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Being a Sex Worker and Migrant in Times of Trafficking: Experiences from the Mexico (Chiapas)–Guatemala Border

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ABSTRACT

This article examines the construction of a dominant narrative around human trafficking at Mexico´s southern border, as articulated through the experiences of two specific actors: sex workers and the armed division of the State. Through ethnography and the actors' own voices, this study demonstrates the tensions and contradictions between assumptions of *law and order* and the women's lived experiences. Findings from field data suggest that trafficking ought to be understood not only through punitive justice and criminality, but also in terms of the effects the anti-trafficking apparatus has on lives and bodies on the Mexico-Guatemala border, without losing sight of structural forces at play.

KEYWORDS

Anti-trafficking; sex work; migration; border; ethnography

Introduction

Over the last 20 years, debates around human trafficking have gained momentum globally. Dominant narratives have emerged which irreducibly associate trafficking with "irregularized"[1] migration and the sex trade. In Mexico, legally and politically, trafficking[2] has been defined based on international guidelines, and according to a dichotomy stemming from the criminality of the aggressor, and the vulnerability of the victim. The State organizes the "combating" and "eradication" of trafficking through an entirely punitive strategy, alongside border securitization measures, as if human trafficking was solely associated with migration or the sex trade.

This article analyzes anti-trafficking narratives in Mexico, specifically in the Soconusco region which is in the south of the country at the Mexico-Guatemala border. The present analysis centers around the Foucauldian concept of *dispositif* (apparatus; see below), interwoven with the ethnography and lived experiences of female sex workers – "victims" of anti-trafficking raids – without losing sight of the structural framework of national security and migration securitization operating in the region. To this end, I first explain the methodological framework of the research, followed by a discussion of human trafficking beyond a legal definition. I go on to explain why the concept of *dispositif* is useful for understanding trafficking, before presenting the ethnographic findings on how this apparatus is experienced.

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Human trafficking in the Mexican context

An ethnographic view of the Mexico (Chiapas)–Guatemala border

The Mexico (Chiapas)–Guatemala border, beyond being a political boundary or a geographical region, represents a space of shifting social and historical relations, where the border context is lived through the bodies, practices and life experiences of those who inhabit and/or pass through these spaces. The political border on the Mexican side is made up of seven municipalities within the Soconusco region: Suchiate, Frontera Hidalgo, Tuxtla Chico, Unión Juárez, Tapachula and Cacahoatán[3] (see Figure 1). In terms of climate, geology, and hydrography, as well as in its customs and vocabulary, the region is closer to Central America that it is to Central or Northern Mexico.

Historically, the Soconusco region has been a strategic space of social, cultural, economic and political exchange, and a point of contact and continuity since before the construction of Nation States. This border is made and understood through human movement. People come and go, crossing the Suchiate River – which constitutes the political border in the coastal zone – on rafts, swimming or even walking when the current is sufficiently low. It is a space of cultural hybridity, mobility and transnationalism, shown, for example, by sex workers who live in Guatemala, but work every day in Tapachula, Mexico. The Soconusco region is a place of permanent cross-border cultural, commercial and labor exchanges. Yet, its strategic position as a connecting point between Central and North America means it is also a key crossing point for migrants heading toward the US.

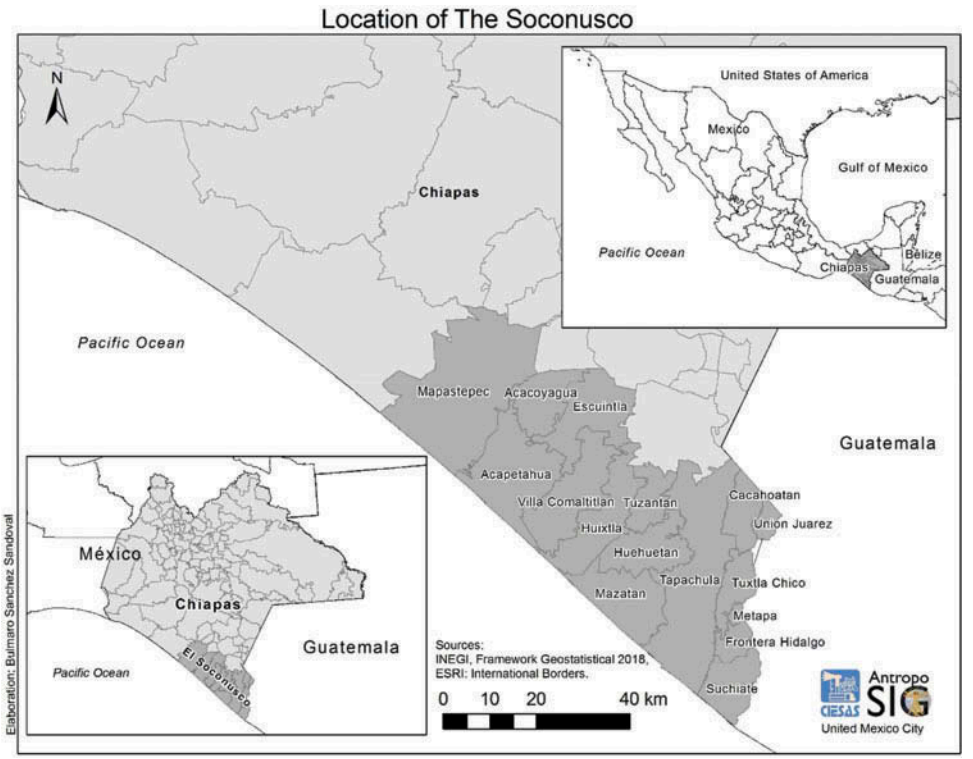

Figure 1. Map of the Soconusco region.

During my fieldwork, I found that the factors motivating this migration are varied, and cannot be reduced to violence or to the search for work. There are those who migrate just for the adventure or to experience living in another country.

Beyond a legal definition of human trafficking

To move beyond a definition that points to universality, by way of a critical and reflexive exercise, I propose the following understanding of the trafficking of human beings: it operates by subjugating people and by stripping them of their labor power in different spheres (for example, sexual, domestic, agricultural, begging, wars or paramilitary movements, among others), and through this to obtain a range of benefits, mainly material but also symbolic. It is a violation of integrity, of being, and of any human right. It involves practices of accumulation by dispossession (Harvey, 2003), it is structured within asymmetrical power relations, and it is exercised by means of physical and/or psychological violence. This definition aims to reflect not only what trafficking is, but also what it is not. It emerges in a critical engagement and opposition to the generalizing and dominant legal definitions, as based on my fieldwork through the accounts of women who have and who have not experienced trafficking. Nevertheless, within these power relations and the social construction of reality, subjects who experience or who have experienced trafficking are also agents of social change, located in a specific production system and who experience domination according to the intersections and effects of class, race, and sex. Subalternized groups are not made up of homogenous blocks under vertical power: rather within these relations of domination and oppression there exists a complex multidimensional and multidirectional system, wherein diverse responses and resistances occur (Scott, 2011) at an individual and collective level, that challenge dominant power in different ways and at different levels (Gledhill, 1999).

Over the past 20 years, human trafficking has also been constituted as a transnational crime, largely driven by the participation of four main actors: 1) supranational organizations and international powerbrokers in the Global North such as the United Nations Office on Drugs and Crime (UNODC), and the United States Department of State (DoS) who – through the Trafficking in Persons Report (TIP Report) – have defined and quantified the phenomenon at global level, as well as generating strategies to address and eradicate it; 2) States, which have become a legal, bureaucratic and institutional body through which to address and eradicate this crime; 3) non-governmental, mainly feminist and religious organizations, who have driven awareness-raising around trafficking, pushed for its criminal categorization, and drawn attention to the need for associated humanitarian assistance; 4) academics who – from opposing positions – have participated in reflections, debates, analysis and proposals on the issue.[4] Today, "the idea of human trafficking is more widely spoken about, although the definition has become more murky and confusing where trafficking has become conflated and interchangeable with the concepts of forced labor and slavery" (Kempadoo, 2015, p. 9), and also with sex work, people smuggling and irregularized migration. This conceptual confusion has given rise to the production of an anti-trafficking apparatus at a global level.

Human trafficking is a social occurrence, with relational and situational aspects that materialize in bodies and subjectivities (Stalans & Finn, 2019); identifying and analyzing its specific dimensions, complexities and tensions, requires a situated approach based on

the everyday experiences of those who have lived through it (Luminais, Lovell, & McGuire, 2019), as well as those who face unwanted effects of the anti-trafficking *dispositif* as a dominant model that equates trafficking with sex work and undocumented migration. In the remainder of the article, I analyze the apparatus as it manifests in Mexico, specifically on the Mexico (Chiapas)–Guatemala border.

Conceptual framework development methods

Research methods

The article is based on data gathered during fieldwork at the Mexico (Chiapas)–Guatemala border, specifically in the Soconusco region, in the municipalities of Escuintla, Frontera Hidalgo, Huixtla, Suchiate, and Tapachula. The work was carried out continuously from September 2014 to February 2015. During this period, I analyzed anti-trafficking narratives, and their relationship with sex work and irregularized migration, based on work with a range of actors who were involved in some way with anti-trafficking discourse or practice in the region (organized civil society, international organizations, government institutions, police forces), and with women who participated autonomously in sex work. In this text, I present only two aspects of the ethnography: direct observation carried out in sites of sex work (streets, bars/cantinas, *botaneros*,[5] *cuarterías*[6]), and structured and semi-structured interviews with sex workers in the region and with members of the police force charged with *combating* trafficking in this part of the country, who make up the Anti-Human Smuggling and Trafficking and Anti-Gang Force (*Grupo Operativo Contra el Tráfico, Trata de Personas y Pandillerismo*, GOTTPA).

The methodology is ethnographic, involving dialogue with actors in the field, documenting first-hand their perspectives and reflections. It is based on the lived experiences of women as ethnographic interlocutors whose life stories I reconstructed; in this way, ethnography was used as a tool of feminist reflection and as a strategy to destabilize racist and sexist colonial discourses (Hernández, 2016). Dialogue was generated through everyday interactions with the women in their work spaces, from a perspective of situated knowledge (Haraway, 1995), and constructing affective, close relationships. My own standpoint is that of a young, mestiza, academic, activist, working-class woman; it is from this perspective that I know and construct the world, through the empathy and relationships generated with some actors, and through distancing from others. I also write from a standpoint of social and political engagement with sex workers, with their activism and demands.

In this article, ethnography is used as an epistemological approach and methodological tool, which involves understanding social action from the actors themselves. The research techniques used are participant observation, in-depth interviews, informal conversations and the systematic registration of field observations. I consider ethnography to be a way of building situated knowledge, and that it implies a respectful and committed ethical position with regard to the interlocutors in the research, taking the form of "a set of principles that should guide the practices associated with their different phases" (Restrepo, 2015, p. 165).

The sex workers who took part in this research were cisgender[7] women between 17 and 50 years old, who worked in the border municipalities of the Soconusco region. They were both Mexican and Central American (Honduran, Salvadoran, and Guatemalan), and all

had direct experience of government anti-trafficking operations. They referred to their work in different ways, calling themselves variously *putas* (whores), *trabajadoras sexuales* (sex workers), *sexoservidoras* (literally sex servers[8]), *mujeres del rollo* (colloquial term used in Guatemala), or *trabajar de meterse con los hombres* (literally, to work getting involved with men). We talked in the street, on corners, in bars and *botaneros*, in the *cuarterías* where they lived and worked, as they allowed me to get close to their experiences of life and work. This interaction began as I accompanied the field staff of the "Crossing Borders" project (an initiative from the Department of Epidemiology of the University of California San Diego) as they collected data on the health of sex workers in Tapachula. Between October 2014 and January 2015 I went on visits with the team almost daily to sex work zones in Tapachula, and the tolerance zones in the municipalities of Huixtla and Ciudad Hidalgo. During these visits, which included the distribution of free condoms, I got to know the sex workers, and gradually started to build closer relationships with them and gain their trust. Although the fieldwork involved interactions with 50 sex workers, in this article I share the voices – using pseudonyms – of only five of them, with whom I carried out in-depth interviews.

The anti-trafficking dispositif in Mexico

Foucault defines *dispositif* as a network of power relations that involves "a decidedly heterogeneous ensemble comprised of discourses, institutions, architectural forms, regulatory decisions, laws (regulations), administrative measures, scientific statements, and philosophical, moral and philanthropic propositions" (Foucault, 1991, p. 128). From this perspective, a *dispositif* consists of a network of knowledge/power relations that produce subjectivity/ies, while also constructing subjects and regimes of truth in a given historical, social and political moment. These relations and economies of power are embodied through diverse technologies, working at different levels and generating discourses of truth on and about the social body.

This study posits that the anti-trafficking *dispositif* operates through a range of global organizations and alliances, generated within an international framework based on the United Nations Convention Against Organized Transnational Crime and its protocols. Signed in Palermo, Italy in 2000, the Convention identifies human trafficking, illegal smuggling of migrants, and arms smuggling as serious international problems. Given the binding agreements of these protocols, definitions of human trafficking and the illegal smuggling of migrants therein have been used as a reference for creating national and state laws – in Mexico and other signatory countries – as well as for research by academics, journalists and non-governmental organizations. The definitions contained within these agreements construct human trafficking as a crime committed by (mainly male) subjects associated with organized crime.

Interest and research into human trafficking both from the academy and international agencies has, from the start, been linked to "concern" over the sex trafficking of women and the participation of migrant women in the sex trade (Halley et al., 2006; Capous, 2007; O´Connell, 2014). This has led to the formulation of a framework that posits "the 'trafficking of women' as gendered sexual labor migration in the context of unequal relations between the Global North and South" (Kempadoo, 2015, p. 8). In turn, this approach has driven a discourse which has led to the strengthening of dominant narratives that fail to distinguish

trafficking from sex work, and that also link trafficking to irregularized migration, thus reinforcing restrictive migration policy as well as the resurgence of prostitution prohibitionist groups.[9]

In the Mexican border context, this anti-trafficking *dispositif* has been built in a way that is racialized, sexed/gendered, and classist, through what is discursively visible and invisible, the silencing of certain voices and experiences, and the privileging and circulation of others which become self-legitimizing. Discourses privileging the anti-trafficking *dispositif* are generalizing narratives and images involving cisgender, precarized women from the Global South: women who are nonwhite, non-middle class, irregularized international migrants, represented as a single, vulnerable subject position, and as such to be the ideal victim, waiting to be "rescued". But above all, this *dispositif* stems from a tension between the combating of anti-trafficking and the practice of sex work, such that images and narratives that refer to sex work as trafficking and vice versa are common.

This anti-trafficking political context, that does not recognize sex work, but rather sees this as an inherent part of sex trafficking, has a range of impacts on the daily practices of sex workers. The following section describes how these policies are experienced in tangible bodies and subjectivities, and in this way, seeks to bring forth the silenced voices behind the anti-trafficking *dispositif*, those of female sex workers on the Mexico (Chiapas)–Guatemala border.

Migration and trafficking narratives at the border

In Mexico, the dominant discourse on trafficking is produced through a stylized legal category "based on a regime of truth built on assumptions of objectivity and technical knowledge" (Hurtado & Iranzo, 2015, p. 3). These hegemonic narratives refer to forces that mobilize human trafficking, drug trafficking and the illegal smuggling of migrants as one homogenous whole, uniformly threatening Mexico's national security. Therefore, the State response has been militarization, and the securitization and criminalization of irregularized migrations, and sex work.

The regulation of borders by the State has various dimensions and specificities. The global set-up is that while borders are open to the circulation and exchange of markets and capitals, they are restricted for other migratory flows (COLEF-Sur, 2014). In Mexico, there is no comprehensive, inclusive migration policy. On the contrary, through a discourse of national security and "protection of migrants", what operates is the *de facto* persecution, criminalization and capture of certain subjects who are deemed unwelcome by the Mexican State, and who are persecuted and stigmatized for contravening the border control regime (Álvarez, 2017): people mainly from the North of Central America who are precarized, racialized and irregularized, who "flee from violence of neoliberalism that infringed on all aspects of their daily lives, generalized the use of violence, above all that against women, in the face of neglectful and complicit governments" (Varela, 2017, p. 3).

Notions of security and securitization in the border space between Mexico (Chiapas) and Guatemala are not small scale, indeed they came about in the context of a toughened discourse driven and imposed by the United States (Rodríguez, 2017). The issue of national security in Mexico and Latin America in general since the mid-twentieth century has been marked by what José María Rodríguez (2017) calls the "Northamericanization" of security, that is: "the (neo)conservative cycle that reestablishes capitalism and in which war is a necessary condition for this to be sustained and expanded" (p.9); a colonial war

that imposes a certain perspective on the world, that self-legitimizes on the basis of the construction of internal and external "threats" and "enemies" that must be confronted.

The insertion of border control and undocumented migration into Mexico's political agenda as an issue of national security, together with human trafficking and drug and gun smuggling, is linked to global-level efforts to combat international organized crime. The constitution of this "threat" to the Nation State and to national and international security, has set up legal and political systems to combat human trafficking and smuggling, for the supposed protection of undocumented migrants. In turn, these are indorsed through narratives of human rights and gender justice, but really they represent a *dispositif* (Foucault, 1991) for the disciplining of certain sexual behaviors and human mobility, and in relation to migration, using fear as a means of governmentality.

Operating in parallel to the anti-trafficking *dispositif* linked to the political agenda on migration, is a relationship between the legal regime and its operationalization, and practices of the sex trade that are not necessarily linked to trafficking. In recent years, Mexico's southern border, and the border town of Tapachula in particular, have been singled out in this narrative as associated with two main stigmas: criminality, and as a "hotspot for human sex trafficking" (CNDH, 2013; SSP, 2011; UNODC, 2014). In this context, the anti-trafficking *dispositif* in Mexico has translated into a dominant discourse, regulated and operated by the punitive Mexican State in alliance with feminist neo-abolitionist anti-sex work and anti-pornography groups, in which the terms sex trafficking and sex work have been deliberately mixed up, two distinct phenomena that have been united through this *dispositif* classifying any erotic or sexual exchange involving material or symbolic compensation as sexual exploitation or trafficking.

In a report presented in 2014 by the UNODC and the Ministry of the Interior (Mexico), based on data from the Special Prosecutor's Office on Violent Crime against Women and Human Trafficking (*Fiscalía Especial para Delitos de Violencia Contra las mujeres y Trata de Personas*, FEVIMTRA) and the Assistant Attorney General for Special Investigations and Organized Crime (*Subprocuraduría Especializada en Investigación de Delincuencia Organizada*, SIEDO), Chiapas is the state with the highest number of preliminary investigations for trafficking in the whole country, and border municipalities are sites of high "vulnerability" and occurrence of trafficking.

The response from the Mexican government in the face of this phenomenon has been repressive and carceral, through operations aimed at combatting gang activity, human trafficking, and people smuggling, involving the participation of federal, state and municipal governments. While the goal is to "seek out victims of human trafficking", the operations are focused on immigration raids in sex work establishments.

Nevertheless, during my fieldwork, I came across numerous women who participate in sex work autonomously, in ways not reflected in the anti-trafficking discourse and protocol. They expressed being fed up with the victimizing perspective of many researchers and journalists, as they (we) arrive to interrogate them. One of these women is Estrella, 20 years old and an international migrant who practiced sex work in a bar in the tolerance zone[10] in Huixtla, Chiapas. The first time we talked, she questioned my interests:

> […] And why do you want to talk to us? I'm fed up with it! We weren´t all raped, beaten, and with no family. You all always think the same thing, and if you want to talk about that, then no! My family love me, and I've not been raped.

On this border, the anti-trafficking *dispositif* situates and characterizes undocumented, poor, working migrant women also as subordinated victims, deprived of agency and power; they are assumed to be no more than "vulnerable subjects" at the mercy of supposed international trafficking rings, passive women who need to be "rescued" from the "dangers" that the State considers inherent to women's participation in migration or sex work. Nonetheless, this supposed protection justifies and legitimizes policies that racially criminalize these social groups. There is no public policy in the region targeted at preventing human trafficking. The way in which goals of "prevention" and "eradication" are expressed is through anti-trafficking raids carried out by federal, state and municipal police, in coordination with agents from the National Institute of Migration (*Instituto Nacional de Migración*, INM) and other institutions which together make up the Anti-Smuggling, Anti-Trafficking and Anti-Gang Task Force (*Grupo Operativo Contra el Tráfico, Trata de Personas y Pandillerismo*, GOTTPA). The official geographical scope of the group is the southeast of Mexico, but in practice, it only operates in the border area of the Soconusco region, and is solely focused on looking for what they consider "sex trafficking" in sex work establishments. Human trafficking in agricultural and domestic spaces, or of men, is rendered invisible, with the focus of these operations the systematic persecution of sex workers. I now turn to the experiences of one of these women, as she was faced with this state deployment.

Analysis and findings from the field work

Sex workers as the focus of anti-trafficking operations

On this border, I found women who had allegedly been "rescued" in anti-trafficking raids, who had agreed to identify and legally report someone as a "trafficker", and to live in a shelter for a time, all in order to be granted in return a "humanitarian visa,"[11] regardless of whether or not they had actually experienced trafficking. One such story is that of Maria, a 32-year-old woman born in El Salvador, who I met as Federal and Municipal Police officers were taking her from a shelter for victims of trafficking – operated by a religious Scalabrinian organization – to the bus terminal. Maria has lived a border life for 17 years, between the North and South of Mexico and El Salvador. One aspect of this is her reproductive life: she has four children, one lives in the US, one in El Salvador, and two more in the highland region of Chiapas. She narrated the last time she arrived in Mexico without migration documents:

> I arrived of my own free will, came over the river at Tecún and then I went to Huehuetán to look for work, I found work at a cantina called [name], they had a notice up asking for a waitress, and they gave me the job. I was there for around four months, until the police arrived. I was paid just eighty pesos a day to wait tables, I didn't put myself to work,[12] I didn't even fichar[13], I just waited on tables. […] From twelve noon to ten at night. […] There [in the cantina] we had it all, they gave us food, the same as what they sold. […] And we had one day off a week. But because I didn't know anyone, I would just go to the park for a while, then come back. Also, I was scared that migration would deport me, seeing as I'd been deported before, I was scared, because it has been hard to get there to Huehuetán.

It is clear that the anti-trafficking operations reflect imprecisions and contradictions in the law. First and most important of these is how GOTTPA defines trafficking, which is then

used as the basis for searching for, locating and identifying "victims". When asked in an interview about what trafficking was and how they identified it, the official in charge of GOTTPA replied:

> Trafficking is when girls are in a situation of vulnerability, when they have to prostitute themselves because of the conditions they are in, I already explained to you what they are fleeing from. So [the owners of the bars] take advantage of them, they put them to work as prostitutes, doing those things that take away their dignity, because they don't have a choice." (Tapachula, December 2014)

So, those charged with applying the law understand trafficking based on how they construct "vulnerability", "poverty" or "forced migration". The GOTTPA which operates in Soconusco receives training on trafficking from US agencies: the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), the US Immigration and Customs Enforcement (ICE) and the State Department. But neither in interviews nor during operations was any reference made by operatives to the factors the Anti-trafficking Protocol itself establishes of entrapment, transfer, and exploitation. GOTTPA relates trafficking first to a traditional female gender identity, and to a specific ideal-type for these border women. Through equating prostitution with human trafficking, women's "dignity" is located in sexual exchange. Situating dignity in relation to sexuality in this way is a result of coloniality as this is exercised against bodies. That is to say, in Mexican society there remains a fixed social imaginary of ideal-type femininity, and when this is seen to be threatened (in this case by the provision of sexual services), these transgressions are stigmatized, singled-out or persecuted, even by the State itself through its bureaucratic and police agencies.

Anti-trafficking operation in duet: state vs. sex workers

In terms of the logistics of the operations, the officer in charge described how before raids, which involved violent incursions into sex work/bar establishments, they would carry out an undercover operation in which male plainclothes police officers would enter sex work establishments pretending to be clients. Once inside, as they would talk and have a drink, they would observe whether or not there were female sex workers or *ficheras*.

In Mexico, although operations to inspect establishments and nightclubs are authorized by the General Trafficking Law, on the southern border they are carried out as part of migration checks carried out by the INM. In other words, paradoxically, raids to supposedly look for people to "rescue" from trafficking, also work to police migration. This is especially pertinent in the context of the Soconusco region as previously outlined. Anti-trafficking raids involve violent incursions into places where undercover operations have supposedly detected trafficking. The GOTTPA agents enter demanding migration documents from all personnel working there: men and women, including *ficheras*, sex workers, cashiers, cooks, or security guards. The officer in charge explained that they let the clients leave, since they consider that "*they aren't responsible*" (Tapachula, December 2014).

Nevertheless, the experience of anti-trafficking raids as lived by the sex workers affected is in direct contrast to what the State claims to do. The women give a different sense and meaning to this show of power. Once the undercover operation locates women who the agents consider to be in a "situation of trafficking", the women – whether they agree or

not – are processed and detained on Federal Police premises. This is where they give a legal declaration and a victimology assessment is carried out to determine whether or not they are victims of the crime of trafficking, regardless of what the women themselves explain about their conditions of work. For example, going back to the case of Maria, when I asked her what the raid was like where she worked, and what she was doing when the police arrived, she replied:

> M: I was alone, sitting there texting, and then they put us into the patrol cars, they didn't even let me get my things, it happened really fast. From there, they took us to the Prosecutors Office [FEVIMTRA[14]], and then they sent us to the shelter.
> V: Which shelter?
> M: First I was in the one at Viva Mexico[15] for three days, then they brought us here [name of migrant shelter in Tapachula].
> V: And how did you feel there, how were you treated?
> M: Fine, but at first I was kind of put out by it, I didn´t know where they were going to take me, and I needed to be working to send money to my children.
> V: Did they let you go out?
> M: No, because they said that I was under the protection of the Prosecutors Office and that they wouldn't let us out in case something happened to us, because – I didn't know it – but they told me that I was there because of human trafficking, as a victim, but well I didn't know I was a victim of human trafficking.

But not all the stories were like Maria's. There were sex workers who refused to see themselves as victims, who were very clear about what trafficking was, and what their sex work entailed. Brenda was a Guatemalan woman of 26, a migrant sex worker in Tapachula, who reflected on her experience of the raids, showing how the State marginalizes, criminalizes and persecutes sex workers in the name of "national security," "violence against women", or "combating trafficking". She talked of how carceral policies were intensifying not only their marginalization, but also violence against sex workers, as they reproduced certain values and stereotypes, and made invisible their own struggles to defend their rights and organize.

> […] Here, the Mexican authorities get trafficking wrong. Why do they close down hotels? If we are in the open air! Those who are in the streets, they're free! Who goes around making people prostitute themselves? Nobody! You can please yourself, and that is not trafficking, but they get it wrong.
>
> And it's bullshit, that they come and take you away […] Last time I was there in the hotel one night. We weren´t even inside the hotel, because they don't let you, so we were about half a block away. The police come, grab us and take us into the hotel, and they take photos of us, saying that's where they found us, but that's not what happened. And even so, they took us to the Feds and said to us "you're not under arrest, you're victims". And I said, "what are we victims of? I'm not anyone's victim!" I said, "I go around the streets, free. I'm a victim here because you say I am and because you have arrested me", I told him. That's when I realized that they get trafficking wrong, maybe they did it to get some money out of those poor people at the hotel, and they shouldn't have done that". (Tapachula, Chiapas, January 2015)

To understand sex work and human sex trafficking as two distinct realities, it is necessary to recognize the practices and relations each one implies. This must be done from the voices of those taking part, since it is they who have the answers and can make sense of and proposals about their realities. They are political agents who confront the State without being heard. These women construct tactical decisions, that operate based on

their identities and experiences which are constituted through distinct social organizers that position them as excluded from or with access to rights. These identities and experiences are, in turn, and dialectically, the source of the capabilities, resistances, creativities, decisions, and agencies in their lives. Women who are sex workers are not victims in need of rescuing, they are intersected social subjects with agency and the capacity to exercise this agency in all spheres of their lives, even in contexts of poverty, marginalization and other types of violence.

From their lived experiences, sex workers are clear about the objectives of the raids: police persecution, abuse of power and the violation of human rights. Ela, a 20-year-old woman from Tapachula, Chiapas, told me that she did not know exactly what human trafficking was, but she sensed that "*it is when they take you against your will*", and that this had never happened to her. She learned about it from a sensationalist television show. But from her experience, Ela was clear about the implications the raids had in terms of the governmentality of the body:

> [The raids] are so that there aren't any women on the streets, they don't want to see women working on the streets anymore. And sometimes they take them away because they don´t have their [health] carnet,[16] but then the same police officers ask us for money to let us go. Because sometimes we just work once or twice for a short time, sometimes there is nothing at all and for them to come and take us away, working just to pay the fine. No! They fine us four or five hundred pesos,[17] and to just be locked up without food, and made to do the cleaning. I ´ve been arrested like six times, the last time was just now in December. So that's why I'd rather give the same money straight to the cop, and not have to sleep there. (Tapachula, 2015)

Chocolata, a Guatemalan woman of 22 who had lived between Mexico and Guatemala for the past eight years, narrated another experience of violence during the raids:

> […] the police harass us a lot. With the police, when they arrive, we run and if they catch us, sometimes we start crying. The police harass us a lot. The first time they took me away it really scared me, because I didn't know where they were taking us, but then I started to get used to it, because for a time it would be every day, they would take us to [the police station at] Las Huacas or Los Cerritos. In the raid they would ask us if anyone made us work there, but so far I've not met anyone who has been made to, but they don't care. (Tapachula, 2015)

As an armed division of the State through whom laws and their contradictions materialize, despite lacking clarity as to how to define trafficking, GOTTPA agents assume and assure that they "rescue" "trafficking victims." Yet, based on the narratives of sex workers, it can be seen that real situations of trafficking are not what is targeted in the raids. Rather, their objective is to seek out *ficheras*, waitresses, cashiers, and sex workers in bars, strip clubs, hotels, cantinas and even on the streets; that is, they look for women who take part in the sex trade, without differentiating between trafficking and autonomous sex work. At the same time, they look for whichever "guilty" parties they can. In anti-trafficking raids, the targets are either victims of trafficking (who must be "rescued"), traffickers (who must be imprisoned), or undocumented migrants (who must be deported).

What happens after an anti-trafficking raid?

There are two elements to highlight here about raids. First is that those who are sought out and detained as "victims" are exclusively cisgender women. Second, is the argument that it

is hard for these women to accept being victims as they do not understand what it is to be a victim: "*the poor things, because of their circumstances, they don't know that there is exploitation in bars and they are put to work as prostitutes*." This suggests that from GOTTPA's perspective, being female, migrant, and poor is a precondition for being nonpolitical, non-thinking. Victimizing women in this way is an act of violence and infantilization, which reproduces stereotypes of gender, race, and class.

After the police raid, sex workers are detained for a number of hours, during which time they are often pressured into declaring themselves as victims and to start legal proceedings against someone as a "trafficker". Any foreigners among the supposed "rescued victims" are offered a humanitarian visa in return for reporting supposed traffickers (whether they are traffickers or not). This process of migration regularization takes a minimum of three months. During this time, the women remain shut away and out of touch in shelters made available for this purpose. Once they have accepted being victims of trafficking, this cannot be rescinded, and they must remain shut away even if this is against their will. For women who are heads of household, this is a real problem, as being without work and with no income for such a long time brings important consequences for those who depend economically on them, whose needs can not be put on hold during this period of detention. Faced with dilemmas, women are forced to calculate the relative costs and benefits of reporting, like Maria.

When Maria finished her obligatory three-month stint in forced isolation in the shelter, she set off "*really happy*" for the north of Chiapas to be reunited with her family. Her mobility was no longer irregularized, she was carrying the humanitarian visa which was granted to her in return for reporting the owner of the bar where she worked for human trafficking. When I asked her how she knew she was a victim of trafficking, she replied:

> Well I knew that since I didn´t have documents, what they had done to me was trafficking because they were exploiting me there in that business.[…] (Tapachula, Chiapas, December 2014)

Although both the Palermo protocol and Mexican laws on trafficking deal with "*exploitation* in prostitution" as a key determining factor, the definitions of this are ambiguous and appear to ignore the fact that *exploitation of the workforce* is inherent to the capitalist economy. It is worth asking, then, if the motor of capitalism is dispossession and labor exploitation (cf. Harvey, 2003), why is it that trade involving women's sexuality provokes shock and persecution, and is understood as sexual exploitation? In Maria's experience, she was never deprived of her freedom when working, indeed she didn't even engage in prostitution, whether forced or autonomous. Nor was she ever tricked into working there. All she did was work as a waitress in an establishment which was part of the sex and alcohol trade. Nevertheless, the State judged her to be a "victim of trafficking." She accepted this exchange due to the benefits it would bring to her transnational life:

> […] I didn´t know it, but they told me I was there for human trafficking, as a victim, but well, I didn't know what a victim of trafficking was. And I still don´t, to be honest, but I do know that's what happened to me, and that´s why they gave me my visa. (Tapachula, Chiapas, December 2014).

These cases have resulted in the construction of the *presumed guilty*, people who have not committed crimes relating to trafficking but who have nonetheless been imprisoned, and

whose families and friends have consequently collectively organized in their support. In Tapachula between 2014 and 2016, a number of collective actions were carried out demanding the release of the men and (mainly) women who had been arrested in the trafficking raids. These actions have included marches, roadblocks, and hunger strikes to draw attention to the practice of arbitrary imprisonment of women working in the sex industry – maybe not even in prostitution, but as managers, waitresses, or cooks – who have been detained as part of an anti-trafficking operation, and imprisoned for the crime of sex trafficking.

Findings in this study suggest that the *neoliberal punishment* (Wacquant, 2010, 2014) operating on the Mexico's southern border through anti-trafficking laws and policies is focused on individual-level punishment of a criminal subject vis-a-vis the victimized woman, a dichotomy that reproduces a sexist, paternalistic model, casting the State in the role of "protector" of women and their sexualities. The State, through its bureaucracy and police, is who determines what trafficking is, who are (and are not) its victims. In this process, the "victim of crime" as a subject is blurred and overlooked; victimhood is assigned without consideration for how the subject recognizes herself, just as the mere existence of sex work as a possibility is denied.

It is important to highlight that the anti-trafficking dispositif has globalized; sex work and irregular migration are also criminalized in other States adhering to the Palermo Protocol. Scholars have noted similar practices in countries in the Americas, Europe, and Asia: (Agustín, 2009; Capous, 2007; Halley, Kotiswaran, Shamir, & Thomas, 2006; Hurtado e Iranzo, 2015; Kempadoo, 2015, 2017; Lamas, 2014; O´Connell, 2014; Piscitelli, 2007, 2015; Weitzer, 2014; Zhang, 2019).

Organized female sex workers have also contributed to the production of knowledge that questions the definitions, social representations, and implications of sex trafficking devices. Among the organizations around the world that have contributed to this discussion are: in Mexico, the Mexican Sex Work Network "Elisa Martínez" Street Brigade for Women's Support A.C. (*Brigada Callejera de Apoyo a la Mujer, "Elisa Martínez"*), Sex Work Movement in Mexico (*Movimiento de Trabajo Sexual de México*), Mexican Female Sex Workers Alliance (AMETS-*Alianza Mexicana de Trabajadoras Sexuales*); in Argentina, the Sex Work Recognition Network (*Red por el Reconocimiento del Trabajo Sexual*), and the Argentinian Association of Female Prostitutes (AMMAR-*Asociación de Mujeres Meretrices de la Argentina*); in Spain, Feminist Sex Workers Group (AFEMTRAS, Agrupación Feminista de Trabajadoras del Sexo), and the Hetaira Collective; in Colombia, the Female Sex Workers Union (SinTraSexco, Sindicato de Trabajadoras Sexuales de Colombia); in Brazil, the Brazilian Prostitutes Network; and at a regional level, the Network of Latin American and Caribbean Female Sex Workers (RedTraSex, Red de Trabajadoras Sexuales de Latinoamérica y el Caribe).

Finally, this criticism against the anti-trafficking dispositif has been supported by international organizations such as the Global Alliance Against Trafficking in Women (GAATW) and Amnesty International, who have added their voices at a global level to demands for the recognition of sex work and for its depenalization.

Conclusions

Through both critical analysis of the dominant discourse surrounding trafficking, and ethnographic fieldwork, this paper argues that the penal arm of the State in the form of the

anti-trafficking operations as described here does not distinguish between sex work and human trafficking. On the contrary, sex work is being criminalized along with undocumented migration. Likewise, findings in this study attest that these raids are not solving the real problem of trafficking in the region in any way; they do not seek nor find those who are actually in a situation of trafficking, and less still do they get to the root of the problem, that is, to address its structural dimensions.

Findings in this ethnographic study also question the figures produced by the Mexican justice system in relation to human trafficking in Chiapas and in Mexico in general. How many of the preliminary investigations or sentences passed for trafficking were actually trafficking, rather than human rights violations committed in the quest for performance figures, or to expel migrants, or to condemn sex work, or all three? Moreover, the experiences of female sex workers in relation to anti-trafficking raids presented here question whether or not punitive legal frameworks are really reducing violence against women, or if instead, they are actually augmenting it.

These questions do not have an unequivocal answer. Nevertheless, research such as this brings women's experiences to the center stage will give ethnographic richness with which to contextualize and counterbalance the State position, and provide important insights into the everyday experience of laws, of their margins and contradictions. In light of the situations presented here, and as emerging from far-reaching fieldwork during which I constantly hear the sex workers' demands, I would like to close with a final consideration which ought to be of concern to academia, government and civil society: what can be done to combat trafficking without criminalizing female sex workers and/or migrants?

To this end, I consider it essential that current understandings of human trafficking be restructured, away from the global level and beyond a legal understanding, and instead as based on contextual specificities, situating and differentiating the diverse problems associated with current definitions, problems which demonstrate the illusive complexity of the current definition of the term "sexual exploitation" in relation to human trafficking. On the other hand, we must also question assumptions surrounding the definition of the "victim" as emanating both from academia and the State, and in doing so, align ourselves with the lived experience of those who have lived through trafficking, and anti-trafficking raids. Above all, this ought to focus on understanding what justice means, what their demands are not just as sex workers, but as subjects with rights. This means, then, seeing them as political actors, rather than as a homogenous group of dispossessed victims, or a "vulnerable" group in need of humanitarian assistance. We must listen to their experiences, voices and propositions, as legitimate participants in the elaboration of public policy both on the sex trade and on anti-trafficking measures. These women, on the streets and in their places of work, carry with them a long history of daily struggles and resistance, experiences which could play a key role in the fight against trafficking, as well as in the recognition of sex workers' rights.

Notes

1. The concept of "irregularized" migration, following Soledad Álvarez (2017), highlights the central role of migration control policies in the production of irregularity, policies which in turn are part of a global border control regime, and moreover have a systemic functionality: "producing irregularized and disposable subjects […] [is] a central element of contemporary neoliberal capitalism." (p. 54) .
2. In this article, I use the term "trafficking" to refer to human sex trafficking.

3. Currently the Soconusco region is made up of 15 municipalities: Acacoyagua, Acapetahua, Cacahoatán, Escuintla, Frontera Hidalgo, Huehuetán, Huixtla, Mazatán, Metapa, Villa Comaltitlán, Suchiate, Tapachula, Tuxtla Chico, Tuzantán and Unión Juárez; only seven of these border Guatemala.
4. There are various authors working critically on antitrafficking narratives, including Laura Agustín (2009) who analyzes the "antitrafficking industry" in Spain; Piscitelli's (2007, 2015, 2016) work on the "anti-trafficking regime" in Brazil; Kempadoo on Canada (2015, 2017), Cecilia Varela (2015) who analyzes "antitrafficking narratives and campaigns" in Argentina; or Marta Lamas (2014, 2017) on dominant discourse in Mexico.
5. Regional term referring to a type of bar where drinks sold are accompanied by complementary snacks (*botana*).
6. Regional term referring to spaces made up of a number of individual rooms which together form a kind of tenement where the women share bathrooms and a courtyard. These are used both as living spaces and also for sex work.
7. The term cisgender refers to people whose gender identity coincides with their biological sex (irrespective of their sexual orientation). It is a concept that denaturalizes the relationship between sex and gender, and is particularly relevant in this context where many sex workers are transgender.
8. There is an important political difference between the terms *trabajadora sexual* and *sexoservidora*, the former being a political claim to vindicate sex work as *work*, while the latter – still commonly used among the women themselves – constructs it as service.
9. The issue of prostitution and the sex trade is an important source of tension among feminists, and has led to polarization. While it is a broad-ranging debate, in general terms the dispute centers on two distinct stances: on one hand, a "neo-abolitionist" movement which strives to prohibit the sex trade in all its forms and criminalize clients, who are accused of gender violence, objectification of women's bodies and inherent exploitation (Lamas, 2014); on the other hand, the "pro-rights" stance considers the sex trade to be a labor opportunity, in which it is recognized that women have agency and capitals which allow them to make decisions based on strategic rationality. This branch of feminism joins with sex workers in their struggle to be recognized and granted access to rights, and it is that which is explored in this article.
10. In Mexico, there are designated spaces in which sex work is tolerated, known as "tolerance zones". In terms of prostitution and the law, there are no laws or general regulations operating at the federal or state level, and sex work is not recognized as work except in Mexico City. Prostitution is regulated at the municipal level, on an independent basis in each of the country's 2466 municipalities.
11. The Mexican government grants "visas for humanitarian reasons" to foreign nationals who have been victims of a serious crime (including trafficking) in Mexico, in return for bringing criminal proceedings.
12. *"No me ocupaba"*, colloquial euphemism meaning sex work.
13. Regional term referring to an activity carried out by female employees in bars and cantinas, which involves being paid to have a drink with clients. The women are given a token (*ficha*) for each drink consumed this way, which they are then paid for at the end of the shift.
14. Special Prosecutor's Office on Violent Crime against Women and Human Trafficking (*Fiscalía Especial para Delitos de Violencia Contra las Mujeres y Trata de Personas*, FEVIMTRA), part of the Attorney General's Office (*Procuraduría General de la República*, PGR).
15. Temporary shelter for migrant minors, operated by the state Integral Family Development system (Sistema Desarrollo Integral de la Familia, DIF), in Tapachula.
16. In the "tolerance zones", in the bars and cantinas, the municipal government demands that women working there register for health services, pay for a health carnet and go for weekly health checks.
17. Between $20-25 USD.

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