

CHAPTER 2

Sexual Violence Against Migrant
Women and Children

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You know, I've been really surprised at the high percentage that I come across working here. I never dreamed it would be this high. The more people get comfortable with me the more that they end up divulging. I think almost, it just surprised me, close to every girl that I've come across that I've interviewed has been sexually abused. Usually by a *coyote* on their trip, some point throughout the trip. Especially the older ones. It's sad [about] those seven or eight year olds, but the older ones almost always experience abuse on their trip here, not to mention what happens in their own countries. I think it's shocking, and something that isn't well publicized, people don't know here.

—Phoenix social worker

This chapter narrates another little-told story of human rights abuses along the U.S.-Mexico border: the sexual violence experienced by women and girls as they migrate into the United States, especially into Arizona through the northern Mexican state of Sonora. The increasing militarization of the border and the growing power of organized crime have interacted with and exacerbated the structural violence—poverty, nativism, racialization, misogyny—endemic to the region (Segura and Zavella 2007). This has led to

a state of exception that has put thousands of individuals in extremely vulnerable situations, especially the growing numbers of women and children crossing the Sonoran desert. Our research reported here, based on fifty qualitative interviews in the Sonora-Arizona corridor, reveals that this vulnerability leads to numerous horrific incidents of sexual violence.

A number of factors, including underreporting, fear, and little to no accountability on the part of law enforcement on either side of the border, will prevent us from ever having an accurate number of those who have been victimized. However, it is clear from scattered media accounts and from our research that significant percentages of women and children are sexually assaulted as they migrate to the United States. Also, since significant percentages of migrants are likely to cross the border multiple times throughout their lives, the risk of exploitation for any given woman or child migrant is probably quite high. In addition, our research shows that most of those who suffer sexual violence suffer in silence, with little formal or informal assistance. The numerous tragedies that women and children experience when crossing into the United States merit immediate and heightened attention from the media, human rights organizations, and policy makers at the local, state, and federal levels.

The sexual assault and terror women and children suffer while migrating to the United States are only part of a series of attacks they face. Our findings suggest that "victimization is more of a 'condition' than an 'event'" (Finkelhor, Ormrod, and Turner 2007 on victimized children in the United States). Or, as Ruiz Marrujo (2009: 31) writes, "along the U.S.-Mexico and Mexico-Guatemala borders sexual violence has become [a] fact of life for migrant women." Women and girls are victimized and revictimized over time in a number of ways. Many of the immigrants are victims of sexual abuse by family members and acquaintances in their home country before they ever consider migrating. Throughout their journey, not just at the U.S.-Mexico border, they suffer exploitation. The exploitation continues in the border crossings and at drop houses in cities such as Phoenix and Tucson. And it is not uncommon for the exploitation to continue once the women and children are reunited with their families or when they reach their final destinations. Migrants who are apprehended by law enforcement officers and subsequently detained are also at risk for abuse, both in the United States and in Mexico. The physical, psychological, and social effects of these abuses are complex, iterative, and long-lasting.

Recent research has shown that this form of multiple victimization or polyvictimization is especially pernicious, with each abuse having a

cumulative effect on the victim's physical and mental health (Turner, Finkelhor, and Ormrod 2006; Finkelhor, Ormrod, and Turner 2007).¹ Unfortunately, the sheer number of cases and serve these victims are overwhelmed by victimizations. In addition, the structural violence that renders migrant women and children vulnerable in the first place creates considerable additional obstacles to adequate provision of services.

After a brief survey of the scholarly literature on this topic, we outline our study's methodology, and then provide an overview of the journey many women and children migrants experience. We conclude with a discussion of the multiple effects of this polyvictimization, and possible solutions in the context of both international law and alternative practices for local service providers.

Literature Review

Very few systematic studies have been conducted on the experiences of women and children crossing the border and the attempts to provide them with social services once they arrive in the United States. Occasionally, the media have reported on victimization of migrants, and some human rights groups have published reports chronicling victimization during a particular stage of the journey. For instance, Amnesty International and the UN Special Rapporteur on Migrant Rights (UNHRC 2008) have written about abuses in long-term detention facilities, and the Arizona-based migrant aid organization *No More Deaths* (2008) has written about systematic abuses suffered during short-term custody (less than seventy-two hours) along the Arizona-Sonora border. However, very little scholarship has been produced about the sexual violence migrants routinely face, despite the increased academic work recently done on migration from Mexico to the United States.

Ruiz Marrujo (2009) has conducted an important exploratory study of sexual violence against migrant women focusing on the Tijuana-San Diego corridor and part of the Mexican-Guatemalan border in Chiapas. She delineates many of the structural variables that make women and girls in these areas especially vulnerable: patriarchy and the general domination of women in society, vestiges of colonialism, class inequalities, the acceptance of violence, the proliferation of sexualized popular culture that commodifies women, and the tendency to categorize some people as native and others as

Other, especially along international borders (39). Ruiz Marrujo is especially helpful in outlining and navigating tensions between the way the women themselves might conceptualize sexual violence, cultural and social definitions of appropriate sexual behavior according to which the women are raised, and international norms of human rights. These tensions need to be balanced in order to identify the scope of the problem, but also in tailoring solutions to the problem such as in providing services (46-47). For example, Ruiz Marrujo points out that the act of a migrant woman taking birth control pills in fear of being sexually assaulted on the journey may not be seen as a form of sexual violence by the woman herself, "but from the standpoint of human rights, it is difficult not to see it as such" (34).

Falcón (2007), drawing from Enloe's (2000) work on militarism's effects on women, argues that the increased militarization of the U.S.-Mexico border has reproduced "hyper-masculinity, colonialism, and patriarchy" (203-4), through which women's bodies are targeted for sexual assault and other attacks. She then outlines how militarization and structural violence served to fuel several high-profile cases of sexual assault by Border Patrol and INS officers.

Several studies have reported on women and children being trafficked into the United States through Mexico and sent to migrant labor camps where they serve as prostitutes for migrant laborers (see Ugarte, Zarate, and Farley 2003; Hernandez 2003). In their discussion of general societal causes underlying the sexual violence, Ugarte, Zarate, and Farley focus on the subordination of women and the high prevalence of sexual violence in Latin America in general. Rape and domestic violence are often treated as minor crimes and are rarely investigated, let alone prosecuted. The authors argue that large numbers of abusive homes lead to tens of thousands of homeless youth who are at extreme risk of prostitution and trafficking. This is exacerbated by the culture of rape resulting from the civil wars in Central America in the 1980s and the militarization in Chiapas in the 1990s. The women themselves often feel that they are to blame for the sexual assault because they did not do enough to resist or they were forced to consent because of their poverty or other vulnerabilities. This sense of shame further prevents women and children from coming forward to authorities or seeking social services.

Ugarte, Zarate, and Farley then lay out case studies that show the enormous variety of services needed to address the "multiple layers of trauma" experienced by survivors of trafficking and prostitution. "The healing process is lengthy since survivors suffer psychological damage from captivity,

terrorization, physical violence, and brainwashing and in many cases a long history of family and community violence" (161). One girl required assistance from more than twenty different agencies (151), including a battered women's shelter, law enforcement on both sides of the border, health clinics, family services, consulates, legal groups, hospitals, and human rights groups. Ugarte et al conclude that these myriad social services must be linguistically and culturally appropriate and must address race, class, and gender issues in a sensitive way.

Data and Methods

Our study builds on this previous research to better understand the prevalence and experiences of sexual violence against migrant women throughout multiple stages of their journey (before, during, and after crossing the border). In spring 2009 we conducted a systematic qualitative study based on fifty interviews, some with multiple interviewees present, in southern and central Arizona with social workers, humanitarian groups, local and federal law enforcement, consulate staff, and victims' advocates who have significant direct contact with migrant women and children who were victims of sexual violence. In total over sixty individuals were interviewed, about evenly divided among three geographical regions: the vast Phoenix metropolitan area (approximately 120 miles from the border), the Tucson metropolitan area (approximately 60 miles from the border), and Nogales (a border town) and the surrounding areas in the Sonoran desert.² We interviewed law enforcement, social workers, humanitarian groups, and consul staff from each of these three geographic areas. Law enforcement included Border Patrol agents, Immigration and Customs Enforcement (ICE) officials, and local officials. Consul staff included consuls as well as those working more directly with migrants, such as "protection officers." In all interviews but one, which involved undercover officers, we recorded the interviews using digital recorders and took copious notes. Several interviewees also provided us with official and unofficial reports from their organization and other data we consulted in drafting this chapter.

The interviews were semistructured with a short set of general questions that we asked all respondents, and ranged in length from approximately thirty minutes to over two hours. We conducted the interviews in the language that the participant was most comfortable using, which in approximately

one-fourth of the cases was Spanish. The recordings were transcribed and translated into English, if necessary, and then triangulated with our field notes. Through a thematic analysis and coding of our interviews, we captured a general, but multilayered, account of the experiences of migrant women and children. Not surprisingly, considering the contentious nature of the immigration issue and the often sharply divergent roles of our interviewees, there were some stark differences in their accounts.

The Journey to the United States

This section describes the experiences of sexual violence among migrant women and children as we have come to understand it from our interviews. We will share unsettling details here, not to be voyeuristic or overly detached, but to begin to provide a snapshot of what is happening to migrant women and children—a complex story that is known in fragments at best. Here, we lay out the stages of migration and what happens in the in-between spaces of the journey.

Prevalence of Sexual Violence

Some sources found it impossible to give even ballpark estimates of the prevalence of sexual assault, but among those who offered a response, estimates ranged from a few sexual assaults a year to almost 100 percent of the women who crossed the border.³ These estimates seemed to vary based on the population of migrants with which the interviewees worked, where they encountered them, and in what capacity. Those interviewees who worked along the heavily patrolled border area and were involved in law enforcement reported rarely encountering victims of sexual violence. This can be explained by the fact that the crossing at the border itself has to be done with extreme haste because of the massive buildup there of law enforcement officials and surveillance equipment. Agents at the border have the task of interdiction and quick repatriation. If migrants are to be detained they will be handed off to ICE officials very quickly, with little in the way of interviewing. On the other hand, those who assist migrants who become lost in the desert for several days suggested the prevalence of sexual assault was much greater, especially among migrants who were most vulnerable. One migrant aid worker said:

"if a woman is by herself in a group in the desert we assume 100 percent of the time that she was sexually assaulted." Similarly those who work with migrant women who have been kept in drop houses in Phoenix against their will, a form of kidnapping or trafficking by itself, reported widespread sexual violence. By the same token, social workers who counsel women and children who may have been trafficked, and those who have a chance to ask the migrants to reflect on their experiences, reported high prevalence. One said: "I would say they *all* are [victims of sexual violence] because they're coming with a perpetrator, they're coming . . . with the person who is trafficking them. So yeah I would say almost all of them." There also appeared to be a gender component to prevalence estimates, with female interviewees generally reporting higher rates. A female law enforcement official working near the border reported very few incidents she personally dealt with, but conjectured: "I wouldn't be surprised that 100 percent of the women coming through the desert are sexually assaulted."

Those who interview the women about their whole journey from the place of origin, including their journey through Mexico, offered the bleakest picture, reporting that several of the women and girls they interviewed have been victimized multiple times over their lifetimes. Several interviewees reported similar stories, such as this one from a law enforcement official in Tucson: "Unfortunately women are sexually assaulted multiple times . . . I recall a case of a young girl who is a juvenile and she had been raped from almost the time she left her home in El Salvador and through Mexico, and then raped at the border, crossing the desert she was raped several times by the guides, [she] entered the drop houses and the assaults continued."

Origins: Rural Mexico/Central America

The journey for most migrants to the United States through Arizona often begins in rural Mexico or rural Central America. Our interviewees reported that some hire guides in their hometowns, while others travel in small groups with friends or family members. The migrants leave looking for a better life and to escape immense poverty and often abusive homes. Those who travel alone are most vulnerable, but we heard numerous accounts of guides being hired in their hometown that then turned out to be traffickers

and would later abuse the migrants. Those who speak only indigenous languages were also reported to be more vulnerable, as they are unable to easily communicate with other migrants and law enforcement officials if necessary.

We talked with one social worker who works mostly with girls who have made the journey from Guatemala. She reported that nearly all her clients had problems in their home communities or homes:⁴ "They were very vulnerable at home, and raped at home, and physically abused at home, and also abused while on the journey." Another social worker said most of the physical and sexual abuse was perpetrated by family members, with some by neighbors, others from the village, or members of their extended families. The abuse in the sending country is not limited to girls. Several interviewees told stories of young boys being abused, often brutally:

I have one boy that was gang-raped by a bunch of boys, in the neighborhood that were older boys. He was a little boy, just seven, six or seven. There's just . . . every story is so unique it's really hard to, to generalize. But, I know, I had one boy who really was abandoned and he was taken in by an aunt and an uncle. And so the uncle—him and his sister were taken in by that aunt and uncle. And so the uncle sexually abused him and the sister. And he was like a witness to the sexual abuse too of his sister.

Unaccompanied youth, not surprisingly, appear to be at significant risk for sexual violence and trafficking. The following is a compilation of the accounts of two social workers who work closely with unaccompanied youth that have migrated to the United States. A girl seeking to escape abuse at the hands of a family member, such as the father, uncles, or often a brother, "finds this person that's promising them all these good things and it's so easy to go." She is lured by a new "boyfriend" who is a friend of a friend or an acquaintance, with the promise of a job in the United States. The girl is then "groomed" by the "boyfriend" in the hometown or during the early parts of the journey. "A young male, many times good looking and young . . . gets her to have sex with him on the journey and that kind of just starts." The promised job in the restaurant turns out not to materialize, but she is then forced into prostitution. The connection to the village increases the vulnerability of the girl, as the trafficker can threaten: "if you say anything, if you do anything, if you

report it," we know where your family lives back in your village. "We'll just kill your father or your sister or whoever."

The Perilous Journey Through Mexico

Accounts of the journey through Mexico, either from Central Mexico or from southern Mexican states like Chiapas and Oaxaca, are often harrowing.⁵ Some interviewees described violence and sexual violence by Mexican border patrol agents at the Guatemalan border. In one case described by a consulate staff member a bus was boarded by border agents and a migrant woman was singled out. When "she got down off the bus to use the restroom . . . the border patrol agent saw her, thought that she was pretty, kept her, detained her, violated her, assaulted her" before she was allowed to get on the bus to rejoin her children.

Migrants often travel through large parts of Mexico by train or bus, many times hopping on freight trains illegally. Some are killed or maimed while getting on or off the trains, and some are electrocuted. The descriptions we heard of assaults on trains in Mexico were incredibly violent. These are often perpetrated by gangs such as the infamous Maras (Mara Salvatrucha). One interviewee said, "Our Honduran and Guatemalan boys, a lot of them just jump on those trains and they come on those trains, and they're kind of at the mercy of people that are willing to give 'em a piece of bread or tortilla or something." Many of the migrants must stop in major cities to earn enough money to continue the journey. Some are attacked while others resort to prostitution to earn their way. Several interviewees reported a series of drop houses throughout Mexico where coyotes/traffickers would bring the women and children. One attorney reported the following example of victimization:

I have a client that was taken from Guatemala to a drop house in Mexico where she was repeatedly raped by her guide and got pregnant with his child, the guide then abandoned her when he found out she was pregnant. She found somebody else to take her to the U.S. So from there she was taken to several drop houses in Mexico. . . . She was taken to several drop houses and then wasn't charged any money. And she and a couple of girls she was with were all brought the same day, were all raped both in Mexico and the U.S., and in the desert,

they were caught crossing the border. They [the migrants] were caught, . . . the people, the guides were not caught.

Those who have been sexually assaulted rarely return to their hometown because of the shame they feel from the sexual assault or from pregnancy. "When she got pregnant she was afraid to go back, her dad is a police officer, and she's afraid that she would at this point, get in trouble with her family for being pregnant. So now she's afraid to go home."

The Borderlands: Intimidation and Impunity

As a migrant's journey nears the U.S.-Mexico border, smuggling operations appear to become more professionalized, with increasing links to other crime cartels, fueling increased violence. Within these operations, there seems to be an increase in the number of weapons used. Also, near the border are also an increasing number of *bajadores* (armed bandits).

Our interviewees described two main contexts for sexual violence in the borderlands. The first are perpetrated by the coyotes, who are leading the groups of immigrants through the desert or mountains, traveling mainly at night, while hiding during the day. Women traveling alone or responsible for small children are especially at risk. Sometimes the sexual violence is based on coerced "consent." One interviewee told of common situations her clients would describe, where a coyote might say, "here I'm gonna get you across no problem . . . you just sleep with me or whatever." Another reported: "the coyotes have all the control and are armed, they have all the control, and the sexual violence is part of that control." Consistent with increased professionalization and use of weapons, we heard reports of knives or guns held on the victims, while other assaults were perpetrated while victims were drugged and barely conscious. Often the groups are split up, with male family members separated from the women and children. At other times, the women fall behind, or one or two women are intentionally separated from the group, and then they are attacked. Sometimes the sexual assaults happen while the group is resting. A woman or girl is taken a short distance away from the group and raped while the rest of the group is powerless to stop the attack.

For example, one migrant aid worker told us about a rancher who lived near the border and often came across migrants looking for help. A woman came to his ranch seeking food and water. She was one of two women who

had been traveling with a large group of migrants. At a certain point in her journey the group left her friend behind. One of the *coyotes* went back for her and instead dragged her out in the desert and repeatedly raped her. This woman heard the screams of her friend, and then heard nothing. When the *coyote* came back, he raped her as well. The group kept walking, and as soon as the woman had an opportunity to leave she ran away. She arrived at the ranch and asked for help and told the story. The woman and the rancher went out to look for the woman's friend, who had been left in the desert, but they never found her. The assaults were not reported to the police, nor did the woman receive medical attention, as she just wanted to continue on her journey.

The second situation occurs when *bajadores* attack the group. Sometimes the group is taken as a whole, while other times, the bandits rob the migrants and then sexually assault the women and girls. In a situation such as this, being with family members is of little help: "whether you have two or ten relatives there is nothing you can do to overcome the bandits with weapons." The bandits are always armed, and their attacks tend to be much more violent. They will often wear ski masks and carry automatic weapons.

A law enforcement official described a case involving Central American migrants that happened near the border, most likely on the Mexican side. The group was walking in the early evening hours when a group of *bajadores* approached. They put a knife to the throat of one woman and said if she resisted they would kill her. After sexually assaulting her, the *bajadores* robbed her and other members of the group. When the group was later detained by the Border Patrol, one of the men reported that they heard screaming but could not do anything because they were being held captive.

To add to the atmosphere of intimidation, the perpetrators will often leave evidence of the sexual assaults in the form of what are generally known as "rape trees." These trees are found at various points along migrant trails and contain the underwear of girls and women who have been sexually assaulted. These trees are distressingly common. Indeed, one author of this essay has seen a number of such trees along migrant trails throughout the border region. On one tree the author came across a pair of underwear that must have belonged to a preteen girl who was left hanging. Several interviewees conjectured that the rape trees are a kind of trophy—a disquieting form of counting or a way to intimidate future migrants, to instill terror.

There have been several highly publicized cases of U.S. Border Patrol agents sexually assaulting girls and women along the border (see Falcón 2007

for an in-depth discussion of cases from the late 1980s and early 1990s), but we found little evidence of this, at least in a widespread fashion.⁵ Border Patrol agents now mostly conduct patrols in teams, with backup units almost always nearby. There also seems to be a greater level of scrutiny about these issues. We did hear stories from several interviewees of Border Patrol agents using excessive force and humiliation during the apprehension of migrants. This included kicking, pulling, pushing, yelling, and using racial or ethnic epithets. We were told about one shocking case of a migrant girl who was forced by Border Patrol agents to strip naked and do push-ups. The migrant aid workers and others who closely monitor the actions of the Border Patrol expressed dismay that even when these incidents were reported, very little was ever done to investigate. One consul told the story of a woman who, along with the rest of her group, tried to flee from the Border Patrol. When she was caught, "I guess [they] let out their aggressions, and beat her up really badly, they [the consul's office] wanted to file charges but the woman didn't want to, she wanted to just go back, she was like 'just let me out of here.'"⁶

Drop Houses in Phoenix and Tucson

If the migrants make it through the gauntlet of the border, including law enforcement officials, bruising terrain, and the *coyotes* and *bajadores*, they are usually picked up along roadsides at night and taken by trucks, vans, or cars to either Tucson or Phoenix. Tucson is something of a temporary way station, while the vast Phoenix metropolitan area is the main distribution point of migrants to elsewhere in the United States, as well as a stopping point for many of the migrants. Migrants are often kept in drop houses before continuing on their journeys (Simmons, Menjivar, and Téllez, Forthcoming). Many of these houses are gathering places where migrants are reunited with their families or friends.

However, as the cartels and other organized crime groups have become more involved in the lucrative business of migration it has become more militarized and corporatized, with the drop houses increasingly becoming places of involuntary detention where, in some cases, migrants are kept in (near) slave-like conditions. It appears from our data that, in general, the drop houses in Phoenix are much more violent than those in Tucson.

In Tucson, there are two major types of drop houses. The first are smaller in scale and usually run by friends or family members of the migrants. These

are places for the migrants to rest and be nourished, and to wash up before continuing on their journey. The second are more systematized and run by criminal syndicates. These houses are much more secure, often with plywood screwed to the windows from the inside and doors that lock from the outside. The accommodations are sparse, and weapons are ever present. Frequently, migrants are kept in these houses against their will and are allowed to leave only once family members or friends pay an "extra fee" or ransom. Rarely, however, are migrants, even in these organized drop houses, kept for more than a night or two in Tucson. Therefore, there were only a few reports of sexual assaults in the drop houses in Tucson.

The second type of drop house is much more prevalent in Phoenix, and the number of sexual assaults is greater. It was widely reported that Phoenix became one of the world's leading cities for kidnapping (ABC News 2009), but the numbers have recently declined with the reduction in overall undocumented migration. The overwhelming majority of these incidents stem from migrants being held against their will in drop houses or attacks on drop houses by other gangs or cartels where migrants are kidnapped and taken to yet another drop house. At the peak of drop house activity, from about 2007 to 2010, ICE officials raided approximately 160 to 200 drop houses per year, with somewhere between 20 and 60 of these involving hostage situations, including a house in the affluent suburb of Scottsdale that held close to two hundred migrants.

The drop houses associated with criminal syndicates are truly a state of exception, where the smugglers have near-complete control, and the migrants have little recourse to the authorities or legal remedies. The violence reported at these drop houses is staggering, described by one law enforcement official as follows: "murder, pistol whipping, electrocution with lamp cord wires, they will put plastic bags over their heads, shooting over someone's head, shooting someone, a lot of verbal abuse, rape/sexual assault, gun to the head." One agent described what she labeled "sexual torture," including sexual assault using inanimate objects and rapes of migrant men. We also heard stories of migrant men forced to rape migrant women or perform oral sex on other migrant men. Many women were raped repeatedly, day after day, by the smugglers and any associates of the smugglers who came to the house. A law enforcement official reported the story of a girl who was kept in a hotel room and raped three times a day for a full week by the smugglers. She eventually escaped through the bathroom window to seek help. "The police went to the hotel and found 60 to 70 people."

The sexual assaults are part of the total control exercised by smugglers over the migrants. One law enforcement officer said, "Sometimes the smugglers will take a migrant in the closet and others in the house can hear them crying out and the other migrants in the house know what is coming. So it sends a message to the group." The men and women are often kept in separate rooms, with the smugglers choosing women to be assaulted in a special room set aside for that purpose.

They pick and choose, ok, I want you today, or I want you next, I want you tomorrow. . . . And she said if I didn't do it . . . they will make you do it. You know they grab you and they throw you into a room and you cannot leave . . . they keep threatening you that if you don't do what they say, they are going to kill your family, I know where your family lives . . . so on and so on . . . so she said it's because of that reason she couldn't fight too hard. She tried to push him away, she tried to say no . . . but neither of those worked (emphases original).

The smugglers generally see the migrants as mere commodities, so they do what they can with them as they please, as long as it does not damage the value of the commodity. "The young girls, sometimes they want to keep their virginity intact so they violated her orally because they thought they could get more money for her as a virgin." Other women after being raped are told how to "clean up" to erase any incriminating evidence before they are released. In a sadly ironic nod to traditional gender roles, many of the women, in addition to being exploited sexually, are required to cook and clean and take care of the smugglers while held captive in the house.

The length of time migrants remain in the drop houses depends on how long it takes for their family members to come forward with additional payment. While waiting for the family members, "it is an opportunity for them for [smugglers] to sexual assault/rape the women." We even heard stories of the smugglers being "on their phone with the relatives in some cases while they are raping the woman . . . it is a power thing, they are not really nice people."

Several law enforcement officials expressed dismay that drop houses exist (and indeed, thrive as grotesque examples of entrepreneurship), in part because of the acquiescence of homeowners who have rented their houses to smugglers or the failure of neighbors to report them. One said, "the people in the neighborhood need to know these people are being victimized. It

really is their responsibility." The prevalence of drop houses in Phoenix seems to have been reduced after the antimigrant fervor there, including the controversial migrant sweeps by Maricopa County Sheriff Arpaio. But several agents were clear that this just meant the crimes were increasingly being taken to other areas, such as New Mexico and Texas, or the demand for ransom from family members was taking place earlier in the journey, such as in Mexico.

Beyond the Drop Houses

The sexual violence these women and children face does not end when they are united with their family and friends. Several previous studies have shown that rates of intimate partner violence are much higher among immigrant women than U.S.-born women (e.g., Bauer et al. 2000), and our interviewees reported many similar incidents. Furthermore, the abuse migrants suffer from their family and friends is exacerbated by the lawlessness that they experience. Their undocumented status and distrust of law enforcement increase their vulnerability. One social worker in Phoenix said, "I have a case with a woman raped quite often by her husband (they have children together), they have established residence here. And he is using the whole situation . . . you better not report me because I will have INS ship you back to Mexico and I'll keep the children. She doesn't want to pursue the case in such situations." Similar statements were told to us about women forced to work as prostitutes. Some migrants are told that if they do not cooperate or if they report the assaults, they will be returned to the desert to let the Border Patrol take care of them, or if they are in Maricopa County, they will be turned over to the notorious Sheriff Arpaio. Also, we heard a few stories about sexual abuse in places of work.

The women know that if they report any abuse, they risk undermining everything they did and endured in order to get to the United States. They might not be able to work anymore, they might be removed from the United States, and they might be separated from their children.

Accountability and Impunity

The sexual violence in the borderlands is a form of terror that we believe could meet the international standards of a crime against humanity; that

is, widespread and systematic attacks against a civilian population with the acquiescence of governmental authorities (Falcón 2007). At minimum, the experiences of many women and children migrants would meet the international and national definitions of human trafficking. The 2000 Trafficking Protocol establishes the international legal definition of trafficking as

the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

At a minimum, the violence they endure is a violation of local, state, and federal laws in both Mexico and the United States.

There are numerous challenges to pursuing any form of accountability for these crimes. Here we will discuss two that stood out in our interviews: underreporting and the physical, emotional, and social effects of multiple victimizations.

Reporting and Prosecution

The crimes in the borderlands are almost always done with impunity, in part because of the geographic and jurisdictional vastness of the crime scene, with migrants often not even sure in which country they were assaulted. They may be severely disoriented by the perils already encountered along the journey, including the confusing landscape, exhaustion, thirst, and hunger. There were also several reports of *coyotes* forcing migrants to take drugs, supposedly to provide them with energy but which often are similar to Rohypnol or other "date rape" drugs that cause significant disorientation. Furthermore, law enforcement officials rarely find out about these crimes, as the victims and any potential witnesses are distrustful and fearful of being removed from the country. When law enforcement officials are informed, it may often be several days after the incident, and there will be precious few leads for investigators to follow. As one officer summarized, "I have never had anyone recognize someone in the desert. The women are exhausted, tired,

disoriented and they don't know where they are. There is no frame of reference." Also, there is little incentive for officials to pursue these crimes, as their operational priorities are with large-scale traffickers of drugs, money, and guns—those at the top of the criminal syndicate hierarchy. "Common" migrants who are apprehended are to be processed as quickly as possible, and removed from the United States.

Furthermore, despite the horrendous nature of their crimes, very few smugglers are prosecuted for more than minor smuggling charges. Many cases described to us have clear connections to prostitution and would meet the legal definition of human trafficking, yet very rarely are these cases seen by law enforcement as trafficking in persons. One law enforcement official reported that he had never seen a case of trafficking, even though he had been part of several raids on drop houses. Even law enforcement agents with training regarding human trafficking did not see these cases as meeting the legal criteria. The victims are usually dehumanized and seen as 'illegal' to be processed quickly and removed from the country. The victims and the numerous witnesses are also very reluctant to confide in U.S. law enforcement officials. As one official said, even when "we get a report from a male that a female in the house was being raped/sexually assaulted . . . the female will never admit it." Agents even described something akin to what psychologists have termed "Stockholm syndrome," in which the women fall in love with the smugglers, or at least get closer to them for their protection. If a woman is released by the smugglers and reunited with her family, she will rarely tell anyone what happened, including members of her own family.

Indeed, what became clear from our interviews was that an individual single migrant's legal status is quite fluid over time. Often they begin as migrants hiring smugglers to guide them to the United States. The journey can last from less than a week to many months, with numerous stops along the way. At some point on the journey, many of the migrants will experience the "threat or use of force or other forms of coercion . . . for the purpose of exploitation" and thus would meet the international legal definition of trafficking outlined above. It is not unusual for a migrant to be smuggled at the beginning of the journey, be held against her will at some point during the journey, and then be released to become a migrant again (Ugarte, Zarate, and Farley 2003: 149). She then might hire another guide or smuggler, and then again experience trafficking or even kidnapping. Since the migrants often do not know how much freedom they have to leave their guides at any given point

in time, and the forms of coercion can be subtle, they might not know that they are being trafficked.

The Effects of Multiple Victimizations

And that's the challenge of working with girls who have, have gone through—there's, just there's *so much there*, because it's not just . . . the, the trafficking, there's so much more that started very, very early; abandonment by mothers, I mean, at very, very young ages, babies, toddlers, abandoned by moms, being bounced around from home to home, incurring abuse and physical abuse in all those homes, neglect, it's tough, it's tough. And so . . . you get all of that and then this happens . . . it's just, it's just a lot of . . . trauma. (Phoenix social worker)

Though we did not talk with the women directly, we did get a sense of how they experience sexual trauma and how this fits in a chain of victimizations they have suffered. Incidents that would make sensationalistic media headlines about sexual predators or serial rapists on the loose if the victims were white, not people of color and not immigrants, do not seem to be, at least on the surface, defining or "life-changing" events for these women. The assaults seem to be perceived as part of a larger condition of violence that these women face and endure over extended periods of time. As part of their condition, and often as part of a long-term calculus, the women do not come forward or complain about sexual assault, because it is "the least of their problems." Instead, they often find ways to cope with it in isolation when they can find the time. One interviewee said their attitudes often are "I will deal with it, I just need a job," and that "it is not a priority to report the assault or to get therapy—the priority is to get a job and their kids." The assaults can be seen as part of a well-calculated decision made intentionally, with varying levels of knowledge of the risks involved, to make the journey in the first place.

Previous studies show that when Mexican women migrate it is often after much discussion within the family and sometimes even against the wishes of their husbands (King 2007: 900). They also take steps to prepare themselves for possible risks. Some are aware of the risks from previous trips of

their own, from stories from family members and friends, or from warnings in the mass media. Often indigenous migrants will shed their traditional clothing in order to better "pass" as nonindigenous. Those from Central America often know to tell law enforcement officials if they are apprehended that they are from Mexico, so that they will be deported only across the line, where they can attempt the journey again.

Knowing that sexual assault is a very real possibility, women and girls take steps to prevent assault or to ameliorate the possible consequences. For example, they sometimes take birth control pills before leaving on the journey in case they are sexually assaulted. We even heard a story about nuns at a Catholic mission in Mexico requesting birth control pills from a humanitarian mission so they could dispense them to the girls and women making the journey. Many also wear several pairs of pants and underwear to help thwart assaults. Some migrants deprive themselves of sleep or do other things to make themselves less attractive to ward off sexual assaults. The girls or women often try to pair up with other migrants to be safer. Some interviewees said that migrant women might not know about the specific risks of sexual assaults but take these preventative measures out of a general distrust of males.

Physical, Emotional, and Social Effects of Multiple Victimizations

Of course, intentional decision making about migration does not mean that migrant women and children are not affected in profound ways—physically, emotionally, and socially—by the sexual assaults. The effects are extremely varied, but it is clear that the assaults have a major impact on their lives. One social worker said: "I know they don't talk about it . . . They completely keep it to themselves . . . they put it away; they compartmentalize it, depending on how horrific the trauma was. In general, the trauma is huge. When they talk about it they talk about it as though it just happened yesterday. The trauma is horrific and huge in their lives."

The physical effects of the sexual assaults are diverse. In the immediate aftermath of an assault, many women must seek care in hospitals for cuts, bruises, broken bones, and other physical traumas. Even so, the women's physical well-being often is not their top priority. One woman who had been

assaulted by a *coyote* in the desert was described as bleeding, "having headaches, and aching all over." When asked if her boyfriend knew what happened, she replied: "he knows that I'm not well and I fell and I have cactus thorns everywhere, but I didn't tell him about the assault." In addition to the immediate physical effects, repeated sexual violence has been shown in numerous studies to have profound long-term physical effects.

One of the major physical (and emotional and social) challenges the women and girls face is unwanted pregnancy. Rarely will the migrants be using birth control, and the women and girls who become pregnant from attacks by *coyotes*, *bajadores*, or others will rarely seek or have an abortion because of family traditions and religious values. Furthermore, the Catholic Church, through such important programs as Catholic Charities and the Kino Border Initiative in Nogales, is at the forefront of providing aid to these women, so they will often not be counseled about abortion. Most of the girls and women give birth, and most do not consider adoption. "The feelings they have toward their child are kind of mixed in with how they feel about the perpetrator," making it "very difficult to accept that baby." One social worker described a girl who basically has only minimal connection to her child: "she feeds the baby, she diapers the baby, she puts the baby to bed, and that's about it. I mean, there's no mommy and baby time; that play time, spontaneous play." In addition, despite some counseling services, the women and girls lack basic parenting skills, the effects of which are often exacerbated by the lack of good parental role models. As several interviewees pointed out, the youth who have babies are still trying to grow up themselves: "she's 16; she wants to go out, she wants to go to the movies, she wants to go to prom . . . and she has a two year old."

Not surprisingly, many migrant women and children suffer emotionally and psychologically as well, suffering from depression, post-traumatic stress disorder, and low self-esteem (cf. Annan 2006: 168). Many of the girls are reported to have nightmares and sleep disorders, and they commonly dissociate. Some women and girls internalize their experience, with the case-workers reporting no overt physical manifestations: "I mean some girls will tell me about it, and they're very emotionless about it and then other girls will look through streams of tears coming down their face, and tell me about all the abuse they had at home, and they were raped, by a *coyote* here and there . . . I'm sure they're all really traumatized, but some of them show it more than others."

Women and children who have suffered trauma from multiple victimizations also suffer socially. Not surprisingly, they experience a general level of distrust, especially of men and authority figures, as well as having numerous problems communicating in healthy ways. They have few models of healthy family relationships; instead they have witnessed "constant violence," as one social worker reported. "Not only do they see it with their parents, it was all over the village, it was all over the neighborhood, so this is common. So I have a lot of girls that just don't understand how it can be any different."

They have trouble developing healthy relationships with their peers, especially romantic relationships. One interviewee who works with unaccompanied youth said, "we struggle with boundaries, they have very poor boundaries, and we have a lot of problems in the relationships—in the romantic relationships." This same lack of boundaries finds the girls and women befriending strangers with little ability to discern healthy influences. "Some of our girls just try to find some guy, and they attach—and many times it's not the best person for them. It's someone that's—is abusive, is alcoholic, is a substance abuser. They feel like that's the only way to, you know, make it. It's sad." Many of them "don't think that a husband can be faithful or a boyfriend can be faithful."

The children who are fighting for asylum or another type of immigration relief are placed in foster homes and must be enrolled in U.S. public schools, where they face a number of additional challenges. The violence they have endured surely aggravates what must be a difficult transition experience for children from rural Mexico or Central America living with new families and taking a bus to attend a public school that is taught solely in English. Many lack motivation or have only basic learning skills. Some are physically aggressive in school. Many of the boys are targeted by gangs, often as potential recruits, and they are threatened if they spurn the gangs' advances. Many of the boys and girls have a drug and alcohol history that might go back to their days in their village or that began on the migration journey. Then, in order to cope and fit in in an American school they might resort to alcohol and drugs again.

Given all these effects of sexual abuse, exacerbated by attempting to transition into a foreign culture, the social workers had precious few success stories to relate. Even the small victories were mixed at best. As one social worker said, "You know, there's this thought that . . . once they're here and we give them all these tools and all these services that they're just going to *flourish*, well, that doesn't happen." One counselor reported, "What I tend to

see in my work, is they'll make one or two steps forward and I'll think 'Okay, here we go,' and then boom! We're ten steps back."

Conclusion: Obstacles to Assisting Migrants, and Their Resilience

We do not know how many migrants experience sexual violence, but we do know that immigration policies in the United States and Mexico, along with systematic structural violence, leave them vulnerable in their home lives, throughout the journey, and beyond. We can confidently assume that thousands of migrants experience sexual violence each year. This is a massive human rights abuse that is almost completely unknown and done almost completely with impunity.

These multiple victimizations stem from multiple vulnerabilities, and the same structural violence mediates how these women experience the sexual violence and the provision of services for them. Previous studies (cf. Decker, Raj, and Silverman 2007) have shown that immigrant women and girls, in general, require distinct social services to deal with sexual violence, but those previous studies did not consider the sexual violence that migrants face on their journey to the United States. The women and children we discussed above are much more vulnerable because of their documentation status, possible continued relationships with their abusers, and language barriers. Furthermore, services and agencies that might be able to assist them must work around nativist policies (such as Proposition 200, passed in Arizona in 2004, which requires proof of citizenship to receive public services) and the various policies that allow state and local officials to check the immigration status of suspected undocumented immigrants. In addition, the enormous number of migrants, especially those who have been abused, overwhelms the system.

Even the legal remedies that have been established by federal law to assist immigrants that are victims of violence are infrequently used. The women and children described above are most likely eligible for relief from deportation in the form of U-Visas for victims of violence against women, T-Visas for victims of trafficking, or SJIS relief for those who show Special Immigrant Juvenile Status. Rarely are these pursued. First, there is a general lack of awareness of these options among the migrants and those who work with them. Law enforcement officials do not inform the migrants of these

opportunities, and the officials often balk at filing the necessary certification. To be eligible for a U-Visa or T-Visa, the victims must be willing to testify against their attacker(s), and law enforcement officials must certify that they remain cooperative. Several of those interviewed expressed exasperation with law enforcement officials for refusing to certify: "We do have a client right now that we're seeking a visa for because she was raped in the drop house, and we're having trouble because in Phoenix right now the judges, the prosecutors, basically nobody will sign the visa. Even if somebody can testify and help them, but nobody will help. No one will sign the visas, and they face deportation after their testimony." More generally, law enforcement agents, including those of the Border Patrol and ICE, evince a lack of training and sensitivity on issues of sexual violence against migrant women and children. It is not their operational priority, but this is aggravated by the dearth of female agents and agents who speak Spanish. Also, the government has privatized the transportation and detainment of migrants, and private companies, such as Wackenhut, are not well prepared to work with or transport migrants.

Several other issues remain to be addressed, including how these women and children cope with multiple victimizations through private means and grassroots channels. We also intend to expand on our legal argument that this type of sexual violence meets the international definition of trafficking in persons and is widespread and systematic enough to meet the international definition of a crime against humanity.

Again, we want to reiterate that we do not know the exact number of migrant women and children (and men) who are sexually assaulted. We are also somewhat uncomfortable with the language of victimization, even though we have used it here. Many thousands of migrants make the journey without incident. Those who are sexually assaulted may be deeply traumatized, but the incident rarely defines their lives in their minds, and we are acutely aware that we should not define them merely as victims of sexual assault. They are, above all, survivors. They are navigating a very difficult transition to a new country and new culture while dealing with severe trauma, and yet to the degree possible they remain focused on their families and improving their economic situations.

We came across a number of migrant women who have created support groups for victims of sexual violence. These group sessions are often coordinated by counselors or social workers, almost all of whom are doing so on their own time, and some of whom have only tangential training in this

area. They see a need and move to fill it. One described herself this way: "I am creating ideas for the needs that I saw first with my family and for the needs that I am seeing in this society, in this community."

Clearly, the immigration system is broken, and the consequences of this failure are not abstract. They are concrete, embodied in the daily lives of migrant women and children. The failure of immigration policies, alongside extant structural inequalities that disadvantage women and children, directly leads to their exploitation. Further enforcement strategies by themselves will not stem the tide of migration but lead to increased militarization, further control by organized criminal syndicates, and vulnerable migrants, especially women and girls, being treated like commodities. Failure to change immigration policies, or changing them in ways that are injurious to immigrants themselves, will expand the state of exception—paradoxically, the more law, the more lawlessness. And, in the perception of law enforcement officials and the public, migrant men, women, and children will be seen first and foremost as lawbreakers and not as the human beings they are.