

Situations of Vulnerability to Human Trafficking in Mobile and Resident Populations in the Municipality of Tapachula in the Context of the 2018-2019 Migrant Caravans

Situaciones de vulnerabilidad en personas en movilidad y personas locales frente a la trata de personas en el municipio de Tapachula en el contexto de las caravanas migrantes 2018-2019

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ABSTRACT

This paper aims to describe the situations of vulnerability to the possibility of becoming human trafficking victims for both mobile and resident populations in the municipality of Tapachula, Chiapas during October 2018 and July 2019, period in which the first caravans arrived in the border between Tapachula, Mexico and Tecún Uman, Guatemala. This paper is the result of a qualitative research approach that examines the category of *vulnerability* and the legal framework for human trafficking in Mexico, and it is based on field observation records in institutions dedicated to the protection of migrants and victims of gender-based violence, as well as in interviews with key informants in Chiapas and Mexico City. The main conclusion of this work is that the juncture resulting from the response of the Mexican government to the caravans, the austerity policy enforced by the Mexican government, and the problems derived from an institutional design that operates without adherence to the legal framework and with overwhelmed capacity, led to situations of unprecedented or exacerbated vulnerability for these populations.

Keywords: 1. vulnerability, 2. human trafficking, 3. migrant caravans, 4. Tapachula, 5. Chiapas.

RESUMEN

El objetivo de este artículo es describir situaciones de vulnerabilidad ante la posibilidad de convertirse en víctimas de trata de personas, tanto la población en movilidad como la residente en el municipio de Tapachula, Chiapas. Estas situaciones se enfrentaron durante octubre de 2018 y julio de 2019, periodo en el que ocurrieron las primeras caravanas en la frontera entre Tapachula, Chiapas y Tecún Umán, Guatemala. Es resultado de una investigación con enfoque cualitativo, cuyos ejes de análisis son la categoría de *vulnerabilidad* y el marco jurídico en materia de trata de personas en México, basada en registros de observaciones de campo en instituciones de protección a migrantes y a víctimas de violencia de género y en entrevistas a informantes clave, en Chiapas y la Ciudad de México. La conclusión principal es que la coyuntura resultante de la respuesta del gobierno mexicano al evento de las caravanas, la política de austeridad implementada por el gobierno federal y los problemas derivados de un diseño institucional que opera sin apego al marco jurídico y con capacidades rebasadas, derivó en situaciones de vulnerabilidad inéditas o intensificadas para las poblaciones antes señaladas.

Palabras clave: 1. vulnerabilidad, 2. trata de personas, 3. caravanas migrantes, 4. Tapachula, 5. Chiapas

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INTRODUCTION

On October 12, 2018, between 6 000 and 7 000 migrants arrived to Tapachula, a municipality located in the state of Chiapas in Mexico, coming mostly from Honduras, Guatemala, and El Salvador, as well as from Haiti, Venezuela, Cuba, and in smaller numbers from other South American and African countries. They did so in what was portrayed in the media as the “first migrant caravan.” This caravan and others that followed⁴ (CNDH, 2020; Pradilla, 2020) have also been known as “massive migrations.” These are population displacements concocted as a survival strategy in the face of increasing danger in recent years along the routes used by the mobile population –a category used in this paper not only referring to the migrant population, but also to forcibly displaced persons or those seeking refuge or asylum– in Mexican territory, who are headed to the United States of America (USA).

Paradoxically, as will be further explained, the irruption of these caravans, and those that ensued, gave rise to situations of vulnerability that were novel in their context and deepening (and in that sense, were unprecedented) in the presence of several violence and human rights violations, including human trafficking, not only for the mobile population, but also for the population residing in the municipality of Tapachula, Chiapas.

This paper is the result of a research⁵ whose initial objective was to analyze the capacities of federal, state, and local government agencies, which in turn have the obligation to enforce public policies to prevent, punish, and eradicate human trafficking crimes and to protect and assist the victims of these crimes in Tapachula, Chiapas. The second section explains the legal framework in which this policy is established. In the case of Mexico, it does not consider human trafficking as a crime, but rather points out the existence of 11 different crimes (criminal offenses) in this matter.

However, given that the fieldwork was conducted between March and July 2019, when we arrived to investigate *in situ*, we noted that it was impossible to continue with this proposal, due to unforeseen difficulties to carry out the previously defined methodology. Since the informants that had been identified during the desk work (public officials, members of Civil Society Organizations, or CSOs, and international organizations) were one hundred percent dedicated to assisting and responding to the humanitarian emergency resulting from the arrival of the caravans.

The decision was then made to modify the initial research proposal and reorient it in order to, on the one hand, observe the impact of the Mexican government’s response to the caravans in

⁴ The International Organization for Migration (IOM) (2019) estimates that between October 2018 and April 2019 nine caravans were formed in Central America, while between January and October 2020 another three attempts were known.

⁵ It was made possible thanks to the Programa de Apoyo a Proyectos de Investigación e Innovación Tecnológica (PAPIIT) of the Dirección General de Apoyo al Personal Académico (DGAPA) at Universidad Nacional Autónoma de México (UNAM). Project IN307518: *La trata de personas en México: Aproximación a su complejidad y elementos para la definición de políticas públicas. Un análisis desde la sociología de los riesgos sociales*.

terms of the capacity of federal, state, and local agencies to address human trafficking in the municipality of Tapachula, and, on the other hand, notice if situations of vulnerability to human trafficking were emerging in the context of the arrival of these first caravans to the municipality of Tapachula, or deepening those that already existed, not only for migrants, but also for the resident population of the municipality.

The arrival of the caravans during 2018 and 2019 to the municipality of Tapachula coincided with the first stage of enforcing the so-called *Republican Austerity Policy*, recognized as such under the Federal Law of Republican Austerity, published in the Official Gazette of the Federation (DOF) in November 2019. This policy further reduced the already insufficient resources, as well as the capacities available to government agencies at the federal, state, and local levels to address human trafficking. In addition, the effects of this austerity increased the institutional disorder with which different agencies at the three levels of government, with powers and obligations in accordance with the national and state legal framework on human trafficking, enforced public policies in the municipality.

It is important to emphasize that this paper does not study the phenomenon of human trafficking directly; in other words, it does not investigate the criminal networks operating locally, its alleged victims, or the ways in which this crime is carried out in the region. This paper attempts to characterize the vulnerability to human trafficking of both the mobile population and the resident (local) population in the municipality of Tapachula, Chiapas, at a juncture of three specific elements: the Mexican government's response to the caravans, the republican austerity policy, and the pre-existing institutional disorder.

The analysis is based on open interviews with migrants, public officials, academics, as well as members of civil society organizations and representatives of international organizations. These interviews were conducted in the municipality of Tapachula and in Mexico City. This paper is also based on the analysis of field observations made in organizations that protect migrants and victims of gender-based violence.

VULNERABILITY TO THE POSSIBILITY OF BECOMING A HUMAN TRAFFICKING VICTIM

In 2000, the UN General Assembly (UNGA) adopted the United Nations Convention against Transnational Organized Crime (UNTOC) and its three optional protocols. One of these was the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, also known as the Palermo Protocol⁶ (ONUDD, 2004).

In this international legal instrument, the current definition of trafficking in persons was provided, which in addition to being a crime –as established in this international instrument– constitutes one of the most serious human rights violations by “violating and undermining fundamental human rights” (OACNUDH, 2014, p. 6). Article 3 of the Palermo Protocol defines trafficking in persons as:

⁶ Named after the Italian city where it was signed.

[...] the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, or practices similar to slavery, servitude or the removal of organs (ONUDD, 2004, p. 44).

The Mexican State ratified the Palermo Protocol in 2003, and since then has deployed a series of legal reforms and public policy actions aimed at complying with the obligations acquired when it became a State Party to the Protocol. In Mexico, the legal instrument that guides public policy in this matter is the General Law to Prevent, Punish and Eradicate Crime in Trafficking in Persons and Protecting and Assisting the Victims of these Crimes (hereinafter “General Law in Trafficking in Persons”). This law was published on June 14, 2012, thus repealing the Law to Prevent and Punish Trafficking in Persons enacted in 2007.

Unlike the Palermo Protocol, the General Law in Trafficking in Persons does not define the term trafficking in persons, it rather establishes 11 purposes of *exploitation* of human trafficking, which in turn are 11 different criminal offenses of trafficking in persons. In Article 10, it establishes that:

Any willful act or intentional omission committed by one or more persons to capture, engage, transport, transfer, retain, deliver, receive, or harbor another person or group of persons for the purpose of exploitation shall be imposed from 5 to 15 years of imprisonment and a thousand to twenty thousand days of fine, without prejudice to penalties corresponding to each of the crimes committed, provided for and punished in this Law and in the criminal codes (Cámara de Diputados del H. Congreso de la Unión, Diario Oficial de la Federación, Last reform: 2021, May 20, p. 7).

Although the General Law in Trafficking in Persons does not define what constitutes exploitation of a person, it does state that it shall be understood as the following 11 activities (which in turn constitute 11 crimes of trafficking in persons in accordance with this law): slavery, serfdom, prostitution of others or other forms of sexual exploitation, labor exploitation, forced labor or services, forced begging, use of persons under 18 years of age in criminal activities, unlawful adoption of persons under 18 years of age, forced or servile marriage, trafficking in organs, tissues and cells of living human beings, as well as illegal biomedical experimentation on human beings.

It is within this ambiguous legal framework that the functions, powers, and obligations of public authorities in relation to human trafficking in the country are regulated. Furthermore, given that the General Law in Trafficking in Persons establishes that public policy in this matter

must be *State Policy*,⁷ inter-institutional coordination at the three levels of government is required.

As will be seen in the analysis on the agencies that operate in Tapachula addressing human trafficking, Chiapas lacks a legal framework that conforms to the General Law in Trafficking in Persons, which has historically made this problem invisible or weakened institutional efforts to confront it and this, in turn, has had an impact on the shaping of vulnerability to human trafficking in a setting of high mobile population such as Tapachula.

The research this paper draws upon bases its analysis on the concept of *vulnerability*, given that its main objective is to characterize the vulnerability of the population to the possibility of becoming a human trafficking victim in a specific geographical space and context.

In the case of Tapachula and in the context of the migrant caravans, two different large segments of vulnerable population groups are identified: people travelling in caravans who arrive to Tapachula, and people residing in that municipality. Undoubtedly, this is a broad categorization including numerous heterogeneities and a particular kind of vulnerability according to diverse criteria, such as gender, age, indigenous status, nationality, and so forth.

However, this paper will only address issues that relate at a macro and general level to both. The category of “vulnerability” has been widely examined from the most diverse fields of study and disciplines. Ruiz (2012) states that it has been defined in different ways and considering different factors, such as risk, stress, susceptibility, and sensitivity among others.

This paper takes up two concepts proposed in the field of sociology. The first is by Wolff & De-Shalit (2007), who state that *vulnerability* arises from the coexistence or clustering of social disadvantages (for example, little or no schooling, lack of autonomy, low income, to name a few) that hinder people’s full development and quality of life.

The other is *social vulnerability*, which according to González de la Rocha & Saraví (2018) is “the gestation process of changes in the state of individuals, as a result of an event or a course of specific events that are related to processes of deterioration of living standards” (p. 44). The deterioration of living standards that the authors point out is mainly due to structural conditions, as these have an impact on vulnerability, and deepen and perpetuate the risk of becoming a victim of crimes such as human trafficking.

To develop the context for this research, we looked at the 2010 Mexican Index of Vulnerability to Human Trafficking (Fuentes, 2010), created to identify six dimensions by which the 32 states were ordered, according to the degree of vulnerability that the population living or passing through faced in relation to human trafficking (medium, high, and very high). Based on a previous selection of indicators, six dimensions of vulnerability were identified: 1) Widespread presence of high levels of social violence; 2) Widespread presence of poverty and social deprivation; 3) Inadequate justice and public security systems; 4) Economic precariousness and

⁷ Book Second of the General Law in Trafficking in Persons is dedicated to what is called *State Policy*, while it contains no definition for this term, it establishes a set of obligations for agencies at the three levels of government.

exploitative labor conditions; 5) Presence of domestic or international migration; and 6) Gender-based discrimination in the context of human development. In this index, as well as in an updated version carried out in 2016 (Fuentes, Banegas y Regules, 2017), Chiapas turned out to be the state in Mexico where the population experienced the greatest vulnerability to human trafficking.

We also looked at a 2018 index to estimate the population's vulnerability to human trafficking in each of the 118 municipalities of Chiapas. This index was made up of the same six dimensions as the national index, and the results indicated that Tapachula was the municipality in which the population faced the highest vulnerability to human trafficking (Fuentes, 2019).

These findings suggest the relevance and urgency to conduct research that advances knowledge about the human trafficking issue in this state, and specifically in the municipality of Tapachula, with the intention of making it available to those who develop and enforce public policies. Although it is difficult and even risky to identify and study human trafficking directly, it is possible to approach it in a lateral way, for example, through the situations of vulnerability faced by different populations (living or passing through) in Tapachula. This information can contribute to trace new routes for its investigation and for the improvement of government actions to address it.

Dimensions of vulnerability to human trafficking in Tapachula, Chiapas

Evidence shows the conditions of vulnerability for a large portion of the population in Tapachula are linked to poverty and violence, as well as the fact that it is a hotspot for human trafficking for the purpose of sexual and labor exploitation (CNDH & Centro de Estudios e Investigación en Desarrollo y Asistencia Social, 2009; Casillas, 2015).

What can be observed in the specialized literature is that varying conditions of vulnerability to human trafficking have been present in Tapachula throughout its history and over diverse migratory dynamics and human mobility, both of which are traditional practices in the region (Johnsson, 2014; Kauffer & Francoise, 2005).

These dynamics are framed in the so-called Mexico-Guatemala Cross-Border Region (Región Transfronteriza México-Guatemala: Dimensión Regional y Bases para su Desarrollo Integral, n.d., n.p.). This region is made up of a local economy revolving around labor and social dynamics that have resulted from the mobility of workers from bordering states in Guatemala, many of whom enter Mexico on a regular basis. The labor dynamics of this region are characterized by irregular labor markets and low-skilled activities, such as agricultural work, informal trade, or domestic work, which perpetuate the conditions of poverty and disadvantage for the Tapachula natives, or those who come from other places but work there (Johnsson, 2014).

At the same time, Tapachula has been one of the most important points of entry for irregular migrants (people whose cross-border mobility occurs outside the laws, regulations, or international agreements ruling entry into or exit from the country of origin, transit, or destination (OIM, n.d.) headed to the U.S. The undocumented migrant population in transit has historically been exposed, even before the caravans, to being detained and deported by Mexican immigration authorities.

A remarkable phenomenon at this juncture has not only been the high number of admissions, but also the high number of refugee applications. Albeit the number of refugee applicants had increased since 2014, and more and more people from countries other than Central America were identified, in 2019 a record 45 583 refugee applications were registered, six times more than the 7 209 registered in 2017 (Comar, 2019).

During their stay in Mexico, while waiting to regularize their legal status, refugee applicants face a series of risks, mainly due to the imposition of uncertain and prolonged waiting periods, the absence of income during said period, and consequently, the impossibility of meeting essential needs for food, health, and housing among others.

Some of the refugee applicants receive economic support from the United Nations High Commissioner for Refugees (UNHCR), which is usually a small amount of money, barely allowing them to buy some food. According to El Colef (2020), however, more than 60 percent of the refugee applicants who entered Mexico through Tapachula during the 2018 and 2019 caravans had no support from any entity, less than 50 percent had access to at least temporary jobs, and 6 percent were homeless.

All of this is worth thinking about considering the data on poverty status of people living in this municipality. In 2015, according to the National Council for the Evaluation of Social Development Policy (Coneval), 42 percent of the population lived in poverty and 12 percent in extreme poverty, while six out of ten people living there earned an income below the standard of living (Coneval, 2015).

In this sense, it is possible to state that most of the resident population faces risks associated with poverty, marginalization, inequality, and widespread labor precariousness. Testimonies show that public officials have identified cases of people from Chiapas who have been deceitfully transferred to and exploited across the country, mainly for agriculture and other activities linked to forced begging, as well as cases of adolescents being engaged by means of deceptive affection through social media. Even though the interviewees referred to various forms of victimization, public policy actions aimed at the protection and assistance of the population in Chiapas in vulnerable conditions were null and void:

It is work... I also worked as an agricultural laborer in the north for a long time, and all these kidnappings of day laborer trucks that organized crime pulled off to take them to the poppy and marijuana crops, etcetera... and indigenous day laborers from Oaxaca, Guerrero disappear; and the same thing was happening in San Quintín, etcetera. Where I worked that they seized trucks with the highest concentration [of] marijuana [was] in San Quintín, and one of the most important tomato producers in the northwest also moves cocaine, and there the migration flows are always linked, and that is in this regional migration system, including Central America, Mexico, the United States and Canada (Informant 6. Male, Mexican, Tapachula native, 47 years old. Tapachula, personal communication, March 19, 2019).

Futhermore, Tapachula is one of the most violent municipalities in Chiapas. According to the Chiapas Citizen Observatory, in September 2020 this municipality had the highest crime

incidence rate in the entire country (OCCh, 2020). According to Cruz (2009), the situation of social violence in Tapachula derives from a deteriorated social cohesion (expressed, for example, in social and community divisiveness, drug dealing, and crimes such as robbery targeting pedestrians), which has specific repercussions for the mobile population, which is, on many occasions, a victim.

The report titled “Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico” by the Inter-American Commission on Human Rights (CIDH, 2013) points out how this population is vulnerable to persecution by government agencies and multiple forms of violence in Mexican territory. For the specific case of Tapachula, it mentions that:

[...] between August and September 2012, the bodies of 73 unidentified persons – presumably Central American migrants – were exhumed. These were the bodies of persons who died crossing Mexico’s southern border into Chiapas and who, being identified, were buried in common graves in the Jardín de Tapachula Cemetery in Chiapas. The remains found were those of 61 men, 10 women and two whose sex was not determined (CIDH, 2013, p. 93).

It can be noted that conditions of vulnerability to human trafficking have historically prevailed in Tapachula, both for the population living there or those who find themselves in that municipality for various reasons, as is the case of the mobile population. This is because, as mentioned above, the vulnerability of becoming a human trafficking victim responds to a context in which different risk factors, such as poverty and violence, converge, and that affects both populations.

Implications of tightening of Mexican immigration policy in response to migrant caravans

According to Varela and McLean (2019), these migrant caravans emerged as a mobility and survival strategy in the face of persecution caused by immigration policy, as well as by criminal groups dedicated to kidnapping or smuggling migrants (which is not the same as human trafficking); in other words, organized crime networks that took advantage of the vulnerable conditions of migrants to exert violence and victimize them.

However, the formation of the first caravan in 2018 originating in Honduras provoked the U.S. government, then under the Donald Trump administration, to place mass deportations at the center of its immigration policy, as well as detentions in immigration control centers and the separation of migrant families (Swanson, 2019).

The Donald Trump administration also began to demand that the Mexican government participate in restraining the mobile population, both upon arrival and during their transit through Mexican territory. This demand was expressed in an open threat in May 2019: if the Mexican government failed to stop the flow of migrants and displaced persons across its territory in their way to the U.S. border, they would impose a 5 percent tariff on the importation of Mexican products (Arreola, 2019).

On June 7, 2019, the “Remain in Mexico” policy (officially Migration Protection Protocols) was signed between Mexico and the U.S., which among other objectives authorized the deployment of the National Guard in Mexico to *protect* the undocumented migrant population and so that asylum seekers in the U.S. could wait for a response to their immigration status in Mexican territory (Imumi, 2019; Ruiz, 2020; SRE, 2019).

From the signing of the “Remain in Mexico” policy, by the U.S. and Mexican governments, there was a reinforcement of security actions on the southern border by the Mexican government, and more than 10,000 elements of the National Guard, as well as the Army and the Navy were deployed (Secretaría de Gobernación, 2019). This action expressed the radical change in immigration policy promoted in the transition period between the administration of Enrique Peña Nieto (EPN) and that of Andrés Manuel López Obrador (AMLO), as observed in this testimony:

The promotion of humanitarian visas by AMLO’s government was a star attraction for migrants. There is an ambiguous policy on the part of this government: on the one hand, I let you in, and on the other, I catch you. There are migratory raids all over the city, at the [international] bridge there are checkpoints, they make them go around it (Anonymous Informant 1. Male, Mexican, professor, 37 years old. Tapachula, personal communication, May 18, 2019).

The tightening of the Mexican immigration policy increased the vulnerability of the mobile population, but also that of the resident population. First, regarding the mobile population, it forced migrants and displaced persons to look for other –sometimes even more dangerous– routes to be able to move within the Mexican territory, highly exposing them to criminal groups.

Second, the increase of National Guard agents (Mexican civilian public security agency) on the southern border caused the migrant population to concentrate mainly in the municipality of Tapachula, waiting to regularize their immigration status (although they “did not want to stay in Mexico”). Most of the migrant population concentrated in Tapachula was sheltered in the Estación Migratoria Siglo XXI, in civil society shelters, or outdoors, outside organizations such as the National Institute of Immigration (INM) and the Mexican Commission for Refugee Assistance (Comar). We observed entire families (including children) spending the night, urinating, defecating, washing their clothes, and improvising makeshift beds in the main square in the municipality of Tapachula, or in the streets surrounding this site.

The prolonged stay of these migrants in this municipality, most of whom had no resources or means to satisfy their basic needs, caused them to face survival situations, forcing them to wait with practically no institutional, family, or social support:

I have been here for one month and seventeen days, and I can’t move forward because Immigration [the INM] doesn’t give you a chance to move forward. We are left outside. Not having a place to sleep, having to make sacrifices, asking family to pay for a hotel, and Immigration doesn’t make houses for us. I arrived here with my family, I have two children, one is a three-year-old and the other a six-month-old, but one has to struggle sometimes going through life, sometimes going hungry to live here [...] If you complain, the police mistreat you here (Informant 2. Woman, displaced Honduran, 29 years old. Tapachula, personal communication, May 26, 2019).

Yet, it is possible to think that some of the consequences of the immigration emergency are the invisibility and lack of attention to other present and rooted issues in Tapachula, such as gender-based violence (expressed in its most extreme form in femicides), and human trafficking itself, which constitutes a dimension of vulnerability to this problem, both for the mobile and resident populations.

According to crime incidence data for Chiapas⁸ provided by the Executive Secretariat of the National Public Security System (SESNP), reports of femicides, sexual abuse, and human trafficking had significant decreases between 2017 –the year prior to the caravans–, and 2019: 37.5, 47.9 and 85.7 percent, respectively (SESNP, 2016, 2017, 2018, 2019).

A testimony gathered during our research refers to this problem in this way:

I see the local authority [in Tapachula] focused only on immigration, but it is not taking care of the security of the city of Tapachula, violence against women and girls, and in this region, there is a lot... the situation of the new system at this juncture has brought us many disadvantages. Tapachula has always ranked highest in [human] trafficking, femicides, rapes, teen pregnancy, but with this situation and this new system it is very difficult to get justice (Informant 3, Woman, Mexican, member of a Civil Society Organization, 64 years old, Tapachula resident, March 18, 2019).

Another testimony refers to the fact that the emergency overflowed the historically insufficient capacities of agencies at the three levels of government operating in Tapachula:

The government does not turn to see us, fellow nationals. Many of us can make ends meet, but others do not, they are poor, they go to the hospital and do not find medicines or equipment to help people in need. When the first migration came, everything was full, everyone was insured and our people were dying in the hospital, without medicine (Informant 4. Male, Mexican, Tapachula resident, 66 years old. Tapachula, June 26, 2019).

In addition to the above, institutions with an obligation to care for people vulnerable to human trafficking or human trafficking victims (either from mobile or resident populations), were overwhelmed responding to the immigration emergency. One of the emblematic cases we observed during the fieldwork was that of the regional and state delegation of the National System for Integral Family Development (SN-DIF), which specifically has the obligation to provide protection to migrant and native children in Chiapas to prevent them from becoming victims of human trafficking and other crimes. We noticed that a team of around seven people from the delegation had to assist hundreds of Mexican and foreign children and adolescents every day, with more limited resources than ever (ranging from electricity to gas) and with an unprecedented demand for services.

Implications of the republican austerity policy

In November 2019, the Federal Law of Republican Austerity was published in the Official Gazette of the Federation (DOF). It is the legal framework of what has been at the core of President López Obrador's proposal, which is based on critiquing the squandering of public

⁸ For the municipality of Tapachula there is only aggregated data.

money displayed in previous governments. In numeral VI of Article 3 of this law, one of the objectives it establishes is to “create the mechanism for the operation and evaluation of the republican austerity of the State policy” (Cámara de Diputados del H. Congreso de la Unión, Diario Oficial de la Federación, Last reform: 2019, November 19, p. 2), therefore, this policy is referred to herein in this paper.

In May of that same year, this policy was announced by the Ministry of Civil Service (SFP) as one that did not imply “a reduction of government spending, but a reorientation of it towards those who have less” (SFP, 2019, May30, s. n.).

During the fieldwork, we were able to witness the conditions in which the offices of relevant institutions (e.g., the SN-DIF Regional Delegation at Soconusco, Chiapas) work. The facilities are inadequate and visibly deteriorated, with scant and old supplies, as well as deficiencies that add to the fatigue of the staff, who are used to handling work overload and who recognize that they feel overwhelmed in the context of the immigration emergency.

Likewise, the government agencies had basic supplies available for caring for the population. An example of this was that outside the Estación Migratoria Siglo XXI, where a large group of Haitian and *extracontinental* migrants (from African and Asian countries) were waiting to be assisted by the Mexican immigration authority, they were doing so in extremely precarious conditions, without water or bathrooms, and receiving only some support from civil society organizations in the region. It is worth noting that, historically, CSOs and ecclesiastical networks have been the main providers of basic needs for the migrant population in Tapachula.

Another impact of the austerity policy was the reduction of staff hiring. On this issue, institutions sought to tackle this problem by incorporating, through the Jóvenes construyendo el futuro (Youths Building the Future) program, personnel to perform specialized functions and work eight-hour shifts. In other words, they were not paid a formal salary, they received a stipend as a replacement for wages without legal benefits or remuneration in accordance with the provisions of the Mexican Federal Labor Law.

The testimonies collected also showed that the suspension of government funding for civil society organizations dedicated to assisting women victims of gender-based violence, family violence, sexual crimes, and human trafficking (Ramos, 2019) reduced their capacities to assist and protect the victims. This was the case of the nonprofit organization Por la Superación de la Mujer, A. C., which for the first time since 1994 did not receive federal government funding for its operation. Despite this, the organization continued to assist the victims that were directed to them by the state and local institutions (for instance, the INM delegation in Tapachula).

Implications of the institutional design

It is the State Policy, as established in the General Law in Trafficking in Persons, to mandate the coordinated participation of different agencies at the three levels of government, as well as the executive and judicial branches. It also establishes the need for civil society organizations and academic experts to participate in it.

For the coordination of this policy and of the tasks incumbent upon each of its participants, an Inter-Ministerial Commission (in the case of the federal government) and Inter-Institutional Committees (in the case of the states) must be formed, as well as bodies with the directive to coordinate its enforcement through a National Program (at the federal level) and state programs or strategies (for the states) that bear the same name as the Law. It should be noted that since this is a general law, it determines that the legislative power of all the states must reconcile their legal frameworks and issue a law on human trafficking that conforms with the General Law in Trafficking in Persons.

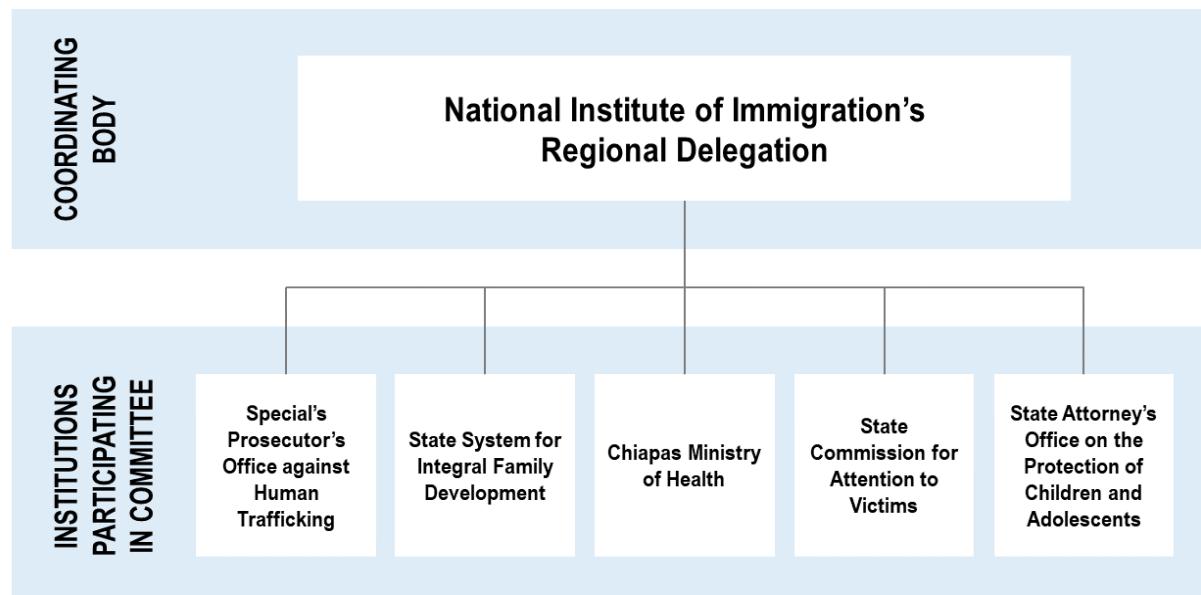
Despite the fact that the General Law in Trafficking in Persons went into force in June 2012 (and therefore, since then the state legal framework should have been reconciled with this legal instrument), the actions aimed at addressing human trafficking in Chiapas respond to the provisions of the Law to Combat, Prevent and Punish Human Trafficking for that entity signed in 2009 (hereinafter, "Law 2009"). This made clear that the guidelines for the state agencies that wield powers over human trafficking policies in the state are not aligned with the provisions of the General Law in Trafficking in Persons and, in this sense, it is not clear how they coordinate with the institutions operating at the federal level.

Moreover, Article 2 of Law 2009 established the creation of an inter-institutional commission to combat human trafficking in Chiapas. However, no information was found regarding this commission or its work, neither in what was documented in empirical works prior to this investigation, nor during the fieldwork. What could be identified was the formation and operation of an Inter-Institutional Committee for Attention to Trafficking in Persons Victims which, according to the testimonies we obtained, in practice operates as the coordinating body for public actions carried out in the state of Chiapas, with special emphasis on the municipality of Tapachula, not only for assisting and protecting the victims, but also for preventing and prosecuting the crime.

The fieldwork allowed us to discover that this committee is coordinated by the Department of Immigration Management of the National Institute of Immigration's Regional Delegation in Chiapas. This makes evident why the interventions aimed at addressing human trafficking in Tapachula are subordinated to the immigration strategy. Figure 1 shows an outline of how the Inter-Institutional Committee for Attention to Trafficking in Persons Victims in Chiapas is formed.⁹

⁹ The nonprofit organization Por la Superación de la Mujer A. C. also participates in this committee, specifically its founder, Elsa Simón. She plays an important role in the Committee, particularly in contrast with the stagnation of institutions such as the State Prosecutor's Office. Simón is the one who urges the heads of agencies to carry out what they are required to do by law, i.e., issue arrest warrants against alleged aggressors.

Figure 1. Institutions that comprise the Inter-Institutional Committee for Attention to Trafficking in Persons Victims in Chiapas



Source: Based on field diary, Hernández & Alcay, March 15 to June 29, 2019.

Several aspects are striking in this institutional arrangement. The first is that the INM delegation conducts most of the functions that would correspond to the Committee as a whole. A second aspect is that this institutional design has no parallel in any other state at the southern or northern borders of the country. And finally, it is not in accordance with either the General Law in Trafficking in Persons or the Law 2009, which is the law in effect in Chiapas. Although the reasons for this are not clear, it is possible it has to do with the fact that, in practice, human trafficking in Tapachula is directly associated with the dynamics of human mobility, so it is assumed that the INM should implement both an immigration policy and a human trafficking policy.

With this institutional design in mind, it is necessary to analyze what different diagnoses on human trafficking in the country show regarding the scope of public policy to prevent and punish this crime. The prevailing complaint is that the government's action has been limited in all these areas (CNDH, 2019; ONUDD, 2014; Senado de la República, 2017).

It is necessary to note that during the period when the 2018 and 2019 caravans arrived, the INM –which, as previously mentioned, coordinates the actions to address human trafficking in that municipality and across the state of Chiapas– was devoting the entirety of its capacities to respond to the immigration emergency that until then had shown unprecedented proportions. Therefore, the institutional disorder described above and its non-adherence to the legal framework in effect, are presented here as factors that influenced the shaping of new situations of vulnerability to human trafficking for the migrant population, but also for the resident population, since all of them are exposed to human trafficking in absence of the capacity to enforce actions against this crime.

As a result of the austerity policy, these circumstances were exacerbated by the lack of resources of all kinds, despite the major efforts that public officials made as first line workers in contact with the mobile population, even with the very limited resources they had at hand and their own, which caused a deep chronic fatigue:

They left us without resources and then this situation [the caravans] happened... I am overwhelmed, there is a lot of work, I am drowning in all of it. We have not been able to take vacations, neither myself nor my staff. We work until the wee hours of the morning. I have already told them that I am going to resign.

[...] We had to do more with less, we had no choice but to double or even triple shifts, and this work schedule also makes people extremely tired. [...] There are 24-hour shifts; we know that working 24 hours is quite heavy and it wears a person out, physically and mentally [...] especially in such a complex situation [the situation of the caravans], which requires us to be alert, to be aware of the situation. Of course, *to be fresh* to be able to understand the cases and to find them (s.f. Sevilla, personal communication, June 27, 2019).

NEW SITUATIONS OF VULNERABILITY

In Tapachula, the increase and greater diversity of the mobile population, their prolonged stay in precarious, unhealthy, and risky conditions, as well as the budgetary constraints in government agencies due to the enforcement of the republican austerity policy, favored the emergence of what could be called *new* situations of vulnerability to human trafficking in this region, both for the mobile and resident populations in this municipality.

The term *new* is used here to indicate that these were novel situations in terms of their structure at that juncture, or their deepening. In other words, before the arrival of the caravans, there were already risk and vulnerability factors for human trafficking, both for the mobile population and for the resident population, but because of the government's response to the caravans, these factors worsened.

Situations for the mobile population

- Being forced to concentrate in this municipality for a prolonged period, this population was exposed to greater risks for longer time periods (these risks include gender-based violence, sexual and labor exploitation, health risks, and smuggling and trafficking networks among others). During the time shelters could not accommodate them, a large percentage had to stay in public squares, streets, and outside organizations. It is estimated that in June 2020 more than 7 000 migrants and displaced persons were still stranded in the municipality of Tapachula, having remained there, in some cases, for more than a year (Instituto Nacional de Migración, 2020).
- Due to the deployment of National Guard agents to Mexico's southern border, whose objective was to contain the caravans coming from Central America as the main agreement of the Migration Protection Protocols, the opportunities and routes to travel across the Mexican territory were further restricted for migrants. As a result, many migrants were

forced to find new routes, even if they were more dangerous, to avoid being *guarded* by the INM. In the case of those who agreed to stay in Tapachula, they were exposed to misleading or exploitative job offers due to the lack of regulation of employment postings.

- With the arrival of the caravans, the population in vulnerable conditions and in danger of becoming human trafficking and exploitation victims increased. Unlike the common profile for the migrant population that prevailed until a few years ago (mostly young adult men, and in smaller numbers adolescents and unaccompanied children), in October 2018, entire families, middle-aged women, and a greater number of unaccompanied children arrived than those registered in previous years (UNODC, 2021; CNDH, 2019; Casillas, 2015).
- Of the 17 116 refugee applications initiated in 2018, only 2 453 received a response that year; of which 1 327 were positive and 654 received complementary protection, while 472 received a negative response (Comar, 2019). This growing rejection of refugees by the U.S. – but also by Mexico –, forces those who are seeking asylum in either of these countries to move irregularly along routes where there is presence of organized crime, including human smugglers and traffickers.
- A feeling of uncertainty lingers due to the discretionary and indefinite duration of immigration regularization procedures, coupled with the constant threat of mass deportations and raids across the city, which pushes migrants to contact human smuggling networks, with the idea of having a more effective displacement. According to testimonies collected from public officials and members of civil society organizations, the immigration emergency favored a regional structure of migrant smuggling networks, which take advantage of the lack of response from the authorities to operate in the territory.
- The interviewees mentioned that in Tapachula there has been a proliferation of “private legal offices” offering services to regularize immigration status. The interviews showed that the fees for this illegal procedure amounted to 900 USD, and on some occasions, they were not *charged* in cash but were presented as a loan or debt for those requesting the service. This constitutes a potential means of engaging victims of human trafficking, as they run the risk of being subjected to different forms of exploitation, with the argument that they have acquired a debt with these firms and under the threat of harming them or their families if they do not pay it off.
- The persistence and impunity of a migrant subcontracting market was observed, which favors exploitation and labor irregularity. Without labor options to satisfy their basic needs, much of this population is inserted mainly in labor activities in the primary sector, such as the construction and agricultural industries, under extremely precarious conditions, exposing them to various forms of exploitation. The testimonies and documentation found in this research corroborate this (Casillas, 2015).

Situations for the resident population

- Institutions that have the legal mandate to provide care and protection to the vulnerable mobile population, as well as to enforce policies other than those related to immigration – many of them also aimed at the resident population (such as preventing and punishing human

trafficking)— had to align all their work to the immigration containment strategy and are completely overwhelmed in responding to the emergency.

Most of the resident population faces risks associated with poverty, marginalization, inequality, and widespread job insecurity, which, as previously mentioned, constitute dimensions of vulnerability to the possibility of becoming a human trafficking victim.

Situations for both populations

- A market focused on the sex trade of women, chiefly migrants from Central America, has persisted in the municipality of Tapachula (Casillas, 2015). According to informants, the conditions of irregular immigration, as well as the cultural conditions of violence against women, have favored a market for the exploitation of migrants, which includes sexual exploitation of girls and adolescents. In this sense, it is necessary to remember that the municipality of Tapachula, along with others such as Comitán de Domínguez, Chiapa de Corzo, San Cristóbal de las Casas, Tonalá, Tuxtla Gutiérrez, and Villaflores, are included in the Declaration of Gender Violence Alert in Chiapas since November 18, 2016 (Conavim, 2016).
- This context of gender-based violence, when converging with the immigration emergency and government austerity, creates a specific situation of vulnerability to human trafficking for the purpose of sexual exploitation for the mobile population (which involved an unprecedented number of women, girls, boys, and adolescents) since many of them found their livelihood in the sex trade, which exposed them to a very high level of vulnerability to these crimes.

FINAL REMARKS

Testimonies collected in the municipality of Tapachula, Chiapas, show that the restrictive immigration policy that the Mexican government enforced in response to the arrival of the first migrant caravan in October 2018, gave way to new situations of vulnerability, particularly as of June 7, 2019, when the governments of Mexico and the U.S. signed the Migration Protection Protocols. As part of its commitment, the Mexican government agreed to contain the flows of the population traveling in the caravans, which resulted in their concentration in Tapachula, a municipality characterized by poverty, different forms of exploitation, and high levels of social, sexual and gender-based violence.

This occurred in a context of broad institutional disorder, which had specific implications for enforcing public policy on human trafficking. This institutional disorder can be summarized in the fact that in practice, the institutions with an obligation to protect the population against human trafficking discharge their duties based on individual efforts and the commitment of public officials and civil society organizations. This institutional disorder has different sources, one of them is that the legal framework for human trafficking in Chiapas does not conform with the General Law in Trafficking in Persons, since a law enacted in 2009 is still in force, while the

Inter-institutional Committee for Attention to Trafficking in Persons Victims does not comply with the Law 2009.

At the same time, the republican austerity policy initiated by the federal government as of December 2018, worsened the budget cuts that had prevailed since the previous administration in key areas for assisting both the mobile population and human trafficking victims. This resulted in the reduction of operating costs, human and material resources, job positions, necessary work supplies, as well as staff for taking care of the basic needs of the mobile population that was already “under the protection” of the INM. Likewise, this crisis made invisible the pre-existing issues that had affected Tapachula and the surrounding region for years, including human trafficking for various purposes. It also made invisible other forms of violence that gravely threaten the life and integrity of the resident and migrant populations, such as femicides.

As of March 2020, we are facing a global health crisis resulting from the COVID-19 pandemic, which has managed to make invisible the immigration emergency previously described. Even as the border crisis continues under new dynamics, it no longer holds the attention of the media and governments. Republican austerity now conflates with an unprecedented reduction in operating costs practically across the government, which renders inoperative any effort that does not address the health emergency.

The findings of this research confirm the need to rethink in its entirety the policy on human trafficking that is enforced to date, to adequately articulate the actions and efforts of the institutions with an obligation to prevent and punish human trafficking, and to assist and protect victims at the federal, state, and local levels. They also confirm the urgency of modifying the restrictive and persecutory immigration policy enforced by the Mexican government following the arrival of the caravans in 2018, as it has only worsened the vulnerability of the resident, migrant, forcibly displaced and refugee-seeking populations crossing the border between Tapachula and Tecún Umán.

Additionally, it is urgent to rethink the general institutional design that is articulated in these contexts, and in general, the action of the State as a whole, to address the vulnerability of the mobile population, as well as those residing in Mexican territory, and to guarantee their human rights. This requires reversing both the restrictive immigration policy that remains in force, as well as the government's austerity policy.

Translation: Ángela Mariscal

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