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Congress Approves Legislation to Combat Human Trafficking, Child Pornography, and Related Crimes

by *Carlos Navarro*

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The Chamber of Deputies has unanimously approved legislation that strengthens the Mexican government's ability to prosecute crimes that affect primarily women and children, including human slavery, child pornography, and other forms of sexual exploitation. The initiative—the *Ley General para Prevenir, Sancionar y Erradicar la Trata de Personas*—strengthens Article 73 of the Mexican Constitution to address these crimes more effectively. The measure is expected to gain easy approval in the Senate. It was supported by all seven major parties represented in the lower house, which worked through a special committee (*Comisión Especial de Lucha contra la Trata de Personas*) to promote the legislation.

The initiative contains 129 articles establishing the powers of municipal, state, and federal governments to prosecute these crimes. It sets mandatory sentences of 15 to 30 years imprisonment for slavery, child pornography, and sexual exploitation of women and children. For parents, biological or adoptive, who turn their children over for sexual exploitation, the penalty was set as high as 40 years in prison.

Deputy Humberto Benítez Treviño, chair of the justice committee (*Comisión de Justicia*), said the initiative received unanimous support in the lower house. "The necessary consensus was achieved to approve this decree, which establishes lengthy prison sentences for the crimes of human slavery, child pornography, and the sexual exploitation of women and children," said Benítez Treviño, a member of the *Partido Revolucionario Institucional* (PRI).

More often than not, perpetrators of these crimes go unpunished. "We want to ensure an end to impunity in our country," said Deputy Rosi Orozco, chair of the special committee.

The initiative also creates a victim-assistance fund. "We want the victims to receive a high priority, from ending the exploitation to offering full assistance," said Orozco. "All children deserve to be protected."

Cooperation among all levels of government

One of the most important aspects of the initiative is that it also creates a framework for interagency cooperation for the prevention, investigation, prosecution, and punishment of human trafficking and related crimes in municipal, state, federal, and Mexico City governments.

Orozco, a member of the governing *Partido Acción Nacional* (PAN), pointed to the existence of 47 criminal networks in the country dedicated to sexual exploitation. The networks—operating primarily in poor southeastern states like Chiapas, Oaxaca, and Guerrero, and in border states like Chihuahua and Baja California—have victimized 800,000 adults and 20,000 children, according to statistics from the *Red Nacional de Refugios*. The PAN legislator said the initiative would allow authorities to obtain more accurate data for every state in Mexico.

The legislation also allows Mexico to begin to address another huge problem: child pornography. The committee that promoted the legislation pointed to a recent study indicating that that Mexico has the second-highest number of child-pornography sites on the Internet. Most of these cases fly under the radar because of a lack of attention by authorities.

Another case made headlines because of the involvement of a high-level official in protecting a known pedophile. This was the case of businessman Jean Succar Kuri, identified in a book by independent journalist Lydia Cacho as a major participant in an alleged child-prostitution ring in the resort city of Cancún. While Cacho's book exposed Succar's activities, the matter gained even more notoriety because of the eventual involvement of Puebla Gov. Mario Marin Torres.

Cacho's book mentioned Puebla businessman Kamel Nacif as the source of funding for Succar's defense. Nacif convinced his friend Gov. Marin to kidnap Cacho in Quintana Roo and bring her to trial for defamation in Puebla ([SourceMex, Feb. 22, 2006](#), and [April 26, 2006](#)).

Leopoldo Mendivil, a columnist for the Mexico City daily newspaper La Crónica de Hoy, said exposing Succar's activities, which brought national attention to the problem, was a major catalyst for the current law.

Ironically, while the case brought attention to the wider scandal of pornography, human trafficking, and prostitution, Mexico's high court ruled that Cacho's rights were not violated when she was kidnapped ([SourceMex, Dec. 5, 2007](#)).

Critics wondered why it took so long for the Mexican Congress to address the issues of child pornography and child prostitution in the aftermath of the Succar case. Legislators from the center-left Partido de la Revolución Democrática (PRD) complained that they had proposed a similar initiative to the recently approved measure back in 2010, but no action was taken.

Even the current legislation was delayed several times after it was easily approved by the appropriate committees on Feb. 15. "Many interests are affected," said PRD Deputy Teresa Incháustegui. "Many people are involved in this business from all political parties, some more than others."

Even though the legislation deals with punishment for perpetrators and assistance to victims, Orozco said the broad picture should be considered, including the roots of the problem, which include poverty, the lack of educational and job opportunities, and societal and family violence.

Critics question whether new law will be enforced

Despite the unanimous support for the legislation in Congress, many skeptics questioned whether the measure would be effective enough to address the problems if authorities did not enforce the law. Some human rights advocates noted that Mexico already had a version of this legislation in place in 2007, although the earlier initiative did not incorporate penalties and guarantees of support to victims into the Constitution. Additionally, 18 state legislatures and 14 municipalities had approved measures to deal with human trafficking, prostitution, and child pornography. "To date, only four people have received sentences under the federal law and nine others under the law applied in Mexico City," said the Comunicación e Información de la Mujer (CIMAC) news service.

Emilio Muñoz, director of the human rights organization Centro Fray Julián Garcés Derechos Humanos y Desarrollo Local, said the state and federal versions of the law failed because

enforcement and prevention were not sufficiently funded, the roles of the agencies charged with addressing the problem were not clearly defined, and authorities lacked the will to implement the laws that were on the books.

Another obstacle in the 2007 measure was that authorities did not feel empowered to intervene unless the violations involved international networks, said Muñoz.

Some critics suggest the law approved by the lower house has some loopholes that could render some parts of it ineffective. Teresa Ulloa, regional director for the Coalición Contra el Tráfico de Mujeres y Niñas para América Latina y el Caribe (CATWLAC), said the language in Article 38 allows a smaller penalty in cases where the perpetrator demands services from a minor without using coercive action. "By having two different penalties for the same crime, you are making the measure ineffective," said Ulloa.

But the CATWLAC director praised the new law for providing assistance to victims, which was not offered under the 2007 federal measure. This includes a witness-protection guarantee for anyone willing to testify against perpetrators. Ulloa was especially pleased that the government committed to help victims with social integration and re-entry into the job market or to the educational system.

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