



Representation of Human Trafficking in Mexican mass media and its complexity on law enforcement

Representaciones de la trata de personas en los medios de comunicación mexicanos y su complejidad en la aplicación de la ley

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Abstract

Mexico is a source, transit, and destination country for human trafficking, where the majority of the victims fall into sexual exploitation and some of them are exploited in forced labor in agriculture, domestic service, food processing factories, construction, the informal economy and begging. Mexico signed the international human trafficking treaty in 2005, the first anti-trafficking law was formulated in 2007, and again in 2012 the federal government presented a new anti-trafficking law and was reformed in 2014. Although, now it is more than a decade, trafficking has been define and redefine by Mexican legislation, till now there is an misrepresentation of the concept in different sphere such as in mass media, political legislation as well as in academia. In most of the cases, human trafficking has been interpreted as a synonymous of sexual exploitation and prostitution. Thus, in this paper we have examines; how this misrepresentation of human trafficking by mass media creating complexity on law enforcement process.

Keywords: Representation, Human Trafficking, mass media, law enforcement, Mexico.

Resumen

México es un país de origen, tránsito y destino para la trata de personas, donde la mayoría de las víctimas son explotadas sexualmente, mientras otras son explotadas laboralmente en la agricultura, servicios domésticos, procesadoras de alimentos, construcción, el sector económico informal y la mendicidad. México firmó el tratado internacional sobre trata de personas en 2005, publicó su primera ley para atender el fenómeno en 2007, sustituida por una nueva en 2012, misma que fue reformada en 2014. Sin embargo, después de más una década, la trata de personas ha sido definida y redefinida en la legislación mexicana, hasta la fecha existe una representación sesgada del concepto en diferentes esferas como, los medios de comunicación, la leyes y la academia. En la mayoría de los casos la trata de personas es interpretada como sinónimo de explotación sexual y prostitución. Por tanto, este artículo analiza como las representaciones de la trata de personas en los medios de comunicación incide en la aplicación de las leyes y políticas para atender el fenómeno de la trata de personas.

Palabras clave: Representaciones, trata de personas, mass media, aplicación de la ley, México.

INTRODUCTION

Human trafficking has received attention over the past two decades in politics, academia as well as in media due to its multi facet consequences (Burke, 2013). Initially, trafficking of women and girls forced into sex work and, to a lesser extent, domestic servitude, were the sole focus of advocacy and assistance. Today, there is recognition that women, children and men are trafficked into many different forms of labour, and for sexual exploitation. It is estimated that between 800,000 and 4,000,000 people, mostly women and children are trafficked across international borders annually (USDS) and it is also the fastest growing crime, which has serious public health implications as well as a violation of human rights (Busza and Diarra, 2004; Zimmerman et al., 2008; McClain and Garrity, 2011).

Human trafficking or trafficking in persons and modern slavery are terms often used interchangeably to refer to a variety of crimes associated with economic exploitation of people (Burke, 2013). According to the Office for Democratic Institutions and Human Rights (ODIHR), human trafficking regarded as a modern form of slavery, is an affront to human dignity, often involving psychological terror and physical violence, which encompasses human rights issues and crime control, of inequality and discrimination, of corruption, economic deprivation and migration (ODIHR, 2004). Similarly, the Beijing Platform for Action identified trafficking in persons, especially for sexual exploitation, as a form of violence against women. Trafficking for the purpose of sexual exploitation includes those women who have suffered intimidation and/or violence while being trafficked. Initial consent may not be relevant, as some enter the trafficking chain knowing they will work as prostitutes. However, they are then deprived of their basic human rights, in conditions akin to slavery (ASI, 2002).

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (UNODC, 2004) defines human trafficking in Article 3 as:

“the recruitment, transportation, transfer, harboring or receipt of persons, by means of 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 having control over another person, for the purpose of exploitation”.

The protocol cites a list of acts such as recruitment, transportation and others, followed by the methods used to enforce those acts and achieve the purpose of exploitation, for example threat, the use of force, or other abuses of power, or of a position of vulnerability. The definition further specifies that the term ‘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 (Skilbrei and Tveit, 2008).

The International Labour Organization (ILO) estimates that 2.5 million people worldwide are being trafficked at any given time, where, 43 percent of trafficking victims are used for commercial sexual exploitation, while 32 percent are used for forced economic exploitation, around 25 percent of victims are used for a combination of forced exploitation and

commercial sexual exploitation or for undetermined reasons (ILO, 2005). Furthermore, according to the latest ILO’s Global Estimate of Forced Labour (ILO, 2012), 20.9 million people worldwide are victims of forced labour, trapped in jobs into which they were coerced and cannot leave. Of the 9.1 million victims of forced labour, 44 percent have moved either domestically or internationally. This indicates that migration can be an important vulnerability factor. In this context, it has also been shown that forced sexual exploitation is strongly associated with cross-border movement.

Similarly, the Global Trafficking in Persons Report 2012 presented by the United Nations Office on Drugs and Crime, when speaking on sex industry, states that young girls and women who are being trafficked for the purpose of sexual exploitation and prostitution, often suffer from extreme sexual, physical and psychological abuses, associated with gender-based violence (UNODC, 2012). Therefore, trafficking of women for sexual exploitation has moved up on the international agenda in the last two decades due to growing concerns about violence against women, as well as its connection with the sex industry, forced and exploitative labour, sexually transmitted infections (STIs) including HIV/AIDS and other forms of human rights violations (Huda, 2006).

Many international units such as the United Nations, IOM, ILO, GAATW, CATW and ECPAT-International and Stop-Traffic, in order to fight against the trafficking problem, have drawn the governments’ attention through their reports, articles and publications, offering shelter and assistance to victims, however it is perceived that there is a lack of government responsiveness on this issue especially in a country such as Mexico, which constitutes an origin, transit and destination country for human trafficking. Thus, the purpose of our paper is to examine how Mexican mass media has represented the human trafficking issue in the country for the past decade, and we have also made an effort to describe how this misrepresentation is affecting the law enforcement process in Mexico.

A BRIEF HISTORY OF HUMAN TRAFFICKING IN MEXICO

Slavery and migration have been historically linked and human trafficking is not a new problem in Mexico, in fact, it is considered as old as human society (Acharya, 2015). For example, during the prehispanic period the trafficking of human beings was associated with buying and selling indigenous people who were known as “*Tlacotin*”. In ancient Mexico, indigenous males were sold to institutions as soldiers, where many of them were sold by their parents to work in agricultural fields, mines or to pay a debt. Indigenous women and young girls were sold as prostitutes, concubines, domestic servants, entertainers and many of them were also offered by their parents as a sacrifice to God (Von Mentz, 2007). It wasn’t until 1519, when the *Conquistadors* invaded Mexico and the Spaniards went through the motions to enslave indigenous people to build the New Spain. Some historical documents describe that during the Spanish colonization, many African people were brought to Mexico as slaves for the construction of ports and mining activities. For example, the government of Felipe V brought 48,000

Africans, mainly from Guinea, who were forced to work in mining operations in San Luis Potosi (Quirós Vicente, 2013).

However, during the 20th Century human trafficking in Mexico has been closely related to prostitution and sex work, moreover, it was controlled and operated by drug cartels (Astorga, 2000). At the later part of the century, trafficking in persons was primarily related to illegal migration into the United States. Thousands of Mexican young women were lured with false promises by *polleros* or “Coyotes” and trafficked into the U.S. for the purpose of sexual exploitation as well as maid servants (Ugarte et al., 2004). Currently, the U.S. Department of State estimates that as many as 20,000 young women and children are trafficked across the border from Mexico each year.

In United States, these girls are often held in slavery-like conditions and forced into prostitution, domestic service or forced labor. They are terrorized emotionally, forced to take drugs, moved frequently, locked up, raped, beaten, deprived of sleep, and starved. The smugglers knew from the start that exploitation would be the cost of the “travel now, pay later” deal (Smith, 2014; Walters and Davis, 2011). However, current studies affirm that over the last decade, international trafficking of women basically from Mexico into the United States has declined due to the complexity of obtaining a visa and strict patrolling at the international borders, resulting in a boom of internal trafficking in Mexico (COHA, 2009; Rusey, 2013; Wolfe, 2015). At present, Mexico ranks second in the world in terms of prostitution of under-age persons (Monroy, 2010). According to Azaola (Esteinou, 2011) the rapid increase in number of children for commercial sexual exploitation is due to following factors: (1) deterioration of living conditions of poor families, (2) promotion of child prostitution by close family members, (3) use of sexual activities as a means of survival by street children who escape from an abusive home, (4) recruitment of children as sex workers by organized crime networks and, (5) illegal transfer of children as sex workers from developing countries to developed countries.

The real extent of trafficking of women in Mexico is difficult to ascertain. There is little empirical data on trafficking of women in Mexico. To date, there are no official statistics on trafficking of women, but our previous research indicates that every year approximately 10,000 people are being trafficked within Mexico, particularly to the following six cities: Cancun, Acapulco, Mexico City, Tijuana, Ciudad Juarez and Monterrey, and approximately 5,000 are trafficked into the United States (Acharya and Bryson, 2014).

In addition to sex trafficking, another growing problem in the nation is trafficking of men and women for labor exploitation. Women and men including children trafficked from rural areas to farm and factory in Mexico as well as U.S as cheap labor. For example, the San Quintín Valley in Baja California one of Mexico’s highest producing agricultural areas with a market aimed principally at export, is also one of the places with the most abusive, unsanitary and harmful working conditions for day laborers. Every year thousands of indigenous migrants arrived to work in different farms, however upon their arrival, both men and women are forced to work in toxic conditions, with no social security and they are obligate to work nearly 60 hours a week and with less wages (Castillo, 2015).

Similarly, the study of ECPAT International (2008)

Mexican children are also forced from their homes due to economic issues and send to work in the sex industry in Mexican tourist centers and border towns. The study indicates that, each year, nearly 20,000 Mexican children are trafficked and forced into sex work in tourist centers like Acapulco and Cancun, and the border towns of Juárez and Tijuana. These cities become magnets for sex tourists and, especially for pedophiles that prey on minors who have been trafficked to border areas. The study also indicates that there are three possible categories for child sex tourists: first, one is that those do not travel to a country to initiate sexual relations but take advantage of the children when they arrive in situational abusers. The second type, the preferential child sex tourist, displays an “active sexual preference for children” but is also attracted to adults. This type of individual typically seeks out adolescent children. Finally, pedophiles are sexually attracted to pre-pubescent children exclusively. Pedophiles and preferential child sex tourists represent the minority of child sex abuse cases.

The above studies indicates that, human trafficking phenomena is very diversified in Mexico which is one of the greatest challenges for the country and it is believe that the phenomenon is to be very extensive. Thus, the U.S. Department of State classifies Mexico as a source, transit, and a destination nation for human trafficking and raked as a “Tier 2” country, meaning that it has yet to fully implement effective anti-trafficking measures. While many Mexican states have adopted measures to criminalize human trafficking, the report found that “no convictions or stringent punishments against trafficking offenders were reported last year.” The government’s failure to bring the perpetrators of these crimes to justice further enables this damaging industry to effectively function (USDS, 2015). For example, in 2014, the National Citizen Observatory conducted a four-year analysis (January 2010 through July 2013) of human trafficking in Mexico including 31 States, the Federal District, and the federal government. The present study found persistently high levels of impunity for the crime, demonstrating how incomplete and contradictory official information contributes to bury the true scope of the problem. Over the time period, 16 states reported a total of 846 victims, while the rest failed to provide information. Jalisco had the highest number of victims, with 283, representing about a third of the total. This was followed by Baja California, with 136, and Puebla, with 122. The national Attorney General’s Office (PGR) registered 347 victims during this period, and the Ministerial Federal Police (PFM) registered 121 (ONCSJL, 2014).

Likewise, information regarding sex, age and nationality provided for only a portion of the total victims reported by these States. Of these, around 87 percent were women and approximately the same percent were victims of sex trafficking, and nearly 90 percent of victims were single, Mexican citizens and were under 18 years old (*ibid.*). In the last few years, significant effort have made to understand the dynamics of Trafficking in Persons concern in the country. As discussed earlier, human trafficking in Mexico is mostly related to sex trafficking and prostitution, however, the above discussion including the 2015 Trafficking in Persons Report and ECPAT international report indicates that Mexican men, women, and children are exploited in farm, industry, domestic service, construction and different tourist

places. However, there is a partial representation of human trafficking in Mexico in mass media as well as academy, which has created an obstacle for law enforcement, which we attempt to reflect in the following sections.

MEDIA REPRESENTATION OF HUMAN TRAFFICKING IN MEXICO

It is important to note the complexity of media analysis, mainly in a tough issue like human trafficking. Doing research on human trafficking on the field for the media requires a critical perspective, for this, it is necessary to take into account two epistemological reflections. First Umberto Eco's stance on the role of mass media on societal change (Eco, 2004) and the second point pertains to Bourdieu's position on the media as a socially created role (Bourdieu and Kauf, 1997). According to Pierre Bourdieu (*Ibid.*), it is not important to have an ideological notion as the media is a product of the system, it is in charge of reproduction, therefore, we must always analyze the media taking into account its ability to control [society and/or masses]. Both reflections will guide us with a critical eye, because it is impossible not to have a transformative intention in this task of analyzing an area as sensitive as the human trafficking phenomenon.

In Mexico, as in other parts of the world, Information Technologies (IT) and mass communication play an important role in policy decisions, public opinion and in the most important topics in the social sphere. It is important to notice that in this country there are certain singularities in mass media, as there is an oligopoly on journalism and opinion at a national level, which is more clear and evident at local levels (Arreola, 2015). These oligopolistic practices are rooted on the historical partnership of dominant power groups with economic and political interests, to which the information that is communicated and even generated by the mass media has to be a reflection of the establishment on course (Huertas et al., 2011). The way in which the Mexican system has been constructed to promote practices that benefit certain groups, is harmful and perverse toward social welfare and development of the country, mainly because these help replicate social practices in order to maintain a status quo, which directly affects the most fundamental human rights. The Mexican government has ignored its responsibility and its role as a key promoter of social change, especially those actors who are key decision makers at the political sphere (*Ibid.*).

Mexico is currently undergoing a Human Rights crisis because of the atmosphere of violence existing throughout the territory (Acharya, 2013; Uribe Arazte and González Chávez, 2007). Despite having legal recourse covering the entire cycle of trafficking, which are based on the prevention of the phenomenon through the prosecution of the offense up to the recovery and rehabilitation of victims, efforts made by the Mexican State have not been sufficient to stop this social malaise that affects thousands of people daily in the country. Thus, we see that human trafficking is a crime that violates the most fundamental human rights, carrying a variety of ailments at the time when the situation of trafficked individuals is analyzed and even the environment into which they are embedded and operate, which is full of all kinds of violence (Acharya et al., 2011). This inhuman phenomenon is

a crime that has a number of systematic academic elements, difficulting their introduction into the everyday vocabulary, even after there have been national and international efforts to socialize the complexity of its terminology (UNODC, 2007; AN, 2008; CNDH, 2012); this is when the media makes sense of the human trafficking issue.

As noted previously, the media is part of a corrupted system with naturalized practices of social actors, perpetuating ignorance about the trafficking phenomena among the general population. In most cases, the Mexican media interpreted human trafficking as a synonym of sexual exploitation. The important media including newspapers¹ and television showcased trafficking of women relevant to prostitution and sexual slavery. In Table 1 we have analyzed the basic terminology commonly used by national and local media in the country which makes the issue of trafficking in people incomprehensible.

As it shows, Type I terminology reflects a misrepresentation of the most general epistemological notions of human trafficking, for example commonly calling it "Slavery of the 21st Century" or implies it is a synonym of sex trade; Type II terminology evidences the lack of ethics on the historical process of the concept using obsolete terms such as white slave trade, or using modern misleading terms as sex slavery; Type III terminology denotes axiological bias, confusing human trafficking and exploitation as the same or ignoring terms as forced labour, servitude and slavery; and finally Type IV terminology points out the most specific epistemological notions, referring to issues that are far from human trafficking, such as prostitution or pornography, or understands human trafficking only as sexual exploitation, dimming the rest of the modalities, like servitude, forced begging and forced labour, among others (UNODC, 2007; AN, 2008; CNDH, 2012).

Finally, from the media we can identify three key social stakeholders that explain the main issues on human trafficking occurring in Mexico. We clearly observe that none of the stakeholders speak about nor visualize this social problem in a single point of view, thus this multi-imagination and misrepresentation have become an obstacle in the process of law enforcement and generating public policies. In Table 2 we analyze the discourses provided by each stakeholder representing the phenomena in the media.

MISREPRESENTATION OF HUMAN TRAFFICKING IN LAW ENFORCEMENT PROCESS

From different discourses rendered by the Government of Mexico as well as the interpretation of different legislations, we can conceptualize that trafficking in persons as synonymous of sexual exploitation. For the purpose of analysis, we have focused on the 2014 General Law to Prevent, Punish and Eradicate crimes on human trafficking and to protect and assist victims of these crimes. This law defines trafficking of persons in its Article 10 as: The action of capturing, trapping, transporting, transferring, holding, delivering, receiving and/or housing one or more

¹ For example, on January 5th, 2016 Mexican national newspaper El Universal published the article: Attorney General rescued 16 trafficking victims from Cancun. <http://www.eluniversal.com.mx/articulo/nacion/seguridad/2016/01/5/rescata-la-pgr-16-victimas-de-trata-en-cancun>.

<p>Type I Does not explain the phenomenon, confuses the types of trafficking.</p> <ul style="list-style-type: none"> - Slavery of the 21st Century - Sex trade - Illegal business - Human trafficking network - Slavery and exploitation of human beings 	<p>Type II Misrepresentation of the phenomena.</p> <ul style="list-style-type: none"> - White slave traffic - Sexual exploitation - Sexual slavery - And forced sex work - Prostitution as a form of trafficking
<p>Type III Does not differentiate between types of trafficking and types of exploitation.</p> <ul style="list-style-type: none"> - Victims of trafficking, sexual or labour exploitation, slavery or capture by criminal groups - Sexual and labour exploitation of people - Bonded labour - Servitude exploitation - Exploitation by prostitution 	<p>Type IV Does not reflect the variety and complexity of human trafficking forms.</p> <ul style="list-style-type: none"> - Sex Trafficking - Victims of prostitution - Pornography of minors - Child trafficking - Pornography

Table 1. Terminology used in the media.

Stakeholders	Content of Discourse	Typical Expressions
Journalists	They use the wrong concepts, the term white slave trade is commonly used and focus their coverage on human trafficking for sex exploitation, and in many cases talk about sex work as trafficking itself.	<ul style="list-style-type: none"> - White slave trade - Pimping - Pimp - Vice houses - Prostitutes
Government Agencies	They talk about crime prevention and focus almost exclusively on the role of criminal organizations, hindering other actors involved. They often deny the existence of the phenomena on the territories in which they perform their duties.	<ul style="list-style-type: none"> - Protection of women and children - Criminal Organizations - Drug trafficking - White slave trade - It does not happen here
Non-Governmental Organizations	Accuse the unrest as a lack of support to the victims and the impunity of the government agencies. They have a clear understanding of the phenomena in a global and systematic manner.	<ul style="list-style-type: none"> - Sex trade - Forced labour - Human trafficking for sexual exploitation - Client and pimp - Child pornography

Table 2. Terminology used in media by stakeholders.

persons for the purpose of exploitation. The same article also defines “exploitation” as slavery, servitude, prostitution and other forms of sexual exploitation, labour exploitation, forced labour, forced begging, using minors for criminal activities, illegal adoption of minors, forced marriage, organ trafficking and illegal biomedical experimentation on humans. However, this definition and each type of exploitation and its punishment are explained in detail from Article 11 through Article 31 (Table 3).

We can notice on the above table that, firstly, the definition of trafficking contained in Article 10 does not mention the “means” used in order to achieve the exploitation purposes, which reflects that, for this law, both trafficking and exploitation are almost synonymous. When we analyzed the explanation of “means”, we found mainly the definitions of sexual exploitation, which is the most comprehensive and explained in Articles 13 to 20 and on Articles 26, 27, 28 and 29. As far the other forms of exploitation, Articles 22 and 24 only mention forced labour and forced begging, plus none of the other exploitations have been taken into consideration (CDHCU, 2014).

In spite of the above difference in concepts of trafficking in persons, the 2014 General Law to Prevent, Punish and Eradicate crimes on human trafficking explained different ways in which exploitation may occur and mentions

some activities related to trafficking in persons that can be punished. For example, Articles 32 through 35 refer to leasing publicity spaces for deceitful advertising with the purpose of trafficking; own or manage press or electronic media that sells publicity spaces for deceitful advertising with the purpose of trafficking; leasing or owning properties to house or hold trafficking victims; and acquiring services from a person in a trafficking situation while being aware of the person’s condition. Similarly, Article 36, states that revealing confidential information related to the crimes of trafficking is also a punishable activity. The other ambiguity of the current law can be perceived in the way in which activities unrelated to exploitation or trafficking, even though they are indirectly linked, will be investigated, processed and punished as trafficking in persons.

As we can realize, despite growing awareness of the much wider scope on human trafficking, most of the law remains focused on the issue of sexual exploitation, as it has been discussed earlier. In the 2014 General Law to Prevent, Punish and Eradicate crimes on human trafficking, 12 out of 20 forms of exploitation mentioned in Articles 11 to 31 corresponds to Trafficking in Persons related to sexual matters for example: forced prostitution, production, distribution and possession of child pornography, forced marriage with the purpose of sexual exploitation, among others. The rest

Article 11	Slavery is the dominance of one person over another. Under such dominance, free will over one's self and property does not exist.
Article 12	Servitude may take the form of: - Debt bondage, a condition reached due to the commitment of providing a service in order to pay a debt. - <i>Gleba</i> , which is the dominance over the people living on a determined geographical area, specifically the one used for agriculture.
Article 13	Exploiting someone through prostitution, pornography, public or private sexual exhibitions, sex tourism or any other paid sexual activity by means of: deception, moral or physical violence, abuse of power or vulnerability, harm or the threat of it, threat due to migratory status or threat of using any legal procedure.
Article 14	Benefit from the production of pornography in which the person was forced or deceived.
Article 15	Profit from the trade, distribution, exposure or circulation of pornographic material in which persons were exploited.
Article 16	Production of child pornography.
Article 17	Holding, acquiring or leasing child pornography.
Article 18	Moving people out or into Mexican territory in order to sexually exploit them.
Article 19	Offering labour opportunities different than sex work but with the intention of performing it later.
Article 20	Acquiring the services of someone under the conditions mentioned in Article 19.
Article 21	Labour exploitation takes place when someone illegally and unjustifiably benefits economically or in any other way through someone else's work. Such work degrades a person's dignity when it violates labour laws under unhealthy or dangerous conditions, disproportioned relation between the work performed and the payment received, or below minimum wage.
Article 22	Defines forced labour as obtained by use of force or harm or threat, whether physical or to their migratory status or threat of using any legal procedure.
Article 23	States forced labour or servitude does not happen when demanded in fulfillment of military service or any other civil obligation or a penalty.
Article 24	Forced begging occurs when a person asks for charity against their will by harming, forcing or threatening them, or by deceiving them.
Article 25	Use of minors to commit crimes in terms of the Federal Law Against Organized Crime.
Article 26	Receive or deliver a minor with the purpose of sexual exploitation or any other type of exploitation.
Article 27	Receive or deliver a minor by means of illegal adoption with the purpose of sexual exploitation or any other type of exploitation.
Article 28	Forcing someone to get married with the purpose of sexual exploitation or any type of exploitation.
Article 29	Sexual exploitation taking advantage of the marital or emotional relationship.
Article 30	Extracting, removing or obtaining an organ, tissue or cells from live human beings without the proper medical legal procedures in order to obtain an economic gain.
Article 31	Applying procedures, techniques or legally unapproved medication on a person or group of people.

Table 3. Forms of exploitation listed in the General Law of human trafficking.

of the activities mentioned are slavery, servitude, labour exploitation, forced labour, forced begging, child trafficking and illegal adoption, use of children for organized crime activities, forced marriage for servitude purposes, organ trafficking and illegal medical experimentation with humans (ibid.). Nevertheless, most of those forms of exploitation listed on this law are not necessarily forms of trafficking or even exploitation by themselves. For this case Articles 14, 15, 16 and 17 understand as a form of exploitation just owning or obtaining profit from the production or distribution of pornography in which victims of trafficking or children were used. That means that someone acquiring child pornography for self-consumption may be prosecuted in terms of the current anti-trafficking law. Also exploitation, according to Article 19, is not a form of trafficking as most of the behaviors and characteristics of trafficking are not present even though exploitation is evident. As far as Article 20, it is difficult to

prove the awareness of the trafficking condition of the person hired; this behavior does not fit as exploitation, even less so as trafficking.

Despite many researchers point out most of the victims of sexual exploitation are women, boys and girls (Acharya, 2015; Montiel, 2011), there is an increasing exposure in the media of trafficking for labour exploitation. Similarly, the Global Report of Trafficking in Persons (UNODC) indicates America as a region where the participation of trafficking for labour exploitation and trafficking for sexual exploitation share almost the same proportion with 47 percent and 48 percent respectively for victims detected between the years 2010 and 2012 (UNODC, 2014).

However, here we must emphasize that the 2014 Mexican General Law to prevent, punish and eradicate crimes on human trafficking and to protect and assist victims of these crimes is not the only legal instrument that misrepresents

human trafficking in the law enforcement process. There are other national legal recourses that have the same confusion and ambiguities, which we have listed in Table 4. However, most of these laws consider human trafficking as a “crime” and set aside the aspects of human rights violations, gender equality and the problem of migration.

The misrepresentation of human trafficking in legal tools has translated into the arbitrary application of law. In our analysis of the number of detainees held by Attorney General’s Office as traffickers, we found that, in 2014, 70 people of Mexican citizenship allegedly conducted trafficking activities, out of which 58 were arrested under Article 13, which refers to exploitation through paid sexual activities; 5 were detained under Article 17, referring to acquiring or holding pornographic material in which trafficked persons were involved; 2 were accused under Article 10, transporting, transferring, holding, delivering, receiving and/or housing one or more persons for the purpose of exploitation; 1 was kept in obedience to Article 16, producing child pornography; and 4 were accused of other non-specified crimes contained on the anti-trafficking law. Nevertheless, most of these alleged traffickers (85.3 percent) focused on the sexual exploitation modality of the crime. We must emphasize that this is only the administrative performance of the law enforcement corps and does not necessarily represents the complex reality of the human trafficking phenomena (Curtol et al., 2004).

Here we can conclude that each legal document in Mexico addresses human trafficking mainly as a crime and is synonymous with sexual exploitation, and less as a phenomenon in which migration, gender and human rights are involved. This kind of misrepresentation and diverging definition leading the anti-trafficking policy is aimed more toward the prosecution process than toward protecting victims and preventing the phenomena, leaving the

victims’ rights unprotected and the root causes of the issue unattended, plus setting aside other forms of exploitation, such as labour exploitation taking place in agriculture and other dangerous or “dirty jobs” we discussed earlier, and therefore, in order to carry out a successful anti-trafficking policy the focus on the issue of trafficking in persons must change to a human rights-based approach to effectively protect the victim’s rights and provide a better understanding of the gender, economic, cultural, social and migratory factors that trigger the phenomena.

CONCLUSION

By the end of the 20th Century and the early 21st Century, the human trafficking problem captured the sudden attention of mass media as well as governments worldwide. Both international and regional media distributed facts that women were being tricked into prostitution by organized crime. Research conducted by the media indicated trafficking victims are mainly young, uneducated, willing to move abroad and attracted by a flashy lifestyle, entertainment, clothes and the possibilities of their dream destination. Once they were trapped with promises, they were directly sold to pimps and pressured into prostitution through violence. The constant push by media at different levels created global waves of trafficking that rapidly became a political and social issue. At first, service providers and non-government organizations simply provided assistance and help to individual victims, but later they began to develop comprehensive programs and policies.

In the case of Mexico, human trafficking was brought into the spotlight by government agencies and non-government organizations at beginning of the 21st Century, when the 2001 Trafficking in Persons Report ranked Mexico as a source and transit country. According to the U.S. State

Federal Code for Criminal Procedures	Article 194 section XVI defines trafficking in persons a severe crime.
Migration Law	According to Article 2, it is a form of organized crime.
Federal Law against Organized Crime	States on Article 2 section VI that trafficking in persons becomes organized crime when three or more people gather to commit the crime.
General Law on Women’s Access to a Life Without Violence	Article 49 section XXIV demands each State in the Republic to develop and apply gender-based protocols to investigate crimes related to trafficking in persons committed against women.
General Law on Victims	Article 111 section II recognizes victims of trafficking in persons with obstacles to defend themselves and therefore are entitled to a special fund allotted to damages and recovery.
Administrative Law of the Attorney General’s Office	Article 5 section XVII demands to prepare and apply gender-based protocols to investigate crimes related to trafficking in persons committed against women and minors.
Law on the Protection of Boys, Girls and Teenagers Rights	Article 31 demands observing adoption processes in order to prevent trafficking of minors. Article 47 section III states that federal and local governments should prevent, investigate and punish cases involving trafficking of minors. Article 103 section III forces parents or tutors to protect minors from trafficking.
Law on Refugees and Complementary Protection	Article 20 guarantees institutional assistance to those individuals in the process of being recognized as refugees. For this, trafficking in persons victims, among other cases, should receive special attention. Article 54 guarantees attention for a proper integration of refugees taking into account their context such as being a victim of trafficking.

Table 4: Complementary Mexican Laws that mention human trafficking.

Department, Mexican women, children and men were trafficked into the United States, Canada, and Japan for the purpose of sexual exploitation and forced labour, and Mexico is a transit country for persons from various countries, especially Central America and China. There is an increasing number of people from Brazil and Eastern Europe moving through Mexico, some of whom are trafficked Salvadorans and Guatemalans, especially children, trafficked into Mexico for prostitution, particularly at the Southern border. The report classified Mexico as a Tier 2 country, given that the government does not yet fully meet the minimum standards and there are no specific laws in place to prohibit the trafficking of persons, and this continued until 2003. However, since the 2002 Trafficking in Persons Report, the U.S. Department of State extensively recognized Mexico as a source, transit and destination country of women and children trafficked for the purpose of sexual exploitation.

In spite of the growing attention by Mexican media and non-government organizations, Mexico resisted until 2005 and that same year the Mexican government ratified the Palermo Protocol. In 2007 it published the first anti-trafficking law, which was known as Law to Prevent and Punish Trafficking in Persons (*Ley para Prevenir y Sancionar la Trata de Personas*). Later in 2012, the Mexican government formulated a new anti-trafficking law, the General Law to Prevent, Punish and Eradicate crimes on human trafficking and to protect and assist victims of these crimes, reformed again in 2014. Nevertheless, during the last decade, the Mexican government has made significant efforts to fight against human trafficking in the country, yet these efforts have not been observed. As far as our analysis, the central and nodal problem is misrepresentation of the human trafficking issue in the media and anti-trafficking law. Both media and government agencies focus human trafficking on the perspective of sexual exploitation and involvement of organized crime, which overlooks other types of trafficking. As a consequence of the diverging point of view and definitions, the issue of trafficking seems to distance away from the realities of victimizations and moving closer to the sphere of political interest. However, in the present study we may conclude that the human trafficking problem in Mexico is a complex social problem and it is necessary to enable multidimensional focuses of attention to develop a comprehensive approach of political as well as *mediatic* stand, beneficial to victims and society as a whole.

ACKNOWLEDGEMENTS

This study was supported by the National Council of Science and Technology (CONACYT), Mexico, [CB-2013/223023].

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