



NATIONAL HUMAN RIGHTS COMMISSION

# ***Diagnosis on the Situation of Trafficking in Persons in Mexico 2019***

## ***Executive Summary***

**FIFTH RAPPORTEUR  
PROGRAM AGAINST HUMAN TRAFFICKING**



## CONTENT

|  |    |
|--|----|
| Introduction   | 3  |
| Methodology  | 4  |
| National and International Law   | 7  |
| Chapter I. The situation of trafficking in persons in Mexico according to official figures                 | 9  |
| Chapter II. The situation of trafficking in persons in Mexico according to other sources of information    | 22 |
| Chapter III. The situation of trafficking in persons in Mexico according to the actions of the authorities | 27 |
| Conclusions  | 41 |
| Recommendations  | 53 |

## INTRODUCTION

1. The commercialization of human beings for exploitation purposes is expanding throughout the world and our country is not an exception. Mexico ratified the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children in 2003, committing itself to the international community to carry out the necessary legislative amendments, and implement a comprehensive public policy that, in addition to preventing and sanctioning, will include assisting victims.

2. Over the past 15 years, a series of regulations and institutional tools that show the will of the Government of Mexico to combat this complex and multi-cause crime that translates into a series of human rights violations of people who become victims, and into a deterioration for the communities that face it, has been developed. Nevertheless, the challenge that institutionalizing public policies and inter-institutional coordination has implied for the three branches of the government has prevented concrete results, that could translate into direct and effective combats, from becoming a reality.

3. One of the largest limitations that this National Organization has observed when addressing human trafficking and exploitation in its various purposes is the lack of comprehensive studies, researches, and diagnoses that allow knowing the way in which these crimes arise and who is being mainly affected.

4. The need to provide more than a statistical update, a qualitative reflection on the situation of human trafficking in the country and the advances that have been obtained from the actions of the authorities with specific obligations in this area, led to the fact that, in 2017, this National Human Rights Commission carried out a series of requests for information from various federal and state authorities to integrate a diagnosis framed in the current legislation.

5. The Diagnosis on the Situation of Trafficking in Persons in Mexico 2019<sup>1</sup> consists of three chapters: a) The situation of trafficking in persons in Mexico according to official figures; b) The situation of trafficking in persons in Mexico according to other sources of information, and; c) The situation of human trafficking in Mexico according to the actions of the authorities. In addition, it has a section dedicated to the National Legislation that intends to provide basic information to the readers about the background that gave rise to the General Law to Prevent, Punish and Eradicate Crimes in matter of Trafficking in Persons, and for the Protection and Assistance to Victims of these Crimes (General Law), and on the structure of this system, so that the chapters that make up this document can be understood and sized. It also presents a section aimed at explaining the methodology used, and a series of complementary attachments.

6. In addition to the above, there is a section of Recommendations, which expects to contribute to the strengthening of actions aimed at creating a coordinated public policy, with gender perspective and human rights approach, aimed at fulfilling the obligations acquired in ratified international

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<sup>1</sup> The full version of this document can be consulted online at the National Human Rights Commission's webpage or at the following link: [https://www.cndh.org.mx/sites/default/files/documentos/2019-08/DIAGNOSTICO\\_SITUACION\\_TDP\\_2019.pdf](https://www.cndh.org.mx/sites/default/files/documentos/2019-08/DIAGNOSTICO_SITUACION_TDP_2019.pdf).

treaties for the country, and whose guiding axis are people and communities, and the main motivation, which is to eliminate factors that prevent them from developing their potentials and capacities to live free from exploitation and slavery.

## METHODOLOGY

7. The **Diagnosis on the Situation of Trafficking in Persons in Mexico 2019** presents information for the period between June 15<sup>th</sup>, 2012 and July 31<sup>st</sup>, 2017. The coming into force of the General Law was considered as a starting point, given that it established, at a national level, the criminal types of human trafficking, as well as obligations for the authorities of the three branches of the government in the areas of prevention, prosecution, cooperation, and assistance, care and protection of victims. With some exceptions, no information was available for all the years of the period or data was obtained after said period; both cases are included in the *Diagnosis*, with due reference to the temporality to which they refer.

8. For the preparation of this document, information from 104 federal and state authorities, including the Prosecution's Office (now the Attorney General's Office), all 32 State Attorney General's and Prosecution's Offices, as well as all 32 state jurisdictional bodies, the Supreme Court of Justice of the Nation, the Council of the Federal Judiciary and the National Commission of Superior Courts of Justice of the United Mexican States, 20 State Commissions for Victim Assistance, and 16 Agencies and Public Administration entities of the Public Federal Administration (APF, Spanish Abbreviation) was requested.<sup>2</sup>

9. Specialized documents prepared by civil society organizations, academic institutions, organizations and international organizations were consulted, as well as reports from the Government of the United States of America (USA); and a review of journalistic notes published by national, local and international media (with reference to Mexico) was carried out. In addition, information generated by this National Organization is presented based on the processing of complaints, files and issuance of recommendations in the matter.

10. Chapter I. *The situation of trafficking in persons in Mexico according to official figures* was elaborated with the information requested to the authorities in charge of justice prosecution and law enforcement: Jurisdictional Bodies, the Supreme Court of Justice of the Nation, the Council of the Federal Judiciary, the National Commission of Superior Courts of Justice of the United Mexican States and the Commissions for Victim Assistance. In addition, data provided by the National Migration Institute (INM, Spanish Abbreviation) and the Ministry of Foreign Affairs (SRE, Spanish Abbreviation) on victims of crimes in the matter of trafficking in persons.<sup>3</sup>

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<sup>2</sup> Both in this Executive Summary and in the *Diagnosis on the Situation of Trafficking in Persons in Mexico 2019*, the authorities are named according to the name they had at the time the information was requested by this National Commission.

<sup>3</sup> In Mexico, the Anti-Trafficking in Persons Legislation is based on a broad definition of trafficking in persons, which enables the authorities to characterize a wider range of crimes as human trafficking. This is why the phrase "crimes in the

11. In the case of the Prosecution's Office (PGR), the disaggregated data provided by the Special Prosecutor for Violence against Women and Trafficking in Persons (FEVIMTRA) and by the Office of the Special Prosecution for Organized Crime Investigation are presented (SEIDO).

12. For the collection of information, the CNDH developed specific formats for each of the authorities, in order to standardize criteria, as well as to reduce the possibility of different interpretations, both in the issuance of the response, as in its systematization and analysis. Each authority was required specific information according to their field of competence, but sensitization and training of public officials and officials in the field of human trafficking and related matters was a common request to all of them.

13. The information provided by the Executive Commission for Victim Assistance (CEAV) corresponds to the period from January 2014 to July 31<sup>st</sup>, 2017, in accordance with the provisions of Article 84 of the General Law of Victims and the Decree by which the Office of Social Prosecution for Crime Victims is transformed into the Executive Commission for Victim Assistance, published in the Official Gazette of the Federation (DOF) on January 8<sup>th</sup>, 2014. It is important to note that out of the State Executive Commissions for Victim Assistance (CEEAV) that were requested information, that of Baja California Sur responded that it did not operate officially and that, therefore, the assistance to the victims of crimes in the matter of trafficking in persons was carried out by the State Prosecution's Office. Therefore, since the answer provided does not correspond to the actions of the institution for victim assistance, it is not recorded in this *Diagnosis*. Additionally, no response was received from the State Executive Commission for Victim Assistance in the state of Chihuahua.

14. The information requested and registered to the authorities referred to in the previous point, covers the period between each of the State Commissions were created, as of July 31<sup>st</sup>, 2017. To date, there were 19 state public institutions set up for victim assistance.

15. Chapter II. *The situation of trafficking in persons in Mexico from other sources of information* was elaborated from a format specifically developed to disaggregate data of notes, and thus identify elements and particularities of each one of them. With the information gathered, a quantitative and qualitative analysis that contributed to the comments on the approach of the written press in the matter was carried out.

16. In order to make observations, the monthly quantitative and qualitative analysis were compared, then the annual ones. In this way, constants were identified in terms of both journalistic aspects (i.e.: the use of "white slavery"), and subject understanding (i.e.: confusion between trafficking and smuggling, confusion between exploitation and trafficking, etc.), among others expressed in the section of Written Press.

17. In order to compile the largest amount of information on the matter formulated by civil society actors, this National Organization used two ways: 1) through the search for publications on the internet and, 2) through a review of material that has been delivered by various civil society organizations to the Fifth Rapporteur of this National Organization.

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matter of trafficking in persons", which translates from "delitos en materia de trata de personas", is used throughout the document.

18. During the search and review, an important amount of published material was found, some even from some decades ago. Nonetheless, in order to meet the general time delimitation established for the elaboration of the *Diagnosis*, only what was published between June 15<sup>th</sup>, 2012 and July 31<sup>st</sup>, 2017, or what includes data from these five years, was taken into account.

19. In order to find Mexico's references in international documents, first were directly consulted those out of which this National Organization was aware that they were known for its relationship with the matter. Subsequently, an internet search was carried out, through which several documents about the situation of Mexico with respect to issues related to trafficking in persons were located, however, since they did not address the situation of the country in said matter, they were not included in the *Diagnosis*.

20. For the preparation of *Chapter III. Situation of trafficking in persons according to the actions of the authorities*, during October and November 2017, request documents and their formats (in the corresponding cases) were sent physically and electronically to 17 federal authorities, requesting its collaborative support for the elaboration of a diagnosis regarding the fulfillment of the obligations established in the General Law and its Regulations in order to verify the progress achieved and the areas that needed to be strengthened. The consulted units and organizations were the following: CEAV, the Ministry of Public Education (SEP), the National Institute for Social Development (INDESOL), the Ministry of Health (SALUD), the Ministry of Labour and Social Welfare (STPS), the Executive Secretariat of the National System of National Security (SESNSP) / SEGOB, the National Institute of Women (INMUJERES), the National Institute of Criminal Sciences (INACIPE) / PGR, the National System for the Integral Family Development (DIF), the Ministry of Communications and Transportation (SCT), the National Security Commission (CNS) / SEGOB, the SRE, the PGR, the Ministry of Social Development (SEDESOL), the INM, the Ministry of Tourism (SECTUR) and the Ministry of the Interior (SEGOB).

21. In order to request information, obligations of each agency and organization were identified at three levels: 1. Direct references, 2. References to actions that must be developed within the framework of the Inter-Secretariat Commission and 3. References to actions that are established at all levels of Federal Government authorities. Once the obligations were identified, indicators that could measure their compliance and were associated with each article of the General Law or the Regulations for its foundation were generated.

22. This National Organization systematized the information received, and after analyzing it, it was divided into themes to be able to present a diagnosis related to each of the components of combating crimes in the matter of trafficking in persons: prevention, attention to victims, investigation, inter-institutional coordination, as well as institutional abilities. Throughout each text, the obligation established in the General Law or in its Regulations with its corresponding legal basis, the indicators that were generated by this National Organization and the response sent by each agency or organization consulted are presented.

23. Although most of the agencies and organizations answered each of the required points, on many occasions there were evasive and incomplete answers. Authorities indicated sending attachments that were not integrated, or, which consultation was not possible because the submitted formats did not allow for a complete review. Information that did not correspond to the requested period,

which for informational purposes was integrated as foot notes, but was not considered to establish compliance with the corresponding obligations was also reported.

24. On some occasions, the justifications indicated by the authorities on the lack of fulfillment of a certain obligation established in the General Law were included textually. Likewise, when it was considered relevant to present some information submitted by agencies and organizations, tables and summaries, it was included textually.

## NATIONAL AND INTERNATIONAL LAW

25. The Government of Mexico has committed to the international community through the adoption and ratification of international treaties aimed at combating trafficking in persons, slavery and practices similar to slavery, forced labour, as well as defending the rights of children and the right of women to a life free of violence. The most relevant of all these legal instruments for the diagnosis is the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking Protocol) that complements the United Nations Convention against Transnational Organized Crime, because it is considered the international instrument that provides the first definition of “trafficking in persons” and establishes the minimum components that States must implement to comprehensively fight it, including victims services.

26. On April 13<sup>th</sup>, 2007, an amendment to the Federal Criminal Code was published in the Official Journal of the Federation (DOF), which included the first criminal type on trafficking in persons, allowing this to investigate and punish it. However, the aforementioned amendment did not comply with all the commitments acquired from of the ratification of the Protocol against Trafficking in Persons, including the creation of public policies on prevention and victims’ services.

27. As a result, months later, on November 27<sup>th</sup>, 2007, the Law to Prevent and Punish Trafficking in Persons was published in the DOF, including, in addition, trafficking in persons in the cases of article 2<sup>o</sup> of the Federal Law against Organized Crime. Besides, trafficking in persons was incorporated as a felony and to the catalog of crimes for which no parole is granted.

28. At the local level, Congresses of federal organizations in some cases passed laws on the matter and, in others, made amendments to their criminal codes, including not only the criminal type of human trafficking but other related crimes such as child pornography and child sex tourism. The lack of understanding of what trafficking in persons is and its difference from exploitation, as well as the laxity with which the definition of the Trafficking Protocol was taken, caused that each criminal offense approved in federal and local congresses was different. This prevented the implementation of a standardized criminal policy in the country, so on July 14<sup>th</sup>, 2011 an amendment in section XXI, of article 73 of the Constitution was published in the DOF, which aimed at empowering the General Congress of the United Mexican States on the creation of a General Law on the matter that standardized said criminal situation in the country.

29. On June 14<sup>th</sup>, 2012, the General Law to Prevent, Punish and Eradicate Crimes in Trafficking in Persons and for the Protection and Assistance to Victims of these Crimes was published, thereby repealing the Law to Prevent and Punish Trafficking in Persons of 2007.

30. On September 23<sup>rd</sup>, 2013, the Regulations of the General Law to Prevent, Punish and Eradicate Trafficking in Persons and for the Protection and Assistance to Victims of these Crimes were published (Regulation of the General Law).

31. This General Law encompasses under the denomination “crimes in the matter of trafficking in persons” 26 criminal offenses of which, only one of them, the one described in article 10, to some extent is related to the definition of trafficking in persons established as an international basis in article 3 of the Protocol against trafficking in persons. Criminal offenses of articles 11 to 36 correspond to crimes related to various forms of exploitation and other related crimes, which although they may be linked to trafficking in persons also exist independently. Each of these criminal types have their own sanctions and have effects on different legal assets.

32. Punishing all persons and companies involved in the process of trafficking in persons and exploitation is vital. For the first time, the General Law criminalized conducts that had not been punished in Mexico despite its seriousness, such as sexual exploitation of persons of legal age, slavery and forced labour, to name a few. Nevertheless, based on the results obtained from the analysis of information sent by Attorney General's Offices and Prosecutions and Courts and, in the way in which instances such as the SESNSP have submitted their reports on crime incidence, the decision to have opted for using the category "crimes in trafficking in persons" to encompass a series of criminal offenses that describe behaviors that are not trafficking in persons, but crimes that are related to it, has generated confusion, but above all, has prevented progress in matters of prosecution and law enforcement for the crime of trafficking in persons against crimes in the field of exploitation.

33. Nor has it allowed to obtain figures on each of the forms of exploitation for which the investigations are being carried out, this ceases to make visible the incidence of other crimes that do not necessarily derive from trafficking in persons and that are criminalized and punished with important penalties in the General Law.

34. The General Law is a code that contains important provisions aimed at protecting victims of crimes in the matter of trafficking in persons, with special emphasis on actions aimed at prevention and inter-institutional coordination. The Second Book called “About State Policy”, contains a First Title in which the provisions relating to the Inter-Secretariat Commission to Prevent, Punish and Eradicate Crimes in the Matter of Trafficking in Persons (Inter-Secretariat Commission) are established. In addition, it states the obligation to create a National Program to Prevent, Punish and Eradicate Crimes in the Matter of Trafficking in Persons and for the Protection and Assistance of Victims of these Crimes (National Program).

35. Locally, in agreement with the Legislative Observatory implemented by the Extraordinary Chair on Trafficking in Persons at the National Autonomous University of Mexico,<sup>4</sup> by July of 2017, only 16 local congresses had made a legislative standardization to the General Law: Aguascalientes, Baja California, Colima, Coahuila, Mexico City, Durango, Guerrero, State of Mexico, Jalisco, Puebla, Querétaro, Tamaulipas, Veracruz, Zacatecas, Quintana Roo, and Michoacán. The standardization

<sup>4</sup> For more information, please go to: <http://investigacion.politicas.unam.mx/catedratura/wp-content/uploads/2014/11/Información-actualizada-2017-para-ppage1.pdf>.

meant that they had issued a new Law or amended their Law expressly to standardize it with the General Law and repealed the criminal offense of their codes or they refer to the General Law.

## CHAPTER I. The situation of trafficking in persons in Mexico according to official figures

36. The first chapter is divided into four sections that present the results obtained from the answers provided by federal and state authorities. In the first section, information is presented on aspects related to victims of crimes related to trafficking in persons, both those identified in the field of justice, and those that were reported as attended by the Executive and State Commissions for the Attention to Victims, by the INM and the SRE. In the second one, data on investigations initiated by the crimes established in the General Law, both at federal and local levels, are included; and information is provided on the persons indicted and charged with the crimes related to trafficking in persons, and the probable criminal participation of public servants, both men and women, members of organized crime and of persons with a kinship relationship with the victim in the commission of these crimes.

37. In the third section, the results are presented on the information sent by jurisdictional bodies, related to law enforcement. Finally, the fourth section focuses on the institutional abilities of the authorities to have a national overview regarding the sensitization and training that has been given to the personnel to carry out their functions, as well as the linkage and coordination established for prevention and victims' services. In the specific case of Prosecutions and General Attorney's Offices, this document also refers to the specialized areas created for the prosecution of the crimes established in the General Law, as well as shelters, half-way houses and refuges for accommodation, attention and protection of victims, affected people and their witnesses, and the development of specialized protocols

### Victims of crimes in the matter of trafficking in persons

38. The Prosecution and General Attorney's Offices, in federal<sup>5</sup> and state fields, identified at a national level, 5,245 victims of human trafficking crimes. With the exception of Colima and Yucatán, at least one victim of these crimes was identified in all states.<sup>6</sup> A state authority reported 85% of the victims, and the remaining 15% were reported the federal one.

39. Girls and women represent the highest percentage of victims of crimes in the matter of trafficking in persons with 85%. Men and children represent the other 15%.

40. It is noted that for five State Prosecution and State Attorney General's Offices, the total number of identified victims are women: Campeche, Durango, Guerrero, Tabasco, and Tamaulipas. The foregoing should not be interpreted strictly in terms of the absence of boys and male victims in

<sup>5</sup> With information from the Special Prosecutor's Office for Violence against Women and Trafficking in Persons and the Deputy Attorney General's Office for Special Investigation into Organized Crime.

<sup>6</sup> It was not possible to analyze this information provided by Morelos authority, given the discrepancies in their response.

these federal states, but as a possible lack of identification of this sector of the population as vulnerable to crimes in the matter of trafficking in persons.

41. Regarding the age of identified victims, the majority are adults, representing 73%; in contrast, 27% are girls, boys and adolescents. The sexual disaggregation of this information reveals that in the case of female victims, persons under 18 years of age represent 25%, for men victims, children and adolescents account for 37%.

42. When readdressing the information in the previous point, it becomes visible that almost four out of every 10 male victims are under 18 years of age.

43. Regarding the nationality of the identified victims, 84% are Mexican, which shows that in Mexico, the vast majority of cases occur within borders, so there is a greater degree of domestic trafficking in persons. In fact, 50% of all Mexican victims were identified in the same state from which they came from.

44. Regarding foreign victims, who represent 13% of total figures, the trend of a greater number of identified women, 88%, repeats itself. In Mexico, the presence of people from 28 different countries was observed, almost all of them from the American Continent, South America and Central America, specifically.

45. At a national level, there is no information on 72% of the victims regarding their belonging to any group in conditions of vulnerability to crimes in the area of trafficking in persons, which prevents having a national overview on populations at greater risk. There were only 29 victims belonging to an indigenous community, four people with disabilities, six people belonging to the LGBTTTIQ community and three migrants in transit.

46. When grouping victims of crimes related to trafficking in persons in the sexual field, it is observed that they represent 70% of the total amount victims. Victims of trafficking in persons for the purpose of prostitution of others or other forms of sexual exploitation are included in the terms of art. 10 fraction III; human trafficking in terms of art. 10 and exploitation of prostitution of others or other forms of sexual exploitation (some articles ranging from 13 to 20); and exploitation of prostitution of others or other forms of sexual exploitation (art. 13 to 20). If this information is disaggregated by gender, women and girls represent 95% of victims of crimes in matter of trafficking in persons in the sexual field.

47. When grouping victims of crimes related to human trafficking in the sexual field, it is observed that they represent 70% of the total amount victims. Victims of human trafficking for the purpose of labour exploitation are included in the terms of art. 10 fraction IV;<sup>7</sup> human trafficking in terms of art. 10 and labour exploitation (art. 21); human trafficking in terms of art. 10 and forced labour or services (art. 22); labour exploitation (art. 21), and forced labour or services (art. 22). If this information is disaggregated by gender, women and girls represent 95% of victims of crimes in the matter of trafficking in persons in the sexual field.

48. Twenty-two victims of forced begging were also identified, twenty victims of illegal adoption of a minor, nine victims of use of minors in criminal activities, six victims of forced or servile marriage,

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<sup>7</sup> Cases of human trafficking with purposes of forced labour in terms of art. 10 fraction V, were not registered.

five victims of forced labour or services, two victims for behaviors punished in art. 32 of the General Law and one victim of slavery. In addition, nine victims of human trafficking in terms of art. 10 and two or more types of exploitation; seven human trafficking in terms of art. 10 and forced begging; four of two or more types of exploitation; and one of human trafficking in terms of art. 10 and use of minors in criminal activities. Likewise, eight victims of an unidentified type of exploitation were reported, as well as four of human trafficking in terms of art. 10 and of an unidentified type of exploitation.

49. Authorities reported 25 victims of different crimes whose police investigation started because of any of the crimes within the General Law, but the indictment and accusation was based on another crime: 18 for pimping and pandering, one for rape, one for domestic violence, pimping and pandering and human trafficking, one for illegal deprivation of freedom, one against minor's education, as well as three victims identified by San Luis Potosí State, in terms of its state regulations previous to the General Law (pimping and pandering and human trafficking). Likewise, the Attorney General's Office of the State of Nayarit reported six victims for whom the investigation was initiated by the Criminal Code in force at the time of the events and for which there was insufficient evidence to prove the responsibility of the persons indicted.

50. At the national level, the Prosecution and Attorney General's Offices did not identify victims of the following three criminal offenses indicated in the General Law: condition of servant, living human organs, tissues, and cells trade; and illegal biomedical experimentation in human beings. For the rest, at least one case is registered in the country.

51. Between January 2014 and July 31<sup>st</sup>, 2017, the CEAV informed this National Agency the attention of 790 victims, of these it is indicated that 80% (631) of the direct victims reported correspond to 2014. Out of which, 539 were addressed by the General Directorate of Federal Legal Assistance of the CEAV (districts), and out of these, 536 matched with an operation carried out by the Attorney General's Office at the time, in a home in Zamora, Michoacán.<sup>8</sup> It is then observed that, out of the total number of victims reported in 2014, 85% correspond to one single case

52. With the response granted to this National Commission, it is impossible to affirm that there are comprehensive services to the victims of crimes in the matter of human trafficking. Proof of this, is the lack of information from the CEAV and CEEAVs which is reflected in the *Diagnosis*, regarding whether the victims who reported having attended, received the actions that make up the immediate help, assistance and care measures, contemplated in the Comprehensive Model of Attention to Victims.

53. Regarding the profile of the victims that were reported, it is observed that 375 are women and girls, 398 men and boys, and 17 are reported with no information on sex. When taking into account

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<sup>8</sup> This case caused the Recommendations 53/2015 on the case of violations of legal security and inadequate prosecution, committed to the detriment of crime victims rescued from CH in Zamora, Michoacán; as well as the 14VG / 2018 on serious human rights violations to the detriment of 536 people victims of crime, including girls, boys and adolescents, in a situation of extreme vulnerability, who were located in a home in Zamora Michoacán; published by the CNDH on December 29th, 2015 and October 31st, 2018, respectively. Available at: [http://www.cndh.org.mx/sites/all/doc/Recomendaciones/ViolacionesGraves/RecVG\\_014.pdf](http://www.cndh.org.mx/sites/all/doc/Recomendaciones/ViolacionesGraves/RecVG_014.pdf) [http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2015/Rec\\_2015\\_053.pdf](http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2015/Rec_2015_053.pdf), respectively.

the data of 98% of the victims attended by the CEAV of which their sex is known (773), it is observed that 51% of the victims attended by the federal authority are men and boys, while the remaining 49% are women and girls.

54. Based on the data on the age of female victims (339),<sup>9</sup> it is concluded that 53% are adults, while the remaining 47% are minors. As for male victims whose age information was available (383),<sup>10</sup> it is observed that 66% of them are persons under 18 years of age, while 34% are adult men. Unlike female victims, the largest number of men who received care from the federal authority are children and adolescents; in fact, they represented 41% of the victims attended.

55. During the requested period, the CEAV reported having treated 273 indirect victims of crimes in the matter of human trafficking, out of which 211 (77%) are women and 62 (23%) are men. When considering the total amount of indirect female victims reported as being cared for by the CEAV on which their age information is available (207),<sup>11</sup> it is indicated that 90% of them are adult women, while the remaining 10% are girls and adolescents. Likewise, indirect male victims whose age information was reported (61)<sup>12</sup> allowed to know that 56% are adults and 44% are children and adolescents.

56. Information from the federal CEAV regarding the types of exploitation does not match the disaggregated data provided, which made it impossible to analyze it.

57. Out of the 18 CEEAVs<sup>13</sup> that provided information, only nine reported attending to direct victims of human trafficking crimes from 2014 to July 31<sup>st</sup>, 2017:<sup>14</sup> Campeche, Coahuila, Guerrero, Michoacán, State of Mexico, Morelos, Quintana Roo, Tamaulipas and Tlaxcala. Of the rest, five registered that they do not have data in this regard: Jalisco, San Luis Potosí, Tabasco, Veracruz, and Zacatecas; two reported that they did not attend to direct victims of these crimes: Colima and Durango; while two others responded "not applicable" in the corresponding formats: Nuevo León and Yucatán.

58. The CEEAV drew attention to 139 direct victims of crimes in the matter of human trafficking, 106 women and 31 men; of the remaining two this information is unknown. By taking into consideration those direct victims on which disaggregated data were provided (137), it is obtained that 77% is made up of women and girls, while the remaining 23% are men and boys.

<sup>9</sup> The age of 36 female victims is unknown.

<sup>10</sup> The age of 15 male victims is not available.

<sup>11</sup> The age of 36 female victims is unknown.

<sup>12</sup> The age of 1 indirect male victim is unknown.

<sup>13</sup> The State Executive Commission of Attention to Victims of the State of Chihuahua did not respond to the CNDH request for information.

<sup>14</sup> With the exception of the CEEAV of Tamaulipas, which started working in 2013, the rest of these institutions were created from 2014 onwards. Tamaulipas authority reported that it attended to direct victims of crimes in the matter of human trafficking in 2013, so it is not included in the period of information submitted to the CEEAV as a whole.

59. Based on data on the age of female victims (339),<sup>15</sup> it is concluded that 53% are adults, while the remaining 47% are under eighteen years of age. As for male victims for whom their age information was available (30),<sup>16</sup> the same percentage of adult victims as for minors is observed.

60. Regarding victims reported as attended by the CEAV and CEEAVs, it is observed that, in those cases in which there was information on age and sex, 55% of them are girls, boys and adolescents; while the rest are adults. If only the attention of female victims is considered, it is concluded that, with a small difference, more adults were attended to (53%). On the other hand, if this analysis is carried out with respect to male victims, it is observed that adults and children and adolescents were attended to equally.

61. Regarding crimes in the matter of trafficking in persons of which direct victims reported as attended by the CEEAV were subject, it is observed that 42% corresponds to sexual exploitation (59), 6% to exploitation in forced labour or services (9), 4% to forced begging (5) and 1% to forced or servile marriage (1), the remaining 47% corresponds to cases in which the type of exploitation was not identified (65). No victims were reported to have been exploited for slavery or practices similar to slavery, servitude, removal of an organ or component or any other type of exploitation.

62. CEEAVs informed attending to 55 indirect victims of crimes in human trafficking, out of which 40 are women, 14 men and a victim reported by the authority of the State of Mexico whose sex was not informed.

63. In addition to the victims of crimes in the matter of trafficking in persons, indirect victims should be considered not only because of the secondary effects that may arise, but also because they have the right to be attended to, cared for and protected. In this same regard, there is information provided by the Federal and State CEAV that bring the assistance of 328 indirect victims together. Of these, 77% are women, continuing with the national trend of a greater presence of female victims of these crimes; also, more adults are reported as indirect victims attended, representing 83% of the total amount. It was not possible to know the relationship between indirect and direct victims, because the authorities do not have this information for 83% of cases.

64. Virtually all of indirect victims are Mexican, since only one of Guatemalan nationality is registered and five without registration of this type of information.

65. The INM reported the detection of 133 foreign victims of crimes in the matter of human trafficking, in Districts of: Aguascalientes, Campeche, Chiapas, Chihuahua, Mexico City, Morelos, Nuevo León, Oaxaca, Tabasco, Tampico, Veracruz, and Yucatán. Of the total number of victims detected by the INM, 93 are adult women, 17 girls, 17 adult men and 6 boys. From this information it is observed that 83% of the victims are women and girls, while 17% are men and boys.

66. Nationals from 15 different countries were identified: Argentina, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Spain, United States of America, Guatemala, Honduras, Italy, Nicaragua, Paraguay, Togo, and Venezuela. Seventy six percent of the detected victims are from the countries

<sup>15</sup> The age of 9 female direct victims attended to is unknown.

<sup>16</sup> The age of an attended male direct victim is unknown.

of the Northern Triangle of Central America: 47% are Honduran, 22% Guatemalan, and 7% Salvadoran.

67. The INM reported that the majority of victims of crimes in the matter of trafficking in persons detected were sexually exploited, followed by forced labour or services and forced begging.

68. The SRE reported that during the period between December 2012 and July 2017, the Mexican Consular Network in the world detected and treated 2,114 Mexican victims. Of the total, 796 are men, 533 boys, 422 women, and 363 girls; therefore, 63% of the victims are men and boys, while 37% are women and girls.

69. The information provided by the SRE did not allow this National Organization to analyze crimes in the matter of trafficking in persons that people reported by this agency were victim of, since it mentioned protection types by "kidnapping and/or physical exploitation, violation of labour rights with exploitation purposes, labour trafficking, and processed under the TVPRA law". This National Commission determined that since it is not related to the crimes in the matter of trafficking in persons established in the General Law, nor to the exploitation forms established in the Trafficking Protocol, it is not possible to analyze these cataloguing.

#### **Prosecution of crimes in the matter of trafficking in persons**

70. For the period from 2012 to 2017, 765 detailed reports were initiated in 11 State Attorney General's Offices and Prosecution Offices, of which 55% are federal and the rest state. For the latter, almost 80% of these investigations were concentrated in two Prosecutions, that of Baja California and that of Tlaxcala. Of all of the reports, only 24% began a preliminary investigation or investigation file.

71. There was a report of 2,701 prior inquiries and investigation files initiated and / or concluded for crimes in the matter of trafficking in persons at the national level. With the exception of Yucatán and Durango, all authorities registered at least one investigation. Of the total amount, 72% are from the local level and the remaining 28% from the federal level.

72. Both at local and federal levels, it should be noted that inquiries and files submitted and incompetent were recorded, in 2% in the first case, and in 31% in the second, so it should be considered in the analysis of investigations initiated by crimes in the matter of trafficking in persons in Mexico, that there may be duplication in the information presented by the authorities.

73. A crime or crimes in the matter of trafficking in persons that initiated administrative investigations and investigation files show the breadth of variables that can be presented according to the General Law, in total 55 cases reported by the authorities were identified, in which investigations were found for a single crime established in the General Law and for two or more crimes of this standard.<sup>17</sup>

74. Likewise, there are eight investigations that were initiated for other crimes or for human trafficking, in accordance with the regulations prior to the General Law, but which were recorded in accordance with this Law.

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<sup>17</sup> The information broken down by crime is first found in Chapter I of *Diagnosis*.

75. It is noted that at the national level there was no administrative investigation or investigation file for criminal behaviors related to sexual exploitation in terms of art. 15 of the General Law, for illegal biomedical experimentation in human beings, in accordance with article 31, as well as for the behaviors punished in article 34.

76. Seventy percent of investigations at the state level were concentrated in five authorities: Baja California, Chiapas, Mexico City, State of Mexico, and Oaxaca. All of them have a Prosecution's Office or Special Unit and report 55% of the victims identified nationally by the Attorney General's Office.

77. On the situation of the investigations and folders of the local scope, as of July 31st, 2017, it was observed that in only 28% of them the exercise of the criminal action was determined; while in 35% the Public Prosecution Office resolved for a non-exercise of the criminal action, 32% were still pending, 2% are reported as submitted or incompetent, and the rest under other assumptions (no information, accumulation, mixed resolutions). As for the investigations at the federal level, by the same date it is recorded that only 10% of the criminal action was taken, while in 18% the Public Prosecution Office determined not to exercise criminal action, 32% were still in process, 31% were classified as submitted or incompetence, and 9% were accumulated.

78. Authorities reported for 46% of the investigations the lack of information regarding the probable criminal involvement of public servants, both men and women, members of organized crime and persons with a kinship relationship with the victim; while for 41% it was indicated that none of these assumptions were identified, in contrast, in 13% one of them was registered. Of those 359 administration inquiries and investigation files, in 224 it was identified that the indicted or charged person has kinship by blood or of the civil type, or affinity with the victim (in two of them the participation of public service personnel was also identified and in another, of a member of organized crime), in 127 there is participation of organized crime, and in 8 of public servants, both male and female.

79. At a national level, 3,344 people were indicted and charged. It is important to point out that this data refers to probable persons responsible for all the criminal offenses provided for in the General Law, so it would not be necessary to refer to them, both men and women as traffickers but as individuals indicted and charged for the crimes of human trafficking. Of these, 69% are men and the remaining 31% are women. With the data that includes age and sex of people, it can be concluded that there is a greater presence of adult men with a probable criminal involvement.

80. Regarding the nationality of the indicted and charged, the lack of information for 46% of the cases stands out, of the remaining, 51% are of Mexican nationality, while 3% are foreign persons. Regarding Mexican people, there is also a scarcity in the registration or systematization of the federal state of origin, given that this information is only available for 45% of them (39% are from the state in which the investigation is reported and 6%, other).

81. There is no nationality record of 91% of foreigners indicted and charged, in those cases in which this information was presented, nationals from 8 countries were identified: El Salvador, United States of America, Honduras, Israel, Italy, Puerto Rico, Romania, and Venezuela.

### Law enforcement for crimes in the matter of trafficking in persons

82. In the period from June 15<sup>th</sup>, 2012 to July 31<sup>st</sup>, 2017, 19 courts reported victims derived from final judgments for crimes in the matter of trafficking in persons: Baja California, Campeche, Chihuahua, Mexico City, Coahuila, Durango, Guanajuato, Hidalgo, Jalisco, State of Mexico, Michoacán, Morelos, Oaxaca, Puebla, Querétaro, Quintana Roo, Sonora, Tlaxcala, and Veracruz. The states of Aguascalientes, Baja California Sur, Colima, Guerrero, Nayarit, Nuevo León, Sinaloa, Tamaulipas, Yucatán, and Zacatecas reported zero victims derived from final judgment. In the case of Chiapas and Tabasco, they reported that they do not have information and that San Luis Potosí does not apply.<sup>18</sup>

83. As a result of final judgments of crimes in the matter of trafficking in persons, 790 victims were identified, out of which 748 are women and girls, 37 men and boys, and 5 for whom this information is unknown. Of the total reported victims, 67% come from sentences handed down in Mexico City, 11% from Puebla, and 5% from the State of Mexico; which, together, represent 83% of the total amount of victims. Of the victims with information about sex (785), 95% are women and the remaining 5% are men. It is noted that 11 jurisdictional bodies reported that all of the victims derived from their convictions are women: Campeche, Chihuahua, Coahuila, Durango, Guanajuato, Hidalgo, Michoacán, Morelos, Oaxaca, Sonora, and Tlaxcala.

84. With respect to the 790 victims reported in final judgements of crimes in the matter of trafficking in persons, only 65% obtained an age record. Of this percentage, corresponding to 516 victims, it is observed that the majority are adults, representing 81%, while 19% are girls and boys. When analyzing this information by sex, it is noted that, in the case of women, the adults represent 84%; unlike the case of men, in which 63% corresponds to children. Of these victims, there is only nationality for 114, they represent 14%. Of them, it is observed that the majority are Mexican (112), since only two foreign victims were registered: one of them originally from Cuba and the other did not have specific data on the country of origin, but was reported in this item. When disaggregating nationality by sex, information was obtained from 105 victims, where 98% correspond to Mexicans and 2% foreigners; Under the same analysis parameter, the total of male victims is Mexican (9).

85. Regarding the federal state of origin of Mexican victims, 17% are from the State of Mexico, followed by Guanajuato, Sonora, and Tlaxcala with 9% each, and the rest is distributed in 16 other states. Information is unknown or not available for 4% of Mexican victims.

86. There was a report of 492 people sentenced for crimes in the matter of trafficking in persons<sup>19</sup> with final judgements, of which 343 are men, 147 women, and 2 people registered without information. Of the total sentenced persons, 58% were reported by Mexico City, while the State of Mexico and Puebla each registered 8%; therefore, these three states together 74% of the sentenced persons. When taking into account the data of persons sentenced whose profile information is

<sup>18</sup> It is to be remembered that in the methodology of the present *Diagnosis* it is indicated that in the request documents and its formats that were sent to the Jurisdictional bodies, it was established as one of the general criteria for its filling that if no information was available on any of the items, to register the acronym S. I., Sin Información (No Information); in case any item did not apply, then register the acronym NA (Not Applicable).

<sup>19</sup> Just as in the case of indictments and charges, it is important to note that this data refers to those responsible for the commission of the various behaviors established in the General Law, so it is not necessary to refer to them as traffickers.

available by sex - women and men - whose total was 490, it is observed that 70% are men, while the remaining 30% are women.

87. In relation to this total amount of people sentenced for crimes in the matter of trafficking in persons, age record of 88% was recorded, while for 12% this information is unknown. From the first percentage that corresponds to 432 people sentenced with age disaggregation data, it is observed that 430 are adults and only two minors.

88. Regarding sentenced people, 85% of their nationalities were accounted for, there is no information about the other 15%. Out of the percentage presenting data, which corresponds to 419 sentenced people, it is observed that the majority are Mexican (411) and only eight foreigners (four men and four women). Regarding the state of origin of Mexican sentenced persons, 44% were born in Mexico City, 11% in the State of Mexico, 5% in Tlaxcala, followed by Chihuahua, Puebla, and Veracruz with 4% each one, the rest is distributed in 21 other states. It was not reported for the 2% remaining sentenced persons.

89. In the period covered by the *Diagnosis*, 29 jurisdictional bodies, both state and federal, reported having sentences issued for crimes in the matter of human trafficking.<sup>20</sup> Colima, Nayarit, Nuevo León, and San Luis Potosí reported that they have no sentences whatsoever for these crimes.<sup>21</sup> It is important to point out that the Prosecution and Attorney General's Offices of the aforementioned states reported that they initiated administrative inquiries or investigation files for crimes in human trafficking, as can be seen in the respective section of the *Diagnosis*.<sup>22</sup> This information yields a total of 858 sentences handed down for crimes in the matter of human trafficking.<sup>23</sup>

90. Out of the total amount of sentences handed down, 296 were acquittals and 562 convictions.<sup>24</sup> Of these, 543 were issued in jurisdictional bodies in the field of state jurisdiction and 19 in the federal one.<sup>25</sup> It should be noted that the 562 convictions are not necessarily for human trafficking

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<sup>20</sup> The Supreme Court of Justice of the Nation, operating in full and in rooms, given its legal nature and competence, reported exclusively information concerning training actions of its public officials. The Federal Judicial Council reported on the sentences issued by federal courts of jurisdiction. In the case of the National Commission of Superior Courts of Justice of the United Mexican States, it indicated that the information had already been requested by the CNDH, directly to the Courts of Justice, and therefore did not report data.

<sup>21</sup> San Luis Potosí reports zero sentences, making the following statement: "To those it may concern, are hereby informed that data is not processed, adequate or systematized, with respect to the Article of the General Law to Prevent, Punish and Eradicate Crimes of Trafficking".

<sup>22</sup> Colima reports an investigation file (2017), Nayarit reports two investigation files (2017), Nuevo León an administrative inquiry (2012), and San Luis Potosí four administrative inquiries (2014-2016). It is noteworthy that these states sent more data, but did not meet diagnostic criteria.

<sup>23</sup> The specific request of this National Commission was to have information on the sentences issued for crimes related to human trafficking contained in the General Law, but some jurisdictional bodies also reported 27 sentences handed down in the period by other criminal rules different to that indicated, so these data are only kept to account for the total number of sentences issued from June 2012 to July 2017, but are not taken into account for subsequent specific breakdowns (criminal offense, compensation, etc.).

<sup>24</sup> Jurisdictional bodies report 292 acquittal sentences, but in the detailed review of the information it is observed that 4 convictions were revoked through means of challenge, so they were separated from the convictions and added to this item for greater accuracy, resulting in a total of 296 acquittals and 562 convictions.

<sup>25</sup> Information provided by the General Directorate of Judicial Statistics of the Federal Judicial Council, indicating as a source the Comprehensive File Tracking System. Out of the information provided, the corresponding analyzed period was

in terms of article 10 of the General Law, but may correspond to one or more of the crimes indicated in the aforementioned code.

### **Institutional Abilities**

91. At a national level, only 12 Prosecution and Attorney General's Offices have a shelter, half-way house or refuge where victims of crimes in human trafficking can be looked after. Together, they report 10 refuges, 9 shelters and a half-way house, but one of the shelters stopped operating in November 2017.<sup>26</sup> It should be noted that not all of these infrastructures provide care only to victims of trafficking crimes nor are they specialized in it.

92. Contrasting the national data on the victims identified by the Office of the Attorney General and Prosecutors, with those that were treated in institutional shelters, there are notable differences with respect to those belonging to the groups in vulnerable conditions. According to the information on the 364 victims looked after in shelters belonging to seven authorities for the prosecution of justice, 27% of them belong to one of these groups: 35 are people from an indigenous community, 31 people with disabilities and 33 migrants in transit.

93. It is also important to note that these spaces do not provide accommodation for adult men, and in the case of children and adolescents their stay is allowed until they turn 13. Despite this, four of the 12 authorities with refuges, shelters or half-way houses reported that they do not channel victims to any other institution. The rest does report channeling, but only the Attorney General of the State of Puebla said they had an agreement signed to carry out this action.

94. Regarding authorities for law enforcement that do not have any space for accommodation and care of victims, 15 reported the channeling to public and / or private institutions, but only two indicated the existence of an agreement or an understanding for it: Colima and Quintana Roo. It should be noted that six Prosecution and Attorney General's Offices reported that they do not channel victims or did not report about it: Baja California, Baja California Sur, Chihuahua, Durango, Morelos, and Yucatán.

95. Regarding the attention to offended persons or indirect victims, 15 Prosecutions and Attorney General's Offices report that they did not grant it. In the case of witnesses, the lack of direct attention or through channeling is higher, since there are 18 authorities that do not register action for it. On those who do give attention to witnesses, the Attorney General's Office of Chihuahua and the Prosecution's Office of Nuevo León, who reported specialized areas, stand out.

96. Regarding the development and application of Special Protocols, only eleven authorities in the prosecution of justice authorities reported having specific documents for the investigation of crimes related to human trafficking and / or attention to their victims.

97. Regarding awareness, training, and specialization actions directed to the staff of the Prosecution and Attorney General's Offices in the matter of trafficking in persons and related topics; Oaxaca

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readdressed. In addition, when reporting the information, it reports: "in the understanding that these amounts may vary according to the capture or modifications made by the personnel of jurisdictional bodies".

<sup>26</sup> Aguascalientes, Campeche, Chiapas, Mexico City, Guanajuato, State of Mexico, Nayarit, Nuevo León, Puebla, Sonora, Tlaxcala, and the PGR (FEVIMTRA: Special Prosecutor's Office for Violence Against Women and Trafficking in Person).

indicated that it did not have any, while Baja California Sur and Durango said they did not have information about it. Eighteen state authorities and the PGR reported at least one capacity building action in the areas of human rights, children's rights, trafficking in persons, gender and violence against women. While for the remaining 11 authorities they report capacity building actions, but not in all the topics established in the *Diagnosis*.

Prosecution and Attorney General's Offices from Colima, Nayarit, San Luis Potosí, and Tabasco did not register any awareness raising and training activity in the matter of trafficking in persons for their staff.

98. The Special Attorney General Offices are also part of the institutional tools available for prosecuting crimes in trafficking in persons. Having a Special Attorney General Office not only meets what is mandated in the General Law, but its existence presupposes the appointment of trained personnel for the investigation of crimes in trafficking in persons, with their concrete specificities, as well as specialized attention to its victims

99. Nationally, 24 State Attorney General's Offices and the PGR had some specialized administrative unit, 10 were District Attorney's Offices and 15 were constituted under another figure. Only half of the Special District Attorney's Offices and one of the other special entities reported having their own budget.

100. Regarding the personnel assigned to District Attorney's Offices and other special entities for crimes in the matter of trafficking in persons, it was reported that 40% had up to 10 assigned female and male public servants. The results of the *Diagnosis* show that there is a correlation between the number of personnel assigned to the subject with the number of victims identified: the five specialized entities, who reported 50 or more public servants (Chihuahua, Mexico City, State of Mexico, Veracruz, and the PGR-FEVIMTRA) identified 51% of the victims reported throughout the country.

101. The 25 Attorney General's Offices and other specialized entities on crimes in the matter of trafficking in persons counted with 722 public servers (470 women and 252 men). It must be considered that these public servants do not necessarily dedicate themselves exclusively to the prosecution of these crimes. More often than not, these areas also attend other criminal conducts.

102. Fifty-two percent of personnel assigned to the areas mentioned in the previous point are in charge of the investigation of crimes, 17% are specialized experts, 9% attend to the victims, while the rest perform other functions.

103. Regarding the institutional abilities of CEAVs for the attention to victims of crimes in the area of trafficking in persons, by linking with other institutions and by strengthening the knowledge of their personnel in the field and related topics, it is highlighted that the federal authority, at its headquarters, did not link to prevent, care for or protect the victims, and in all of its Districts, only reported 29 meetings in the period. At the state level, only 10 Commissions reported information on inter-institutional links, through 50 actions that, for the most part, focused on victim attention and protection.

104. On sensitization and training actions, the CEAV reported only four and these were on violence against women and gender, reporting, then, a lack of training in human trafficking and human rights.

CEEAVs, with the exception of Yucatan's, indicates 144 sensitization and / or training actions with an impact of 3,382 male and female public servants. The issue with the highest incidence is that of human rights (46%), followed by gender (25%), violence against women (18%) and, finally, 16 actions were specifically pointed out in terms of human trafficking, representing 11 % of the total analyzed information.

105. Out of the total 32 jurisdictional bodies, the Supreme Court of Justice of the Nation and the Federal Judicial Council, 31 reported at least one sensitization and training action to their personnel on the subjects for which information was requested for the *Diagnosis*: human rights, children's rights, trafficking in persons, gender violence and violence against women.<sup>27</sup>

106. Out of these authorities, 20 reported actions on all topics: Aguascalientes, Baja California, Baja California Sur, Mexico City, Coahuila, State of Mexico, Guanajuato, Guerrero, Hidalgo, Michoacán, Morelos, Puebla, Querétaro, Sinaloa, Tabasco, Tamaulipas, Tlaxcala, Veracruz, the Supreme Court of Justice of the Nation, and the Federal Judicial Council.<sup>28</sup> The remaining 11 authorities reported capacity building, but not in all matters.

107. Together, the jurisdictional bodies reported 797 actions, out of that, 36% were in the matter of human rights, 27% in gender, violence against women with 16%, followed by children's rights with 13%, and human trafficking at the end with the remaining 8%. It is also reported that these actions impacted 72,919 female and male public servants.

## CHAPTER II. The situation of trafficking in persons in Mexico according to other sources of information

108. The perspectives presented in this chapter complement the data provided by federal and state authorities, highlighting other social questions, presenting other geographical routes, and pointing out how trafficking in persons profoundly affects both communities and victims.

### Written press

109. Out of 4,036 printed and electronic journalistic notes on trafficking in persons that were reviewed based on media monitoring carried out by the Program against Trafficking in Persons of the Fifth Inspector General Visit of the CNDH, between **January 1<sup>st</sup>, 2015 and as of July 31<sup>st</sup>, 2017**, 2,993 of the state level were identified, 1,037 of the national level and 6 which level could not be established.

110. The content of analyzed journalistic notes shows that Mexico City is the most published state, and that the reported cases revolve around human trafficking for the purpose of sexual exploitation. That after Mexico City, the states with the most journalistic notes on trafficking in persons are

<sup>27</sup> It is important to note that some jurisdictional bodies sent partial information on the institutional strengthening of some courts and not generic of the entire institution, not knowing if there are more data in this regard.

<sup>28</sup> The information provided by the Supreme Court of Justice of the Nation and the Federal Judicial Council, being of a general nature, was not subject to subsequent statistical classifications and is only reported in this item.

Puebla, Tlaxcala, Chihuahua, Coahuila, Chiapas, Michoacán, and the State of Mexico in that order, and of which the least notes are published are Nayarit, Durango, Campeche and Nuevo León.

111. Between 2015 and 2017, all federal entities reported journalistic notes regarding the commission of any of the human trafficking crimes indicated in the General Law. Sexual exploitation is one of the most mentioned and referred to forms, followed to a lesser extent by labour exploitation and forced labour or services.

112. With the exception of three months, it was monthly identified at least one note in which “white slavery” was used, and the expression was used to refer to the sexual exploitation of women mainly. Notes containing the expression “white enslavement” were also identified. They referred to trafficking for the purpose of sexual exploitation of women and trafficking in persons in general.

113. Notes were identified - mostly from local media - in which names and photographs of both the victims and the alleged perpetrators were published.

114. Arrests were reported for possession and / or dissemination of child pornography. Notes reporting “sex tourism”, as well as referring to a significant number of cases of people -mostly children and adolescents- sexually exploited by a family member were also identified on notes regarding more than 20 states.

115. Notes that reported femicide linked to cases of trafficking in persons were found as well as various articles with testimonies of fathers and mothers of persons - especially women - whose disappearance was related to trafficking in persons.

116. Sexting, grooming and other cybercrimes are subjects that are linked to human trafficking. According to the revised notes, surrogacy in Mexico is a subject studied trans-disciplinarily and linked to the exploitation of women for reproductive purposes.

117. Cases of crimes in the matter of trafficking in persons related to labour exploitation and forced begging of children are followed by the press closely. Above all, cases of children subjected to one or other crimes were reported in Mexico City.

118. Forced labour and services have become visible from specific cases such as that of the woman who was the victim of forced labour in an ironing shop in Mexico City, that of the shelters for children in Aguascalientes and Michoacán in which they were forced to perform jobs or that of the houses that served as rehabilitation centers, but in which people with addiction problems were subjected to forced labour.

119. The press highlighted the vulnerability of children and adolescents to being victims of organized crime in terms of their use for criminal activities. From crimes involving theft of hydrocarbons, to drug trafficking and homicides, the notes have documented how minors are involved in criminal activities in different states of the country. However, it is noted that there is still no awareness that the use of children and adolescents for criminal purposes is a crime of human trafficking in accordance with the General Law.

120. labour exploitation of day laborers is an issue that was reported more widely by the press following the case that was announced in March 2015, about the more than 200 male and female Tarahumaran day laborers who were victims of trafficking in persons for purposes of labour

exploitation in agricultural ranches in Baja California Sur. When cases were reported, it was not always specified whether the crime was classified as labour exploitation or as human trafficking for the purpose of labour exploitation.

121. Few notes were found about specific cases of migrants who have been victims of human trafficking. For the most part, the notes on migrants illustrate the scenario of dangers, including human trafficking, which they face during their journey through Mexico. However, it is observed that these people are vulnerable to the omissions of the authorities, as well as to suffer the direct consequences of acts of corruption of public servants.

122. People with disabilities, the elderly and the LGBTTTIQ community are groups of population with few references related to human trafficking. Only a few cases were reported where people belonging to these groups were placed as victims and to a small extent, they were mentioned in informative notes that addressed human trafficking in a general way.

#### **Civil Society Reports and Diagnostics**

123. Civil society organizations and academia have developed important studies and research that have contributed to the discussion of the reality of human trafficking in Mexico beyond official figures.

124. From annual work reports that include data of all cases they attended<sup>29</sup> to reports diagnosing the country's situation in the matter,<sup>30</sup> the materials consulted mainly relate to trafficking in persons for the purpose of sexual exploitation, although there are important exceptions that have initiated debates on new issues such as forced labour in the country.

125. There are publications that indicate the confusion presented by the legal framework and that the authorities have to distinguish sex work, sexual exploitation and human trafficking.<sup>31</sup>

126. The investigations carried out by the civil society have also glimpsed the problem in terms of its dimension, its causes and its effects, with special attention being paid to women, as well as children and adolescents.<sup>32</sup>

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<sup>29</sup> The Annual Reports of Statistical and Geo-referenced Data on Cases of the Coalition Against Trafficking in Women and Girls in Latin America and the Caribbean (CATWLAC).

<sup>30</sup> *The Country Monitoring Report on the Commercial Sexual Exploitation of Girls, Children and Adolescents of End Child Prostitution and Trafficking* (ECPAT).

<sup>31</sup> *Invisible consequences of the rescue. The case of the Table Dance* of Colectivo Contra la TDP A. C. (CCTDP, Collective Group Against Trafficking in Persons) and *An exploratory study to differentiate trafficking in persons from prostitution or sex work* from the *United Population Fund* (UNFPA) and Center of Studies and Research in Development and Social Assistance A. C. (CEIDAS).

<sup>32</sup> According to CATWLAC, gender inequality, discrimination, lack of opportunities, lack of empowerment and social acceptance of impunity and corruption are some of the factors that especially put women and girls at risk. Rodolfo Casillas and Manuel Almanza have determined that trafficking in persons for the purpose of sexual exploitation occurs in a sociocultural context with notions that promote gender, generational, social class and ethnic group inequalities that legitimize the exploitation of the most vulnerable groups in the society.

127. The civil society has insisted the vulnerability of women to human trafficking is due to inequality, poverty, gender inequality and discrimination.<sup>33</sup>

128. Likewise, it has documented that women, both in prostitution contexts and in situations of trafficking in persons for the purpose of sexual exploitation, are extremely exposed to femicide violence.<sup>34</sup>

129. In addition to the above, civil society organizations have made proposals to implement public policies mainstreaming a human rights differential approach and gender perspective,<sup>35</sup> as well as to integrate alternative models to hegemonic and patriarchal masculinities to the strategies of prevention against trafficking in persons.<sup>36</sup>

130. Corruption has been identified by the civil society as a determining factor in the existence of crimes in trafficking in persons, especially in the sexual exploitation of children and adolescents,<sup>37</sup> and has also been detected as a risk factor, for women and girls, since it puts them in danger of being harmed by the forms of slavery.<sup>38</sup>

131. According to civil society organizations, in Mexico both internal and international migrants,<sup>39</sup> especially day laborers, are susceptible to being hooked for labour trafficking.<sup>40</sup>

132. Although civil society has made visible the situation faced by indigenous people<sup>41</sup> and people from the LGBTTTIQ<sup>42</sup> community in terms of human trafficking, research and information related to these groups is scarce.

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<sup>33</sup> Rodolfo Casillas and Manuel Almanza on “The Federal District as the epicenter of trafficking for the purpose of sexual exploitation: A recognition of their vulnerable areas”, CATWLAC in *Diagnosis of structural and social causes of trafficking in persons in Mexico City* and Ignacio Lozano and Mauro Vargas in *The involvement of men in trafficking in persons for the purpose of sexual exploitation: a state of the matter*.

<sup>34</sup> Reported by the Observatory against trafficking in persons for the purpose of sexual exploitation in the Federal District in a report made with Centro Antonio Montesinos A. C.

<sup>35</sup> Proposal made by the Observatory against trafficking in persons for the purpose of sexual exploitation in the Federal District in its Fourth Report.

<sup>36</sup> According to Mauro Vargas and Melissa Fernández in *Diagnosis on the construction and reproduction of masculinity in relation to trafficking in women and girls in Tlaxcala*, and the Observatory against trafficking in persons for the purpose of sexual exploitation in the Federal District.

<sup>37</sup> ECPAT and Espacios de Desarrollo Integral A. C. in *Country Monitoring Report on Commercial Sexual Exploitation of Girls, Children and Adolescents*.

<sup>38</sup> CATWLAC in *Annual Report of Statistical and Geo-referenced Data Cases Red Alert System 2013*.

<sup>39</sup> Hispanics in Philanthropy (HIP) in *A look from civil society organizations to human trafficking in Mexico*.

<sup>40</sup> Polaris Project in *Diagnosis - Trafficking in Persons with labor purposes in Mexico*.

<sup>41</sup> Polaris Project notes that cases of national women and foreign victims have been identified, who were moved from their places of origin in Mexico or abroad, mainly from Central America and South America, to be forced into domestic work, forced begging, and they are commonly people belonging to indigenous communities.

<sup>42</sup> Instituto para las Mujeres en la Migración A. C. (IMUMI, Institute for Women in Migration), the Fray Julián Garcés Center for Human Rights and Local Development, the Antonio de Montesinos A. C. Center for Social and Cultural Studies (CAM) and *Urban Justice Center*, carried out a work based on the experiences of people who were victims of trafficking on their way from Mexico to the US, including transgender people.

### Specialized International Reports

133. The main challenge to know the dimension of a problem is the lack of databases. Given the lack of information and diagnoses prepared by the Government of Mexico, international reports, especially the Global Report on Trafficking in Persons of the United Nations Office on Drugs and Crime (UNODC), which is biannual, the Trafficking in Persons Report of the United States Department of State (*TIP Report*) published annually, the World Estimates of Modern Slavery of the International Labour Organization (ILO) and the Global Slavery Index of *The Walk Free Foundation*, have been the references to know the situation of human trafficking in Mexico. Also, the List of Goods produced by Child Labor or Forced Labor prepared by the United States Department of Labor provides a list of goods that the Department itself believes are produced under forced labour and / or child labour, in violation of international standards.

134. The United States Department of State, *The Walk Free Foundation* and the UNODC use information published by the media, as well as information provided by different authorities of the Government of Mexico and by organized civil society. The ILO and the United States Department of Labor use information obtained from national surveys conducted on the population of the country. The Department of Labor of the United States also uses information provided by other agencies of the Government of the United States of America, from studies conducted by governmental and non-governmental actors, as well as information published by the media.

135. The UNODC places Mexico within the North American region, of which it has indicated figures about the total number of victims of different forms of human trafficking, as well as the number of victims according to sex and age. Over the years, the UNODC has indicated that trafficking for the purpose of sexual exploitation is the most reported form in the region and that the majority of its victims are women. Also, that the largest number of victims reported for forced labour are adult men, indicating fluctuations in time in relation to the number of victims of this form in terms of sex and age.

136. *The Walk Free Foundation*, through its Global Slavery Index, seeks to analyze government actions to address what it has called “modern slavery” within what includes forced labour, debt bondage, forced marriages, slavery, practices similar to slavery, and human trafficking. This index also analyzes the factors that make people vulnerable to such modern slavery. In the four editions of this document, the location of Mexico within the classifications that include more than 160 countries has varied: in 2013 it ranked 107th in the global classification of population prevalence in modern slavery, in 2014, place 111 and in the 2018 edition it was ranked 114. In 2016, in another global classification, the estimated population proportion in modern slavery, placed Mexico in 36th place.

137. The ILO provides a study on the global situation of “modern slavery” in order to inform and guide the response from national policies to what this concept encompasses - forced labour, forced marriage, debt bondage, slavery, practices similar to slavery, and human trafficking. It does not report specific figures for Mexico, but in the preparation of the study, it was contemplated within the region of America, so surveys of the population in the country were conducted between 2014 and 2016. Of the 4.8 million people that the ILO reports were victims of sexual exploitation, 4% were exploited in the American region. The ILO estimates that 16 million people were subjected to forced

labour in the private economy, half of which were under a system of debt bondage, especially in agriculture and domestic work. In this region, approximately one third of the victims of forced labour exploitation were in debt bondage and most of them were men. The study does not contain recommendations addressed to countries.

138. The United States Department of State, based on data submitted by government authorities, issues reports to monitor the efforts made by governments in their fight against human trafficking. To this end, it classifies countries into three levels depending on government compliance with the minimum standards for the elimination of human trafficking and makes a series of recommendations so that governments can comply with those standards. Since 2012, Mexico has been classified in Level 2, because although it makes efforts to reach the standards, it does not comply with them. The reports have insisted that Mexico is a country of origin, transit, and destination of victims of trafficking for the purpose of sexual exploitation and trafficking for forced labour. It has also emphasized that the most vulnerable groups are children, girls, women, indigenous people, people with disabilities, people in migration, and people in the LGBTTTIQ community. The reports have indicated situations of corruption of local authorities, judicial agents, and immigration agents. Although the reports have sought to follow up on the judgments or sentences of the public servants involved in these events, the data reported shows that no progress has been obtained.

139. The United States Department of Labor uses sources of public information obtained, among other means, through investigation, public hearings or inter-agency consultations. According to the Department, in Mexico there is child labour in the production of peas, coffee, cucumber, eggplant, melons, onions, poppies, pornography, sugar cane, and tobacco. Child labour and forced labour exist simultaneously in the production of chili and tomato. It also reports that girls and boys belonging to impoverished indigenous communities located in regions such as La Montaña and La Sierra de Guerrero grow and harvest poppy. The list of Products made with Child Labor or Forced Labor reported that women and men are hooked by recruiters and forced to work in tomato production both in commercial plantations and in smallholder farms located in Baja California, Coahuila, Jalisco, San Luis Potosí, and Sinaloa.

### **CHAPTER III. The situation of trafficking in persons in Mexico according to the actions of the authorities**

140. The response that the authorities give to the obligations regarding trafficking in persons established in international treaties and national regulations, as well as the way in which they incorporate the human rights approach in their work to prevent it, punish it and attend to the victims is also a way of knowing the situation that keeps this problem in the country, since the action or lack thereof under the criteria of due diligence has direct implications in its eradication or proliferation, as well as in the fight against the factors that they generate as impunity, corruption, lack of access to opportunities in conditions of equality and violence.

141. Derived from the above, this National Organization considered it important to know the status of this compliance, and thus complement the panorama that the first two chapters of the *Diagnosis*

provide about the situation of trafficking in persons in Mexico based on information both official, as well as other sources in relation to the victims and the indicted and charged, the exploitation purposes presented, and the institutional abilities to investigate, prosecute, and enforce the law in this matter.

**Analysis of compliance with obligations established in the General Law on trafficking in persons by organizations and agencies of the Federal Public Administration**

**(June 15<sup>th</sup>, 2012 and July 31<sup>st</sup>, 2017)**

**Prevention**

142. The General Law has among its objectives, in addition to establishing crimes in the matter of trafficking in persons, preventing them. Hence the Second Title, which refers exclusively to this issue establishing obligations related to: 1. The implementation of prevention policies and programs; 2. Preventive care for highly vulnerable areas and groups; 3. The evaluation of prevention programs; 4. The attention to lags. In addition to this, throughout the General Law specific obligations are established to certain units and entities of the APF as well as to state and municipal authorities and, it indicates powers to the Inter-Secretariat Commission to carry out joint actions that are coordinated through the SEGOB.

143. One of the mechanisms indicated in the General Law to prevent the demand for services that may come from any of the crimes related to trafficking in persons is the monitoring and surveillance of classified ads that must be carried out by the Inter-Secretariat Commission through the guidelines that SEGOB issues for such purposes. The Guidelines for Surveilling and Monitoring Classified Ads were published in April 2014, and implemented by various areas of that dependence, however, one of the objectives was that the information derived from this monitoring allowed the Inter-Secretariat Commission to develop actions to prevent, punish and eradicate crimes in trafficking in persons, and this was not met. The foregoing, since there is no evidence that the Technical Secretariat of the Inter-Secretariat Commission has sent bimonthly reports to its members, as established in the document, and that the Working Group VIII created within that mechanism, with the purpose of completing the provisions set forth in the Guidelines, had met after publication to follow up and implement actions.

144. In the period covered by this *Diagnosis*, there was no implementation of permanent programs aimed at guaranteeing due surveillance at train stations, bus stations, airports and seaports and, border crossings aimed at preventing and detecting the probable commission of the crimes provided for in the General Law. The National Security Commission (CNS) reported only institutional operations along with other instances based on its functions of investigation, victims rescue, prevention, surveillance, and combating crimes related to trafficking in persons, which were directed to places related to possible cases of trafficking in persons with sexual purposes (bars, restaurants, "dating houses") without pointing out the strategy carried out, established protocols and obtained results.

145. Despite the efforts reported by the Ministry of Labour and Social Welfare (STPS) to increase the number of inspectors, they remain insufficient. As of the issuance by this National Organization of two recommendations on 28/2016 and 70/2016 addressed to the STPS and the Governments of

Baja California Sur and San Luis Potosí, respectively, for human rights violations of groups of day laborers of indigenous origin, that agency developed an Inspection Protocol to Prevent and Detect Trafficking in Persons in Workplaces published in 2017. The review of this tool shows that it has important limitations, among them, that the questions aimed at identifying victims of trafficking in persons mix issues of labour rights and possible exploitation, do not divide the various forms of trafficking in persons into the work environment that can be presented, besides being insufficient and / or repetitive and not having a progressive logic. It is especially striking that it is a tool that is intended to be used for any workplace, being that an agricultural field is not the same as a maquila or a travel agency.

146. In addition to the above, it has conceptual and legal inaccuracies such as referring to the criminal offense of trafficking in persons and not to crimes in the matter of trafficking in persons as established by the General Law. It only mentions article 10 of the aforementioned system and in a section of definitions it only refers to labour exploitation, forgetting forced labour, debt bondage and slavery, which are crimes directly related to trafficking in persons in the workplace.

147. It also emphasizes that the Inspection Protocol to Prevent and Detect Trafficking in Persons in the Workplace is gender neutral since it does not consider the conditions of inequality that place women and girls in greater vulnerability to crimes in the matter of trafficking in persons, and whose timely identification contributes to their prevention in the workplace.

148. It should be noted that there are groups in a very high situation of vulnerability such as the case of agricultural laborers who are the target of traffickers and exploiters for forced labour and slavery, and that because they are in private spaces such as agricultural farms, they require the diligent actions of public servants in charge of carrying out inspections so that in the event of possible acts constituting crimes in the matter of trafficking in persons, they make immediate complaints before the competent authorities.

149. A good identified practice is the Comprehensive Strategy for the Prevention of Trafficking in Persons implemented by the SECTUR (Ministry of Tourism) through its Deputy General Directorate for Gender. This agency has sought to comply with the obligations established in the General Law through awareness raising, capacity building, dissemination and linking actions, aimed at various actors and users of the travel and tourism sector. This strategy operated within a framework of alliances composed of government agencies, public institutions, labour and civil society organizations, academic institutions and companies with social responsibility programs.

150. The elaboration and execution of crime prevention programs with the purpose of strengthening citizen reporting and social solidarity, indicated as an obligation of the PGR, are incipient as they began to develop as of 2017. However, it stands out as good practice the prevention actions carried out from November 2016 to November 2017 in schools of basic, middle and higher education carried out by the General Directorate of Crime Prevention.

151. The promotion of issues related to preventing and combating crimes in the matter of trafficking in persons by the PGR at the National Justice Prosecution Conference was limited, since its active intervention occurred only in 2012 where they presented and agreed on several tools such as a mixed cell operation protocol and the unified training model for trafficking in persons. However, it

is until 2016 that the subject is readdressed at the National Conference and there is no follow-up to the 2012 agreements. The agreements made in 2017 also showed no progress.

152. There is no record of actions carried out in coordination with State Attorney General's Offices and Prosecutions Offices aimed at ensuring that the population of areas or regions where there is a concentration of people in vulnerable situations to file complaints, which is an obligation specifically indicated by the General Law to this agency. The actions reported are distribution of materials, talks and cultural activities carried out by that Office directed to the general population.

153. The inter-institutional coordination work of the PGR Delegations with state and municipal authorities in preventive matters is limited. Only 19 reported actions, out of which the Delegations of Chihuahua, Colima, Guerrero, Michoacán, Nayarit, and Sinaloa registered participating in the state Inter-Secretariat commissions or committees. The Delegations that said they had links with federal, local and municipal authorities to carry out prevention actions are Durango, Coahuila, Jalisco, Querétaro, and Tabasco. They indicated carrying out actions such as talks and visits to town halls, but without linkage to other institutions, the delegations of Baja California Sur, Quintana Roo, Sonora, Tamaulipas, Tlaxcala, Zacatecas.

154. The SEDESOL did not design or apply the models that allow combating the structural causes that generate conditions of greater risk and vulnerability against the crimes provided for in the General Law, with special reference to poverty, marginalization and social inequality mandated by this rule, as well as of the Internal Regulation of that agency and, therefore, there is no evaluation of them. The information reported to this National Organization is in relation to materials prepared by civil society organizations in the framework of the support provided through the Social Co-Investment Program, which aims to contribute to strengthening social participation to promote community development by strengthening and linking social actors.

155. There is no evaluation or diagnosis to identify regions and localities with lags in the attention to crimes related to trafficking in persons established in the General Law. Nor have the complementary programs mandated by this preventive system been implemented to comply with the provisions set forth in the chapters relating to Preventive Care for Highly Vulnerable Areas and Groups and Attention to Lags.

156. There is no evidence that the agencies and organizations of the APF, in the areas of their respective competencies, in terms of the applicable provisions have generated, as mandated by the General Law, indicators on the application and results of programs to prevent crimes in Trafficking in persons, so that the progress may be subject to evaluation. This translates into the absence of a public policy to combat the structural causes of human trafficking in Mexico.

157. Although there are no reported actions related to models designed and applied specifically to combat the structural causes that generate conditions of greater risk and vulnerability to crimes in the matter of trafficking in persons, the National Institute of Social Development (INDESOL) reported to this National Organization that it supported organizations of the civil society that are dedicated to various aspects for combating human trafficking. Through the Social Co-Investment Program in the period 2012-2017, INDESOL strengthened 41 social actors by financing 65 projects aimed at preventing and / or assisting victims of trafficking in persons.

158. INDESOL reported having carried out, through the Support Program for Women's Organizations in Federative States (PAIMEF), actions to prevent trafficking in persons whose impact on the 32 States can be considered as a good practice of inter-institutional coordination of the three branches of the government.

159. Although there are obligations in the General Law for certain units to carry out dissemination campaigns with specific objectives, the only unit that has carried out one with these characteristics is the SECTUR. The others report having been part of the preparation of the #AQUIESTOY Campaign in the framework of the work of the Inter-Secretariat Commission. This Campaign, as reported by the SEGOB, was prepared by the UNODC, sponsored by the Department of State's International Narcotics and Law Enforcement (INL) of the United States of America and launched in July 2017. The agencies and organizations of the APF reported having disseminated campaigns of other institutions such as that of this National Commission "Freedom without deception or false promises", and those prepared by the Citizen Council of Mexico City for the dissemination of the National Human Trafficking Hotline.

160. Agreements were reported with the National Institute of Indigenous Languages (INALI) and with the National Council for the Development and Inclusion of Persons with Disabilities (CONADIS), however, as required by the General Law, the translation of information and dissemination campaigns aimed at publicizing crimes related to human trafficking in Mexican sign language or indigenous languages was not carried out. Nor did SALUD designed a national strategy to inform society about health risks of committing these crimes to which the General Law obliges it. The only action reported is the dissemination of 4 comics which is an action framed in the previous law.

161. One of the most important preventive strategies that the General Law establishes is the prevention of human trafficking through the education sector. For this, it indicates obligations to the Ministry of Education (SEP) by mandating it to develop prevention modules for the different school cycles that must be included in the curriculum of basic education. However, these were not developed, and the few references found in the books of Civic and Ethical Education were limited, decontextualized and sometimes wrong. The SEP has also not implemented any mechanisms of inter-institutional coordination with the federal states to prevent trafficking in persons in the education sector. Derived from the above, there are no public policies that address children and adolescents by this sector to prevent trafficking in persons, this being one of the most relevant for its direct contact with one of the most vulnerable populations to the crimes established in the General Law.

162. As of July 31<sup>st</sup>, 2017, the Federal Government had not complied with the obligation to implement a National System for educating, updating, training, and professionalizing public servants, both men and women. The National Training Program agreed within the framework of the Inter-Secretariat Commission and that would be in charge of the National Institute of Criminal Sciences (INACIPE) had not been approved despite the fact that the working group established for its development met on several occasions. It should be noted that the obligation to create training, educating, and updating programs referred to in articles 89, section XV of the General Law, and 83 of its Regulations should have been designed within the following one hundred and twenty business days from this last system becoming effective.

### Care, attention and protection for victims of crimes in trafficking in persons

163. Although tools such as protocols and models of care for victims have been developed, there is no institutionalization of public policies on trafficking in persons in the country.

164. The Inter-Secretariat Commission did not follow up on the Single Protocol for the use of procedures and resources for the rescue, assistance and protection of victims and potential victims, nor the Model for Assistance and Protection of Victims, Offenders, and Witnesses of trafficking crimes of people, tools approved in the 9th Plenary Session of the Inter-Secretariat Commission, held on July 27<sup>th</sup>, 2015 and that should be implemented by the agencies and organizations that make it up and evaluated by the Technical Secretariat of that collegiate body.

165. The CEAV, which is an organization in charge of providing attention to victims, until 2017 did not have a comprehensive program of attention to victims of crimes related to trafficking in persons, nor with guidelines for restitution, nor had it granted redress for the harm to any victim in this area.<sup>43</sup> Nor was there an Identity Protocol for the victims of crimes related to trafficking in persons for the protection of their personal data and the protection of their right to privacy and intimacy.

166. The SEGOB did not make the necessary steps for the implementation of the Fund for the Protection and Assistance to Victims of Crimes in Trafficking in Persons that not only implies the possibility of having resources to repair the damage to victims and offenders of the federal jurisdiction that has not been able to make effective to the convicted person, if not also, the support for the financing of the accommodation of victims, offended or witnesses of the crimes of the federal jurisdiction provided for in the Law, in Shelters, Half-Way Houses and Refuges, where decent housing and comprehensive care for victims are guaranteed. Nor did it follow up on the Assistance and Protection Model for Victims of Trafficking in Persons, the Protocol for the Rescue, Assistance and Attention of Trafficking Victims, nor did it report on the General Guidelines for the Construction, Functioning and Operation of shelters, refuges and half-way houses, for the assistance and protection of victims, offended and witnesses of crimes in the matter of trafficking in persons.

167. Regarding the obligations that the General Directorate of Strategies for Human Rights Attention of the SEGOB has in the matter of Shelters, Half-Way Houses and Refuges, this agency reported that it made eight visits in three years to six shelters: in 2015 a visit to four shelters in 2016 a visit to three shelters and in 2017 a visit to one. It is striking that, out of the organizations registered in the Roster referred to this National Organization, only one of them was visited. The other five are not in the aforementioned list, also highlighting that nine of the 10 refuges, shelters or half-way houses registered in it were not visited. On the other hand, it should be noted that this National Organization is aware of other shelters that are tending to victims of crimes in the matter of trafficking in persons and that are not registered in the submitted document.

168. In the period covered by this *Diagnosis*, the STPS did not have a strategy or program implemented to provide rehabilitation and reinsertion to society opportunities for victims of crimes

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<sup>43</sup> In January 2018, the CEAV published the Comprehensive Program for the Attention and Assistance of Victims of Human Trafficking Crimes, the Guidelines for the full redress of the harm of victims of crimes and human rights violations in the matter of trafficking in persons were announced to the heads of the administrative units of the CEAV on July 27<sup>th</sup>, 2018, and this National Organization is aware that this year the first two redresses were granted.

in the matter of trafficking in persons, since it indicated to this National Organization that the actions that this agency made in terms of employment support (job listings) are aimed at the general population. No agreements have been signed with government institutions or with civil society organizations that are in charge of shelters, refuges or half-way houses for victims of crimes in the matter of trafficking in persons to provide them with job training and job listing opportunities. Work, especially for their release. Nor does the STPS have models and protocols to give access to employment opportunities and job training for these victims who are not in a shelter or refuge situation.

169. The right to health of victims of trafficking in persons was limited. SALUD has not concluded agreements with specialized shelters or civil society or government, to provide medical or psychological care to the victims they receive. Hospitals and Institutes coordinated by this agency of the federal executive report that none collaborate directly with shelters, however, they receive trafficking cases that are mainly channeled by the FEVIMTRA, SEGOB and CEAV. Only actions carried out through an interdisciplinary group aimed at victims of human trafficking are reported through the National Institute of Perinatology; the other areas in the absence of an Official Standard to deal with victims of trafficking in persons, are applying an inadequate regulation that is the *Official Standard NOM-046-SSA2-2005 Domestic and Sexual Violence, and Violence against Women, Criteria for Prevention and Care*.

170. The SEP did not report strategies to guarantee the right to education of victims in refuges or shelters since that agency indicated that “it is based on the persons or institutions that attend to the alleged victim or victims in high security shelters in which they cannot attend to schools or institutes, those responsible for these centers make contact with local educational authorities, so that the right to education can be guaranteed.” This agency indicated that “local authorities in accordance with the specific contexts and educational requirements that need to be solved will have to support access to education in accordance with the mandate of the Political Constitution of the United Mexican States and the derived laws” and that “local education authorities in accordance with their specific programs can develop agreements and / or actions that allow them to carry out prevention strategies and educational attention in this matter. ”

171. The right to have interpreters for victims who do not speak Spanish is guaranteed according to the information provided by the PGR, which states that on June 1st, 2015 that agency, and INALI entered into the Collaboration Agreement for access and use of the National Roster of Interpreters and Translators in Indigenous Languages so that in the event that any person belonging to indigenous communities is a victim of a crime, they can obtain information about interpreters and translators of indigenous languages registered in the roster, in order to provide the necessary support and have adequate representation that allows them to access justice on equal terms.

172. The SRE's General Directorate for the Protection of Mexicans Abroad, through Mexican representations abroad, reported that it provided protection and consular assistance to Mexican persons victims of trafficking in persons under the framework of the application of the subprogram “Protection and Assistance to Mexican Victims of Trafficking in Persons Abroad”, contained in the Regulations for the execution of the consular protection program for Mexican persons abroad. However, it did not give information to this National Organization about the support and concepts

granted to each victim. It stresses on the fact that protection items under which that authority reports to the victims are not related to the modes of exploitation established in the Trafficking Protocol or to the criminal offenses indicated in the General Law, so it was not possible to further analyze the information other than in terms of age and sex.

173. From the information provided to this National Organization by the National Institute of Migration (INM), it is observed that out of the total number of victims identified (133), 90 humanitarian visas were delivered. No victim managed to have a temporary or permanent residence in the country. The General Law states that "under no circumstances shall victims, nationals or foreigners, be accommodated in preventive centers, prisons, or immigration stations or any other place of detention of persons."<sup>44</sup> In this regard, the Institute indicated that of the total of the victims detected, only 21 were referred to shelters or refuges of civil society, 8 of the government and the remaining 104 were reported without information.

174. Until July 31<sup>st</sup>, 2017, the INM did not have any special protocol for the detection and care of foreign victims of trafficking in persons. It was reported that since 2016, in collaboration with the International Organization for Migration (IOM), they were designing a document called "Protocol for the Detection, Identification, and Assistance to Migrant Victims and / or possible Victims of trafficking in persons in Mexico."<sup>45</sup> This means that public servants during this period acted without a tool that could allow them to make a correct detection and attention to the possible victims.

175. The DIF did not report specific official protocols, models or standards to provide care for persons under 18 who are victims of crimes in the matter of trafficking in persons. There is no special procedure to request the protection and restitution of the rights of these children and adolescent victims, but the general procedure of Protection Prosecutions. The DIF does not have specific shelters for the attention of girls, boys, and adolescents' victims of human trafficking, when they get to present a case, they are channeled to the Social Welfare Centers of the agency.

176. The INM reported that in 2013 an instruction letter was issued to the holders of the Federal Delegations "in order to carry out immigration verification visits to establishments with tours of private clubs, bars, discos, massage centers or similar to in order to detect places where there were possible victims of trafficking and / or exploitation coupled with the detection of foreigners who probably had a regular or irregular situation." It should be noted that it is not indicated that this same instruction has been carried out for other places where it is possible that there are foreign victims such as agricultural fields, maquilas, restaurants, etc.

177. The CNS reported to this National Organization 68 institutional operations along with other agencies based on its functions of investigation, victims rescue, prevention, surveillance, and combating crimes related to trafficking in persons, which were aimed at bars, hotels, "dating houses"; the "victims" rescued were 674, out of which 647 were women. There is no indication of operations carried out on agricultural farms, maquilas, or any place that could be located as a rescue space for victims of forced labour or services, labour exploitation, forced commercial surrogacy,

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<sup>44</sup> Article 75 of the General Law.

<sup>45</sup> It was reported that this Protocol was sent to the Federal Delegations, on November 21<sup>st</sup>, 2017, to each Delegate and Federal Delegate of the Institute and their means of notification via email to the holders of said Delegations on December 4<sup>th</sup>, 2017. However, the Protocol was released in August 2018.

servant status, to name a few other crimes related to human trafficking that the General Law states, in addition to those related to sexual exploitation, which are also an obligation of prevention and surveillance by this authority.

178. In response to the request for information on the procedures for detecting victims of crimes in the matter of human trafficking carried out by the CEAV, that agency responded that since this power is not provided for in its regulations, it has no competence in the matter of detection of victims. In general, it is observed that organizations and agencies do not consider victims detection as an obligation since they subordinate this task to justice agencies.

179. The PGR did not send any information to this National Organization regarding the implementation of the Victim and Witness Protection Program, so it is understood that the provisions set forth in the General Law have not been complied with, and that the right of victims and witnesses of crimes in trafficking in persons in cases where it is proven that the subject or active subjects of the crime are members of national or transnational organized crime, identity change and relocation is not guaranteed by the Government of Mexico. It should be noted that the eighth transitory article of the Regulations of the General Law states that the Prosecution's Office had a period not exceeding ninety business days from the aforementioned Regulation came into effect, to review and, where appropriate, adapt the Victim and Witness Protection Program, in order to comply with article 83 of the Law.

#### **Prosecution of crimes in the matter of trafficking in persons**

180. Regarding the obligation that the General Law indicates to the PGR about establishing a Special Prosecutor's Office for the prosecution of these crimes, this unit has the General Coordination for the Investigation and Prosecution of Crimes in Trafficking in Persons assigned to the Special Prosecution on Investigations in Trafficking of Minors, Persons and Organs (UEITMPO) of the Office of the 'Assistant Attorney General's Office for Special Investigations on Organized Crime' (SEIDO), created through an agreement of Prosecutor A/219/2012, which is in charge of the investigation and prosecution of crimes in trafficking in persons when they are committed by organized crime.

181. Additionally, he points out that the Special Prosecutor's Office for Violence Against Women and Trafficking in Persons (FEVIMTRA), carries out tasks of prosecution and investigation of crimes related to trafficking in persons when their federal nature is proven. The Special Prosecutor's Office was created by means of the Agreement A / 024/08 dated January 31<sup>st</sup>, 2008, and was attached to the Assistant Attorney General's Office of Human Rights, Crime Prevention and Community Services of the PGR (at that time it was the Assistant Attorney General's Office of Human Rights, Attention to Victims and Community Services) through Agreement A / 109/12 dated May 25<sup>th</sup>, 2012.

182. Regarding the Unit for Victims and Witnesses of Trafficking in Persons Protection Program and the means of procedural protection in their favor, the PGR responded that FEVIMTRA has a Specialized Shelter for Comprehensive Care and Protection of Victims of trafficking in persons working under the criteria of confidentiality and privacy, non-revictimization, comprehensive and individualized attention, self-determination and participation, co-responsibility, or discrimination, informed consent and best interests of the child and adolescent. In it, psychosocial accompaniments are carried out on the victims throughout the legal process, ensuring their emotional stability and

respect for their human rights, such as the protection of identity data during ministerial and judicial proceedings. The PGR channels the victims, as the case may be, to various shelters, half-way houses or the Specialized Shelter in order to receive protection, accommodation and care in a decent and safe space in which they can live temporarily. In the case of the Specialized Shelter, the permanence of victims is three months unless their physical, psychological instability or risk situation persists. It is pointed out that social or family reinstatement, whether in their place of origin or in different one depending on the will or victim's safety is promoted and worked on.

183. Up until July 2017, the obligation on the part of agencies indicated in the General Law to implement a system that provided reliable information on crimes related to trafficking in persons in the country had not been fulfilled. In 2014, the SEGOB, in coordination with the UNODC, the software called National Information System on Trafficking in Persons (SINTRA) in order to concentrate the information associated with trafficking in persons in an articulated manner and with the participation of institutions of the three Government and civil society orders was created. According to the Report of the Inter-Secretariat Commission 2015, through an open tender in April of that year, the person responsible for preparing the system project was determined; and in August 2015, the UNODC<sup>46</sup> presented the project to the SEGOB. Two years later, this system was still not implemented. It should be noted that the Reports of the Inter-Secretariat Commission 2015, 2016, and 2017 record that progress has been made without the System ending up being installed, the information of all systematized institutions, or all trained participating institutions.

184. The SESNSP has gathered information corresponding to crimes in the matter of trafficking in persons established in the General Law in a single item. Due to this, it is impossible to have an accurate picture of the criminal incidence of all the behaviors that in Mexico include crimes in the matter of trafficking in persons through this data bank. In the presence of 26 criminal offenses, it is necessary to separate criminal statistics around each of these crimes, since it is not about modalities but about crimes with their own penalties and their own elements. It should be noted that this information is what the Inter-Secretariat Commission has published in its reports and that is used as an official source to provide statistics on trafficking in persons both nationally and internationally.

185. FEVIMTRA reported that during 2016, it carried out operations related to crimes in matter of trafficking in persons in the cities of Cancun (Quintana Roo), Los Cabos (Baja California Sur) and Papalotla de Xixotencatl (Tlaxcala), in which 34 people were rescued. The crimes identified were: use of minors in criminal acts, prostitution of others or other forms of sexual exploitation, illegal adoption of minors and labour exploitation. Also, from April to July 2017, the PGR participated in the Regional Operation called ROCA, "Rompiendo Cadenas" (Breaking Chains), organized by the International Criminal Police Organization (Interpol) in which the countries of Central America, the Caribbean and Colombia also participated. The National Command Team of Mexico was integrated by the General Directorate of International Police Affairs and Interpol México, FEVIMTRA, UEITMPO, the National Center for Planning, Analysis and Information to Combat Crime, all areas of the PGR, the STPS, and the INM. Out of this strategy, 91 police interventions, 70 rescued victims and 84 seizures.

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<sup>46</sup> The 2016 Report of the IC indicates that the SINTRA arises from the alliance between the UNODC and the SEGOB, prepared by Technology Health Services and Development México.

### Inter-institutional Coordination and Institutional abilities

186. The National Program to Prevent, Punish, and Eradicate Crimes in Trafficking in Persons for the Protection and Assistance to Victims of these Crimes 2014-2018 (National Program) prepared by the Inter-regional Commission did not have sufficient indicators, with defined officials, clear processes to share information, neither with tasks and activities specifically assigned to the actors responsible for each intervention. While the institutions managed to coincide in some aspects such as campaigns, no substantial progress was achieved.

187. The only approved actions between 2013 and July 2017 by the Inter-Secretariat Commission were the National Program; the Assistance and Protection Model for Victims of Trafficking in Persons, the Rescue and Attention Protocol to Victims of Trafficking in Persons, and the General Guidelines for the Construction, Operation, and Functioning of Shelters, Refuges, and Half-Way Houses (which were not monitored for implementation); the commemorations of the World Day Against Trafficking in Persons carried out each of the years; the conclusion of the General Collaboration Agreement with the Citizen Council of Mexico City on Public Security and Justice Prosecution and the Inter-Secretariat Commission, the approval of the conclusion of the Collaboration Agreements with INALI and CONADIS; the Blue Heart 2.0 Campaign; the approval of their reports and of the representatives of civil society organizations and academic experts as guests before this mechanism.

188. From 2014 to 2017,<sup>47</sup> the Inter-Secretariat Commission met only once a year, and the Advisory Subcommittee did not comply with the requirement to meet four times a year. The discontinuity of the working groups, the lack of follow-up of agreements and that not all institutions participate in them are observed. The follow-up is not verified in the agreements, nor the instruments adopted by the Inter-Secretariat Commission (models, protocol, guidelines) for which it cannot be confirmed that a public policy has been generated regarding trafficking in persons that derives from the coordination of the Inter-Secretariat Commission.

189. Although the SEGOB confirms that it contributed to the strengthening and constitution of Inter-Secretariat commissions in the states and specialized prosecutions in the country, this cannot be corroborated because it only sent information indicating its participation in two national meetings of technical secretariats of inter-institutional commissions in the period of time covered by this *Diagnosis*, one in 2014 and another in 2016 (and one more outside the period in 2017).

190. Only Inmujeres, the SRE, the PGR and the CEAV reported a subprogram, program, prosecution, and committee, respectively, aimed exclusively at human trafficking. Other organizations and agencies address the issue from Directions that address other issues and are distributed in various ways. For example, the SECTUR, through its Assistant General Directorate for Gender, the INM through its General Directorate of Migration Control and Verification, the SCT through the Legal Affairs Unit, the DIF through the Federal Attorney General's Office of Protection of Girls, Boys, and Adolescents and the SEGOB, of the General Directorate of Strategies for Human Rights Attention. Other organizations, such as INDESOL, do so transversally through their Social Co-Investment Program and the PAIMEF.

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<sup>47</sup> In 2017 the IC met twice, but due to the temporary delimitation of the *Diagnosis* only one is taken into account.

191. Regarding resources, it is observed that there is no labeling in the matter of trafficking in persons for organizations and agencies of the APF that have obligations indicated in the General Law. Resources used are derived from the expenditure for equality between women and men, or from budgets used to meet the purposes of each institution.

#### **CNDH's protection and defense of the human rights of the trafficking in persons victims**

192. In the period between June 15<sup>th</sup>, 2012 and July 31<sup>st</sup>, 2017, the Program against Trafficking in Persons of the Fifth Rapporteur of this National Commission received a total amount of 173 files, out of which 82 were filed as complaints when realizing they were probable violations of human rights. In 58 cases, as the facts of the competence of this National Organization were not updated, the petitioners were sent to the public authority or servant to whom it was appropriate to know and solve the matter raised. Finally, on 33 occasions, after analyzing the written submission, this CNDH warned that it was the competence of a local agency, so it was determined to send the corresponding official notice to the plaintiff so that there could be a follow up on the case.

193. In the 82 cases that were filed as a complaint file, 95 authorities were referred to as probable responsible, such as: the PGR, the Federal Police, the INM, the STPS, the CEAV, the DIF, the Mexican Social Security Institute (IMSS), the SEGOB, the Ministry of the Navy (SEMAR), the SRE, the SEDESOL, the Attorney General's Offices of various states, State and Municipal Governments, the SEP, the Secretariats of Public Security of some States, the local Ministries of Labour, the State Systems for Integral Family Development, among others.

194. In a proactive action in the area of trafficking in persons, this National Agency filed ex officio 23 of the 82 aforementioned complaint files (one in 2012, eight in 2013, one in 2014, two in 2015, nine in 2016 and two in 2017), this happened when realizing, through the media, facts that could constitute possible violations of human rights.

195. In this regard, it is noted that the Program against Trafficking in Persons has carried out daily monitoring of national news, printed and electronic media, as a strategy to generate actions, which immediately result in the detection of possible victims in any part of the national territory; and in this way to know those matters that can show probable violations of human rights, the realization of this exercise has allowed to document issues that have given rise to the issuance of Recommendations, some within the period covered by the *Diagnosis*, as the 28/2016 of which we will deal with immediately, and others afterwards, which are included in one of the attachments of the *Diagnosis*.

196. The main rights allegedly violated in the period covered by the *Diagnosis* by those who filed a complaint or in those that were initiated ex officio by this National Organization, are: the right to legal security, to be treated with dignity, to equality, to the protection of health, legality, work.

197. The CNDH realized there are facts indicated by the offended in its complaint briefs that deal with actions or omissions that violate the right to be treated with dignity of certain population groups, including girls, boys and adolescents, women, and farm workers, people from indigenous communities and / or victims of crime.

198. In some of the matters presented by the offended or those filed ex officio, the immediate intervention of this CNDH has been necessary, in order to avoid irreparable damages to the rights

of the victims of trafficking in persons. So in 8 of the files (one from 2013, one from 2014, two from 2015 and four from 2016) based on this Program against Trafficking in Persons, it was necessary to request the immediate implementation of precautionary measures to guarantee their rights, which were directed to the following authorities: to the General Government Secretaries of the States of Chiapas and Coahuila, to the General Director of the National System for Integral Family Development, the Attorney General's Office for Justice of the States of Coahuila, Chiapas, and San Luis Potosí, to the Attorney General's office for Boys, Girls, and the Family of Coahuila, the Ministries of Labour and Social Welfare of Coahuila and San Luis Potosí, to the Executive Commissioner of Attention to Victims, twice to the INM Commissioner, the PGR and the Federal Secretary of Labour and Social Welfare. Protecting in this way the population in a situation of vulnerability, especially girls, boys, and adolescents, as well as members of indigenous communities, who were located in agricultural fields or who were rescued for being faced with the imminent risk of irreparable damage and needed an immediate response and intervention by competent authorities.

199. In two of the complaint files that were submitted in the period covered by the *Diagnosis*,<sup>48</sup> this National Commission issued Recommendations 28 / 2016 and 70 / 2016 addressed to various federal and local authorities of Baja California Sur and San Luis Potosí, after demonstrating the unworthy conditions in which day laborers lived with their families next to the fields, as well as the precarious working conditions, strenuous days and lack of adequate equipment; in addition to the presence of minors and pregnant women on farms, all may be indicators of trafficking in persons or forced labour, without adequate detection by the authorities and, therefore, the attention that as possible victims of crimes, were entitled to.

200. The purpose of the Recommendations on Trafficking in Persons constitutes an effort to demonstrate each of the ways in which human rights have been violated, and thereby ensure that the corresponding authorities comply with the obligations established by the national and international legal framework to prevent, punish, and care for victims of crimes in the matter of trafficking in persons.

201. One of the most important issues is the identification of victims and the need for public service personnel to understand that trafficking in persons is not only a crime but also a violation of human rights, this National Organization has requested authorities to whom the Recommendations have been addressed, to adopt measures that allow covering various cross-cutting items such as crime prevention, institutional strengthening and assistance to victims, in addition to the promotion and defense of their human rights.

202. In addition to the actions mentioned in favor of the victims, this National Organization filed criminal complaints when the evidenced violations of human rights could constitute a crime, as well as filing complaints before the Internal Control Bodies of the respective public institutions to which it was recommended, so that administrative responsibilities that could exist for the actions or omissions carried out and with which they broke the rights of the victims could be discharged.

203. During the *Diagnosis* period, personnel of this National Organization provided specific and personalized attention as well as accompaniment to victims and / or relatives, in order to encourage

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<sup>48</sup> Until 2018, Recommendations have been issued in addition to those indicated: 15 / 2018, 14VG / 2018, and 83 / 2018.

the filing of complaints and verify that their Human Rights were respected at all times, and to provide legal advice and institutional management aimed at addressing your most urgent needs. In the same way, visits were made to shelters and migratory stations related to the detection of victims and protection of their human rights.

## CONCLUSIONS

### Chapter I. The situation of trafficking in persons in Mexico according to official figures

204. Having accurate figures on victims of crimes in the matter of trafficking in persons in Mexico is a challenge due to a number of factors. Among them, the authorities do not identify each of the crimes contained in the General Law and, therefore, its victims, so there is a lack of administrative and systematization records. Also, data varies according to the authority that was consulted.

205. There is an important difference regarding the number of victims who have a ministerial investigation in relation to those who ended up with a final judgement, or those who have been attended by victim attention commissions. Also, the official figures are far from those offered by documents issued by national and international organizations and the academy, as well as the information reported by the media.

206. Given this situation, the information provided by the *Diagnosis* about victims of crimes related to trafficking in persons presents the following limitations: figures and profiles come only from data obtained from Prosecutors and the Attorney General's Office, but when possible, they are contrasted with what is reported by the CEAV, CEEAVs and the jurisdictional bodies, so that, collectively, an overview can be constructed that approximates more reliably the victims that at some time were cared for by some authority .

207. The data provided by the INM is also included, which allows to know, in general, the foreign victims detected by that institution and those who have received a visitor status in an accommodation for humanitarian reasons; as well as the information of the victims attended by the SRE Consular Network, hence, having the figures of Mexicans who have been victims of these crimes abroad, and who have had assistance and protection from the Mexican authority.

208. It is verified that crimes in the matter of trafficking in persons mainly affect women. Both in matters of law enforcement, in which they represent 85% of identified victims, as in other official sources, although in different percentages, the presence of a greater number of women is reiterated in the information provided by the courts; where it is indicated that 95% of the victims derived from a final conviction belong to this sex. Similarly, they represent 83% of the victims detected by the INM.

209. They also occupy the first place of cases attended by the CEAV and its state counterparts: 53% are women and the rest are men. But, if we disaggregate this information per local and federal attention, the cases of children and men constitute just over half of those addressed by the CEAV.

210. In contrast, the information provided by the SRE reflects that Mexican victims abroad are mostly men and boys, since 63% of the victims treated in the Mexican Consular Network in the world belong to this sex.

211. The information provided by law enforcement authorities, jurisdictional bodies and victim attention commissions regarding the nationality of victims of crimes in trafficking in persons reveals that the majority are Mexican, which allows to conclude that in Mexico there are more cases of internal trafficking than international one.

212. Although foreign victims represent 13% of the total amount of victims identified by Prosecutions and Attorney General's Offices, this percentage is not reflected in the number of those attended to by victim attention commissions, given that they are only 3%, nor of those with a final judgement. This information questions whether the rights to assistance, care, protection, full redress and access to justice are guaranteed in equal proportion to foreign victims and to Mexican ones.

213. In the same sense, it is not possible to confirm whether foreign victims detected by the INM are in turn part of the victims identified by law enforcement authorities, but there is a notable difference between the 658 victims reported by Prosecutions and Attorney General's Offices, and the 133 victims registered by the federal authority. This is serious given that the INM is the approved authority to issue humanitarian visas to foreign persons who are victims of crimes in Mexico.

214. With the exception of victim assistance commissions, the majority of victims of crimes related to reported trafficking in persons are adults, for the law enforcement authorities they represent 73%; for the INM, 83%; for the SRE, 58% and for jurisdictional bodies, 81%.

215. The lack of information from authorities as to whether the reported victims belong to any of the groups in vulnerable conditions to crimes in the area of trafficking in persons, in accordance with that recorded in international reports on the matter, persons of indigenous communities, LGBTTTIQ persons, disabled persons, migrants in transit, prevents obtaining a national panorama as to whether these population groups are at greater risk.

216. According to the information provided by the Prosecution's Office and the Attorney General's Office, if the crime is analyzed in the matter of trafficking in persons to which the victims identified by sex were subject, it is concluded that women, girls, and adolescents were victims mainly due to crimes of trafficking in persons in the sexual field.

217. In the same sense, with respect to men, it is observed that identified adult victims were mainly of labour exploitation, but in the case of children and adolescents it was documented that the greatest number of victims was due to exploitation of prostitution of others or other forms of sexual exploitation.

218. Regarding the victims indicated as attended by the CEAV, it should be noted that this federal authority shows differences in the data it provides, both direct and indirect. It even indicates that its global data disaggregated by the victim has discrepancies since they do not have complete information in the files of each one of them. This indicates that the systematization is deficient, which is why this Commission could not analyze the information entirely, highlighting the

impossibility of obtaining crimes in the matter of trafficking in persons to which the victims were subjected.

219. There is no record on the continuous care of both direct and indirect victims, attended by the CEAV and its state counterparts, which suggests that the records of each case are opened at the time of providing emergency care (first contact medical and psychological), but there is no subsequent and timely follow-up on these. Even with respect to full redress, state authorities reported only the case of a victim to whom it was granted. But the authority indicated that “the full redress was illiquid since they considered (the court) that the person sentenced due to their socioeconomic level is not in possibilities to pay redress to the victim” (sic). This is why it was indicated that the CEEAV would seek committing the victim to a Mental Health Center.

220. What is observed in this document,<sup>49</sup> matches the results of the Performance Audit: 15-1-47AYJ-07-0322, carried out by the Superior Audit of the Federation (ASF) to the CEAV in which it was indicated that it did not implement the Comprehensive Model of Victim Assistance and it is unknown which agencies and organizations adopted it for their operation. Additionally, the ASF notes that the National Registration of Victims (RENAVI) presented differences in the transfer of information that the federal states should provide and that the information contained at the end of that year did not allow to know how many of the victims received Immediate attention, were ruled by the Inter-disciplinary Evaluation Committee, and if they were susceptible to receiving any redress according to the state in which their situation was found on December 21st (of that year), it also concludes that out of the victims attended by the Commission it is not specified whether, due to its situation, they required another type of service.

221. Regarding the sensitization and training activities reported by the CEAV, it is important to note that in the period covered, no results were provided in the area of trafficking in persons and human rights, which indicates a lack of training in these areas, to the detriment of due attention to the victims of these crimes. On the contrary, CEEAVs did report activities on the subject, however, they still represent the lowest percentage of their total amount of actions.

222. If the information received in this National Organization on the basis of the initiation of investigations and the crimes to which the victims were subjected is contrasted, we can conclude that even if there are no victims identified by debt bondage and trafficking of organs, tissues and cells of living human beings, there is a record of at least one investigation or file initiated for these crimes.

223. Although the largest number of investigations focus on crimes in the matter of trafficking in persons in the sexual field, it cannot be concluded that this is due to the absence of certain criminal behaviors related to trafficking in persons in Mexico, given that it is necessary to carry out analyzes that allow knowing if this situation is the result of a focus on the efforts to obtain justice in certain criminal offenses.

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<sup>49</sup> For further reference, see chapter I of the *Diagnosis on the situation of Trafficking in Persons in Mexico 2019*, the CEAV and CEEAVs section.

224. Only 6% of the administrative inquiries and investigation files were initiated ex officio, so it is necessary to carry out proactive investigations to prosecute crimes in the matter of trafficking in persons.

225. With the information that was provided regarding the criminal participation of people with kinship with the victim, it is observed that, in 77% of the administrative inquiries and investigation files in which this situation was identified, the investigation initiated by some of crimes in the matter of trafficking in persons in the sexual field.

226. None of the shelters attached to the law enforcement authorities provided housing for adult men victims of trafficking in persons, and the age limit for children care is 13 years old. So, there are no shelters, refuges or Government half-way houses to attend to this population.

227. Out of all justice authorities that reported providing care to victims by channeling them to some other institution (public or private), only three have an agreement or understanding for it. This means that the channeling to both governmental and private infrastructures is carried out outside a regulatory framework that guarantees the attention and protection of victims referred by the authorities of justice, and that establishes the follow-up that should be given to cases by each of the institutions involved.

228. Of law enforcement authorities, 45% do not have their own infrastructure to guarantee accommodation, as well as the necessary assistance measures, to those offended by these crimes, nor are they channeled to any public or private institution to receive this attention.

229. If it is considered that 85% of the victims reported by these authorities are women, and 75% of them are adults, on whom gender roles are reproduced in which care for daughters and sons are assigned, the lack of attention of the victims in these crimes is of serious importance. Failure to ensure accommodation of the victims' families in shelters, refuges or half-way houses, especially when they are girls, boys, and adolescents, limits and even prevents women's access to the care and protection that they are entitled to receive.

230. Almost half of justice authorities do not offer attention to witnesses in shelters, refuges or half-way houses, whether owned or belonging to another institution, despite the fact that 14% of the administrative inquiries and investigations files started after a witness filed a complaint.

231. It is essential not only to make crimes related to trafficking in persons in the sexual field visible, but also the other punishable behaviors described in the General Law, as well as the fact that women, men, girls, and boys may also be victims of other crimes, which are usually associated to a victim of a certain sex and age; as, for example, to make visible boys and men victims in the sexual field, or women and girls in the workplace.

232. Special attention is also required in the prevention and care of sectors in situations of vulnerability such as girls and boys; likewise, the lack of concentration of information on the specific quality of victims in response to their situation: indigenous people, people with disabilities, of the LGBTTTIQ community, to name a few; does not allow to analyze if during the processes they have access and certainty of protection of other inherent human rights.

233. The need for specialized authorities in the matter is noted given the particularities of the crimes, and hence its comprehensive training is essential, from mainstreaming with other subjects, such as human rights, gender, and childhood.

234. Guaranteeing the human right of access to justice to victims of crimes in the matter of trafficking in persons as a human right continues to be a great challenge, since it must first be detected and identified, subsequently, their case must be brought, through the corresponding complaint, before law enforcement to conduct the proper investigations and this in turn, reach the courtrooms.

235. It should be noted that, as observed in this document,<sup>50</sup> of 858 sentences reported in the period, 296 were acquittals, which forces to reflect on the causes that are generating this situation and why they were resolved in this direction. This should be considered in the revisions carried out by the authorities that participated in those processes, to detect what originated these determinations.

236. Out of the total amount of sentences handed down, 296 were acquittals and 562, convictions.<sup>51</sup> Of these, 543 were issued in courts in the field of state jurisdiction and 19 in the federal one.<sup>52</sup> It should be noted that the 562 convictions are not necessarily for human trafficking in terms of article 10 of the General Law, but may correspond to one or more of the crimes indicated in the aforementioned code, i. e. crimes related to different forms of exploitation, without necessarily convicting any trafficker.

237. Likewise, attention should be paid to federal entities in which there are no reported sentences, since it is observed that the majority of victims in Mexico correspond to cases of internal trafficking and at the local level, therefore, no state can justify their inactivity considering that these types of crimes do not exist, even if there are no judicial cases. This, on the contrary, shows the lack of visibility of this matter.

238. It is noted that the majority of people convicted of crimes in the matter of trafficking in persons are men, but there is also a presence of women who are actively involved in these criminal behaviors. At this point it should be remembered that many of them are "used" in turn to commit these crimes; same cases that require special attention, since particularly the General Law, in its article 37 mentions that: "It shall not proceed against the victim of the crimes provided for in this Law for crimes they had committed while they were subject to the control or threat of their offenders, when no other behavior is required of them." For this, although true, it would be understood that, since the investigation of the case, this cause for crime exclusion appeared, it would not be processed nor judicialized, hence, they should not be sentenced nor considered in the

<sup>50</sup> For further reference, see chapter I of the Diagnosis on the Situation of Trafficking in Persons in Mexico 2019, courts.

<sup>51</sup> The judicial bodies report 292 acquittal sentences, but in the detailed review of the information it is observed that 4 convictions were revoked through means of challenge, so they were separated from the convictions and added to this item for greater accuracy, resulting in a total of 296 acquittals and 562 convictions.

<sup>52</sup> Information provided by the General Directorate of Judicial Statistics of the Federal Judicial Council, indicating as a source the Comprehensive File Tracking System. Out of the information provided, the corresponding analyzed period was readdressed. In addition, when reporting the information, it mentioned: "in the understanding that these amounts may vary according to the capture or modifications made by the personnel of judicial bodies".

judicial statistic. Unfortunately, in the reported information it was not observed that this had been the cause, so it is not clear if some of them could be in this situation.

## **Chapter II. The situation of trafficking in persons in Mexico according to other sources of information**

239. Confusion between trafficking in persons and illegal smuggling of persons is frequent among media professionals, mainly when reporting cases of foreign people involved. Likewise, the terms “white slavery” and “white enslavement” are used to refer to trafficking in persons, especially women and girls, for the purpose of sexual exploitation. Similarly, the protection of identities and personal data is not observed to be respected because notes with names and photographs of the alleged victims and of the alleged perpetrators were identified. From the above, the need for training in the matter and to raise awareness about the ethical consequences of handling information on issues related to victims of human trafficking and exploitation is derived.

240. While official figures provided by the Prosecutions and Attorney General's Offices, as well as by the judicial bodies indicate that the majority of the victims are adults, the constant coverage that the media have given through the written press in cases of minors, victims of human trafficking, especially in the sexual mode, they speak of a different perception that is not necessarily reflected in law enforcement.

241. From the consultation of written press releases, as well as the civil society diagnoses and international reports, it is observed that most of the information produced on trafficking in persons is concentrated in the sexual field, and to a lesser extent, in forced labour and other purposes indicated in the Protocol against Trafficking in Persons. The UNODC has indicated that, in North America, a region that includes Mexico, trafficking for the purpose of sexual exploitation is the most reported modality and that the majority of its victims are women. Also, that the largest number of victims reported by forced labour are adult men, indicating fluctuations in years in relation with the number of victims of this mode in terms of sex and age.

242. The international reports consulted indicate the existence of forced labour and services in agricultural fields in Mexico; there are reports in particular of sowing and harvesting chili and tomato under these circumstances. Various journalistic notes have made visible cases of labour exploitation and forced labour in the field that acquired significant media dissemination.

243. The ILO estimates the world situation around “modern slavery” through regional projections. Mexico is considered within the Region of America, in which the existence of forced sexual exploitation and forced labour exploitation with debt bondage regimes has been detected. The latter has no knowledge that has been addressed either from the press or from the investigation of civil society.

244. Labour exploitation of day laborers is increasingly reported as there was an increase in informative notes in different states. Their vulnerable situation has also been made visible through civil society investigations.

245. According to the data of journalistic notes, sex tourism, as well as cases of children and adolescents sexually exploited by a family member has had a presence in more than twenty States. A similar case occurs with possession and / or dissemination of child pornography.

246. The presence of notes that report femicide linked to human trafficking cases makes visible the need to carry out new lines of investigation regarding the relationship that could exist between both crimes.

247. Other issues that are linked to human trafficking are sexting, grooming, and other cybercrimes, as well as surrogacy. The latter is frequently linked to the exploitation of women for reproductive purposes.

248. Labour exploitation and forced begging of children is often resumed by the written press in specific cases. The vulnerability of children and adolescents to being victims of organized crime through their use for criminal activities was also highlighted. However, there is still no awareness that the use of children and adolescents in criminal activities is a crime in the matter of trafficking in persons.

249. One of the dangers faced by migrants during their transit through Mexico is trafficking in persons according to the written press, civil society diagnoses, and international reports consulted. The vulnerability of these people to suffer direct consequences of acts of corruption and omissions of public servants was highlighted.

250. According to civil society, inequality, poverty, gender inequality, and discrimination are factors that make women vulnerable to human trafficking. This sector has questioned, through its studies and diagnoses, the public policy implemented above all with regard to prevention strategies, so it has underlined the need to implement differential gender policies, as well as to integrate alternative models to hegemonic and patriarchal masculinities. There are also reflections, by the civil society, on the application and results of the General Law and the implications of confusing human trafficking with human smuggling.

251. The Department of State of the United States has indicated in its reports that corruption is the facilitator of trafficking in persons in the country, an argument shared by civil society and a factor that has also been made visible through journalistic notes, which have mentioned it in cases of illegal adoption and sexual exploitation of women and girls.

252. In the absence of approved official figures, statistical data is commonly used to discuss trafficking in persons in Mexico, and it comes from international reports. However, the content of these sources of information differs since each applies a different approach and methodology.

253. Importantly, the Department of State of the United States mentions that people in the LGBTTTIQ community and people with disabilities belong to vulnerable population, which is not consistent with information obtained from Prosecutions and Attorneys General's Offices. Nevertheless, the high level of lack of systematization of this type of information by those authorities shows the need to make studies on the affectations to these population groups.

### **Chapter III. The situation of trafficking in persons in Mexico according to the actions of the authorities**

254. From the analysis of responses received by the agencies and organizations of the APF, in terms of the fulfillment of obligations for crime prevention in relation to trafficking in persons indicated in

the General Law, it is observed that there has been no preventive public policy that addresses this problem from its structural causes.

255. Prevention actions implemented by the APF have essentially been directed towards the dissemination of information, leaving aside essential aspects such as implementation of models that allow combating the structural causes that generate conditions of greater risk and vulnerability to crimes in the matter of trafficking in persons, which establishes as an obligation the SEDESOL, which today is called the Ministry of Welfare

256. The lack of diagnoses that allow identifying regions and localities with lags in the attention to crimes in the matter of trafficking in persons and the omission in the implementation of complementary programs mandated by the General Law on preventive matters to comply with the provisions indicated in the chapters relating to the Preventive Care of Highly Vulnerable Areas and Groups and Attention to Lags, has hindered the prevention of a strategic mechanism for crimes in trafficking in persons in the country.

257. Instrumentalities such as the SEDESOL, by means of the INDESOL and INMUJERES, have had positive results supporting actions to prevent trafficking in persons in the 32 States, financing projects from the organized civil society and the Institutions of Women throughout the States.

258. The General Law establishes different authorities with a series of dissemination activities, mostly campaigns, that were not addresses, which prevented them from reaching specific sectors. Specifically, rural and indigenous communities as well as people with hearing and visual impairments were not offered translations into Mexican sign language or indigenous languages on the disseminated campaigns.

259. A sector of great importance for the prevention of trafficking in persons that was neglected is that of children and adolescents, as the SEP does not fulfill its obligation to develop prevention modules indicated in the General Law, or create an inter-institutional coordination mechanism between the States to prevent trafficking in persons in the education sector.

260. SALUD did not develop the national strategy to inform society about health risks from committing crimes in the matter of trafficking in persons, which is mandated by the General Law; thus, ceasing to provide relevant information to the population aimed at preventing situations with irreversible consequences such as those derived from these criminal behaviors.

261. Progress was achieved due to the Comprehensive Strategy for the Prevention of Trafficking in Persons implemented by the SECTUR in the travel and tourism sector. Especially in regards with the implementation of the National Code of Conduct that operated in a partnership framework formed by government agencies, public institutions, labor and civil society organizations, academic institutions, and companies with social responsibility programs.

262. The lack of creation of the national system for education, updating, training, and professionalization of public servants, both men and women, is one of the main limitations observed. Among the most important consequences is the lack of standardization of concepts that were taught in courses and workshops; the lack of knowledge on the human rights approach and gender perspective seen in the actions of public servants, applied to cases of crimes in the matter

of trafficking in persons, the lack of awareness in the application of the General Law and international instruments, among others.

263. It should be noted that the only indicator of compliance in the matter of the National Program for the component of prevention was the number of trained public servants, both men and women, so having the tools for their training should have been a priority in the agenda of the Inter-Secretariat Commission.

264. Most of dissemination activities that were reported are incipient, such as the PGR's Trafficking in Persons Prevention Program that began in 2017 and the #AQUIESTOY Campaign,<sup>53</sup> launched until July of that same year.

265. The transfer and transportation of victims of trafficking in persons is not being considered as activities carried out by traffickers that can be stopped through strategic actions. The CNS, today the Department of Public Safety and Citizen Protection, did not report carrying out the actions that the General Law mandates in matters of permanent surveillance at train and bus stations, airports and seaports, and border crossings aimed at preventing crimes in the matter of trafficking in persons.

266. The role of the PGR in the National Conference of Justice Prosecution to coordinate between the three government branches the actions to prevent and combat crimes in trafficking in persons is strategic, however, this has been limited and not constant, which has prevented projects such as the Mixed Cell Operation Protocol and the Unified Training Model for Trafficking in Persons from being consolidated.

267. The lack of formalization with the agencies and the entities that make up the Inter-Secretariat Commission, of protocols, models, and programs that they generate and approve as a collegiate body, as well as the lack of socialization and generation of actions that bind public service personnel to implement them, has prevented the prevalence of the generated progress, and stopped them from being enforced and assessed, so that continuity and prevalence can be guaranteed in the institutions regardless of those in public office and their interest in the matter.

268. Assistance and protection to victims of crimes in the matter of trafficking in persons was not guaranteed in the country nor was there a verifiable and assessable installed public policy. The organizations and agencies of the APF with specific obligations in the General Law such as the SEGOB, PGR, SALUD, SEP, STPS and CEAV, did not carry out indispensable actions to guarantee the rights of victims of crimes in the matter of trafficking in persons such as: the establishment of the Protection and Assistance Fund for Victims of Crimes in Trafficking in Persons, the adequacy of the Victim and Witness Protection Program, the correct implementation and evaluation of the Assistance and Protection Model for Victims, Offenders, and Witnesses of crimes related to trafficking in persons and the Single Protocol for the use of procedures and resources for the rescue, assistance and protection of victims and potential victims, the strategy to provide job opportunities

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<sup>53</sup> This Campaign, as reported by the SEGOB, was prepared by the UNODC and sponsored by the Department of State's International Narcotics and Law Enforcement (INL) of the United States of America in the framework of the Inter-Secretariat Commission's agreements.

to victims, as well as those aimed at ensuring their right to education and health until their rehabilitation and re-incorporation to society.

269. There is a lack of standardization of the concepts used in the protocols of the agencies and organizations of the APF (the INM, STPS, SRE, CEAV and those derived from the Inter-Secretariat Commission) that denotes confusion about the way in which the General Law establishes the criminalization of the criminal offenses called crimes in the matter of trafficking in persons, and that affects the matter of victim prevention and detection.

270. The agencies and organizations of the APF, in the period covered by the *Diagnosis*, detected and attended to victims without protocols or with tools that were right to address the problem. Among the first one, there is the INM, the SRE, the CNS and the CEAV which did not have a protocol or model in the matter until July 2017; in the second case there is SALUD that states that the Official Standard NOM-046-SSA2-2005 Domestic and sexual violence and violence against women, criteria for prevention and care, applies to cases of victims of crime in the matter of trafficking in persons.

271. The protection of boys and girls and adolescents that are victims of crimes in the matter of trafficking in persons was not guaranteed as long as the National DIF System reported not having specific official protocols, models or standards to provide care for minors who are victims of crimes in the matter of trafficking in persons. The agency said that girls, boys, and adolescents that are victims of human trafficking are channeled to the Social Welfare Centers of the entity because there are no shelters that meet the special needs of this population.

272. In the period covered by this *Diagnosis*, actions aimed at detection and rescue of victims were not focused on human trafficking in the field of sexual exploitation and, therefore, there are selective criteria by the authorities under which the type of victim that is sought and the type that is not is established. This is demonstrated through operations reported by the CNS that were directed to places related to possible cases of trafficking in persons for sexual purposes (bars, restaurants, "dating houses") without pointing out the strategy carried out, nor the established protocols or results obtained.

273. The INM reported that migratory verification visits were carried out under the instructions of attending "establishments such as clubs, bars, discotheques, massage centers or similar places in order to detect locations where there could be possible victims of human trafficking and / or exploitation, along with detections of foreign persons which probably had a typical or atypical situation."

274. Detection and identification of victims of human trafficking has not been understood by various Mexican authorities as the first step in the process of care, assistance, and protection that are indicated in national legislation and international instruments hence, it is an obligation related to the principle of due diligence and maximum protection. This is evidenced by the answers given to this National Organization by the CEAV and INMUJERES, which indicate that they lack competences in the matter, despite the nature of the functions that the first institution carries out, and despite having obligations established in the instruments elaborated by the Inter-Secretariat Commission in the second case.

275. In Mexico, there has been no system that provides reliable information on crimes in the matter of trafficking in persons. The SESNSP has gathered information corresponding crimes related to trafficking in persons established in the General Law in a single item. Due to this, it is impossible to have an accurate picture of the criminal incidence of all the behaviors that in Mexico include crimes in the matter of trafficking in persons through this information.

276. In the presence of 26 criminal offenses, it is necessary to separate criminal statistics around each of these crimes, since it is not about modes, but about crimes with their own penalties and their own elements. It should be noted that this information is what the Inter-Secretariat Commission has published in its reports and that is used as an official source to provide statistics on trafficking in persons both national and internationally.

277. In addition to the above, the lack of specific actions such as SINTRA by the Inter-Secretariat Commission that was requested from the UNODC since 2014, does not allow progress in the coordination of efforts aimed at having an approved system for the administrative registration of victims of crimes in the matter of trafficking in persons identified by the authorities of the different levels of government, with minimum variables to consider, such as sex, age, nationality, state of origin, belonging to groups in vulnerable conditions (persons of an indigenous community, persons belonging to the LGBTTTIQ community, persons with disabilities, migrants in transit), and the crime or crimes to which they were subjected.

278. The agencies and organizations that make up the Inter-Secretariat Commission are mostly unaware of the obligations that the General Law indicates to them and justify the lack of actions in the absence of specific regulations and material resources, without observing that they carry out actions aimed at their generation.

279. There is a lack of comprehensive approach, planning, and evaluation of the actions carried out in the Inter-Secretariat Commission. The objective of having this organization is that the agencies and organizations of the APF work together in actions that are then implemented and followed up. It also serves to bring these agreements down to other levels of the government; however, the participation and commitment of institutions varies considerably.

280. From the analysis to cases related to trafficking in persons received by this National Commission, it is noted that both local and federal authorities have not identified trafficking in persons as a violation of human rights. Consequently, their actions have been aimed at reactive action and have not implemented actions to prevent and identify possible victims of human trafficking.

281. One of the rights that was detected as mostly violated is that of “legal certainty”, which has several causes, one of them is the lack of knowledge from the authorities, of the legal framework that governs their functions, hence training is essential for public servants on the issue of human trafficking, with a human rights approach and gender perspective.

282. The lack of access to justice in its mode of law enforcement is also a recurring violation in the absence of identification of victims of trafficking in persons by the authorities, along with the fact that, in those cases in which an administrative inquiry and / or investigation file was rooted to

prosecute and punish trafficking in persons, the irregular way in which it is integrated is a constant situation.

283. This National Commission has observed human rights violations in the grievance of agricultural workers in Baja California Sur, San Luis Potosí and Colima, many of them potential victims of human trafficking in their form of labour exploitation and/ or forced labour, however, as a result of the national media monitoring carried out by this National Agency on Trafficking in Persons, has also monitored and even lodged files for related events occurring in other states; which shows that the actions implemented by states have not been sufficient to protect full exercise and enjoy their rights as workers and prevent them from being victimized.

284. The lack of protocols and guidelines for the authorities is observed, which has prevented them from acting efficiently when they detect the possible commission of criminal behaviors in the matter of trafficking in persons.

285. Through the processing of complaint files, this National Commission has warned that the public servants of the various institutions are not properly trained to identify, detect, and assist in the matter of crimes in the matter of trafficking in persons, together with the fact that there is a lack of sensitivity regarding their characteristics and needs. In the same way, procedures that must be followed to receive attention are usually bureaucratic and, in general, procedures are not accessible and are not expedite, all of which generate revictimization.

## RECOMMENDATIONS

286. A series of recommendations that are made based on the analysis of information obtained in the *Diagnosis* regarding compliance with agencies and entities of the Federal Public Administration to the General Law to Prevent, Punish, and Eradicate Crimes in the Matter of Trafficking in Persons and for the Protection and Assistance to Victims of these Crimes (General Law), the actions of the authorities of prosecution at the national level, the jurisdictional bodies, and the commissions of attention to victims, in law enforcement and administration of justice for crimes in the matter of trafficking in persons, and measures of assistance, care, and protection for victims, offended and witnesses of them are shown below.

287. The following recommendations include, but are not limited to the actions that are required to be undertaken to prevent, prosecute, and treat victims of crimes in the matter of trafficking in persons in Mexico:

288. To the Ministry of the Interior. To:

Coordinate the design and implementation of social and economic initiatives, with a view to preventing and combating crimes in the matter of trafficking in persons.

Enter into collaboration agreements with the agencies and organizations of the APF that operate programs aimed at rural areas and indigenous communities to provide information on the crimes provided for in the General Law, in which the forms of deception and the risks of these are exposed, as well as contact details of the authorities to which victims can turn in case they are subject to any crime in the matter of trafficking in persons.

Provide support to civil society organizations for the creation and / or strengthening of operations in Shelters, Half-Way Houses and Refuges in accordance with the provisions of the General Law.

Pay visits to Shelters, Half-Way Houses and Refuges to provide adequate assistance and protection to victims and offended during their recovery, rehabilitation and reintegration, as well as to verify the respect for their human rights, as indicated by the General Law.

Maintain the list of Shelters, Half Way Houses and Refuges for victims, offended or witnesses of crimes in the matter of trafficking in persons integrated and updated.

Establish the general guidelines of evaluations to which actions and programs developed by the Federal governments, of the States, municipalities and land districts of Mexico City to which the General Law refers.

Carry out the necessary steps for the construction of the Protection and Assistance Fund for Victims of Crimes in Trafficking in Persons that allows redress to victims and offended for the damages caused by any of the crimes in the matter of trafficking in persons, when it is not fully or partially covered by the convicted person, the financing of Shelters, Half-Way Houses and Refuges, as well as the implementation of protection measures.

Complete the operation of the SINTRA and ensure the complete registration of data necessary for the identification and treatment of victims and cases.

Strengthen the coordination abilities of the Technical Secretariat of the Inter-Secretariat Commission in order to achieve greater assistance and collaboration of members, participants and guests of this mechanism, as well as improve agreements follow up strategies and report rendition.

Carry out sessions established at least in the General Law for the Inter-Secretariat Commission and the Advisory Sub-Committee, as well as strengthening the work of the working groups through written and signed commitments, indicating the responsible authorities.

Implement, in coordination with the Attorney General's Office of the United States of Mexico, and the agencies and organizations that make up the Inter-Secretariat Commission, the National System for education, update, train, and updates for the prevention, care, and punishment of crimes in the matter of trafficking in persons referred to in the General Law, being essential that the different levels of knowledge for each type of public servants, both men and women, be taken into consideration, as well as the need for it to be instruments at the federal, state, and municipal levels.

289. To the Ministry of Foreign Affairs. To:

Verify the relevance of changing items under which the victims are registered so that they are defined within the crimes established in the Mexican legislation on the matter.

Campaign for Mexican people abroad aimed at preventing crimes in the matter of trafficking in persons and provide information on how the Consular Network of Mexico in the World can provide support in a possible case.

Ensure that all Mexican victims of crimes in the matter of trafficking in persons abroad that require it, have housing options in their care and protection process.

Prepare a diagnosis of the victims of crimes in the matter of trafficking persons from Mexico abroad, given that, unlike the national and international trend, this authority reported a considerably higher percentage of men victims of trafficking in persons in relation to women.

290. To the Ministry of Public Security and Citizen Protection, formerly the National Security Commission. To:

Implementing permanent surveillance programs in train and bus stations, airports, seaports, and border crossings led to prevent and detect probable commissions of crimes considered in the General Law.

Ensure that police operations carried out for the purpose of detecting possible cases or rescuing victims are carried out under criteria of non-discrimination and with strict adherence to human rights, covering not only trafficking in persons for the purpose of sexual exploitation but each one of the crimes established in the General Law.

Carry out the previous actions through qualified, specialized personnel and in constant evaluation, with protocols for action and safe extraction of victims, and notifying autonomous public human rights organizations in order to establish contact with potential victims.

291. To the Ministry of Labour and Social Security. To:

Carry out agreements with government institutions or with civil society organizations that are in charge of Shelters, Refuges or Half-way Houses for victims of crimes in the matter of trafficking in persons to provide them with job training and job listing opportunities, especially after their release.

Carry out models to provide access to employment opportunities and training to victims that are not at a shelter or refuge.

Continue efforts to increase inspections at work centers in order to detect possible cases of trafficking in persons.

Review and make the necessary adjustments to the Inspection Protocol to Prevent and Detect Trafficking in Persons in Workplaces published in 2017, as it contains limitations and lacks gender perspective.

292. To the Ministry of Health. To:

Carry out the national strategy to inform society about the risks that the commission of crimes in the matter of trafficking in persons, to which the General Law refers means for health.

Prepare, approve and implement an Official Standard on prevention and care for victims of crimes in the matter of trafficking in persons, and carry out the necessary training for the personnel responsible for its enforcement.

Sign agreements with government institutions and civil society organizations that are in charge of Shelters, Refuges or Half-Way Houses, to guarantee the right to health for victims of crimes in the matter of trafficking in persons and their children while they are in those places.

Implement strategies to guarantee the right to health of victims of crimes in trafficking in persons, specifically, during the reinsertion stage, through which follow-up and free continuity of psychiatric, psychological treatments, care to addictions and sexually transmitted diseases is guaranteed.

293. To the Ministry of Welfare, formerly the Ministry of Social Development. To:

Design and apply models allowing to combat structural causes that generate riskier and vulnerable conditions facing crimes in the matter of trafficking in persons, specially referring to poverty, marginalization, and social inequality, which the General Law and the Internal Regulations of said agency mandate.

Put into operation a strategy for special attention to isolated towns and urban areas that have been identified with the greatest possibility for their population to be victims of the crimes provided for in the General Law, and those that have the highest incidence of these crimes.

294. To the Ministry of Public Education. To:

Develop prevention modules for the different school cycles that must be included in the curriculum of basic education, indicated to this agency in the General Law.

Assess and update the free books of civic and ethics approved by said agency for 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> grade of primary school and the three grades of high school, given the non-existent and / or inadequate information that they currently contain, as a priority in the sections of expected learning, aspects of self-care, understanding of the problem from a gender perspective and options for safe reporting for students.

Create the mechanism of inter-institutional coordination to prevent crimes related to trafficking in persons in the education sector with the States.

Design and implement a Protocol for the detection and channeling of possible cases of trafficking in persons for schools that includes training for teachers and routes for children and adolescents.

Strengthen their training actions for public servants, both men and women, as well as the implementation of campaigns to prevent crimes in the matter of trafficking in persons in schools.

Sign agreements with government institutions and civil society organizations that are in charge of Shelters, Refuges, or Half-Way Houses, to guarantee the right to health for victims of crimes in the matter of trafficking in persons and their children while they are in those places.

Design and implement a Protocol for the detection and channeling of possible cases of trafficking in persons for schools that includes training teachers and attention routes for children and adolescents.

Develop strategies to guarantee the right to education of victims of crimes in the matter of trafficking in persons, specifically, during the reinsertion stage.

295. The Attorney General's Office of the United States of Mexico, formerly the General Prosecution's Office

Make adjustments related to the Victim and Witness Protection Program, in accordance with the provisions of the General Law Regulations, in order to guarantee the right of victims and witnesses of crimes in the matter of trafficking in persons to change identity and of residence in the cases in which it is proved that the subject or active subjects of the crime are members of national or transnational organized crime.

Strengthen the Program for the "Prevention of Crime of Trafficking in Persons" by extending it to all crimes in the matter of trafficking in persons, especially efforts made to promote denunciation in schools and communities in situations of greatest vulnerability.

To resume the agreements promoted before the National Conference of Prosecutors and to continue presenting before this body the public policies necessary for the prevention of crimes in the matter of trafficking in persons at a national level.

Implement, in coordination with the Ministry of the Interior, as well as with entities and agencies that make up the Inter-Secretariat Commission, the National System for education, update, train, and updates for the prevention, care, and punishment of crimes in the matter of trafficking in persons referred to in the General Law, being essential that the different levels of knowledge for each type of public servants, and the need for it to be instrumented at a federal, state, and municipal level.

296. To the National System for Integral Family Development. To:

Develop and implement specific protocols, models, or official standards to provide attention to minors who are victims of crimes in the matter of trafficking in persons.

Enable shelters for children and adolescents, victims of human trafficking, in the absence of these spaces in the country.

297. To the National Migration Institute. To:

Ensure that police operations carried out for the purposes of detecting possible cases or rescuing victims are carried out under criteria of non-discrimination and with strict adherence to human rights, covering not only trafficking in persons for the purpose of sexual exploitation but each one of the crimes established in the General Law.

Carry out the previous actions through qualified, specialized personnel and in constant evaluation, with protocols to react and safely extract victims; as well as notify autonomous public human rights organizations in order to establish contact with potential victims.

Ensure that all Mexican victims of crimes in the matter of trafficking in persons abroad that require it, have housing options in their care and protection process.

298. To the Executive Secretariat of the National Public Security System. To:

Plan and implement a coordination strategy with the Prosecution's Office and the Attorney General's Office so that the information related to the prosecution of crimes in the matter of

trafficking in persons is recorded in the Database of the National Public Security System, not globally, but for each of the criminal behaviors established in the General Law.

299. To the Inter-Secretariat Commission to Prevent, Punish, and Eradicate Crimes in the Matter of Trafficking in Persons. To:

Develop situational diagnoses that allow identifying regions and localities with lags in the attention to crimes in the matter of trafficking in persons, implement models that combat the structural causes that generate conditions of greater risk and vulnerability against the crimes planned in the General Law and generate indicators on the application and results of prevention programs.

Consolidate, based on the diagnoses indicated in the previous recommendation, a strategy for prevention actions to be carried out in a coordinated manner between the agencies and organizations of the APF and the three government orders in accordance with the provisions of General Law.

Contribute, in coordination with the corresponding agencies and organizations, local development programs, as well as social and economic initiatives that combat the structural causes of trafficking in persons, based on the situational diagnoses referred to previously.

Identify, in order to strengthen it, those actions that have achieved a local and transversal impact, such as those implemented through the Support Program for the Organizations of Women in the States, the National Hotline against Trafficking in Persons of the Citizen Council of Mexico City, and the National Code of Conduct for the protection of Girls, Boys, and Adolescents in the Travel and Tourism Sector.

Follow up on each of the provisions established in the Guidelines for Surveillance and Monitoring of Classified Ads, complying with the obligations indicated to the agencies and the Inter-Secretariat Commission itself.

Continue with the efforts made to disseminate information campaigns aimed at the entire population, establishing measurement parameters, and prioritizing budgets so that their development and implementation is reflected in the messages reaching target populations, and not in its elaboration

Carry out campaigns aimed at rural and indigenous communities, taking into account that not only must they be translated into mother tongues, but they must also have cultural relevance, promoting that they be created and implemented through community actions that involve social agents and community leaders.

Develop studies on the subject from a gender and intersectional approach that provide information not only on the conditions that increase the vulnerability of people to these crimes, but also those that must be taken into account to provide care that promotes adequate recovery.

Develop local quantitative and qualitative studies that allow targeted interventions, in order to know the particularities of each region, state, and locality.

Consider in the preventive programs of crimes in the matter of trafficking in persons in the sexual field, children and men as possible victims and, therefore, develop actions focused on them.

Ensure that crime prevention programs for trafficking in persons in the workplace do not reproduce gender roles and stereotypes that deny or do not reflect the participation of women in paid work and, therefore, are not considered as possible victims of these criminal behaviors.

Raise awareness, through studies, campaigns, and discussion forums on other purposes of exploitation of trafficking in persons such as the use of persons under eighteen in criminal activities, forced or servile marriages, and illegal adoptions.

Guarantee the institutionalization of models, protocols, campaigns, and training programs developed within the Inter-Secretariat Commission through its formalization, socialization, and the generation of actions of each of the dependencies and entities that conform it, bind personnel of the public service to implement them so that the progress generated will last over time, be enforceable and assessable, and ensure continuity and permanence.

Approve the concepts used in the protocols of the agencies and organizations of the APF (National Institute of Migration, Ministry of Labour and Social Welfare, Ministry of Foreign Affairs, Executive Commission of Attention to Victims and derivatives of the Inter-Secretariat Commission) clearly specifying, on one hand, the international concept of trafficking in persons and on the other, the way in which crimes related to trafficking in persons are criminalized in Mexico, in accordance with the General Law, in order to avoid confusion and misinformation in the people who will apply the corresponding instruments.

Consider the National Conference of Prosecutors and the National Conference of Governors as strategic places for the institutionalization of public policies regarding prevention, prosecution, and attention to victims, and for the fulfillment of the obligations indicated in the General Law.

Assess the implementation of the following tools approved within the framework of the Inter-Secretariat Commission and that have not been followed: the Assistance and Protection Model for Victims of Trafficking in Persons, the Rescue Protocol and Assistance to Victims of Trafficking in Persons and the General Guidelines for the Construction, Operation, and Functioning of Shelters, Refuges, and Houses and the SINTRA.

Conduct studies focused on the participation of people with a kinship relationship as active subjects of the crime with the victims, in order to design preventive actions for these cases, as well as an adequate detection of the victims.

Incorporate gender perspective in all phases of public policies that arise for the prevention, prosecution, and law enforcement, as well as assistance, care, and protection for its victims, given that gender inequality is one of the structural causes of crimes in trafficking in persons.

Promote that the agencies and organizations of the APF carry out the necessary steps to have human and material resources for the implementation of the obligations indicated in the General Law.

300. To the federal, state, and municipal entities and agencies in charge of the first contact with possible victims. To:

Consider detection and identification of victims of crimes in the matter of trafficking in persons as the first step in the process of care, assistance, and protection and, therefore, as an obligation related to the principle of due diligence and maximum protection, therefore all agencies and entities that have public servants, both men and women who perform functions of first contact such as labour inspections, attention to crime victims, police officers, immigration agents, health sector personnel, health inspectors, must have protocols of action and training.

301. To the Prosecution Offices and Attorney General's Offices. To:

Design, develop and implement an approved system for the administrative record of investigations for crimes in the matter of trafficking in persons that considers within the variables, the disaggregation of information by criminal offense established in the General Law, which, on one hand, will prevent information on 26 criminal offenses from being reported under the same heading (trafficking in persons), which currently generates inaccuracies about the reality of criminal statistics in the matter, and on the other, will make the investigation files independently visible, these are initiated for trafficking in persons and / or for each crime related to some form of exploitation or related, as well as the corresponding allegations.

Carry out proactive investigations in the prosecution of crimes in the matter of trafficking in persons, for which it is recommended to make use of information provided by the Ministry of the Interior's monitoring through the Guidelines for surveillance and monitoring of classified ads, as well as the one developed by civil society organizations, based on the limited number of administrative inquiries and investigation files that have been initiated ex officio.

Continue strengthening international cooperation actions to prosecute crimes in the matter of trafficking in persons who have had successful rescues.

Carry out inter-organizational and interdisciplinary reflections and discussions to analyze whether the absence of administrative investigations and investigation files of certain criminal offenses is due to the absence of certain criminal behaviors in the matter of trafficking in persons in Mexico, or if the efforts of law enforcement have focused on certain criminal offenses. This is because it was observed that the largest number of investigations focus on crimes in the matter of trafficking in persons in the sexual field.

Create missing specialized units or prosecutions in crimes in the matter of trafficking in persons and provide them with their own budget, in accordance with the provisions of the General Law.

Develop and implement an action protocol for those who investigate crimes in trafficking in persons from the perspectives of human rights and gender, which include the identification and attention of cases of victims belonging to vulnerable groups (persons of an indigenous community, LGBTTTIQ people, people with disabilities, migrants in transit) for the effective protection of their rights.

Ensure that all Mexican victims of crimes in the matter of trafficking in persons abroad that require it, have housing options in their care and protection process.

302. To the Executive Commission of Attention to Victims and their counterparts in the states. To:

Design, develop, and implement an approved system for the administrative registration of victims of crimes in the matter of trafficking in persons identified by the authorities of the different levels of government, with minimum variables to consider, such as sex, age, nationality, state of origin, belonging to groups in vulnerable conditions (people from an indigenous community, LGBTTTIQ people, people with disabilities, migrants in transit), the crime(s) they were subjected to, and whose information is captured using the same criteria, since a diversity of records was observed among the authorities that responded to the *Diagnosis*.

Prepare and implement an Identity Protection Protocol for Victims of crimes in the matter of trafficking in persons for the protection of their personal data and the protection of their right to privacy and intimacy to be applied by all APF authorities.

Carry out urgent care and protection actions, by identifying a possible victim of crimes related to trafficking in persons that, based on the recognition of their special vulnerability, without the need to be subject to a criminal investigation or immigration process.

Guarantee redress of the damage to victims of crimes in trafficking in persons.

Ensure that all Mexican victims of crimes in the matter of trafficking in persons abroad that require it, have housing options in their care and protection process.

303. To the Jurisdictional Bodies. To:

Develop and implement a Protocol of action for those who provide justice in cases related to crimes in the matter of trafficking in persons; and continue with training efforts implemented.

304. To the General Congress of the United Mexican States. To:

Conduct a diagnosis on the needs of legislative standardization in the matter of trafficking in persons.

Allocate a budget labeled for the prevention, prosecution, and care of victims of crimes in the matter of trafficking in persons.