clear distinction between the different forms of human trafficking and forced labor, yet it highlights the interconnecting aspects of both human trafficking and forced labor, as forced labor is any means of working under force and coercion unable to leave freely. This means that forced labor can involve not only agricultural labor but sex labor, including sex trafficking, prostitution, and child sex tourism. Thus, sex trafficking and forced labor are interconnected, with many victims of sex trafficking also subjected to forced labor, as, for example, sex trafficking victims who may be forced to work in sweatshops and brothels.

3. SIGNIFICANCE OF RESEARCH

This research identifies the routes of human trafficking and forced labor from the point of origin to other states within Mexico. It looks closely at this chain of trafficking, as well as human trafficking of indigenous people. It will analyze the ways in which victims of human trafficking can be identified in Mexico. The existing literature on human trafficking and forced labor tends to look closely at the different types of human trafficking and forced labor that take place within the country. However, literature on how to clearly identify the victims of human trafficking and forced labor, and the statistics on indigenous people in Mexico is limited.

I also plan to expand on the existing causes of human trafficking and forced labor. While many studies argue that it is due to income inequality and high rates of poverty, I argue that poverty, while a factor, is itself driven by systemic racism targeting indigenous groups. The underlying driving force is colonial history and contemporary expressions of colonialism, such as a lack of implementation of policies that protect indigenous groups, weak government bodies, as well as common intra-family dynamics that make young members, especially female family members, more vulnerable. This paper will contribute to existing literature by adding methods of identifying victims, and exploring different causes of human trafficking and forced labor in Mexico, while also shedding light on the severity of indigenous peoples being trafficked in Mexico and the desperate need to bring awareness to an issue for which only limited research currently exists.

4. METHODOLOGY

This study uses a mixed methodology analysis, relying heavily on qualitative data, particularly on the history of Spanish colonialism in Mexico, and quantitative data on poverty,

the direction in which people are trafficked, and numerical measures of the scale of the problem, for instance, the percentages of women being trafficked, and percentage of indigenous Mexicans versus non-indigenous Mexicans. It also collects information from previous research that has been conducted, by incorporating data collected from the U.S State Department, the Mexican government, in addition to secondary research data published by different individuals, groups and organizations. These data collections are used to investigate the vastly growing problem of exploitation among indigenous groups in Mexico in the states of Oaxaca and Chiapas. It examines the existing policies Mexico has set forth to protect indigenous groups as well as any policies that do not serve or protect them. Additionally, it collects data that explain the migration process within different states in Mexico and any correlation with groups of organized crime, linking any similarities or connections made between human trafficking and organized criminal groups as well as connections to the Mexican government. Secondary sources are collected on the phenomenon of human trafficking among non-indigenous Mexicans while analyzing the various ways in which indigenous and non-indigenous Mexicans are targeted and trafficked. It does this by collecting information from secondary interviews of surviving trafficked victims. Interviews from secondary research are used to further understand the scope of the problem, those who are involved, the forms of trafficking that occurs, the areas they are trafficked into, and different forms of identifying victims.

5. HUMAN TRAFFICKING THROUGHOUT MEXICO

The numbers for human trafficking in Mexico are staggering and rising yearly. It has persisted over the years due to a nearly-exponential rise in profitability, making it the second most lucrative criminal business in the world (U.S Department of Justice, 2015, p. 2). It is important to state that despite its high profitability, it is the high social demand that allows it to

persist and continue to rise. Human trafficking in Mexico generates an estimated 22.6 billion dollars annually (Fondation Scelles, 2016, p. 1). Even as a country with one of the highest rates of human trafficking around the world, Mexico has made little effort to combat human trafficking within the country. According to the 2022 Trafficking in Persons Report, the U.S. Department of State classified Mexico as a Tier 2 country, meaning that the government of Mexico does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so (U.S. Department of State, 2022, p.1).

There are various methods used to traffic women and children in Mexico. These include false promises of employment, deceptive romantic relationships, or extortion. The majority of cases occur among family, intimate partners, and acquaintances on social media or through employment-related traps. In addition, the use of social media is widely used to target and recruit victims (U.S. Department of State, 2022, p. 29). The country is a source, transit point and destination for human trafficking. While women and young girls in Mexico are trafficked primarily for sexual exploitation and forced prostitution, they are also trafficked for forced labor, including in agriculture, domestic servitude, food processing factories, construction, begging, and vending (Acharya, 2018, p. 7). Forced labor is analyzed in greater detail in the following section.

Human trafficking in Mexico is a complex issue that involves various parties, including state and non-state actors, organizations, organized crime groups, rebel groups, authorities, and the Mexican government. With that, it is important to understand how these actors operate, as well as the intersectionality between them. Criminal groups, the Mexican authorities as well as the Mexican government are in many ways interconnected. They play significant roles and partake in criminal activities themselves, including smuggling, human trafficking, prostitution

and forced labor. The complexity of this interconnectedness is broken down in the last section of this study. Due to the involvement of the government and the hidden framework linking these groups' operations, it is difficult to collect reliable data samples to accurately showcase the extent of these crimes. According to Fondation Scelles, It is estimated that there are 450,000 and 500,000 prostituted persons in Mexico, with human trafficking in Mexico generating approximately $22.6 billion dollars annually (Fondation Scelles, 2016, p. 1). Additionally, "Mexico is ranked second in the world for the prostitution of under-age individuals. 70% of girls found in situations of forced prostitution were younger than 18 years old. An estimated 16,000 children are trafficked each year. There are 25,000 child prostitutes according to the authorities, but according to witnesses this number should be doubled or indeed tripled" (Fondation Scelles, 2016, p. 1). As we can see, the numbers given in breaking down human trafficking within the country are significantly less than the actual numbers that are growing each year.

Furthermore, the secretario Ejecutivo del sistema Nacional de Seguridad Pública (SESNSP) (the executive secretariat of the national public security system) reported that the trafficking of women has increased by 40% since 2018. Human trafficking against women has been increasing at an alarming rate in the past four years, as "several organizations support the data and even warn that this figure represents even less than 20% of the cases that actually exist" (Newsroom Infobae, 2022, p. 2). Human trafficking can be found all over Mexico but runs rampant in states such as Tijuana, the state of Mexico, Mexico city, Pubela, Hidalgo, and Veracruz. Often, The young women and girls are native to the states of Oaxaca, Tlaxcala, Guerrero, San Luis Potosi, and Chiapas (Newsroom Infobae, 2022, p. 3).

Trafficking of young women and girls can take place domestically within their native states or they are taken to other states for exploitation. One example of this is the case of Karla

Jacinto, a surviving victim of sex trafficking from Mexico City. She was trafficked at the age of 12 when a trafficker targeted her as she was waiting for her friends by a subway station in Mexico City. He was able to lure her by his kind words and his car. He was 22 years old, 10 years older than her. Yet Karla did not recognize any red flags as she was blinded with his kind actions and gifts that he continually bought her during the first three months of their relationship. Her trafficker would leave her for a week in their apartment during which she noticed his cousins bringing new girls in every week. He was direct when she asked him what business they are part of, and told her that they are pimps. What she thought was a loving relationship took a quick turn a few days later when he forced her to work as a prostitute and was taken to Guadalajara, a city in the state of Jalisco.

She described her experiences under forced prostitution. She said she would start her day at ten in the morning and end at midnight, with twenty clients a day for that week she was in Guadalajara. Her trafficker exploited her in several other cities; he sent her to brothels, roadside motels, homes, and streets known for prostitution. She worked seven days a week with no days off. Following the first few days, she was forced to serve a minimum of 30 clients a day. The male clients often humiliated her for crying. One day the police showed up at the hotel where she was working at which was known for prostitution. As they kicked out every customer Karla was hopeful that her nightmare would end. However, 30 police officers started shooting videos of them in incriminating positions threatening to send it to their families if they failed to follow their orders and do everything they asked. Karla said, “I thought they were disgusting. They knew we were minors. We were not even developed. We had sad faces. There were girls who were only 10 years old. There were girls who were crying. They told the officers they were minors and nobody paid attention.” Over the course of four years of forced prostitution from the

age of 12 Karla was raped 43,200 times before she was rescued in 2008 by an anti-trafficking operation in Mexico City.

The horrifying story of Karla is one of the hundreds of thousands of cases that regularly occur throughout Mexico. I chose to highlight her story as a means to illustrate the depths to which traffickers are willing to go in exploiting women and children for financial gain, as well as a way to examine the techniques and destinations used to traffic women. Her case clearly describes the involvement of state actors such as currupted police officers who take part in the sexual exploitation of women and children instead of serving to protect them. One reason for the lack of empirical data is the frequent involvement in these activities of both state as well as non-state actors. The involvement of organized crime and government officials are analyzed further towards the last sections of the paper.

Furthermore, sex trafficking in Mexico includes external parties who participate in the abuse of Mexican women and children. Travelers mainly from the United States and Canada but also East European countries travel to Mexico with the intention of engaging in sexual activities with children this is known as "child sex tourism," (U.S State Department, 2022, p. 31). Sex tourism is widespread in Mexico and on the rise in recent years. "Mexico is considered the leading destination in all of Latin America for sex tourism (Acharya, Suarez, Ontoveros, 2016, p. 12). Mexico is also the primary source of child pornography in the world. The abundance of websites distributing images and videos of sexually abused children lures pedophiles of various nationalities to travel to popular tourist destinations. As a result, Mexico is the second most popular destination country for child sex tourism in the world just after Thailand with many referring to the country as the "Latin American Thailand" (María Encarnación López, 2018, p.

3). Victims of sex tourism are sent to various tourist destinations in Mexico: Acapulco, Puerto Vallarta, Cancun, including Tijuana (Fondation Scelles, 2016, p. 2).

The Mexican border is also a hub for child sex tourism. Clients – pedophiles and situational offenders – from the United States and Western countries cross the Mexican border each day in search for cheap sex involving underage prostitutes. The U.S. Department of Justice explained that some perpetrators rationalize their exploitation of children with the explanation that they are helping these children and their families financially as they struggle from financial hardship, while, "others try to justify their behavior by reasoning that children in foreign countries are less 'sexually inhibited' and through the belief that their destination country does not have the same social taboos against having sex with children. Still, other perpetrators are drawn towards child sex while abroad because they enjoy the anonymity that comes with being in a foreign land" (Walters and Davis, 2011, p. 9). The consequences of child sexual tourism have a devastating impact on children, violating their human rights and traumatizing them for the rest of their lives. Combating child sex tourism calls for addressing the root causes of sex trafficking. These include the demand of foreign tourists, the socioeconomic conditions of these children, and, most importantly, the lack of government action.

6. FORCED LABOR THROUGHOUT MEXICO

Forced labor is a pressing predicament in Mexico that especially affects the population's indigenous children. They are the most vulnerable groups which places them at a higher risk of being trafficked and exploited for labor. The crisis affects hundreds of thousands of children throughout the country. Exploited children in Mexico continue to rise. There are 150,000 children in Mexico who currently live on the streets and approximately 50 percent are victims of trafficking for sexual purposes (The Borgen Project, 2019, p. 5). Children in Mexico are often

subjected to both sexual trafficking and forced labor. Forced labor victims are exploited through various sectors including agriculture, domestic servitude, food processing factories, construction, begging, and vending (Bureau of International Labor Affairs, 2021, p.2). An estimated 3.1 million children between 5-17 years old engage in child labor 52% of which engage in hazardous work, 25% of child laborers do not attend school, and 61% of laborers are boys. Child labor in Mexico occurs in the states of Oaxaca, Puebla, Chiapas, and Michoacán (Bureau of International Labor Affairs, 2021, p.1). This, however, does not mean that children under five years of age are exempt from this crime.

Moreover, child laborers in Mexico are used for beans, cattle, coffee, cucumbers, eggplants, garments, leather goods, melons, onions, poppies, sugarcane, tobacco, and pornography (U.S Department of Labor, 2022, p. 26). Children are involved in cattle raising in Mexico between the ages of 5-17. An estimated 18,501 children work in cattle raising which is deemed hazardous and prohibited for children under 18 years of age according to Mexico's national legislation (Bureau of International Labor Affairs, 2021, p. 2). Yet the laws are completely disregarded and exploitation of children is continuously carried out throughout the country. Boys are more commonly used for agricultural labor, a frequent occurrence in the states of Oaxaca, Puebla, Chiapas, and Nayarit. Children are subjected to long working hours, the use of sharp objects, carrying heavy objects, and exposure to pesticides. Indigenous children are more susceptible to work in all sectors including agriculture than non-indigenous children. They work at road intersections to beg for money or perform juggling acts (Bureau of International Labor Affairs, 2021, p. 3). Children are extremely vulnerable to child labor in Mexico due to high rates of corruption, poverty, lack of access to education, lack of law regulation, and for their indigenous background. Mexican children have extremely low levels of education: "In 2021

reports suggest that almost 850,000 children did not continue their basic education. This includes 656,000 students who did not transition from elementary school to lower secondary school." Students experience problems with distance learning programs given that at least 50% of Mexican families are without computers or internet access, meanwhile, 80% of indigenous and rural households had no computers or internet access (Bureau of International Labor Affairs, 2021, p. 2).

According to government data, between the years 2020 and 2021, there were 1,200 school closures (Bureau of International Labor Affairs, 2021, p. 2). It is apparent that due to school closures and abandonment, children endure the most severe forms of forced labor. The relationship between the Mexican education system and child labor is an important one, as Mexico's elementary enrollment rate is relatively low, thus children are ultimately at a higher risk for exploitation. The COVID-19 pandemic has also played a significant role in the Mexican school system. During the 2020-2021 school year, schools in Mexico were closed for 250 days, making it one of the fewest countries to remain completely closed during the entire school year. Towards the end of 2020, more than 1.5 million students between the ages 3-18 years old did not return to school (Braga, 2022, p.16).

Similar to education, which plays an important role in determining the course of a child's life, birth registration is a critical component of an individual's legal rights and their right to identity. In Mexico, however, there are a large number of "invisible" children, those "who are not recognized by Mexican law because their births are not recorded, especially those belonging to indigenous groups" (Braga, 2022, p. 23). Birth records are essential for establishing a person's identity and the privileges that accompany it: legal recognition, establishing citizenship, and

enrolling in school. These are all taken away from those who have difficulties with access to public identity registration services (Braga, 2022, p. 22).

7. HUMAN TRAFFICKING OF INDIGENOUS PEOPLE

Violence in Mexico has increased substantially over the years and worsened after the COVID-19 pandemic. Modern slavery in Mexico is a complex issue that includes various actors and organizations that benefit from the multibillion-dollar industry. The Mexican government identified the states with the highest rates of human trafficking as being Veracruz, Tlaxcala, and Guerrero (U.S Department of State, 2022, p. 15). However, the trafficking of indigenous people is higher in the states of Chiapas and Oaxaca as a result of the comparatively larger indigenous population in these states than in others. The majority of indigenous people can be found in the southern region of Mexico. The states with the highest rate of Indigenous people include the states of Oaxaca, Yucatan, Quintana Roo, Chiapas, Guerrero, Veracruz, Puebla, Hidalgo, and Mexico City (Minority Rights Group International, 2008, p. 2). The languages spoken by indigenous people are predominantly Náhuatl, Maya, Tzeltal, Mixteco, Tzotzil, Zapoteco, and Otomí" (Minority rights Group international, n.d, p. 2). Of those who speak an indigenous language, 42.6% live in the states of Oaxaca, Yucatán, and Chiapas (Minority rights Group international, n.d, p. 4). These indigenous populations face higher rates of violence than the general population. Targeted because of their indigenous background, their vulnerabilities stem from their colonial history and the systemic oppression which affects their daily lives. For example, "The infant mortality rate is 60 times higher in indigenous communities than non-indigenous communities" (Braga, 2022, p. 25). For this reason, it is necessary to trace the steps back to history, to understand the scope of the problem faced by indigenous Mexicans today.

7.1 COLONIAL HISTORY

When analyzing why the indigenous Mexican population is faced with high rates of human trafficking and forced labor, it is critical to dissect the colonial history of Mexico and the resulting systemic injustices affecting Indigenous people. Mexico is home to 78 indigenous groups, however, “the National Commission for the Development of Indigenous Peoples, estimates that Mexico has 68 indigenous communities” (Minority Rights Group International, n.d, p. 1). Today there are an estimated 17 million indigenous people in Mexico making up 21.5% of the total Mexican population. They are subjected to extremely high rates of poverty in comparison to the general population, “In 2010, 46.2% of the total population in Mexico lived under the poverty line, with 10.4% living in extreme poverty. But 79.3% of the Mexican Indigenous population lived under the poverty line and a staggering 40.2% lived in extreme poverty” (The Global Americans, 2017, p.1). Indigenous Mexicans have not always lived under such dire conditions. Some communities, including the Olmecs, Aztecs, Mayans, Zapotec, Teotihuacan, and Mixtec, were very powerful and held their own empires that flourished for nearly 4,000 years before the Spanish arrived.

In 1517 the Spanish first landed in Yucatan, a state that is populated with Mayans. The second expedition occurred a year later, in 1518, and was followed by the third expedition in 1519 by Hernán Cortéz. Cortéz, who would forever change Mexican history, came to the New World along with thousands of others in search of gold, glory and joining Europeans in the conquest of the Americas initiated by Christopher Columbus (Russell, 2011, p. 15). Following the Spanish victory of conquering and defeating millions of Aztecs were three centuries of colonial rule from 1521 to 1810, during which the enslavement and abuse of indigenous people ran rampant (Russell, 2011, p. 27).

During Spanish rule and decades after Mexico's independence in 1810, indigenous people faced ongoing discrimination and abuse at the hands of the dominant white elite (Minority Rights Group International, n.d, p. 5). A common method used during war and colonization is gender-based violence. It is known to be one of the most pervasive human rights violations, and while men face gender-based violence, women are more likely to be subjected to this form of violence. This exposure of violence has a significantly deep imprint on indigenous victims and a lasting effect as it changes their behaviors, emotional state, and their overall outlook on people and life. Sexual gender-based violence was often used as a tool to exert power and dominance over the enemy. This was brought and highly utilized by the Spanish when they came to the Americas to colonize indigenous land. The use of colonial terror was a mechanism to severely torture indigenous bodies as well as rid them off their own land by brutally murdering them, this can also be known as ethnic cleansing.

A witness and the most persistent advocate of these monstrous crimes was Bartolomé De Las Casas, a former Spanish conquistador himself from Seville Spain. De Las Casas started out as a conquistador with his own *encomienda;* a Spanish labor system that rewarded conquerors and granted them the legal right by the Spanish crown to impose forced labor on Indian communities (Constitutional Rights Foundation, n.d, p. 11). Famous for his compassion towards the Indigenous population in the Americas, he was nicknamed "Defender of the Indians" (Constitutional Rights Foundation, n.d, 11). De Las Casas documented in several books the graphic details of the brutal terrorization of Indians at the hands of Spanish Conquerors. He described the techniques used by soldiers to torture Indians, "indiscriminate slaughter of many locals, hanging some, burning others alive, and throwing yet others to wild dogs, sometimes sawing off their hands and feet sometimes pulling out their tongues or hacking off their heads.

Even though the locals never raised a finger on the Spaniard, the distinguished commander knowingly allowed this spate of atrocities to continue unchecked, directed as it was to terrorize the local people into doing his bidding and into bringing him gifts of gold or other precious objects" (De Las Casas, p. 203).

While it is widely believed that the Spanish colonization of indigenous land was motivated by the idea of spreading Christianity, De Las Casas argued otherwise. He attributes the killing and abuse of indigenous people to pure greed. He said, talking about one of the Spaniards who was appointed as Inspector of Indian affairs, "He seized them and tortured them into surrendering these idols, thinking they would be made of gold and silver. When he discovered that they were not, he was so determined not to lose out on a single opportunity to make money, which was what he was after" (De Las Casas, 1552, p.129). Upon noticing that these idols were not made from gold, he offers to return these idols; under the condition that they bring him all the gold they can find. This further proves that seizing idols, viciously torturing them, and murdering them in the name of spreading Christianity was just a mere cover-up for their ruthless and evil plans to conquer land, gold, and enslave its natives. Millions of lives were viciously taken, those who resisted and those who did not were killed regardless. Terror was a mechanism used to cause horror and suffering throughout the land and its people.

De Las Casas further describes the details of how Spaniards persecuted the indigenous population, "In one technique, Spanish soldiers rounded up Indian leaders, hanged them in groups with their feet barely touching the ground, and then burned them alive. In another, soldiers let loose large, vicious dogs to attack, tear apart, and then eat the Indians. "Nor did this cruelty take pity on [pregnant] women, whose bellies they ripped up taking out the infants to hew them to pieces" (Constitutional Rights Foundation, n.d, p. 12). During the beginning years of

colonization of the new world, hundreds of thousands lost their lives because of starvation and new diseases brought with the Spanish, while others were worked to death (Constitutional Rights Foundation, n.d, p. 5). The methods used to kill and torture Indians were endless, he goes on to explain how Natives were thrown into pits with sharpened stakes, spearing them from horseback as they try to escape, as well as grilling children over a fire (Constitutional Rights Foundation, n.d, p. 13). Terror was a mechanism used to cause horror and anguish throughout the land and on its people. With the exception of people like De Las Casas who had a change of heart and protested the mistreatment of Indians and defended their human rights., the conquistadors only infrequently expressed remorse. De Las Casas argued for more humane treatment of Indians and strongly opposed Spain's colonization of Indian land. He questioned the Spaniards as to what right they have to invade, rape, rob, enslave, and murder Indians who had not done anything to harm them. He argues that Spain's colonization was due to economic rather than religious objectives.

Closely analyzing the ill-treatment of indigenous populations and the laws set during colonial times to control and oppress Natives is crucial to unraveling and understanding the generational, systemic injustices they faced. Further, it will reveal the trail that led up to modern-day slavery. Therefore, it is just as important to examine Spanish colonial policies because they are relevant and have connections to current Mexican policies. These laws are a key component responsible for the rights of Indigenous people. Additionally, the paper examines the links between the colonial legacy and current politics by analyzing the modern Mexican laws that guarantee indigenous people's rights and freedoms.

The first set of laws established regulating the treatment of indigenous people was the result of Dominican missionary from Hispaniola Antonio de Montesinos. He conveyed a sermon

in which he condemned the mistreatment of indigenous people. Stating, “You kill them with your desire to extract gold everyday, are those not men? Have they not rational souls?” (Constitutional Rights Foundation, n.d, p. 7). He then traveled back to Spain a year later to express his objections in front of King Ferdinand, the king feeling sympathetic then ordered the preparation of a code of laws that regulates the treatment of indigenous peoples. This marked the first European written code of laws established in the New World. (Constitutional Rights Foundation, n.d., p. 8). Created in the city of Burgos in 1523 and 1513, “The Laws of Burgos” 39 articles that specified rules against the abuse of native workers. However, the law included the continuation of the encomienda system. It forbids using Indians as carriers of goods in place of pack animals. It granted 40 days of rest to encomienda Indians who had mined gold for five months. It prohibited Indian children under 14 and pregnant women from doing heavy work in the mines or fields. It banned Spanish masters from beating, whipping, or calling any Indian “Dog” (Constitutional Rights Foundation, n.d, p. 9).

The law also demanded that Catholicism be spread to indigenous people in order to save their souls (Constitutional Rights Foundation, n.d, p. 9). The Laws of Burgos were an improvement towards the daily conditions and behavior the Natives faced on a daily basis. However, this was not a solution and did not establish fair treatment for the Indigenous population. They were still subjected to slavery, even worse was the fact that these laws were not enforced (Constitutional Rights Foundation, n.d, p. 10). In addition to Montesinos, Bartolomé De Las Casas also reached out to the King of Spain at the time by writing to him, intending to have a new set of laws that protects the native population from exploitation and slavery. The “New laws of the Indies For the Good Treatment and preservation of the Indians were enacted by the king in 1542. The new set of laws abolished the slavery of indigenous groups and ended the encomienda

system. The encomienda system did, however, continue after the enactment of these laws but disappeared after the native population decreased from forced labor and disease. Intermarriage was a reason the encomienda system ended due to the laws considering children of mixed races free from the encomienda system (Constitutional Rights Foundation, n.d, p. 16). The laws put forth by the Spanish crown to protect the rights of indigenous people were clearly flawed and not fully implemented. The New laws were later suspended and a "Watered-down version was passed in 1552" (Christopher Minster, 2021, p. 10). This is a key concept to analyze as laws that protect marginalized groups are often created by government and rulers when faced with a lot of pressure from their citizens. However, implementation is often ignored, and in this case, the laws were quickly suspended. While there are different reasons as to why this happens, such as political leaders enforcing what is beneficial to them rather than what benefits their citizens, a further breakdown of policies in greater detail is found in the last section of this paper.

During the 1530's Natives were barred from wearing European clothing, riding horses, or bearing arms. The systems put in place were meant to maintain inequality, as the Spanish believed that God designed a hierarchical human society, "Whites, in this conception, were *gente de casta limpia*, people of pure lineage; Indians were *gente sin razón*, people incapable of reason; and blacks, who were brought in increasing numbers to the colonies to labor in mines, plantations, and workshops, were *infames por derecho*, legally debased" (Henderson, 2009, p. 7). The mixing of races started to take place when white women were limited and Native women were accessible. This included the mixing of Native indigenous, African, and European it continued beyond the colonial period.

As of the late 1700s around a quarter of the population was composed of people who were considered "mixed race". Their legal and social status was unclear as they were not meant

to exist. However, in some instances they were denied from “public office, the clergy, and the honorable trades, while at other times they were admitted; some were required to pay tribute, but others were not” (Henderson, 2009, p. 8). The majority became laborers, and during the late colonial period only a few were able to acquire a certificate that declared them white for legal purposes. This racial group became the largest and fastest growing population in the complex multicultural society. In the 18th century whites took to preserve their pure bloodline by creating a racial hierarchy. Where an individual's status declines as they move down the ladder, further away from what is considered “pure white”. Racism was further complicated where it existed among white people: whites were divided, distinguishing those who were born in Spain and those born in America (Henderson, 2009, p. 8).

During the early eighteenth century, a revolt erupted in the state of Chiapas between the Tzotzil and Tzeltal indigenous groups, as a reaction to the *repartimiento,* a system of forced labor. It forced indigenous groups to produce cotton and cacao for Spaniards to the detriment of their own crops. This gave rise to extreme hunger, which led to the uprising (Perry, 1996, p. 54). Indigenous resistance was a way of demanding change from the cruel intolerable treatment by Spaniards, “Most indigenous communities attempted to survive as best they could in their situations, often accepting aspects of Spanish custom and ideology while trying to maintain an acceptable mode of living” (Perry, 1996, p. 55). Resistance was an effort to improve their living conditions. Despite their efforts to resist the oppressive rulings over them, indigenous populations were not given their rights to equality and freedom.

7.2 CONTEMPORARY POLITICS

The enslavement, oppression, domination, and exploitation of indigenous people did not end after Spanish independence, rather it continues to this day taking contemporary forms to

suppress their rights and freedoms. Mexico's southern states are highly populated with indigenous people who face the highest rate of poverty and human rights abuses. The indigenous community at large live in the poorest communities in the least developed parts of Mexico. With some of the worst living conditions in overcrowded housing, many communities suffer from a lack of electricity as well as running water (Minority Rights Group International, n.d, p. 9). In response, many indigenous groups resorted to local forms of organization to defend and fight for their culture and human rights, and argue for better living conditions, access to education, health care, access to clean water, equal pay, political representation, consultation, protection of local environments, and the official recognition of their languages and traditional practices as healers (Minority Rights Group International, n.d, p. 22).

One the structural targeting of indigenous populations is through incarceration. Indigenous people are overrepresented in Mexico's prison system. They are left to serve a longer sentence than what they were sentenced to, and while many indigenous populations are not Spanish speaking, they are not given interpreters, despite laws assuring them protection (Minority Rights Group International, 2008, p. 19). Indigenous women are specifically at a greater disadvantage and face more appalling injustices than indigenous men. They are marginalized socio-economically in terms of education, employment, earnings, and lack of access to healthcare. Additionally, domestic violence, alcoholism, child abuse and incest, as well as exploitation faced by their employers, government officials, and the judicial system are among the different ways indigenous women are targeted, and suffer from marginalization (Minority Rights Group International, n.d, p. 20). They are at utmost risk for sexual trafficking and exploitation, as well as sexual assault persecution for abortions and murder (Cultural Survival, 2018, p. 5).

One way Mexico targeted its indigenous population is by using militaries and paramilitaries: “Military presence in indigenous regions in Oaxaca and Chiapas (as well as Guerrero, Hidalgo, and elsewhere) are key in clarifying the rationales that may be provided for treating some people differently than others and thus constructing them as suspects who become victims of political violence and human rights abuses” (Stephen, 2008, p. 822). The use of militarization on communities and the arrest and torture of indigenous people was a common method used to cause social suffering. Since the start of colonization, the Spanish conquerors subjugated the indigenous identity, feminized indigenous men through domination of other men, and conquered indigenous women and men through the use of sexual assault and coercion (Stephen, 2008, p. 823). The use of militarization through feminization and sexualization of men and women is a colonial and postcolonial strategy to control and dominate indigenous groups (Stephen, 2008, p. 824). Indigenous groups in Mexico face historical systemic exploitation to this day, “The National Institute of Statistics and Geography published a survey estimation that 66.1% of girls and women aged 15 or above had experienced gender-based violence at least once in their lives, and that 43.5% of women had experienced gender based-violence committed by their partners” (Cultural Survival, 2018, p. 5).

Forcible displacements of indigenous communities is a major issue that first started during colonialism but is an ongoing systemic struggle faced by these communities while it does not receive fair coverage. There were 25 incidents of forcible displacement of communities in 2017 that affected over 20,000 people of which 60% were indigenous. This was reported by the Mexican Commission on Defense and Promotion of Human Rights in 2018. In certain cases, for example, “Oaxaca state and the Tzotzil communities of Chalchihuitán and Chenalhó, Chiapas state—they were forced out of their homes in the context of unresolved territorial or political

disputes aggravated by the presence of armed groups" (Minority Rights Group International, n.d, p. 25). Additionally, in recent years numerous land and environmental indigenous rights activists have been targeted and killed for defending indigenous communities. (Minority Rights Group International, n.d, p. 27). They are criminalized for defending the rights of their environment and lands, where they are subjected to criminal investigations as well as being incarcerated. In 2017 two indigenous environmental activists were killed, and in May of 2017, two brothers were killed after resisting cattle ranchers' encroachment on their community's lands (Minority Rights Group International, n.d, p. 28). Indigenous communities in the states of Chiapas, Michoacan, and Guerrero for this reason are in support of self-rule and did not participate in the 2018 presidential elections. However, despite this the 2018 presidential election of Mexican President Andrés Manuel López Obrador was viewed as a potentially positive development of indigenous people's rights (Minority Rights Group International, n.d, p. 31). Since colonialism, indigenous people and communities have been fighting for their human rights, land, and environmental rights. Every aspect of indigenous life, particularly that of indigenous women, is impacted by this ongoing struggle and discrimination against indigenous communities. The struggle of land has been part of Mexican social movements throughout history.

7.3 CASE STUDIES

While some continuing methods have historical roots and date back to colonialism, new methods have been adopted throughout the years to target women and children for sexual violence and exploitation. The following two case studies investigates and analyzes sex trafficking and forced labor of indigenous women and children in the states of Chiapas and Oaxaca. Both states are home to large and predominantly indigenous communities and are two of the poorest states in Mexico despite southern states being highly rich in resources such as oil,

natural gas, forest, and farmland (Acharya, 2005, p. 6). The state also provides “over half of Mexico's hydroelectricity” (Farmer, Gupta, Milos, and Scott, 2012, p. 1). The reasoning for the case selections of the two southern states of Mexico is due to indigenous women and children being particularly vulnerable to human trafficking and are targeted within their communities. The first case study investigates sex trafficking and forced labor in Chiapas followed by the second case that analyzes sex trafficking and forced labor in the state of Oaxaca. The result of this study sheds light on the specific tactics used by traffickers to exploit women and children, as well as the experiences of survivors of sexual exploitation. The study also highlights the challenges faced by law enforcement officials that work to combat this issue.

Furthermore, the state of Chiapas is considered one of the main sex trafficking hubs in Mexico. This case describes the situation in the state of Chiapas and uses qualitative secondary data that analyzes interviews of surviving victims of sex trafficking. Chiapas is a state with a population of approximately 5,543,838 people as of 2020 according to the Mexican Institute of Statistics and Geographical Information (INEGI, 2022, p. 1). Of that approximately 1.3 million are indigenous, the Mexican Institute of statistics and Geographical Information states, that the population aged 5 years and over who speak some indigenous language make up 1,387,295 of the total state population (INEGI, 2022, p. 2). Chiapas is one of the richest states in resources which are taken by the national government for use in Mexico, particularly in northern states. Chiapas produces 5% of Mexico’s oil, 12% of its natural gas, 46% of its coffee, and 48% of its hydroelectric power. From that only a small percentage of this wealth actually remains in the state for its development, which is a critical aspect of why Chiapas is among the poorest states (Acharya, 2005, p. 6). This is one factor in why contemporary slavery is so prevalent in Chiapas. The state's resources are taken out by the government, leaving its citizens in absolute poverty,

which inevitably increases their susceptibility to becoming a target for trafficking. The state of Chiapas is home to mostly indigenous people.

Most indigenous groups are denied access to education in Chiapas. 20% reported having no education at all while a small percentage reported completing over a few years of schooling (Farmer, Gupta, Milos, and Scott, 2016, p. 14). Additionally, a point that was highlighted earlier is the right to citizenship, “a wealth of problems plague indigenous children in Chiapas but one of the most devastating is the government’s refusal to grant child’s rights to be recognized as a citizen by the government” (Farmer, Gupta, Milos, and Scott, 2016, p. 15). Numerous indigenous children lack birth certificates that grant them the right to citizenship, a birth certificate is required to show that a person is a Mexican citizen. Nonetheless, indigenous children have difficulty accessing documents needed as a significant number of their family members do not have their children's birth records since many of them were at home births. Birth certificates are not automatically issued even for those who were born in hospitals because the majority of those facilities lack civil registry offices and properly trained civil registry officers (Farmer, Gupta, Milos, and Scott, 2016, p. 15). Further, parents must travel for their children to receive a birth certificate which is extremely difficult for indigenous populations. This is because it becomes relatively expensive to obtain a birth certificate past a child's first year after birth.

Additionally, indigenous people must travel by foot to the registry's office, a great distance from indigenous communities. This issue is generational as many parents and grandparents do not possess birth certificates which is a required documentation in order to pass down to their children (Farmer, Gupta, Milos, and Scott, 2016, p. 15). This strips indigenous peoples of many rights such as the right to welfare, the right to education, the right to work, and their right to identity. Legal national identity is a fundamental right for every citizen yet

indigenous people with no birth certificates are utterly ignored by the Mexican government. On their own native lands, indigenous people are without birth or identity rights.

Further, the state of Chiapas is known to have one of the highest rates of sex trafficking against indigenous women. Not only are they sexually exploited within their own state, they are also trafficked to other states within the country including Mexico City, Cancun, and the city of Juarez, for prostitution. Some are also trafficked internationally to the United States. Approximately 5,000 women between 15-20 years of age are trafficked to the United States annually for sexual exploitation, domestic servitude, agricultural labor, and amid services in hotels and motels (Acharya and Codina, 2012, p. 64). Indigenous women are specifically targeted for sexual exploitation within Mexico, "Chiapas is among the five major states of Mexico City for the purpose of prostitution, where most women are indigenous groups" (Acharya and Codina, 2012, p. 65). There are different methods used to trafficking women and girls in Chiapas, one method is in an attempt to escape poverty many parents sell their daughters in an attempt to alleviate themselves from poverty as they believe that their daughters will help them economically (Acharya and Codina, 2012, p. 67). Being trafficked by family is a common method, many family members choose to sell their daughters in hopes of a better life, while some families might not be aware that their children will be trafficked, others willingly traffic their children for money.

Poverty is a factor as to why indigenous populations face the highest rate of trafficking; Chiapas is known to be the poorest state in Mexico with the highest number of people living in extreme poverty. The state has a poverty rate of 74.7% and 46.7% who live below the poverty line (Levy, Hausmann, Santos, Espinoza, and Flores, 2016, p. 2). Furthermore, Indigenous women in Chiapas lack economic opportunities, this makes them more vulnerable as they have

to relocate to urban areas to seek employment. Upon arrival at their destination, they notice that it is still difficult to land a job due to unfamiliarity with the new location, and them not speaking Spanish. Traffickers use this to their advantage by offering false promises to lure them in for sexual exploitation (Acharya, and Codina, 2012, p. 67). Making false promises is a prevalent technique employed in Mexico for trafficking women and girls. They are particularly vulnerable to this method given their high susceptibility. This also includes romantic relationships. In the interviews in the study of Acharya and Codina, some women were sold by their boyfriends directly into brothels (Acharya, and Codina, 2012, p. 67). Some women have also stated that unemployment was the second reason they were trafficked, but that displacement and poverty were the main reason. The displacement of the indigenous community is a major issue, particularly in the state of Chiapas. Many families are uprooted from their homes by the Mexican government and have no rights to their lands. Acharya and Codina's study mention that, "in the year 1994 the agrarian conflicts between the indigenous community of this state and government of Mexico displaced 40,000 indigenous people from their places. The fear of paramilitaries prevents them from farming on their lands and living off their crops which results in higher poverty and conflicts (Acharya, and Codina, 2012, p. 67).

During Acharya and Codina's interviews of 40 indigenous women, 21 women showed that they were lured by false offers of employment, 11 women stated that they were sold directly by their family to escape poverty and some stated that they were sold by their boyfriends under false promises of marriage (Acharya, and Codina, 2012, p. 67). During their work they were able to interview some traffickers and one of those traffickers explained that it is relatively easy to trafficking an indigenous woman compared to a mestizo, (a person of mixed European and Spanish decent) due to them not speaking Spanish, the fact that they are suffering from poverty,

and them losing their land and homes from conflict (Acharya, and Codina, 2012, p. 67). Traffickers take advantage of indigenous women by offering false employment opportunities and reassuring their parents or husbands that they will have good employment and shelter and will start receiving money when she starts working.

Once trafficked, the prices of these women vary according to the place. For example, the trafficker mentioned that prices start at $2000 in Mexico City and Cancun. For a girl under 18, Spanish-speaking and with a slim figure, the price can be up to $4000 (Acharya, and Codina, 2012, p. 68). Meanwhile, the prices are set relatively lower for married women over the age of 25. Furthermore, It is especially important to highlight that women are trafficked along different routes, meaning that they are not only trafficked at the place of origin and final destinations as many might believe. While trafficked women undergo training to explain to her how she will work. She will then move to a different city for sexual exploitation. If one refuses to comply and work they are subjected to physical abuse, and sexual abuse where they are frequently raped, and sometimes even threatened to be killed (Acharya and Codina, 2012, p. 58). As a result, these women suffer severe mental and physical health issues, all their basic rights are violated. They are not free to decide over matters concerning their sexual and reproductive health. Additionally, they also suffer from STDs, injuries from violence, drug and alcohol addictions, as well as various mental health problems from trauma such as depression (Acharya, and Codina, 2012, p. 68).

Moreover, the second form of trafficking that this case study dissects is child labor in the state of Chiapas. Chiapas has one of the highest rates of child labor. The child labor rates within the state is 18.3% which is above the national overage of 11.5% according to the 2019 National Child Labor survey (U.S Department of Labor, n.d, p.5). An instance of child labor took place at

a coffee plantation in Chiapas. Mexico is the heart of coffee production in North America. The Southern states of Mexico are where most coffee farms are worked by the hands of children. In 2021, children were found working on a Rainforest Alliance-certified farm in the state of Chiapas, with children as young as 6 years old (Scott, Simon, and, Park, 2022, p. 4). Many struggled to provide enough food for their families, and it was common for children to work on farms to help their families. Some even estimate that they have seen around 20 children in one community the team visited.

The Rainforest Alliance's Regional lead for Chiapas, states that his organization is on the lookout to prevent children from working on farms, "but when presented by impact reporters with videos and photos of the kids on their farm, he acknowledged that not all the farms they certify are inspected" (Scott, Simon, and Park, 2022, p. 10). Despite the Rainforest Alliance trying to carry out good practices, it does not effectively address human rights abuses. This is a common phenomenon that occurs within the country. Laws are not put into effect especially for the most vulnerable such as indigenous children. It is evident that indigenous women in Chiapas are specifically targeted for human trafficking across Mexico. They are systematically targeted due to their economic, social, and historical vulnerability. Chiapas is one of the poorest states in Mexico with a staggering rate of poverty and limited economic opportunities. This further emphasizes that their colonial history is the main factor in the systematic injustice that they face today. They continue to be faced with historical patterns of behavior and policy practices that deprive them of their livelihoods.

This second case study covers trafficking of indigenous groups in the state of Oaxaca. There is a lack of available data on sex trafficking specifically in Oaxaca, however, there is existing data on forced labor in the state. Therefore, this case study examines the obstacles that

indigenous communities in Oaxaca face, such as militarization and forced labor. Sex trafficking is prevalent among indigenous women and girls. However, specific details regarding the extent of the problem and the number of victims are not available. Oaxaca is known to have a major problem with child labor. In 2018 Mexican authorities rescued dozens of indigenous children used for forced begging and were trying to crack the human trafficking ring that was responsible for their exploitation. As part of the rescue 60, nearly all children were rescued and freed from a home in the state of Oaxaca. Victims ranged from various women and included 6 children who were under the age of 2 years old were Chiapas state natives. They were forced to beg on the streets for money in Oaxaca City (Lopez, 2018, p. 3). It was stated by the Attorney general's office that the rescue operation was part of a months-long investigation, "and is one of the most significant cases in the state's history" (Lopez, 2018, p. 11). Eleven were arrested as part of the crackdown and were connected to the trafficking ring.

In some cases, Indigenous families due to extreme poverty leave their poor states such as Chiapas and Oaxaca in an effort to seek employment. In others, they are trafficked within their own state, neighboring states, or other states throughout the country. The number of child laborers in Oaxaca increased by 50% between 2015 and 2017 according to the state government's Central Population Office. Rising from 65 thousand child laborers to 102,712 child laborers (Garcia, 2018, p. 8). The issue of child laborers in Oaxaca worsened over the years. Despite the existence of laws prohibiting child labor, they are being ignored by both the corrupt government officials and offenders.

When analyzing the geography of human trafficking in Mexico it is evident that Chiapas and Oaxaca are among the states with the highest number of sex trafficking and forced labor, despite wide statistical data on sex trafficking in Oaxaca. The majority of those trafficked for

sexual exploitation are indigenous young women and girls. While it is likely for them to be trafficked within their states, in many cases they are also trafficked into the capital, Mexico City for sexual exploitation. Mexico City is one of the main destinations where victims from the states of Chiapas and Oaxaca are trafficked to, other cities include Tijuana, Juarez, Monterrey, Acapulco, and Cancún (Acharya and Codina, 2012, p. 65). The cases also suggest that forced child labor in both states is among the highest in the country. Despite both of these states having high rates of human trafficking, including of non-indigenous populations, the primary victims of this crime are unquestionably indigenous populations, particularly women and children. According to the National Human Rights Commission, "Mixtec and other indigenous migrant workers in Chiapas and Oaxaca are at risk of trafficking and forced labor - for instance in tomato, cucumber, and chili pepper farms and maize and potato harvesting" (Minority Rights International, n.d, p. 30). The case studies demonstrate a correlation between the two indigenous majority states, highlighting the racially charged forms of slavery that are specifically imposed on indigenous populations. The case studies demonstrate a correlation between the two states with a significant indigenous population, revealing instances of slavery that are specifically targeted towards these groups and fueled by racial discrimination.

There are similarities between both states. For instance, both Oaxaca and Chiapas experienced militarization and human rights abuses against the indigenous population. The army has established its presence having a key influence in the center and geographic locations. Locals face daily encounters with the army and police as they travel and go to work, also including daily local patrols in local communities and in their fields. Militarization strategies are used to target indigenous communities in Oaxaca and Chiapas. These populations live in fear and experience self-censorship, frequently encountering "hard-core human rights abuses including

assassinations, kidnappings, torture, rape, and illegal detentions" (Stephen, 1999, p. 830). These communities face ethnic militarization and are solely targeted and discriminated against for their indigenous background. They undergo severe torture, the primary torture methods women face are rape and gang rape, the use of their indigenous background is used to racially demean them, threaten and rape them. The Mexican government is opposed to social indigenous movements that arise within those states because, "these movements offer new political reforms that the contestation for political power outside of the electoral arena, they have attracted and sustained the attention of the Mexican government" (Stephen, 1999, p. 838). This phenomenon of gendered and ethnic human rights abuses using militarization in both these states is deeply rooted in Mexico's history.

The colonial period was met with military conquest followed by the same methods of abuse. Both Chiapas and Oaxaca also have high incarceration rates among the indigenous population, and many are without interpreters to explain their rights and be able to read their warrants as many are monolingual speaking their own indigenous language. In Oaxaca, 60% of the incarcerated indigenous population were deprived of a translator and did not have a defender's assistance, in cases where they did, it was not until they were in front of the judge (Sarabia, 2021, p. 6). Similarly, in Chiapas a case of 37-year-old Rosa was wrongfully sentenced to 45 years in prison for allegedly killing her husband when her husband died in a fight and Rosa was not present during the occurrence of the crime. Rosa only spoke her Mayan language "Tzeltal" and was illiterate. She was required to sign documents that she was unable to read without access to a translator. (Global Press Journal, 2015, p. 5).

Indigenous women in the state of Chiapas and Oaxaca commonly experience this, they are marginalized and subjected to severe human rights violations, and treated as second class

citizens. From these cases there is a significantly high rate of human trafficking within Chiapas and Oaxaca. This stems from historical racism from the colonial period. Both women and children are at high risk for exploitation, and therefore are the main targets of trafficking. Data on trafficking of indigenous women and children in the state of Oaxaca and Chiapas is extremely limited. How can the two states estimated to have the highest rate of human trafficking receive almost no coverage?

There are many reasons for this. One being the unresponsiveness of some government officials who engage in corruption or who in some cases are involved in criminal activities. Especially when it involves criminal cases of indigenous women. Another factor is the historical legacy of colonialism and racism on indigenous populations. Their struggle for land is a contributing factor, many are displaced and uprooted from their homes. Additionally, poverty is another contributor, as vulnerable populations are highly susceptible to violence. While some may argue that poverty is the primary cause of the high rates of trafficking among indigenous groups, I argue that their extreme poverty is a direct result of the systemic injustices that these communities face, which has made them the most impoverished group in the country.

8. ORGANIZED CRIME GROUPS

8.1 ROLE OF CRIMINAL GROUPS IN HUMAN TRAFFICKING

To further understand the issue at hand it's important to highlight those who are involved in this criminal industry. It is practically impossible to discuss human trafficking in Mexico without analyzing organized crime groups which have a substantial negative impact on the country and are complicit in the sex trafficking of young women and girls. Organized crime can be defined as, “a structured group of three or more persons, existing for a period of time and

acting cooperatively with the aim of committing one or more serious crimes or offences." (United Nations Office on Drug and Crime, 2004, P. 5). While victims may be trafficked by those they are familiar with, such as family members or close acquaintances, organized groups play a significant role in sex trafficking, due to its high profitability. Additionally, "The main perpetrators of trafficking and smuggling victims in Mexico are drug cartels. Human trafficking and smuggling crimes in Mexico are sometimes linked to money laundering and drug trafficking" (Jiménez, Raudales, Sanchez, Hernandez, and Quintana, 2021, p. 25). They also force women and children to partake in other criminal activities such as assassins, lookouts, and the production, transportation, and sale of drugs (U.S. Department of State, 2022, p. 30). The complexity of human trafficking in Mexico is apparent, as it involves multiple actors and factors. The lack of data on sex trafficking by organized crime groups poses a challenge in determining the exact number of victims and the frequency of their exploitation, due to various factors.

In certain regions and states of Mexico, drug cartels hold greater influence and authority than the government. Various cartel groups are heavily involved in human trafficking, and human smuggling and have been since the 1970's such as the Juarez and Sinaloa cartels (Jiménez, Raudales, Sanchez, Hernandez, and Quintana, 2021, p. 25). The oldest, most prominent, and most established cartel group in Mexico is the Sinaloa Cartel. Cartel traffickers in the Sinaloa cartel partake in human trafficking along with drug trafficking as it is a fast-money-generating business similar to drug trafficking, this is essentially the main objective that cartel members are seeking. Human traffickers in the Sinaloa Cartel can generate anywhere between $3,500 to $4,000 per trafficked individual while the trafficker working for the cartel boss earns $1,400 per successful trip (Jiménez, Raudales, Sanchez, Hernandez, and Quintana, 2021, p. 26.) Cartels never seize an opportunity they can profit from, trafficking networks are obligated to pay cartel

members in certain territories where trafficking takes place (Fondation Scelles, 2016, p. 5). Further, “In 2013, a study by CATW-LAC found that 70% of sex trafficking cases involved Mexican drug cartels. In 2013 alone, organized criminal gangs made $10 billion from the enforced sexual enslavement of thousands of women and young girls” (Fondation Scelles, 2016, p. 5). The involvement of drug cartels in sex trafficking is a complex issue primarily due to the power that these gangs hold so much so that they overpower the Mexican Military. The advantages of this lucrative industry are what allow this phenomenon to rise at an alarming rate. It was reported by the Mexican government in 2013 that the number of kidnappings increased by 31% a clear representation of the surging levels of violence that takes place within the country. (Fondation Scelles, 2016, p. 5). It is believed that this percentage has substantially risen in recent years and is expected to continue to increase in the upcoming years.

There are numerous methods used by traffickers to make women comply, most include torture tactics. One method is injecting victims with highly addictive drugs daily as a means of getting them addicted to heroin and methamphetamine. Once addicted, women are likely to comply and obey their traffickers. While cartel members frequently traffic women to be sexually exploited by up to 40 men per day, it is also common for them to kidnap young girls keeping them as their own personal slaves (Fondation Scelles, 2016, p. 5). In addition to sex trafficking, organized crime groups use adults and children to participate in other illegal activities that include acting as assassins, and lookouts, and in the production, transportation, and sale of drugs. Thousands of children are also used to serve as lookouts, carry out attacks on authorities and rival groups, or work in poppy fields. Additionally, these organizations specifically target indigenous children. Tortured and threatened with death in order to engage in criminal activities (U.S Department of State Trafficking in Persons Report, 2022, p. 30). Both drug trafficking and

human trafficking are highly profitable businesses, however, human trafficking differs from the trade of narcotics in which traffickers are able to repeatedly exploit their commodity. The use of labor and sexual exploitation can be sold to multiple buyers, whereas narcotics can only be sold once. This makes it a major incentive for cartel members to adopt human trafficking as part of their organization along with drug trafficking.

8.2 INVOLVEMENT OF GOVERNMENT OFFICIALS

Mexican legislators identified connections between organized criminal groups and various types of violence against women and girls including women's disappearances, murders, and trafficking (U.S. Department of State, Trafficking in Persons Report, 2022, p. 30). Why then do incidences of human trafficking in Mexico which are on the rise, consistently go unreported? The answer is multifaceted, there are many factors and actors at play. The vast underreporting of cases is due to 1) the involvement of corrupt government officials and authorities; 2) weak and flawed laws against human trafficking; 3) lack of law implementation by corrupt officials; 4) the growing presence of organized criminal groups; 5) lack of trust in authorities; 6) the fear of being killed for speaking out, and 7) the complex role of the media.

Mexico's organized criminal groups like the cartel drug trafficking organizations hold an immense amount of power not just within the country but also globally. Carrying out criminal operations both domestically and internationally across the Americas, Europe, and Asia (Global Organized Crime Index, 2021, p. 4). By acknowledging this, a better comprehension can be gained on how these groups can effectively dominate and conquer the Mexican military and government. They possess military-grade weapons, and control most territory in Mexico, "politicians are frequently murdered or threatened by mafias attempting to ensure that cooperative politicians hold office" (Global Organized Crime Index, 2021, p. 4). Criminal groups

use various means to control and maintain power throughout the country with their pervasive violence and corruption. The most common methods are bribery, torture, and murder. Mexico's 2021 elections were faced with extreme political violence by drug trafficking organizations, over 100 politicians were murdered while many others faced threats (Congressional Research Service, 2022, p. 1). This proves how organized criminal groups overpower the Mexican government to where they can outwardly interfere in political elections. Intimidation of Mexican politicians and using threats of violence against their families is commonly used by these criminal organizations. In Mexico violence is often towards government officials, political candidates, and the media (Congressional Research Service, 2022, p. 7).

In addition to criminal groups, members of police agencies, politicians, as well as the elements in the Mexican government may also become involved as perpetrators of these crimes. The report from the Belisario Dominguez Institute of Mexico's Senate found that there were multiple counts of collaboration between political, and business powers and groups of organized crime. The report shared that criminal groups pay anywhere between $25,000 and $80,000 pesos equivalent to between $1,300 to $4,400 dollars to the police to pause investigations and pay up to 800,000 pesos $44,000 in dollars to halt any enforcement operations (Asmann, 2017, p. 5). The acceptance of bribery is one cause that human trafficking continues to take place in Mexico despite all the laws and policies set forth to prohibit this criminal activity. Authorities and government officials whose main role and purpose is to maintain public order, maintain safety, and prevent all criminal activity in order to protect their citizens from any harm are the perpetrators of these crimes. Citizens have lost complete trust in their governments and have no one to turn to seek justice and reparations for the harm and trauma that they have endured at the hands of these merciless criminals. Furthermore, Mexico is regarded as the most dangerous place

to have a career in journalism. A staggering amount of journalists get assassinated, specifically those who shed light and bring awareness to crime, violence, and corruption in the country. A publication in the journal *Justice in Mexico* reported that journalists are, "at least three times more likely to be murdered than the general population" (Immigration and refugee board of Canada, 2020, p. 11).

8.3 THE ROLE OF MEDIA AND GOVERNMENT IN HUMAN TRAFFICKING CASES

Additionally, there is often a discrepancy in the casualty numbers reported by the Mexican government and media outlets. This can be attributed to limited government reporting and the efforts of criminal organizations to conceal the true number and identities of the victims. Such factors make it challenging to provide accurate reporting. Further, the "large number of disappeared and missing persons, and the estimated 90% of crimes in Mexico that go unreported, suggest deaths attributed to organized crime in Mexico may be far higher than officially reported" (Congressional Research Service, 2022, p. 8). In certain cases, criminal actors deliberately showcase their violent activities through displays meant to intimidate their opponents, the public, and law enforcement. These displays could include leaving behind signs that report their violent acts or broadcasting them through the internet (Congressional Research Service, 2022, p. 8). Despite this, crimes go unpunished; the majority of violent crimes are not prosecuted, regardless of whether they are committed by corrupt police or others (Congressional Research Service, 2022, p. 14).

Indigenous leaders and communities are also targeted and assaulted by criminal groups. These groups aim to acquire areas that are abundant in valuable minerals and wood, which they can use to produce drugs, as well as using them for transporting people and weapons. In 2017 the Nahua families in the state of Guerrero were forced to evacuate their homes, "after a criminal

group left two dismembered bodies in the Ahuihuiyuco town and written threats in other communities" (European Country of Origin Information Network, 2020, p. 12). Moreover, when looking at the police force in Mexico, according to the SESNSP, "there were 0.8 state police officers for every 1,000 persons in Mexico while the government's target is 1.8" the ideal number is 2.8 according to the UN (European Country of Origin Information Network, 2020, p. 14). This is evident that Mexico is under-staffed in the police force which has a significant negative impact on the country and is reflected in its high crime rate.

In 2018 Mexico Evalúa, a think tank on evaluating and monitoring government operations, published a report on criminal justice in Mexico. According to the report, "96% of reported crimes were investigated, but only 49.6% received some form of determination, mostly being "temporarily archived" (60.5%) or as not falling within the scope of criminal proceedings (16.4%)." Additionally, 40% of registered cases were still being investigated, 6.1% were referred to an organization specializing in alternative dispute resolution; and only 3.9% were sent to trial (Immigration and Refugee Board of Canada, 2020, p. 77). Additionally, in 2018 out of all the criminal cases being processed by the justice system, only 30.5% were finalized, and a sentence was issued in just 13.6% of the cases. (Immigration and Refugee Board of Canada, 2020, 2019, p. 77). The flawed Mexican judiciary system is a significant issue, as there are several reasons why cases go unreported and do not receive media attention. This phenomenon is interconnected and contributed to the ongoing issue of crime in Mexico.

The ENVIPE 2019 report indicates that 93.2 percent of all crimes committed in Mexico were either not reported or not investigated. The reasons given by respondents for not answering a crime: "63.2% blamed the police, giving the following reasons: Reporting crime was a waste of time, lack of trust in the authorities, difficulties and length of the process, the authorities hostile

attitude, or the fear of being victims of extortion; 36.2% of victims have other reasons to not report a crime such as fearing the aggressor, the crime being not important, or lacking proof" (Mexico Evalúa, 2019, p. 77). In terms of trust in law enforcement institutions, a survey conducted in 2019 revealed that 55.2% of respondents believed that the federal police were corrupt, while 60.6% had the same perception of the Attorney General's office (Immigration and Refugee Board of Canada, 2020, p. 16). The survey also found that 64.1 percent of respondents of the state police thought the same, 65.5% that of the state Attorney General, 67.9% of the municipal police and 68.4% that of judges. (Immigration and Refugee Board of Canada, 2020, p. 16).

The role of the media is critical in the vast underreporting of cases. The media is a powerful tool in shedding light on social and political issues that occur which in turn can serve as an effective agent for social change, "it plays a key role in shaping public opinion and generating public policies that seek to eradicate it" (Veloz and Pinto, 2023, p. 9) Its role in raising awareness on human trafficking in Mexico is essential, yet human trafficking is of little interest to the media. The media chooses to cover human trafficking when it is linked to a public event or scandal, without providing new data, they reproduce what has been already documented by other sources, and spread limited and inaccurate information (Veloz, and Pinto, 2023, p. 25). Some of the ways the media broadcasts information on human trafficking is rather flawed. For instance, "only 65.9% of the items provide information on sex, nationality, an affiliation with organized crime or lack thereof" (Veloz, and Pinto, 2023, p.48). Additionally, 36.46% of cases do not indicate the location the trafficking takes place in, "in 20.5 percent of cases it is reported to be a house, apartment, or spa, and in 31.9 percent of cases it is said to be a bar, a table-dance bar, or a hotel" (Veloz and Pinto, 2023, p. 48).

As for the origin, transit, and destination of human trafficking, 77.3% of cases specify the destination of the crime but it did not provide clarification on whether the victim was transported from one location to another (Veloz and Pinto, 2023, p. 50). There are many possible reasons why the media fails to accurately report on human trafficking cases. However, data show that human trafficking is generally of little importance to the media, and media perception on human trafficking remains vague. It appears that the reporting of criminal activity and the processing of cases are significantly unreliable, and actual figures are not disclosed to the public. What complicates the situation is the prevalence of corruption and the complicity of some government and law enforcement officials, who may act to hinder investigations, inhibit the capture of wrongdoers, and avert the delivery of justice.

8.4 LAWS AND POLICIES ON HUMAN TRAFFICKING IN MEXICO

Examining human trafficking laws established by the Mexican government plays a vital role in understanding the underlying causes of these types of trafficking being widespread throughout the country. In late 2000 Mexico signed the Palermo protocol, the United Nations "protocol to prevent, suppress, and punish trafficking in persons, especially women and children" (UNHR). Being a member of the protocol, in November 2007 Mexico adopted its first anti-trafficking law, which was revamped and replaced by a revised version in 2012 (Correa-Cabrera, and Montandon, 2018, p. 7). Mexico has its own definition of human trafficking, "In some cases, individuals that did not commit a human-trafficking crime according to the internationally accepted definition are prosecuted as traffickers in Mexico" (Correa-Cabrera, and Montandon, 2018, 8). The definition of human trafficking used in Mexican laws prevents authorities from identifying the culprit of the perpetrators of the crime and effectively combating this illicit criminal activity (Correa-Cabrera, and Montandon, 2018, p. 8).

Article 5 of the definition explains that if the crime is against anyone under the age of 18, or who lacks the ability to comprehend or resist the acts being committed, then the verification of the means used to commit the crime will not be necessary. This refers only to victims who are minors, and people incapable of consenting. (Correa-Cabrera, and Montandon, 2018, 11). Additionally, article 10 of the law proposed the creation of a permanent interagency commission to investigate the issue of human trafficking. The Commission would develop a nationwide plan for preventing and combating human trafficking. Further, it would facilitate collaboration between the federal and state governments and ensure that anti-trafficking initiatives are properly coordinated (Correa-Cabrera, and Montandon, 2018, p. 11). Moreover, years later in 2012 the law was revamped with the aim to establish more effective guidelines for federal, state, and municipal authorities to collaborate and combat human trafficking. Proponents of the law claimed that this would enable the government to combat trafficking effectively. The new version of the law, in contrast to the 2007 version, incorporates several modifications. For instance, human trafficking victims can now keep their personal information and identities confidential. The 2012 version imposes a 40-year prison sentence on perpetrators of human trafficking, as opposed to an 18-year sentence.

Another significant change in the law is its focus on human trafficking as a domestic crime instead of an international crime, as was the case in the 2007 version. The 2012 general law contains a more extensive and comprehensive definition of human trafficking, “The first law clearly stated that for a crime to be human trafficking, it had to include all three elements of trafficking, that is, acts, means, and purpose. The second law understands that for a crime to be classified as human trafficking, it suffices to prove that a set of acts was performed for the purpose of benefiting from exploiting people, regardless of how these acts were performed”

(Correa-Cabrera, and Montandon, 2018, p. 14). This includes a new definition of human trafficking that not even the U.N protocol covers. The 2012 trafficking law eliminated the "means" as a required component for a crime to be considered trafficking and only considers "acts" and "purpose" as constituting trafficking in persons. This means that human trafficking now includes many different forms of exploitation. Article 10 of the 2012 law's definition of trafficking involves "slavery, serfdom, prostitution, and other forms of sexual exploitation (such as table dancing), labor exploitation, forced labor, the use of children for organized crime, forced begging, illegal adoption, forced labor, or servile marriage, the trafficking of organs, and unlawful biomedical research on humans" (Correa-Cabrera, and Montandon, 2018, p. 15).

The definition expands in article 14 defines trafficking as involving the "production, distributing, and possession of pornography as a form of trafficking" (Correa-Cabrera and Montandon, 2018, p. 15). This broadening of the definition under the 2012 Mexican law surpasses that of the U.N protocols and led to the rise in the number of investigated human trafficking cases and convictions for such crimes (Correa-Cabrera, and Montandon, 2018, p. 16). Nonetheless, the trafficking law is flawed, as the expanded definition resulted in individuals who would not typically be classified as traffickers being prosecuted for trafficking. This allowed many innocent people to be convicted of human trafficking. Another loophole is that there are no laws that punish smuggling, this is possible because the four-border agreement allows the free flow between the countries of Central America; El Salvador, Nicaragua, Honduras, and Guatemala (Jiménez, Raudales, Sanchez, Hernandez, and Quintana, 2021, p. 24).

Although child labor laws have been adopted, the Mexican government and enforcement agencies are not effectively executing operations to address the problem effectively. Labor inspectors in formally registered businesses are conducted by federal and state labor

inspectorates. However, although these inspectorates are authorized to perform unannounced inspections in the informal sector, they are typically only carried out when a formal complaint is made. The informal sector, which includes agricultural employment, constitutes 57 percent of employment in Mexico, and the lack of inspections in this sector makes children susceptible to exploitation (Significant Advancement, 2020, p. 6).

The first time the Mexican government recognized the rights of indigenous people was in 1996 after adopting the "San Andres Peace Accords" (The Global American, 2017, p. 6). The main rights included, "the right to self-determination, the increase of political participation and representation of indigenous people in government, the guarantee of access to justice and the recognition of internal normative systems, the promotion of cultural policies, the promise of multicultural education, the furthering of social policy focused on indigenous children and women, and the promotion of participation of indigenous peoples in development" (Global Americans, 2017, p. 6). The final product of the accord was rejected by indigenous communities because it failed to include several important issues, among them being the need for more political representation of indigenous peoples. Mexico's indigenous population lacks political representation despite it being the country with the highest number of indigenous peoples in the Americas. Out of 500 legislators only 5 members of congress identify as indigenous (Global Americans, 2017, p. 41). This highlights the scarcity of indigenous members in government.

Furthermore, Specific legislation for indigenous populations has been created by Mexican states at the local level. Twenty five out of the 32 Mexican states recognize the right to prior consultation in their own constitutional laws including Chiapas, Oaxaca, Durango, Guanajuato, Yucatan, Baja California, among others. The federal government made progress in recognizing indigenous rights, yet the lack of enforcement of those laws is widespread, "44.1%

of the population believes that the rights of the indigenous people are not respected and 31.3% believe those rights are only rarely respected" (The global Americans, 2017, p. 8). Among the Indigenous Mexicans interviewed by Global Americans, most recognized that there has been improvement in law adoption, however these laws are either partially enforced or not enforced at all causing little effect on the lives on indigenous people (The Global Americans, 2017, p. 8). Indigenous rights are evidently ignored, the government introduces laws that remain unimplemented, the enforcement of these laws need to happen for indigenous communities to witness change.

9. MEXICAN GOVERNMENT'S EFFORTS TO COMBAT SEX AND LABOR TRAFFICKING

Despite the lack of law implementation by corrupted government officials, efforts have been made by the Mexican government to combat human trafficking and forced labor throughout the country. In October 2022, U.S government officials met with the Mexican government to discuss implementation of the U.S-Mexico Bicentennial Framework for Security, Public Health and Safe communities (White House, 2022, p. 1). The Bicentennial Framework was adopted in 2021 aiming to transform cooperation between both nations, protect the health and safety of their citizens, to prevent criminal organizations from harming our countries, and bring criminals to justice (White House, 2022, p. 2). Since the adoption of the framework, there have been some achievements. For example, the "United States and Mexico partnered to address human rights priorities, including protecting journalists and identifying victims of forced disappearances. USAID partnered with the secretariat of the interior's national Human Rights Defenders and the journalist protection Mechanism to provide integrated protection to 1,600 threatened individuals" (White House, 2022, p. 13). Additionally, efforts aim to pursue criminal networks by disrupting

financial networks and decreasing their capacity to profit from unlawful pursuits in the virtual world and transnationally. As a result, the Mexican government extradited three eminent cartel leaders to the United States in 2022 (White House, 2022, p. 43).

Measures have also been taken by the Mexican government to tackle forced labor. On February 17, 2023, the Mexican Ministry of Economy published a law that prohibits all imports of goods produced with forced labor. This will take effect beginning on May 18, 2023, and is in compliance with the United States-Mexico-Canada Agreement that requires the prohibition of goods made by forced labor (Littenberg, and Elliott, 2023, p. 1). In all, while Mexico has taken meaningful measures to address human trafficking and forced labor, its new regulation on forced labor focuses on banning imports produced with forced labor and forced or compulsory child labor, and disregards exports made with forced labor and child labor. Although Mexico is taking steps forward to address forced labor goods, effective measures need be taken to combat labor trafficking within the country.

10. LIMITATIONS

This study has its limitations. The limitations outline the constraints and challenges that were encountered during the research process. Some limitations of this study include limited data available on sex trafficking and forced labor of women and children in Mexico, especially for indigenous women and children. Existing data on women and indigenous women do not accurately portray the situation within the country. The lack of reliable data and statistics can greatly limit the accuracy of numbers and cases provided. This is also greatly due to the failure of reporting incidents and criminal cases by the Mexican government. The data and statistics provided in this study are estimates and are significantly lower than actual numbers.

Similarly, limitations are highly found within the case study sections. When using the states of Chiapas and Oaxaca to analyze sex trafficking and forced labor, data did not specify the statistical number of cases that occur and how frequent they occur. The case study on sex trafficking in Chiapas analyzed the methods used to traffic indigenous women, the destination states, and provides interviews from surviving victims of trafficking. However, the data used was not recent and numbers have increased since the study was conducted. Further, there was no statistical data covering sex trafficking against indigenous women and girls in the state of Oaxaca, Existing data solely included indigenous child labor in Oaxaca. The Mexican government's lack of enforcement of laws and reporting criminal activity within the country, as well as their complicity in these illicit activities, specifically against indigenous peoples is the main contributor to these limitations.

11. CONCLUSION

Human trafficking and forced labor in Mexico are not being effectively addressed by the Mexican government or law enforcement. Often, criminals can commit acts of violence against women and children with few if any consequences. This is especially true for victims who are indigenous women, due to their vulnerabilities. One way to mitigate this is to familiarize these groups with the tactics human traffickers use to lure and gain their trust. Additionally, education programs can be implemented in schools or within the community to make kids aware of the risks of being trafficked. In improving their understanding of the scope and forms of human trafficking, they will be better equipped to recognize when they may be at risk of falling victims to these crimes or better yet will be able to prevent these situations from taking place.

Mexico's indigenous population faces extreme poverty due to discrimination and systemic racism, much of which is worsened by the ethnolinguistic barrier that exists between

indigenous and non-indigenous groups. This last factor exacerbates low educational levels, which significantly contribute to the levels of human trafficking of indigenous women and girls. By bridging the communication gap, we will be better prepared to fight against and prevent trafficking within indigenous communities.

Apart from ethnolinguistic differences, low levels of education and extreme poverty, the right of indigenous Mexicans to their identity is necessary to combat the trafficking of indigenous populations. They should be given the right to citizenship, the right to political representation, and land rights to avoid the displacement of communities often caused by the militarization of their territories. Furthermore, the implementation of trafficking and labor laws is of utmost importance to eradicate these criminal activities and prosecute offenders.

Finally, the issue of human trafficking in Mexico is complex, assuming various forms and involving multiple actors. Tackling this issue is not a one-solution fix, but rather will require a collective effort, among governmental actors, citizens and international bodies, to successfully address this growing phenomenon.

References

Acharya, A. K. (2005). *Internal Displacement and Trafficking of Indigenous Women in Mexico.*

Acharya, A. K., & Codina, M. R. B. (2012). *Poverty and Trafficking of Indigenous Women in Mexico: Some Evidence from Chiapas State*.

Acharya, A. K., Padilla y Sotelo, L. S., & Nino, J. J. (2018). The harmful sexual and non-sexual behaviors of trafficked women and children in Mexico: A study of victims of sexual exploitation. *Dignity: A Journal on Sexual Exploitation and Violence, 3*(2).

Acharya, A. K., Suarez, A. M., & Ontiveros, F. J. G. (2016). *Trafficking of Women and Children in Mexico: An Assessment of Anti-Trafficking Laws*.

Aronowitz, A. (2013). *Human trafficking, human misery: The global trade in human beings*. Scarecrow Press, Inc.

Asmann, P. (2017, August 7). *Nearly 50 groups active in human trafficking in Mexico: Report*. InSight Crime.

Marie Segrave; Sanja Milivojevic; Sharon Pickering. (n.d.). *Sex trafficking: International context and response*. Sex Trafficking: International Context and Response | Office of Justice Programs.

Borg Jansson, D. (2019). *Modern Slavery*.

Bria 15 4 C laws of the indies: Spain and the Native peoples of the New World. Constitutional Rights Foundation. (n.d.).

Bureau of International Labor Affairs. (n.d.). *2021 findings on the Worst Forms of Child Labor: Mexico*. Mexico.

Center for countering human trafficking. (2022, January). Home | homeland security.

Children of mexico. Humanium. (2023, April 16).

Congressional Research Service. (2022). *Mexico: Organized Crime and Drug Trafficking Organizations*.

Correa-Cabrera, G., & Sanders Montandon, A. S. (2018). Reforming Mexico's anti-trafficking in persons legislation. *Mexican Law Review*, *1*(1).

Cultural Survival. (2018, March). *Observations on the state of Indigenous Human Rights in Mexico*. Observations on the State of Indigenous Human Rights in Mexico.

De las Casas, B. (1542). *A short Account of the Destruction of the Indies*.

Ducey, M. T. (2010). The Mexican wars for independence. by Timothy J. Henderson. New York: Hill and Wang, 2009. pp. XXIII, 222. illustrations. maps. notes. bibliography. index. $27.50 cloth. *The Americas*, *66*(4), 572–573.

Fact sheet: Labor trafficking (English). The Administration for Children and Families. (n.d.).

Farmer, L., Agupta, A., Milos, R., & Scott, J. (2016). *Impunity in Mexico: The Indigenous of Chiapas Suffering at the Hands of Their Government*.

Garcia, I. (2018, October 16). findings on the Worst Forms of Child Labor: Mexico. (n.d.-a). *56 children and 7 adult women freed from slavery in Oaxaca*. El Universal.

Global Accelerator Lab Project: Intensifying action against forced labor and Child labor. DOL. (n.d.-a).

Global Americans. (2017, October 19). *Indigenous political representation in Mexico*. Global Americans.

Global estimates of modern slavery: (2022, September 12). *Forced labour and forced marriage*. Report: Global Estimates of Modern Slavery: Forced Labour and Forced Marriage.

Global Organized Crime Index. (n.d.). Global organized crime index mexico - OCINDEX.NET.

Global Slavery Index. (2023, March 25). *Americas*. Walk Free.

Healey, J. (2012). *Human trafficking and slavery*. The Spinney Press.

Human trafficking. District of Rhode Island. (2016, August 10).

Indigenous women in Chiapas prison find legal advocates. Global Press Journal. (2015, September 9).

The indigenous world 2023: Mexico. IWGIA. (n.d.).

Inegi. (n.d.). *México EN CIFRAS*. National Institute of Statistics and Geography (INEGI).

Infobae, N. (2022, April 17). *Alert for trafficking in women in Mexico: The number of victims increased by 40% since 2018*. infobae.

Inter-American Network for the prevention of violence and crime - OAS. (n.d.-b).

IOM works with Puerto Vallarta, Mexico to combat child trafficking. International Organization for Migration. (n.d.).

Jimenez, E., Raudales, A., Sanchez, N., Hernandez, N., & Quintana, S. (n.d.). Comparative Study on Smuggling and Trafficking Laws in The Western Hemisphere.

Kara , S. (2010). *Sex trafficking inside the business of modern slavery*. Google Books.

Kara, S. (2017). *Modern Slavery*.

Landman, T. (2020, May 13). *Measuring modern slavery: Law, human rights, and new forms of data*. Human Rights Quarterly.

Levy, D., Hausmann, R., Angel Santos, M., Espinoza, L., Flores, M., et (2015). *Why is Chiapas Poor?*.

Littenberg, M. R., & Elliott, S. (2023, March 6). *Mexico bans imports made with forced labor in alignment with the USMCA*. Mexico Bans Imports Made with Forced Labor in Alignment with the USMCA.

María Encarnación López, (2020, August 5). *Sex trafficking and sexual exploitation are collateral damage of Mexico's neoliberal fantasy: LSE Latin America and Caribbean*. LSE Latin America and Caribbean blog.

Mende, J. (2018, December 7). *The concept of modern slavery: Definition, critique, and the Human Rights Frame - Human Rights Review*. SpringerLink.

Mexico - fondationscelles.org. (n.d.-c).

Minster, C. (2021, March 21). *1542: Spain's new laws send the colonies into revolution*. ThoughtCo.

October 19, 2017Click to read this article in Spanish Click to read this article in English. (2020, July 15). *Indigenous political representation in Mexico*. Indigenous Political Representation in Mexico.

Perry, R. J. (1996). *--from time immemorial: Indigenous Peoples and State Systems*. University of Texas Press.

Philipp, J. (2019, December 16). *10 facts about human trafficking in Mexico*. The Borgen Project.

Responses to information requests - united states department of justice. (n.d.-d).

Romo, R. (2017, September 20). *Human trafficking survivor: I was raped 43,200 times*. CNN.

Russell, P. L. (2010). The history of Mexico.

Scott, D., Simon, E., & Park, C. (2022, October 21). *Caffeine jungle: Child labor, struggling farmers found on ethically certified coffee farms in southern Mexico*. ABC News.

Stephen, L. (2008, January 7). The construction of indigenous suspects: Militarization ... - anthrosource.

Stephen, L. (n.d.). The construction of Indigenous suspects: Militarization and the gendered and ethnic dynamics of human rights abuses in southern Mexico. *Perspectives on Las Américas*, 383–403.

The White House. (2022, October 13). *Fact sheet: Second meeting of the U.S.-Mexico high-level security dialogue*. Fact sheet: second meeting of the U.S-Mexico High level Security Dialogue.

Thomson Reuters Foundation. (2018, October 16). *Mexico hunts trafficking boss who made children beg in streets*. news.trust.org.

Trafficking in women and girls in the context of global migration: Submission to the UN Committee on the Elimination of Discrimination Against Women in the context of the draft general recommendation. Amnesty International. (2021, June 1).

U.S Department of Labor. (n.d.-b). *Building a comprehensive government of Mexico approach to combating child labor and Forced Labor*. DOL.

U.S. Department of Labor. (2022).

U.S. Department of State. (2020, December 1). *What is modern slavery? - united states department of state*. U.S. Department of State.

U.S. Department of State. (2022, October 20). *2022 trafficking in persons report - united states department of state*. U.S. Department of State.

U.S. Department of State. (n.d.). *What is modern slavery? - united states department of state*. U.S. Department of State.

Understanding modern slavery statistics. ALLIANCE 8.7. (n.d.).

United Nations High Commissioner for Refugees. (n.d.-a). *World directory of minorities and Indigenous Peoples - Mexico : Indigenous peoples*. Refworld.

United Nations Human Rights. (2000, November 15). *Protocol to prevent, Suppress and Punish Trafficking in Persons Especially Women and children, supplementing the United Nations Convention against Transnational Organized Crime*. OHCHR.

United Nations, (2016). The long and influential life of the Universal Declaration of Human Rights. *The Universal Declaration of Human Rights in the 21st Century: A Living Document in a Changing World*, 29–38.

United Nations. (1948, December 10). *Universal declaration of human rights*. United Nations.

United Nations. (2004). United Nations Convention against Transnational Organized Crime.

Veloz, A. G., & Pinto, L. G. (2023). The Human Rights Crisis in Mexico: Human trafficking and information management. *Latin American Perspectives*.

Victims of trafficking and violence protection act of 2000. NCHE. (n.d.).

Walters, J., & Davis, P. H. (2011). *Human Trafficking, Sex Tourism, and Child Exploitation on the Southern Border*.