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Review Article

Central American Women Trafficked to California

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Abstract: California is probably the state in the United States with the greatest range of trafficking. The attraction of Hollywood, the high concentration of undocumented immigrants, the presence of long-distance highways, and the sexualized popular culture that has normalized and reduced the moral barriers to access commercial sex, contributes for the proliferation of sex trafficking. This article, based on qualitative interviews conducted between 2014 and 2017 with five sex traffickers operating in California and sixteen women from Central America trafficked to California, aims to describe how sex trafficking networks operate in California, and examine the characteristics of Central American women trafficked to this state.

Keywords: Sex traffickers, prostitution, sex trafficking, Central American women, California, United States.

Introduction

Prostitution, understood as a private transaction between consenting adults, has been defined as a "victimless" crime in which the protection of complaining victims is not the primary impetus for the law, but its harmful social and moral effects. However, when other crimes occur in association with it, it loses its victimless character. This is the case of sex trafficking, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age [1].

In the United States the demand for prostitution services, including the demand for children, is very high [2-5]. In order to fulfill the demand thousands of women and girls are trafficked into the United States. Traffickers primarily target women and girls who lack of economic opportunities in their home countries [6, 7]. California is probably the state with the highest range of trafficking in the United States [2]. According to a federally-funded report 30 percent of migrant laborers surveyed in one California community were victims of labor trafficking [8]. On the other hand, two cities, Los Angeles and San Diego, stand out for the number of trafficked minors in the sex industry [9]. According to scholars there are several factors contributing to the proliferation of sex trafficking in California: 1./ The presence of large immigrant communities [2,10,11]; 2./ The attraction of Hollywood, the entertainment business, sports and conventions [2]; 3./ The sexualized popular culture that has normalized and reduced the moral barriers to access commercial sex [3], and 4./ The presence of direct routes for interstate travel and long-distance highways, that contributes to the trafficking of minors along the state highway system [10].

This article, based on qualitative interviews with five sex traffickers operating in California and sixteen women from Central America trafficked to California, aims to describe how Mexican sex trafficking networks operate in California, and examine the characteristics of Central American women trafficked to this state. We first examine the literature on sex trafficking and prostitution in California; then we go on to describe the methodology, and finally we examine sex trafficking networks operating in California and describe the characteristics of Central American girls trafficked to California.

Sex Trafficking and prostitution in California.

California prostitution law has gradually evolved from a regulationist to an abolitionist/prohibitionist approach. The abolitionism and the regulationism are models based on conflicting conceptions of male sexual behavior. The former implies that the demand for sex services is an atypical,

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non-conventional aspect of male sexual behavior. The latter implies that the demand for prostitution services constitutes an essential element of male sexual behavior. In the case of the United States both conceptions are supported by large quantitative empirical research. The essentialist conception is underpinned by studies emphasizing that more than two-thirds of American men demand prostitution services [12,13]. On the contrary, abolitionist conceptions appear supported by studies pointing out that less than a sixth of the United States male population demand sex services [14,15].

The essentialist/regulationist perspective implies that the most appropriate way to fight the problem of prostitution is towards regulating it, since the behavior of the majority of the population cannot be changed [16, 17]. On the contrary, the abolitionist perspective implies that the problem of prostitution can be eradicated by prohibiting it. If only a small fraction of the male population demand prostitution services, it is possible to amend the behavior of this small group of people.

Prostitution existed in California during the colonial and pre-Civil War periods, but it was not until the westward expansion and the arrival of immigrants that followed the Civil War that prostitution became entrenched in this state. The breakdown of the agrarian moral code, the immigration of women, and the growth of industrialization and urbanization have been mentioned as the causes for the growth of prostitution in California during the XIX century [18].

California Penal Code, enacted in 1854, punished prostitutes under a vagrancy statute; and from the early 20th century California developed laws ruling out certain practices associated with prostitution. The Red Light Abatement Law, enacted in 1913, criminalized several practices, most involving coercion, such as enticement or abduction of female under 18 years of age to be introduced into prostitution, procurement by fraudulent inducement, pimping and pandering, sale of women for immoral purposes, and so on [18]. But it was not until the early 1960's when the abolitionist/prohibitionist model prevailed in California. California Penal Code section 647(b), enacted in 1961, and criminalized prostitution for the protection of prostitutes, particularly juveniles and minorities, from those who would exploit them. Paradoxically, there was no distinction between the purchasers and sellers of sex, the same penalties being prescribed for both of them [19]. Criminalization and incarceration of prostitutes was justified as for the women's own good and protection [20,21]. Accordingly, over 90 per cent of those arrested for prostitution in California cities were women [18]. However, arrest did not help the rehabilitation of prostitutes. On the contrary, women arrested for prostitution had more difficulties in finding legitimate employment, further discouraging a return to

lawful employment. Moreover, incarceration encouraged other forms of criminal behavior [18,22]. As a consequence, bills to permit licensing of prostitutes and houses of prostitution were introduced in the California State Assembly in the 1970s [23].

However new legislative developments in California strengthened the prohibitionist model by giving new tools to law enforcement authorities to combat prostitution. In 1996 a new law (California Penal Code 653.22) gave the police unlimited power to arrest any person suspected of inciting prostitution. Facial expressions or body gestures were defined as intent to engage in an act of prostitution [21,24]. The police had the power to arrest anyone who merely intended to break the law. Intent to commit prostitution could be: repeated engagements in conversations with passersby; repeated attempts to engage in conversations with the drivers or passengers of motor vehicles, or repeated attempts to contact or stop pedestrians or motorists in a parking space [24].

The prohibitionist model implemented in California, far from having eradicated prostitution, has favored the development of international sex trafficking networks that transport women and children from Latin America to adult entertainment centers of California [25-27]. California law plays a significant role in enabling sex trafficking [3, 21]. Official complicity in sex trafficking has been reported in California, where a Navy service member was sentenced in 2015 to 10 years' imprisonment for using a child for commercial sex acts [28]. According to some scholars sex trafficking has expanded in California because State law contradicts the Federal law. The Victims of Trafficking and Violence Protection Act ("TVPA") of 2000 defines the commercial sexual exploitation of minors as a severe form of trafficking in persons. According to Public Law 106-386 (8)(B) the term severe forms of trafficking in persons means "sex trafficking in which the person induced to perform such act (a commercial sex act) has not attained 18 years of age." Also, according to this law "victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked." Therefore, the TVPA creates an irrebutable presumption that any person that has not attained 18 years of age engaged in prostitution is a victim of sex trafficking; and it does not require minors to prove that they have been forced or coerced [29].

In 2005 California approved a human trafficking statute (Section 236.1 of the Penal Code) that established human trafficking as a violation of State law [19]. However, this statute had two shortcomings. First, minors had to prove force, fraud or coercion in order to be considered victims, and only by 2012 California amended its statute to remove these requirements for minors. Second, the human trafficking

statute cannot be extended to buyers of sex trafficking victims [3]. On the one hand, Federal law points out that a minor cannot legally consent [9], however, under the California State law minors that engage in prostitution frequently are regarded as criminals that should be arrested. On the other hand, minor victims of sex trafficking receive in California less protection than minor victims in every other state. Accordingly, California and Michigan are the only two states that have no laws relating to buyers of minor sex trafficking victims [3].

In 2008 California passed Assembly Bill 499 to provide more comprehensive services to minors arrested on charges of prostitution, possible incarceration being substituted with rehabilitation programs [29]. However, a recent study pointed out that 42 percent of the first-time arrested for prostitution in San Diego County were victims of sex trafficking [19]. For example, in 2013 California arrested 205 sex trafficking victims, re-traumatizing and re-victimizing them [20]. Contrary to Section 236.1 of California Penal Code, the Government of California apparently granted to minors the capacity to consent to the sex trade. Unfortunately, this situation is far from being specific of California, as it has spread all over the United States, where women and children victims of sex trafficking are penalized for unlawful acts as a direct result of being trafficked. As of 2014, only three states -Delaware, New Jersey and Washington- had human trafficking legislation which fully complies with Federal Law [29]. As it has been pointed out by several studies [30,31] police arrests in relation to juvenile prostitution questions the TVPA concept of victim of commercial sexual exploitation. Different studies in the United States indicate that minors engaged in prostitution are considered by the police as victims when they cooperate with the authority and have no history of arrests; otherwise, they are treated as criminals and imprisoned [14,30]. Migrant children under the age of 18 years old who cannot prove they are staying legally in the United States usually are treated as criminals, both for engaging in commercial or survival sex to meet her basic needs [21,22,26], and for being undocumented [32-35].

Among scholars there is an agreement that California State law has been counterproductive in combating sex trafficking. However, some scholars point out that the problem is its failure to combat the demand side of prostitution. Had sex buyers been severely criminalized, sex trafficking would have diminished On the contrary; others consider that the problem is the criminalization of sex work. Had sex work been decriminalized, sex trafficking would have diminished. Accordingly, in California during the last years bills have been introduced both to criminalize buyers and to decriminalize prostitution.

On the one hand, it has been pointed out that in California demand for prostitution and sex trafficking continues to flourish "due to the lack of laws criminalizing buyers coupled with the lack of enforcement of existing laws" [3]. In order to combat the demand side of prostitution Assembly Bill 1708 (AB 1708) was introduced to amend Section 647 of California Penal Code. AB 1708 increased the targeting of buyers by requiring a mandatory minimum period of incarceration for them, and distinguished between buyers and sellers of sex. However, AB 1708 was vetoed in 2016 as cracking down on the buyers forces women even further into the shadows [19].

On the other hand, some bills and propositions were introduced to decriminalize prostitution. In 2008 citizens of San Francisco voted on a proposition, known as Proposition K, that would decriminalize prostitution. Proposition K would eliminate penalties for prostitutes and suspend government funding for any law enforcement investigation using racial profiling [36]. Therefore, migrants who sell sex could benefit from not being criminalized per se [37]. However, San Francisco's Proposition K failed to win support after intense lobbying by anti-prostitution forces [38]. By contrast, Senate Bill 1322 was approved in 2017. This bill amended California's Penal Code to grant children under eighteen years of age immunity from prosecution for prostitution [20]. Consequently, it was not until 2017 that California Law was aligned with Federal standards.

Methodology

The method employed was the in-depth interview with an open-ended questionnaire. Interviewees were selected through purposeful sampling, with a nonrandom selection of a small number of information-rich cases for in-depth study. This was done using snowball sampling, and respondents were contacted with the help of informants.

Between 2014 and 2017 were interviewed five sex traffickers who transported women from Mexico, Central America and South America to California. Interviewees were originating from Veracruz, Sonora and Tabasco in Mexico, and from California, in the United States (see table 1). Sex traffickers transported women principally from Central America. All respondents transported women from Guatemala and El Salvador. Eighty per cent of the sex traffickers interviewed transported women from Honduras, and twenty per cent from Nicaragua and Belize. On the other hand, sixty per cent transported women from Mexico, and twenty per cent transported women from Colombia and Cuba (see table 2).

Table-1: Place of origin of sex traffickers interviewed

	Veracruz	Sonora	Tabasco	California (US)	Total			
n	2	1	1	1				
%	40	20	20	20	100			
Source: Compiled by the authors from data recorded in the interviews.								

Table-2: Place of origin of women transported by sex traffickers

	Guatemala	El Salvador	Honduras	Mexico	Belize	Colombia	Cuba	Nicaragua	Total
n	5	5	4	3	1	1	1	1	5
%	100	100	80	60	20	20	20	20	100
Source: Compiled by the authors from data recorded in the interviews.									

On the other hand, between 2015 and 2017 were interviewed sixteen women from Central America who had been transported to California by sex trafficking networks. All had been deported from the US and were interviewed while in transit through

Mexico. More than one-third (37.5%) of the women interviewed originated from El Salvador and Guatemala, near one-fourth (18.8%) came from Honduras, while one of the interviewees (6.2%) was born in Nicaragua (see table 3).

Table-3: Country of origin of women interviewed

	El Salvador	Guatemala	Honduras	Nicaragua	Total			
n	6	6	3	1	16			
% 37.5 18.8 6.2 100								
Source: Compiled by the authors from data recorded in the interviews.								

Sex trafficking networks operating in California

Sex traffickers' age ranged from 32 to 45 years and they became involved in sex trafficking between the ages of 23 and 41 years old. Therefore, all interviewees had considerable experience in the business of sex trafficking, ranging from 4 to 16 years. Respondents started working in sex trafficking between

the years 1999 and 2010. They had 0–8 years of schooling, and the age at which they started working ranged from 6 to 22 years old (see Table 4). Interviewees' low level of education was the result of needing to work from childhood to sustain the family financially.

Table-4: Selected characteristics of sex traffickers interviewed

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	Average	Mode	Median	Min	Max	Standard			
						deviation			
Age	38	39	39	32	45	4.90			
Years of schooling	4	6	6	0	8	3.74			
Age when started working	12		12	6	22	6.36			
Year when started working in sex	2007	2008	2008	1999	2010	4.44			
trafficking									
Age when started working in sex trafficking	30		29	23	41	6.71			
Number of years involved in sex trafficking	8		6	4	16	4.85			

Source: Compiled by the authors from data recorded in the interviews.

n = 5

Sex trafficking networks studied are differentiated by the number of times they operate per year but not by the number of women transported per crossing, for which there are very similar values across all networks [39, 40, 41]. Accordingly, the number of times sex trafficking networks operate per year ranges from 3 to 12 times. On the other hand, the number of women transported per crossing ranges from 7 to 13 people. Networks transporting approximately eleven

women are more prevalent. These networks transport very young girls. While the minimum age of the girls fluctuates from 14 to 15 years of age, the maximum age ranges from 20 to 25 years of age (see table 5). Consequently, all of the sex trafficking networks studied transported underage girls to be prostituted in California. On the other hand, undocumented women over 25 years old were not demanded by California's prostitution industry.

Table-5: Sex trafficking networks operation

	Average	Mode	Median	Min	Max	Standard deviation		
Border crossings per year	5.2	4	4.5	3	12	3.21		
Number of women per crossing	10.1	11	11	7	13	0.50		
Minimum age of women	14.4	14	14	14	15	0.55		
Maximum age of women	21.8	20	20	20	25	2.49		

Source: Compiled by the authors from data recorded in the interviews.

n = 5

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Central American girls trafficked to California.

Central American women interviewed ranged from 18 to 30 years old. Respondents had 0–6 years of schooling, and their low level of education was the result of needing to work from childhood to sustain their family financially. The age at which they started working fluctuated from 7 to 16. After working in different activities 2.1 years on average, interviewees were prostituted in their home countries or abroad between the ages of 12 and 18 years old. Before being

trafficked to California interviewees were prostituted on average 0.9 years, and they were trafficked to California between the ages of 13 and 18 years old. Although only seven out of sixteen were prostituted before being trafficked to California. Women interviewed were 22.8 years old on average; however, all had been involved in prostitution for a very long time, ranging from 5 to 14 years. On the other hand, interviewee's monthly salaries in prostitution in California ranged from 3200 to 7200 US dollars per month (see Table 6).

Table-6: Selected characteristics of women interviewed

	Average	Mode	Median	Min	Max	Standard	
						deviation	
Age	22.8	20	22	18	30	3.49	
Years of schooling	3.1	0	4	0	6	2.86	
Age when started working	12	13	12.5	7	16	2.31	
Age when prostituted	14.1	13	14	12	18	1.57	
Years working in other activities	2.1	0	1	0	7	3.28	
before being prostituted.							
Age when trafficked to California	15	16	15	13	18	1.51	
Years prostituted before being	0.9	0	0	0	4	1.29	
trafficked to California							
Years in prostitution	8.7	8	8	5	14	3.05	
Monthly salaries in California	5637	6000	6000	3200	7200	918	

Source: Compiled by the authors from data recorded in the interviews.

n = 16

Interviewees' long experience in commercial sex work derived from being prostituted and trafficked at a very young age [5,21]. As can be seen from table 7 most (93.8%) interviewees were prostituted between the ages of 12 and 16 years old, and only one (6.3%) was prostituted at the age of 18 years old. Less than half (43.7%) of respondents were prostituted in their country of origin or Mexico before being trafficked to the

United States, while more than half (56.3%) of interviewees did not have any experience in prostitution before being trafficked to Texas. Likewise, most (93.8%) of the women interviewed were trafficked from Central America to California between the ages of 13 and 17 years old, while only one was 18 years old (see table 7).

Table-7: Age when Central American girls were prostituted and trafficked to California

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	12	13	14	15	16	17	Underage	18	18 & older	Total	
Were	n	2	5	3	4	1	0	15	1	1	16
prostituted	%	12.5	31.3	18.8	25.0	6.3	0.0	93.8	6.3	6.3	100
Were	n	0	3	4	2	5	1	15	1	1	16
trafficked	%	0.0	18.8	25.0	12.5	31.3	6.3	93.8	6.3	6.3	100
Source: Comr	Source: Compiled by the author from data recorded in the interviews										

Fees paid by Central American women trafficked to California.

Central American women had to pay large fees to sex traffickers operating in California [42]. Sex

traffickers interviewed reported fees much higher than those reported by Central American women. According to sex traffickers fees rose to 5600 USD on average, ranging from a minimum of 4000 USD and a maximum

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of 7000 USD. On the other hand, Central American women said that fees being paid to traffickers rose to

4045 USD on average, ranging from a minimum of 2000 USD and a maximum of 8000 USD (see table 8).

Table-8: Fees paid by women from Central America trafficked to Texas (USD)

	n	Average	Mode	Median	Min	Max	Standard deviation	
Reported by sex traffickers	5	5600	5000	5500	4000	7000	1193	
Reported by women 12 4045 3000 3000 2000 8000 1863								
Source: Compiled by the authors from data recorded in the interviews.								

CONCLUSION

California presents a high demand of migrant women who are induced into the sex trade as a result of the elevated concentration of undocumented migrants, the attraction of Hollywood and the sexualized popular culture. The demand of trafficked women is encouraged by an anti-prostitution legislation which criminalizes migrant women involved in prostitution, and absolves the customers who buy the services provided by victims of sex trafficking. California's anti-prostitution legislation is counterproductive to fight sex trafficking, as it makes women victims of trafficking more vulnerable while empower those customers who exploit them. Decriminalization of prostituted children by 2017 Senate Bill 1322 was an important step, but the criminalization of prostituted women eighteen years of age or older forces women into the shadows and contributes to the growth of sex trafficking. In order to fight sex trafficking and rescue prostituted women from the shadows, women should be empowered by decriminalizing sex work.

According to the data collected in this study Mexican sex trafficking networks recruit minors from Latin American countries, principally from Central America, to be exploited in California's sex industry. The totality of the sex trafficking networks studied transported underage girls to be prostituted in California, and the maximum age for women smuggled to California was twenty-five years of age. On the other hand, more than 90 per cent of the Central American women interviewed were trafficked to California between the ages of 13 and 17 years old. Fees to be paid by women trafficked to California were very high. Paradoxically, sex traffickers reported higher fees than women.

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