

PART XI

Fear Factor

It is not uncommon for victims to fear testifying against their trafficker. In nations where it is more likely than not that the trafficker will not be imprisoned, victims are rightly fearful of retribution. Yet it is not just victims who are scared.

In Mexico, local law enforcement, prosecutors, and judges are fearful of pursuing trafficking cases in areas where human trafficking is prevalent and organized crime is strong. This fear is justified as crime groups have continued to target law enforcement and anti-human-trafficking advocates. In January 2012 a local drug cartel in Ciudad Juárez, Chihuahua, killed five police officers and pledged that it would kill one officer a day until Julian Leyzaola, the police chief, resigned. Attacks on police by organized-crime syndicates are not likely to stop anytime soon. Between October 2011 and January 2012 some 60 police officers in Ciudad Juárez were killed (Juan Carlos Llorca, 2012; Stratfor Global Intelligence, 2012).

Federal judges are also fearful of organized-crime syndicates and have been reluctant to try trafficking cases, not only because the anti-trafficking law is new and the judges are not familiar with it, but also because they are fearful of retribution. Pervasive corruption among public officials at all levels and in all branches of government makes the power of organized-crime groups appear limitless. The result is that traffickers perceive everything as negotiable: even after facing charges, they can simply pay off witnesses, judges, and prosecutors. Until 2007, criminal cases were closed to the public, a practice that created a secretive and ideal environment where corruption could flourish. This should change as Mexico slowly implements multiple judicial reforms legislated in 2007.

CHAPTER 22

Mexico

They don't care about destroying people's lives, because what they want is money. What they want is to dominate the world by having a lot of women to themselves. They feel like gods before a woman who has no defenses because she's been beaten, and they totally mistreat them horribly.

—A VICTIM OF THE CARRETO FAMILY TRAFFICKING RING

In November 2007 Mexico passed a federal anti-trafficking law called the Law to Prevent and Sanction Trafficking in Persons. Additionally, Mexico City (the Federal District) and all 31 states have criminal codes that include trafficking in persons as a crime. The Federal District and the state of Chiapas have separate legislation that criminalizes trafficking and mandates social assistance for victims (ABA, 2009; U.S. Department of State, 2012).¹ Under federal law, acts of human trafficking include promotion, solicitation, offering, delivery, transfer, receipt, obtaining, and facilitation. The means included under the law are physical violence, moral violence, deception, and abuse of power. The forms of exploitation that are covered include sexual exploitation; forced labor or services; slavery; practices similar to slavery; servitude; and removal of organs, tissue, or its components (ABA, 2009). In June 2012, then-president Felipe Calderón signed the General Law to Prevent, Punish and Eradicate Trafficking in Persons Crimes and for the Protection and Assistance of Victims of These Crimes, which increases sentencing of traffickers and trafficking-related offenders to up to 40 years' imprisonment, which can be increased to 60 years for violent crimes. The president also amended the Penal Code to criminalize the killing of a female because of gender (femicide); offenders face 40 to 60 years' imprisonment (EFE, 2012).

Mexico is an origin, transit, and destination nation in trafficking for both forced labor and commercial sexual exploitation. As in all nations,