

Victimology in human trafficking

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Abstract

Human trafficking is a serious world problem. It involves subjugation, deceit, reification and continuing abuse, thus affecting the dignity, integrity, freedom and development of victims' personalities whether they are adults or minors. Due to its extent, it is considered a form of contemporary slavery and a matter of great interest for social science.

Keywords: slavery, prostitution, gender, delinquency, victims.

Introduction

In recent years there has been growing interest in learning about and determining the scope of human trafficking. This has resulted in academic programs, government actions and efforts by civil society without having as yet reached the goals hoped for.

Superficial monographs, circumstantial dissertations and official short-term strategies have prevented adequately contextualizing the criminal phenomenon of human trafficking, bringing about mistakes in its name, its causes, its being legally outlawed and in public policies aimed at its prevention and proper attention.

International organizations, along with the families of girls and boys who are absent, are the ones who have worked hardest at eradicating the contemptible practices involved in human trafficking: illegal adoptions, sexual and labor exploitation, forced marriages, involuntary servitude, organ removal and, while sometimes not contemplated within the law, forced and obligatory recruitment in armed conflicts.

No one knows how many victims there are, but it is estimated that there are millions. Demographic concentration, technological progress, dominant sexism and contempt for those who live in poverty



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contribute to the reproduction of contemporary forms of slavery. This is a reality which is denied by many, making invisible those who live on the streets and those who, even as minors, swell the ranks of sexual commerce.

Pornography and cyberspace, showcases of diverse parafilia, contribute to creating one-sided images of humans, centered on genitalia and their reification as objects of pleasure. Men and women are worth more based on their physical aspects than on their qualities and intel-

lect. Dignity, within savage capitalism, has a price for many, making humiliation apparently valid if there is enough money paid to compensate.

This is noxious ideology, especially for those in situations of vulnerability due to their age, gender, place of residence, economic position and ethnic origin. Phenomenon such as alcoholism, corruption, dropping out of school, drug addiction, lack of inter-generational communication, pederasty, pedophilia, poverty, digital pornography, human trafficking, sex

tourism and family violence all contribute to the vulnerability of large sectors of the population.

Organized crime has also improved their strategies, strengthening their transnational presence. Their access to more and better arms, cutting edge technology and financial capacity, seem to be impervious to government control if governments do not have the backing of citizens, which calls for levels of legitimacy, beyond the legitimacy in the voting booths of electoral processes. Public security and administering of justice, basic elements of a rule of law, are not enough to guarantee the former if they do not come with duly supported criminological policies, respect for human rights and with backing of scientific investigation. Paradigm, that of sustainable human development which should act as a guide for decision making.

Reducing factors which allow for crime and victims overwhelm the matter of police, which makes it necessary to create new regulatory designs, revise the system and structure of public policies, analyze the levels of effectiveness of the law, maintain closer contact between government and academia, opening up of citizen participation and unreserved respect for Human Rights.

The present research is a contribution to these ends. It is based on a personal interest, but answers to a social problem of great importance. Its emphasis, continuing with previous research, is commercial sex exploitation without leaving aside the other ways in which human trafficking is expressed, in adults as well as minors.

In cyberspace can be found the purchase-sale and exchange of child pornography, but there are also "live" physical

abuse, activism for legalizing sexual abuse, emotional support among victimizers, exchanges of propaganda, stories and texts; broadcasting of strategies and advice for not creating suspicion; cyber intimidation; networks for sex tourism and trafficking of minors, as well as sexual solicitation over the internet.

The use of telematic media (internet, mobile phones) for carrying out psychological harassment, known as cyber-bullying, is a reality to which parents do not pay enough attention. The same thing happens with erotic cyber-harassment of minors (grooming) and sending erotic or pornographic content (texts, photographs and videos) by cell phones (sexting).

Incredible as it may seem, there are international associations of pedophiles in whose statutes the objectives such as the following are established: creating a platform of pedophiles at the international level, in the search for recognition, equality and freedom; promoting universal respect and complying with Human Rights and fundamental freedom; collecting information, carrying out research, publishing material and organizing seminars, formation, informative sessions and specialized conferences; bringing together and coordinating information/visibility of women pedophiles all over the world; working for equality of pedophiles in order to eliminate all kinds of discrimination.

Human trafficking is widespread and complex and that is why those who are dedicated to exploiting, reification, commercialization and degradation of human beings receive various epithets: cafiches, chulos, pimps, madams, madrotas, mamis, padrotes, proxenetas, sanky pankys and

traffickers. These names besides being regionalisms, express different forms of commissions and levels of organization.

Slavery and the white slave trade, as they were historically defined, have persisted despite formal abolition, evolving in relation to their characteristics and names. This article renders account of this process, finalizing with the criminal forms of the XXI century. One example is pornography, which is not only real, but also simulated (technical, pseudo-pornographic and virtual). Altering images, photomontage, three-dimensional drawings and cartoons make visual representations express realism of sexually explicit behavior.

Men and women, adults and minors, should be protected from all forms of abandonment, cruelty, exploitation and trafficking, basic principles of Human Rights. Policies on Crime and criminal science achieve efficiency by analysis and follow-up of information; attention to relatives; designs of geographic indexes and operational plans for capturing criminals; studies on the characteristics of victims and of active subjects; exchange of data on criminal organizations, as well as monitoring and following up denouncements.

Victimological Approach

Referring to the multiple adverse situations faced by those who experience exploitation, commercialization and/or reification make it necessary to define victimology, as well as to describe its contributions in the field.

We define it as the scientific study of victims, based on their classification; on their determination in the participation of events which conform this state;

on establishing, when appropriate, the relationship society-victimizer-victim; on their treatment and protection; as well as on the creation of means of prevention.

This discipline which shares a close relationship with criminology is autonomous in its fields of knowledge and action. It is a science of explicative causal claims, in charge of studying criminal behavior, of the subjects who carry out crimes (criminals) and of those who experience these crimes (victims), of the set of these behaviors (criminality) and of the social reaction these bring about.

As a synthetic science it tries to describe, classify, explain and reduce anti-social behavior, at the general level (criminality) as well as in concrete cases through clinical criminology. This is the reason that criminologists and victimologist often work together as a team, which we believe to be positive (Gómez Tagle and Estefany, 2014).

Among the various objective of victimology, we highlight the following:

- Establishing the profile of the victim within the binomial victim-victimizer in order to define what the victim brought to the scene
- Projecting a probabilistic profile of the author or authors if the aggressor is an unknown person
- Analyzing the typology of violence, their explicative models and consequences recognizing in the victims the effects for creating opportune and effective strategies of intervention
- Making known the fundamental principles of justice for victims of crime and abuse of power (UN, 1985)

- Training in the field of assistance to victims of traumatic events, including intervention in legal, medical, psychological and social actions
- Promoting the implementation of models of scientifically, multi-disciplinary structured attention, as well as a culture of respect to the rights of victims

In order to prove the *corpus delicti* and probable responsibility of the crime, the investigator of the Public Prosecutor's Office, besides compiling proof recognized under the law, at times must add to the inquest the psychological expert opinion of the victim, which proves its importance, especially when the passive subject is a minor, or an adult who cannot understand or resist the event.

In this expert opinion the symptomatology indicative of the changes in the different spheres and areas of the individual is established, along with the components of self-esteem. In this opinion, for example, the background of behavior which could have brought on said symptoms are explored, regardless of events which were responsible for the inquest. From a more legal, less psychological point of view, "victimodogmatica" is the interpretation and study of the procedural rights and guarantees of victims, as well as the way it fits into the framework of penal laws and law in general. It is a dogma directed at the victim, based on the existence of people who by way of intentional or imprudent acts, contribute to the production of criminal acts, and thus may be classified as co-responsible for such acts.

Therefore, the problems of intervention of the subject who has been harmed at the formation of the situation of risk are

now grouped together under the name "victimodogmatica." The concerns of "Victimodogmatica" tend to determine to what extent the co-responsibility of the victim in the event may have repercussions in the legal penal evaluation of the behavior of the author (Zamora,2009).

This point of view shows the relevance of the victim's putting herself in danger's way, questioning the objective attribution of responsibility, the relevance of consent and the possible responsibility of the victim. These matters are difficult to apply in issues such as human trafficking, considered throughout the world to be contemporary slavery.

In any case, the theory of objective attribution of responsibility attempts to explain, by way of logical-assessment criteria, under what circumstances penal law may attribute a final result to the author of behavior or conduct which has been discarded (by a legal order), which is inseparably united by a causal link to it.

In law, imputability is the possibility of legally making a person responsible. It considers that a person understands, based on his maturity and mental health, the illicit character of a certain act and he is able to behave, freely, in keeping with this understanding.

Although this appears to be clear, it is worth pointing out that consent should be linked to those matters in which a legal good¹ is available. In this respect, we may

¹ Object protected and safeguarded by a regulation. For some, it is the ethical content of the regulation, besides protecting relations and not mere objects, due to its making social life possible. Constitutionally recognized relevant condition, often needing the force of penal law.

formulate the question, Is freedom, unlike life, a legal good which is available?

A first opinion is that if we allow, through our consent, someone to take away our freedom, there is no crime of illegal deprivation of freedom, included in almost all Penal codes, since this considers the resistance of a passive subject. Legally speaking this is called justifying consent.

Exemplifying the above mentioned condition with what academics call simulated kidnapping, which consists of simulating being kidnapped in order to obtain for oneself or for another's undue benefit or profit, or to obligate someone to do or stop carrying out any kind of action due to this intimidation. These are cases in which the purported victim is really the victimizer and these may imply prison sentences.

With relation to human trafficking, in contemporary Western thinking, no one can authorize another person to be enslaved, thus losing his human quality. Due to its relevance and character, the rights associated with personality are absolute, inherent, inalienable and unwaivable. Since they are the rights of all people, they do not require any special mechanisms (acquisition, transmission) which link them to the person and for this reason they may not be transferred to another.

Dignity, the basis of human rights, of inherent respect for the person and the principle of equality (prohibition of discrimination), as well as indemnity and the free development of personality, are the legal goods fostered in trafficking.

In the United Mexican States everyone shall enjoy the human rights recognized in this Constitution and international

treaties which Mexico has signed, as well as the guarantees of protection, the exercise of which may not be restricted nor suspended, except in the cases and under the conditions set down in the Constitution. The regulations related to human rights shall be interpreted in keeping with this Constitution and with international treaties in this matter, always in favor of persons with the broadest protection of the law.

All authorities, in the scope of their powers, have the obligation to promote, respect, protect and guaranteed human rights in keeping with the universal principles, interdependence, indivisibility and progress. As a consequence, the State must prevent, investigate, sanction and repair violations of human rights in keeping with the law. Slavery is forbidden in the United Mexican States. Slaves coming from outside the country upon entering Mexico shall, by the sole act, obtain their freedom and protection in keeping with the law.

The following are forbidden: discrimination based on ethnic or national motives, or discrimination due to gender, age, disabilities, social condition, condition of health, religion, opinions, sexual preferences, civil state or any other which threatens human dignity and whose main objective is to annul or impair the rights and freedom of persons (Article 1 of the *Political Constitution of the United Mexican States, 2006*).

Dignity, the Guiding Principle of our Magna Charta

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The guiding principle of our Magna Carta and of the laws of the United Mexican States. Other aspects which must be

protected at the penal level have been the formation of minors, sexual indemnity, sexual inexperience, integrity (physical, corporal, and psychic); the family, freedom (personal, sexual); sexual security and life, besides those which are no longer in use: public moral and good customs, these being undefined.

Thus, for example, "traffickers", who are the people who implement victims in this crime, manipulate human beings, whom they see as mere objects, in order to achieve their own illegal goals at the expense of irreparable damage to the dignity, free development of personality, or even personal integrity of the victims, even at times taking the victim's life (On-tiveros, 2008).

Prostitution, Trafficking and Exploitation

As we have documented in other studies, the phenomenon of migrations has changed, as routes, profiles and intensity are modified (Gómez Tagle, 2008). In some places this phenomenon has grown, in part due to international trade, interconnection of regions and strengthening of groups who practice human trafficking, making it ever more dynamic and complex.

Flows have taken new directions; internal migration to cities takes place and people move from farming to service jobs. The family structure, gender, generation gap, dynamics of life cycles, geographic and ethnic diversity, as well as traditions, make up relations which affect migration.

People move for economic reasons, but also for political, ideological reasons and to escape armed conflict. Flows have

to do with the demand for labor forces, along with the expectations of better living conditions. Within this panorama various phenomena arise: trafficking of undocumented migrants, deprivation of freedom, abuse and exclusion. Other acts, less common, but more dangerous have to do with crimes against bodily integrity, liberty, normal psycho-sexual development, peace, possessions, security of people and life.

Migrants lack resources which would guarantee their rights, above all if they have entered a country illegally, by means of falsification or alteration of official documents or entering a country without any documents. Even more so, if they speak another language, have noticeably different physical characteristics, have no relatives or friends in the destination, have no proof of their educational level and are from lower classes.

Within the sphere of relative permissiveness illegitimate entry and work take place. Human trafficking, besides violating migratory provisions, often times has ties with criminal matters. The root of the matter is that ordinarily these individuals have no rights, and if they do find work, they often suffer discrimination, mistreatment and abuse. These situations are of great interest to the International Labor Organization, founded in 1919 and which is now a specialized agency of the United Nations (ONU, <www.ilo.org/global/lang-es/index.htm>, 2015).

Besides, in the countries which receive migrants, they are associated with the displacement of workers, epidemiological problems, and increases in the costs of health services, urban saturation and a

potential rise in crime rates. In order to prevent this, restrictive policies are adopted and these go against the rights and opportunities of migrants, favoring criminal activities. For more information see studies by the United Nations such as: *Child Protection: trafficking of children*, 2001.

Minors under 18 years of age are the object of trafficking in Central and Western Africa, mainly to do housework, but also for sexual exploitation, work in stores and on farms, collecting garbage or selling trinkets. Most of the victims are girls.

Trafficking undocumented workers, forced labor and human trafficking, all represent violations of international laws. The last two are considered forms of modern day slavery. Since these problems affect many countries, those who send the migrants, those who receive them, and those through which they travel, concern for guaranteeing the rights of migrants and compatriots has resulted in various migratory policies, some more restrictive than others.

For that matter, the formulation of programs for job migration must take into account that the victims of forced labor, or in abusive situations are often citizens who at the same time are victims of conditions of poverty, illiteracy and scarce work opportunities, so that the "only alternative" is to submit to this or other kinds of exploitation.

In various places trafficking has been identified in situations of exploitation in agriculture, household services, industry and the informal sector. An increase in the sex industry has broadened an important area of demand for foreign workers who

are not subject to any kind of inspection or control, leaving them open to being "enslaved" and acquiring any number of diseases.

The situation is especially serious for girls, boys, young people and people who cannot understand the significance of the act, breaking down their dignity, their normal psycho-sexual development, their security and free development of their personality, besides putting their lives at risk.

Modern day Slavery?

In our historical research we have found that in the XVIII century declarations and treaties aimed at putting an end to forced labor and slavery were signed and enacted. For example, the *Report to the Council of the Temporary Slavery Commission of the League of Nations* of June 12, 1924, which brought nations to carry out the *Convention on Slavery*, Geneva, Switzerland, September 25, 1926.

The plenipotentiaries agreed to declare:

- (1) Slavery is the status or condition of a person over whom any or all of the powers attached to the right of ownership are exercised.
- (2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves (Council, 1926).



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Later, in Geneva, the General Conference of the ILO adopted the *Forced Labor Convention* on June 28, 1930, and *Convention C 105-Abolition of Forced Labor Convention*, signed on June 25, 1957. In Switzerland, on September 7, 1956 the *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery* was also signed. This contemplates abandoning debt bondage, serfdom (persons who depended on the ground they cultivated and were transferred with it); any institution or practice by means of which a woman is promised in marriage in exchange for a dowry; the right of a husband to cede to a third party by proxy

and/or for valuable consideration of his inheritance; any institution or practice in which a child or person under 18 years of age is given to another, with or without remuneration, for the purpose of exploitation or the work of the child or young person.

The General Conference of the ILO, called in June 1999, published *C182-Worst Forms of Child Labor Convention: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor*. This included: the sale and trafficking of boys/girls; the use, recruiting, offer or making available for carrying out prostitution, pornography or pornographic acts; as well as any work

which may harm his health, security and morale.

Moreover it calls for providing assistance in removing girls, boys and adolescents from sexual exploitation. It also sought to guarantee the establishment, application and compliance with legal or other sanctions, along with adopting educational measures for the elimination of child labor.

Minors have the right to education, to grow up without violence, to recreation, sports and to co-exist with necessary care for their physical, psychological and sexual development. Their foray into the labor market should be limited, caring for their health and integrity. Any job which harms or puts these conditions in danger must be forbidden, even more so if it is obligatory or if it is shown that exploitation takes place.

For this reason on December 4, 2014 in the *Official Gazette of the Federation* the "Decree for issuing the General Law of the Rights of Girls, Boys and Adolescents and various provisions of the General Law for Rendering Services for the Integral Attention, Care and Development of Children are Reformed," was published, based on human rights and in the supreme interests of our children.

Access free of violence and personal integrity are basic rights, and therefore disregard, neglect, abandonment and abuse (physical, psychological, sexual) which affect this sector of the population are punishable. In any case, protocols for attention should take into account the child's age, evolutionary, cognitive development and maturity when implementing actions of appropriate assistance and

protection, as well as integral reparation of damages.

Organized Crime

The *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*, known as the *Palermo Convention* was adopted in November 2000. Together with this the *Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime* was implemented. In this document this activity is described as:

"Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident...

Illegal crossing of borders, for which travelers pay large sums of money or mortgage their and their family's goods, give rise to deception, corruption and the submission to debts which, at the same time, may broaden the expansion of trafficking within the context of smuggling of migrants.

With respect to the problem of prostitution, sex trade and similar practices, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* was adopted in New York on November 15, 2000. Its objectives are to prevent and combat this crime; protect

and help its victims; promote the participation of the States.

The nations who signed the Protocol are obligated to take various measures in order to provide effective protection so that witnesses may declare without pressure and with guarantees to their safety. It also seeks to provide technical advice, compensation and repatriation of victims. Moreover, it shall carry out campaigns of information and broadcasting; social and economic bills; programs for cooperation and measures to lessen the demand.

It obligates States to strengthen cooperation, not only on the international level, but also among inter-state institutions, private entities and civic organizations, so as to establish social, cultural and educational policies to prevent and combat child trafficking for prostitution and other forms of sexual exploitation (pornography, sex tourism, trafficking with sexual aims).

Organized crime is to a large extent responsible for the complicated networks which exist so that a boy, girl or adolescent may be stolen away and taken to another country to be exploited. Counterfeiting documents and passage through customs requires precision and collusion with authorities, reasons for which it is important to analyze this in order to explain human trafficking, international smuggling and coercive sex trade.

Violence, gender and exploitation

While it is true that undocumented migration is a "voluntary" act of the person who "illegally" crosses a border, there is a strong tie between this and trafficking. The impunity of the agents of these crim-

inal organizations makes the development of this illegal mode possible. Many people who have been smuggled are left unprotected and they become easy prey for networks of traffickers, above all women and minors.

Crossing borders for which large sums of money is spent and risk to one's life exists, gives rise to deceit and submission to debts which, in turn, promote trafficking. To this must be added the difficulty in locating people who use irregular routes to cross borders since they travel using names which are not their own.

Innumerable people turn to networks of trafficking in order to obtain altered passports or visas, which, obviously, place them in situations of high risk. Simultaneously this increases the vulnerability of the families who use these means. Criminal groups threaten to take away their possessions, demand remittances and incur in other kinds of abuse.

The lack of means for obtaining credit leads to the development of informal networks of loan sharks who charge exorbitant interest rates. Finally, the return trip turns into another nightmare, since people come back without attention, with low self-esteem, with few possibilities of reinsertion and with unpayable debts.

These conditions make it more probable that in the labor market a person will be the victim of trafficking. Exploitation by businesses and contractors forged in the same way. The condition of illegality of migrants allows them to be paid less than a person without problems of illegality or a native, and this is added to the benefits obtained by bosses who at the same time do not pay taxes or social security for these workers.

Clandestinity, being under age, and having no proper documents allows for migrants to work longer hours in unacceptable conditions. There is always the possibility hanging over an "illegal" migrant's head that he may be turned over to the authorities by his boss if he fails to comply. Out of fear of being picked up and/or deported, these people tolerate the worst conditions, even reaching conditions which are comparable to slavery.

Studies on migrations confirm that movement is from less developed to more developed countries with better socio-economic levels. In parallel domestic transit is created. This leads to modalities of trafficking and smuggling which mixed national and cross-border moves. The first refers to moving within a country, which does not involve crossing borders. It may take place within the same region, city or area. Mixed trafficking on the other hand, combines domestic with international, taking into account that the racket may begin in one territory and continue in another.

That is why human trafficking takes place in parallel with cross-border exodus and more so with more women migrating. The point of departure is usually a Latin American or Caribbean country, while the destinations are urban centers in wealthy countries mainly in North America and Europe.

As has been shown, trafficking is varied and complex. Capitals of developing countries or of economies in transition are also destinations and involved in transit. The places most affected by this phenomenon have characteristics which favor the actions of criminal organizations. This is

due to the conditions of unemployment and illiteracy, the meager opportunities for implementing alternative projects, inadequate or non-existent legislation on human trafficking and smuggling, as well as prolonged conflicts. The places with the largest numbers of residents who have been victim of trafficking are Latin America, Southeast Asia, Eastern Europe and Africa.

The destination countries with the highest demand are: Germany, Spain, Holland, Japan, the United States and Canada, where those who arrive work in forced labor in agriculture, factories, businesses and sex trade, potentially becoming the victims of organ extraction and trafficking.

Within this framework it is important to observe that the main routes used are: from Latin American (Brazil, Colombia, Mexico, Dominican Republic) to European countries (Germany, Spain, Holland) and Japan; from Western and Central Africa to Western Europe. This is based on the annual reports: *Trafficking in Persons Report*, developed by the United States State Department (2015) on their webpage: <www.state.gov/j/tip/rls/tiprpt/> where reports may be found for 2001-2014 (consulted on March 15, 2015).

Recruiters, once the possible victim has been found, use strategies of seduction, coercion, creation of additions, isolation, deceit, manipulation and secrecy. They are contacted with offers of quick solutions to their problems. This may be done directly or indirectly. There are also other modes in which traffickers recruit, kidnap or buy people, especially when procuring minors.

Some victims know that they will enter the sex trade and will be obligated to repay the cost for their recruitment, transportation and maintenance, but they are misled about the conditions. Others have no idea what they are in for. When they arrive, their documents are taken away and they are exploited, forced to pay the supposed debts. There are scenarios in which psychological and physical coercion combine, added to the situation of "illegal" entry.

Finally, while today we may speak of an international framework to mitigate labor exploitation, migrant smuggling and human trafficking, it is imperative that States draft the policies necessary for sustainable development to take place, so that the social causes and consequences of this and other damaging behavior, which is against the social, democratic state of law is reduced.

This is a global problem and solutions must be both local and international. Moreover, the cultural aspect must be taken into consideration, in which tolerance for diversity brings about peace. We know that migration may be irregular, but what is needed is not to exclude but to assure dignified conditions, above all for those in situations of the greatest vulnerability, especially women and minors.

The road of victimization

The effects on his rights felt by the aggrieved person, the product of the damaging behavior and personal and social scars left by these events is called victimization. The damage does not end when the illegal act is over; on the contrary, it may last for months, years or a lifetime. Thus, most

crimes related to human trafficking have free development of personality as a legally safeguarded good.

Personality refers to the relatively stable patterns of thought, perception and behavior which are part of each subject. The dynamics organization of psycho-physical systems make adjustments to the environment possible. This is the specific way of being inside and outside, given that the characteristics and qualities, especially psychological, are what make each person unique and adaptable.

Legally their free development is protected, the sum of essential, individual and social goods. Critical situations may bring about personality disorders and lasting effects, affecting a person's health, integrity, feelings, freedom, intimacy, image and social esteem.

Due to its relevance and characteristics, rights related to personality are absolute, inherent, inalienable and unwaivable, because they may be exercised in front of everyone, do not need any special mechanism (acquisition, transmission) which ties them to the person and because they cannot be transferred to another person.

Sexual abuse, corruption, pimping, pornography, deprivation of liberty, trafficking, smuggling, sex tourism and rape, carried out—very often—against a person who is underage or who does not have the ability to understand or resist the act, affect those who are submitted to these contemptible practices on various planes and in different ways.

Dignity, formation of minors, sexual indemnity, sexual inexperience, integrity (physical, corporal, psychic); the family;



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liberty (personal, sexual); normal physical and psycho-social development; personality (evolution, free development); health (personal, reproductive, sexual); sexual security and life are goods which are affected, as identified by Mexican legislators, without more precision existing to date.

In any case, it is clear that the public morals and good customs are relatively irrelevant goods when talking about victims of trafficking and sexual exploitation. *Iter victimae* (itinerary of the process of victimization) often begins under conditions of pre-existing vulnerability, continues with primary victimization and possible

repetition, with secondary or institutional victimization, and ends with tertiary victimization, referring to the adverse scars left, both personal and social.

We will now proceed to define each of these and later to exemplify them. *Primary victimization* is the immediate consequence of the committing of a crime, in which it is the victim who directly feels the effects on her rights. A Crime, without being legally typified brings on the same result. This is true whether or not it is considered to be a socially condemnable act since it is considered morally serious—as the violation of human rights—; or if the act is against the moral norms of a certain

group or community, it is repudiated, called forbidden and punished in terms of what the group believes.

With respect to *secondary or tertiary victimization*, the first is the negative response of authorities and public servants to a victim. These include incomprehension, not believing, delaying attention and inadequate treatment. The latter refers to negative personal and social consequences presented by the victim directly or indirectly, on physical, psychological and material (economic) planes.

The consequences of sexual aggression, from fondling to repeated rape, vary from person to person, depending on the circumstances, intensity, degree of consciousness, relationship with the victimizer, handling of guilt, among other factors. The effects then may be physical, sexual, psycho-emotional and behavioral, besides a possible stage of victim crisis.

In general, a crisis is an early stage of disorder and disorganization, characterized by the inability of the individual to face certain situations using the usual problem solving methods. Changes in health, moderate or intense, are effects of the same condition.

Within physical consequences we find changes in eating habits (compulsive eating, stopping eating); rectal and vaginal tears; unwanted pregnancy; sexually transmitted diseases; loss of bladder control; gastro-intestinal problems (colitis, constipation, gastritis) and sleeping disorders (hypersomnia, insomnia, nightmares, somniloquy, restlessness, night terrors).

Sexual derivations include negative ideas about sex; compulsive masturbation; parafilias (voyeurism, exhibitionism, pedophilia); disorders of sexual identity or feelings belonging to adults (anorgasmia, aversion to sexual contact, hypoactive sexual desire, dyspareunia, premature ejaculation, non-organic vaginismus).

The list is extensive and a medical explanation of each term more so. We have decided not to go into detail as it would be too lengthy. Furthermore, it is important to continue to refer to the behavioral and psycho-emotional aspects which may result in harmful behavior. Within the behavioral aspects are: isolation, withdrawal and lethargy, putting oneself in danger (wounds, attempted suicide); changes in posture and personal esthetics (way of walking and dressing); aggressiveness; consumption of tobacco, alcohol or drugs; crying for no apparent reason; outright repudiation of contact with an adult and prolonged silence (mutism).

A girl or adolescent who has been the victim of sex crimes sometimes radically changes her perception in the face of others and acts accordingly. If she was free, secure and enjoyed herself, even flirting, most probably she will become distant and modify aspects of her clothing and personal care. Now, instead of using short, tight clothes, she may choose loose clothing, with which she is trying to hide the development of her body, thus avoiding—at least to her way of thinking—calling the attention of potential attackers.

Candor and natural sexual curiosity of those who have not reached adulthood are

attractive elements for men and women with lewd tendencies. Lust is another word for what our hypothetical victim tries to avoid. She knows, through experience, that the visual aspect draws attention, and does everything possible to avoid it, going to the extreme of looking more like a boy than a girl.

Another variation, but in the opposite direction, is when the person who has been hurt sees herself differently. She thinks she has lost her innocence in the attack and so she cannot play, dress or act like other children her age. The sudden use of make up or low cut blouses, above all when she had shown no previous interest in these things, may be indicative of an aggression, rather than a simple act of rebellion or flowing with fashion.

In a vulgar sense, "deflower" is more than forcing someone to lose her virginity, it implies the passage from childhood to adulthood, since it is seen by some to be a rite of initiation, without properly being this. Having a virgin means "making her a woman" and even more, "making her my woman." These are abstruse ideas which border on the absurd and affect males and females in almost the same way. Boys "become me" when they lie with a women, whether the women was an adult (probable statutory rape), whether the contact was under pressure or via payment for the services of a prostitute.

Given that the first bond of a male is with a women (his mother) the psychological process through which his masculine identity is built should be based on separation-differentiation. In order to become a man he must carry out arduous work to

repress his initial feminine identifications and show the androcentric, homophobic world that he does not look like a woman, nor like a homosexual (Whaley, 2001).

Even so, it is not the same to belong to one sex or the other in a misogynist society such as ours. An interesting piece of information is that the rest of its definitions repeat at the begging of the word woman in order to explain this word. In this way, it is translated as: "woman who has reached puberty or adulthood," "woman who had the qualities considered to be feminine par excellence," "married woman, in relation to the husband." The same variation mentioned above changes its content radically, since a public woman is simply, wasted or a prostitute. The same meaning in the famous Dictionary of the Royal Spanish Academy, for cases of women of art, of the party, worldly woman. All of these are, without the need of euphemisms, prostitutes. The public man is the man who has power in his social life, while the public woman is no more than a hooker. In contrast, woman of her home, in the same semantic tenor refers to a "woman who diligently does the housework and cares for her hacienda and family."

The masculine human is called man, as well as the adult male. It is not enough for woman to be of the female sex, she must also possess the feminine qualities par excellence. If someone does not know what these are, suffice it to choose between being a diligent housewife or a prostitute. Art, politics and public life are not for those who are decent; their place is the hearth, happy space in which they carry out their daily chores. However, all is

not lost, since a woman is also a woman when she marries or, at least, when she has her first menstruation. Ironies which reflect the sexist ideologies which we need to show.

Society is extremely unequal, in which a girl is a woman beginning with menstruation and a man isn't a man until he is 18. In the first, a medical-biologic criteria, and in the second, chronological. After all, a 10 year old who is menstruating may become pregnant so she must be considered a "real woman."

In marriage, religious and civil, the same is true. Once the contracting parties accept the bond, they are declared "husband and woman," (in Spanish) which makes one wonder what she was before she was married. This doubt may last for a long time.

In Mexico, the *Federal Civil Code* is full, as are other documents, of the expressions "husband and woman." Even within the causes for divorce reference is made of her belonging to him, as seen in a review of Article 267, Paragraph III in 2009. The cause is:

The proposal of a husband to prostitute his woman, not only when the husband himself has done it directly, but when it can be proved that he has received money or other remuneration for the express purpose of permitting another man to have carnal relations with his woman.

The same relationship of ownership is found in Article 325, 328, 486, 569 and 2994. These are legislative technical errors which reflect the misogynist basis of the

writing. Finally, to conclude these ideas and conclude with grievances to a victim of trafficking of sexual exploitation, we cite a jewel of ignominy, an apotheosis of the poor writer, in the paragraph following the one referred to above: "Incitement to another man of violence by a husband to commit a crime, even if it is not carnal incontinence."

Sexual deviance, eroticism, indecency, debauchery, licentious, lubricity, lust, perfidy, perversion, insolence, promiscuity are words which we ironically propose for continuing the same legislative verbosity. This is criticism of a legislative technique which deserves a later in-detail investigation.

Finally, our objective in this article has been to show the adverse consequences faced by a person who experiences one of the victimizations we have mentioned. We only need to now describe the psycho-emotional consequences.

Among these we find changes in perception and thinking; retroactive annulment (handicaps, low self-esteem, lose of ideals); radical changes in the scale of values; guilt and self reproach; persecution complex; depression; posttraumatic stress syndrome; distortion of one's own image; fear and general distrust; as well as mood changes.

With respect to the post traumatic stress syndrome, in this images of the traumatic situation are repeated over and over again in flashbacks, involuntarily, even with the passage of time, imagining the situation in detail. The flashbacks are accompanied by intense reactions of anxiety (worry, fear, lack of control, a high

rate of physiological activity, avoidance of related situations, among others). This causes great stress, weariness, intense emotions and irrational thoughts.

He is the devil and I'm afraid of him. He said to me, "Look, my little one, if you are good and you obey everything will be okay, you will go to school and buy clothes and pretty things; but if you tell anyone, that person will die. If you tell your mother, she will die. I told you, even if you don't like it, this is what fathers do with their daughters." And since I don't have a father... (Statement made to a psychologist by a 13 year old girl who had been sexually abused since she was eight) (Cacho, 2006). I was really scared of him, when he was on top of me I saw that he was very strong and sometimes I thought that he could kill me. Then he was very caring and kind; he whispered that I was his love, his little girl, and that he wanted me to study in the best school and to become someone. Now that I'm telling you, I don't know how I didn't go crazy. He was a man with two personalities and you never knew when he would be violent and scolding or loving. We were all watchful of his emotions (Cacho, 2006).

The damage caused by the abuser, as we have seen, is great, whatever legal label you wish to place on it. There are physical, sexual, psycho-emotional and behavioral, besides early fertility, unwanted pregnancy, abortions and sexually transmitted diseases.

In the year 2000, the number of adolescent mothers was: between 12 and 14 years, about 9,700; between 15 and 17, 176,219. In that year there were almost

366,000 children born to mothers of under 19 years (17% of the total) (Palmerly Ramírez, 2005). It is obvious that these figures do not necessarily reflect abuse, but they do indicate a concerning situation in matters of sex education, since there are many girls who are having children, this adding in many cases to the transmission of inter-generational poverty.

Final Thoughts

Violence towards women, girls and boys is not natural. Its structural causes are based on a patriarchal and adult-centered system which promotes and justifies their subordination to men. The right to a life free of violence is ineffective in the face of cultural patterns which limit access to justice.

The everyday demand for sexual services is also part of the idiosyncrasy in which the body is an object of value on the market, thus promoting prostitution, pimping and human trafficking, besides keeping the levels of production and consumption of pornography, both legal and illegal, high.

In order to address this problem women's bodies need to be dignified, the sexual indemnity of girls and boys respected, increasing alternatives of work for those who offer sexual services and promoting gender equity, pointing out that the integral attention to victims and those who are in situations of risk should not be subordinated to the denouncement, although the latter facilitates the process of recuperation.

Upon acknowledging the victims as victims and not as co-participants

(provocateurs, enablers, precipitants), authorities and society must guarantee due seriousness, keeping in mind always the prime interest of children and adolescents, as well as the non-repetition of the traumatic events in the processes of enforcing the law and administering justice.

Men and women can protect those who are in situations of risk, those who are extremely vulnerable, safeguarding their right to a life free of violence. To move on to integral policies of protection of fundamental rights is the next step.

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