



**How Sex Work Laws are Implemented on the Ground  
and Their Impact on Sex Workers**

**Mexico Case Study**

## Participant Demographics

For this study four focus groups (involving 12 people), and an additional 17 individual interviews were conducted in the cities of Tampico, Tamaulipas, Monterrey, Nuevo Leon, Mexico City and Coatzacoalcas, Veracruz. This ensured that different areas of the country were included in the case study, such as: North-Northeast (Tampico, Monterrey), Centre (Mexico City), Southeast (Veracruz).

Focus group participants and interviewees were all sex workers and included 13 transgender women, eight cisgender women, and eight cisgender men. Two respondents were under 20 years old, five were 21-25 years old, nine were 26-30 years old, eight were 31-35 years old, four were 36-40 years old, and one was 41-45 years old. Three identified as gay, 18 as heterosexual and eight as bisexual. Four of the participants are living with HIV and 11 were drug users. Nine respondents were street-based sex workers, six worked in brothels, three worked from home and 11 worked primarily in other spaces like bars, clubs and via internet apps.

## Overview of the Sex Work Laws

Nowadays, in Mexico there is no federal legislation that regulates sex work— in fact the federal legislation does not mention anything about sex work. However, each state or town is entitled to regulate or outlaw sex work via health, security or public order regulations.

Each state enforces its own State Political Constitution allowing some autonomy in matters of civil regulation. Via these state laws it is intended that towns have autonomy in the regulation of matters such as civil order, resource administration, health, transit, alcohol sale and consumption, security, and the use of public and commercial spaces. Sex work is regulated or prohibited under these local or town laws.

Until now, according to several reports from the International and Legal Affairs General Administration of the Secretary of Health<sup>1</sup>, 13 states in Mexico regulate sex work: Aguascalientes, Baja California Sur, Coahuila, Colima, Chiapas, Durango, Guerrero, Hidalgo, Michoacán, Nuevo León, Querétaro, Sinaloa and Zacatecas. There is no documented regulation, norms or legislation on sex work in the other states.

In the states that regulate sex work, “local laws” are established for allowing sex work (tolerance zones, red zones, brothels, etc.). These are usually justified on the grounds of public health and the prevention of sexually transmitted infections. These laws establish mandatory registration of women— whether they are street-based workers in a tolerance zone or working in a brothel. If a group of sex workers work independently but share a space, even if it is a private home, then they must also register. It is mandatory for brothel owners to give notice to the authorities about any new worker, but the sex workers themselves must register. The laws include regular mandatory medical examinations, and in certain areas sex work is prohibited. These regulations are usually only applied to cisgender women as the laws exclude men. Due to lack of gender recognition laws transgender women are often officially classified as men. The police sometimes exploit a lack of knowledge about the laws to extort money from male and transgender sex workers by asking to see their permits even though the law contains no requirement for them to register.

---

<sup>1</sup> CONASIDA, 2018, “[Prostitución y Sida en la Ciudad de México](#)”.

The tolerance zones or brothels that are created under this registration system are considered spaces with low security for women who do sex work and their children. They are faced with exploitation as they have no legal rights. They are subject to human rights violations and exposed to violence by organised crime groups, among others.

## **Sex Workers' Experiences**

### ***Female sex workers***

State regulations are mainly enforced among cisgender women. To register, sex workers are required to undergo vaginal examinations, HIV tests and syphilis tests on a regular basis. When a sex worker has a positive result for a treatable, curable STI their work permit is restricted until they are treated effectively. In the case of a positive HIV result, their work permit is permanently revoked. In many cases, sex workers living with HIV have their right to privacy violated— authorities publish and share test results with inspectors and brothel owners. If they continue working they may be arrested for not having permission to perform sex work. The compulsory medical exams are expensive (sex workers must pay for the tests themselves) and can be required as frequently as every 15 days.

Some of the respondents said they try to meet the registration requirements, but that they struggle to comply with all the rules, as the system is plagued with irregularities and corruption:

*"I have to go every 15 days to medical exams, they check your vagina, they run the AIDS, syphilis and other tests; they charge \$350.00 pesos (18 dollars), they don't give the result, they only tell you if you can renew your permission to work or not (The permission or license has a validity established by the authority and when the validity expires it is necessary to renew them; This validity varies from place to place, it can be every 15 days or every month). So, when they say yes, I assume you are healthy and if not, then you are not healthy. The problem is that they don't tell you anything, they just tell you if you can renew or not. The other thing that happens is that if you don't have the permission in order, when the inspector or the police arrive and you don't have the permission renewed they can arrest you [for] up to 72 hours and charge [you] with a ticket of \$1,500 pesos (80 dollars)."*

- Cisgender woman sex worker

As a result of these regulations, sex work is effectively criminalised. It is so difficult to comply with the requirements that nearly all sex workers are working illegally. The sex workers interviewed said that this type of regulation affects them negatively; it stigmatises them, increases their vulnerability, gives the authorities excessive control over them, and often violates their human rights.

In some cities street-based sex work is prohibited and the police can blackmail people who are working in a public place or arrest them under public order laws. If sex work is regulated in that state, the police will extort street-based sex workers; if sex work is unregulated, police will arrest them.

### ***Transgender sex workers***

Police town codes and government regulations are also used to harass transgender women sex workers. Often transgender sex workers are arrested simply for being in a public space whether they are doing sex work or not. During these arbitrary arrests women are interrogated about their motives for being in that space. Even though they do not need permission to stand in a public

space, they are frequently blackmailed using sex work regulations. For example, in Torreón, Coahuila, the mayor ordered police to arrest every person in public spaces wearing “different clothing from the gender they were born in”, because (according to his declaration) these people were ‘prostitutes’.

*“I was going to Oxxo (convenience store) and the police stood by and asked me: What are you doing? and I answered, I was going to buy some food, but they didn’t believe me, they got me in and told me they were going to put me in jail for prostitution.”*

- Transgender woman sex worker.

### **Male sex workers**

Male sex workers in Mexico tend to be ignored by the laws and the police. Respondents said that men doing sex work have an advantage over cisgender or transgender women because it is better paid and there is less attention from the authorities, as men are not even included under the regulations.

*“Women do suffer a lot, we don’t have as many problems because you’re the boss, no one tells you how many you gotta sleep with, and you don’t have to be fighting over a sidewalk. If you don’t get a job, you can go to Avenida Reforma (Reforma Avenue), but there’s always something, besides the police doesn’t say anything.”*

- Male sex worker

### **Issues affecting all sex workers: the trafficking laws**

In Mexico there is a law that criminalises human trafficking. It prohibits third parties from benefiting from the sexual exploitation of a person. This law has been used to generate stigma and to falsely accuse sex workers, sex worker organisations and activists of trafficking. This is possible because the law does not differentiate between human trafficking/sexual exploitation and free and autonomous sex work. The sex workers interviewed said they were unaware of the trafficking law and its implications. However, they have seen people at their workplaces accused of trafficking and jailed.

The Office of the Attorney General (the highest judiciary power in the country who oversees other attorney offices in each state) is using condoms as evidence to accuse people of human trafficking, organised crime, pandering and benefiting from sexual exploitation. This is despite recommendations against the use of condoms as evidence from other government offices like the AIDS and HIV Control and Prevention National Center.

Since 2007 there has been an unprecedented increase in police raids— ostensibly for human trafficking. This is due to the promotion of the Human Trafficking Sanction and Prevention law, published in the Federation Official Diary on November 27, 2006. The raids are often violent and are (in practice) intended to “clean the streets” of sex workers.

*“The main aim of these raids in some areas is not about rescuing victims nor arresting guilty traffickers, it is [intended] to kick out sex workers of certain areas with rescue projects in historic centers or tourist zones, so the financial investment can be reached... [they think sex workers] depreciate real estate in those areas.”*

- Cisgender woman sex worker.

Trafficking laws are also used to criminalise sex workers. For example, when a group of sex workers share a house, the authorities can arrest the person who has signed the contract for that house and accuse them of trafficking under third-party laws. The way these laws are implemented means that all sex workers can be considered both as victims of trafficking or guilty of trafficking others.

### ***Recent legal changes in Mexico City***

On December 29, 2017, Mexico City passed a new local law making sex work an administrative offence with penalties including arrest, fines of between \$40 and \$163, and 6-12 hours of community work (Article 27 of the Civic Culture Law). Article 27 stated it was illegal to “invite prostitution or exercise it, as well as request such service”, meaning that both sex workers and clients could be charged with administrative offences. However, on May 31, 2019, the Congress of Mexico City voted to repeal this part of the Civic Culture Law and sex work is no longer considered an administrative offence in Mexico City.

### **Conclusion**

The Mexican laws on sex work have a negative impact on people who perform sex work. Historically sex workers have been made invisible, their rights denied, and they have been made vulnerable. Sex work in Mexico is not recognised as a formal occupation, so people who do sex work do not have protection from the law. In states where sex work is regulated, these regulations are used to intimidate, blackmail and violate sexual workers' human rights. Sex workers do not feel protected by the law, do not trust the authorities and even fear for their lives in some cases. This is due to high levels of corruption in the justice system and amongst law enforcement. As a result, many sex workers do not have access to justice.



**This publication was funded through a grant from AJWS**