AN UNCERTAIN PATH

Justice for Crimes and Human Rights Violations against Migrants and Refugees in Mexico

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RESEARCH **REPORT**

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Hogar-Refugio para Migrantes
Tenosique, Tabasco

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KEY FINDINGS

- **THE SOUTHERN BORDER PROGRAM HAS SIGNIFICANTLY INCREASED MIGRATION ENFORCEMENT OPERATIONS, AS WELL AS MIGRANT DETENTIONS AND DEPORTATIONS.** From July 2014 to June 2015, detentions of migrants rose 73 percent compared to the same period the year before; between July 2013 and June 2014, 97,245 migrants were detained, while 168,280 were detained between July 2014 and June 2015. Furthermore, government data indicates there has been an increase in migration enforcement operations; however, more reliable data is needed.

- **THIS INCREASED ENFORCEMENT HAS PROMPTED AN UPTICK IN HUMAN RIGHTS VIOLATIONS AGAINST MIGRANTS.** Abuses have been documented in these migration operations, which are increasingly conducted in conjunction with security forces. Migrant shelters have documented kidnappings, extortions, robberies, and abuses throughout the country.

- **GIVEN THIS CONTEXT, THE MEXICAN GOVERNMENT'S EFFORTS TO STRENGTHEN ITS CAPACITY TO PROTECT MIGRANTS HAVE FALLEN SHORT OF WHAT IS NEEDED.** For example, the Mexican Commission for Refugee Assistance (*Comisión Mexicana de Ayuda a Refugiados*, COMAR) only has 15 protection officers in the entire country to ensure access to international protection for the more than 100,000 migrants detained during the course of a year. Moreover, COMAR's budget did not increase in real terms from 2014 to 2015.

- **THERE IS NO EVIDENCE THAT VICTIMS OF CRIMES AND HUMAN RIGHTS VIOLATIONS HAVE EFFECTIVE ACCESS TO JUSTICE, DESPITE THE CREATION OF NEW SPECIALIZED PROSECUTORS' OFFICES.** There is a lack of conclusive data regarding justice for migrants in Mexico. The most detailed data are from the specialized prosecutor's office in Oaxaca, which reports that, of the 383 complaints received over four years, only 96 resulted in a preliminary investigation being opened and only four resulted in sentences for the perpetrators. Additionally, of the 1,617 complaints of human rights violations against migrants that the National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) received from December 1, 2012 to June 15, 2015, only four resulted in a formal recommendation issued to the institution implicated in the complaint.

- **THE SOUTHERN BORDER PROGRAM HAS FOCUSED ON ENFORCEMENT ACTIVITIES AND THIS FOCUS IS REFLECTED IN THE BUDGET OF THE NATIONAL MIGRATION INSTITUTE (*INSTITUTO NACIONAL DE MIGRACIÓN*, INM). INDEED, IN 2014 THE INM SPENT THE LARGEST BUDGET IN ITS HISTORY.** For its part, the United States government has offered the Mexican government political and financial support for migration enforcement, especially following the drastic increase in the number of unaccompanied minors and migrant families—primarily from Central America—arriving at the United States' southwest border.

ACRONYMS

CAIMFS	Coordinating Office for Comprehensive Attention to Migration at the Southern Border (*Coordinación para la Atención Integral de la Migración en la Frontera Sur*)
CCAMYN	Centro Comunitario de Atención al Migrante y Necesitado
CEDH	State Human Rights Commission (*Comisión Estatal de Derechos Humanos*)
CNDH	National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*)
COMAR	Mexican Commission for Refugee Assistance (*Comisión Mexicana de Ayuda a Refugiados*)
CUSAEM	Auxiliary and Urban Security Forces of the State of Mexico (*Cuerpos de Seguridad Auxiliar Urbana del Estado de México*)
DHS	Department of Homeland Security
FEVIMTRA	Special Prosecutor's Office for Crimes of Violence against Women and Human Trafficking (*Fiscalía Especial para los Delitos de Violencia contra las Mujeres y Trata de Personas*)
GATES	Saltillo Special Tactical and Weapons Group (*Grupo de Armas y Tácticas Especiales de Saltillo*)
GROMS	Saltillo Municipal Operational Reaction Group (*Grupo de Reacción Operativa Municipal de Saltillo*)
IACHR	Inter-American Commission on Human Rights
INAI	National Institute for Transparency, Access to Information and Personal Data Protection (*Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales*)
INCLE	International Narcotics Control and Law Enforcement
INM	National Migration Institute (*Instituto Nacional de Migración*)
OPI	Child Protection Officer (*Oficial de Protección a la Infancia*)
PEF	Federal Expenditures Budget (*Presupuesto de Egresos de la Federación*)
PEM	Special Migration Program (*Programa Especial de Migración*)
PGJE	State Attorney General's Office (*Procuraduría General de Justicia del Estado*)
PGR	Federal Attorney General's Office (*Procuraduría General de la República*)
PPTM	Municipal Preventive and Transit Police (*Policía Preventiva y Tránsito Municipal*)
REDODEM	Documentation Network of Migrant Defense Organizations (*Red de Documentación de Organizaciones Defensoras de Migrantes*)
SAT	Tax Administration Service (*Servicio de Administración Tributaria*)
SEDENA	Army (*Secretaría de la Defensa Nacional*)
SEGOB	Ministry of the Interior (*Secretaría de Gobernación*)
SEIDO	Deputy Attorney General's Office for Special Investigations on Organized Crime (*Subprocuraduría Especializada en Investigación de Delincuencia Organizada*)
SEMAR	Navy (*Secretaría de Marina*)
UNHCR	United Nations High Commissioner for Refugees
UPM	Migration Policy Unit (*Unidad de Política Migratoria*)

INTRODUCTION

On June 2, 2015, armed men opened fire on five vehicles that had stopped on a roadway close to Caborca, Sonora. Between 100 and 120 undocumented men, women, and children were inside the vehicles; they were traveling through Mexico with the hope of crossing the border into the United States. At least three people died in the attack and several migrants fled toward the United States.[1] Two days later, the state Attorney General's Office (*Procuraduría General de Justicia del Estado*, PGJE) in Sonora reported that it had rescued 15 survivors (two Mexicans and 13 Central Americans) and recovered three bodies. The 13 Guatemalans and Salvadorans were deported to their countries by the National Migration Institute (*Instituto Nacional de Migración*, INM) in mid-June. Prior to this, the survivors had told members of civil society organizations that likely between 30 and 40 migrants were murdered during the attack.[2]

This attack demonstrates the persistence of a pattern of crime and human rights violations against migrants in Mexico. The events in Caborca took place nearly a year after Mexican President Enrique Peña Nieto launched the Southern Border Program, which promised a comprehensive approach to promoting development, security, and human rights on the Mexican border with Guatemala and Belize.[3] The most obvious and consistent measure under the Southern Border Program has been the intensification of migration enforcement operations throughout Mexico, especially in the southern states of Chiapas, Tabasco, and Oaxaca. Authorities have taken measures to prevent migrants from traveling by train;[4] set up new checkpoints in the southern border region; relocated between 10 and 15 percent of INM personnel from their regular assignments to strengthen the southern border; and conducted more frequent raids on hotels where migrants are known to stay. Migrant detentions have skyrocketed: between July 2014 and June 2015, detentions of migrants rose 73 percent compared to the same period in the previous year; between July 2014 and June 2015, authorities detained 168,280 migrants, up from 97,245 detained between July 2013 and June 2014. In fact, from October 2014 to May 2015, the INM detained more Central American migrants than the US Border Patrol (the INM's 110,043 versus the Border Patrol's 85,131).[5]

TERMINOLOGY

This report uses the term "migrant" to refer to individuals traveling through Mexico en route to the United States. It is important to acknowledge that this is a mixed flow of migrants that includes persons who leave their countries principally to improve their living conditions, whether for economic reasons or for family reunification, as well as persons who are fleeing persecution and/or violence, and victims of human trafficking. Furthermore, although many are from Guatemala, El Salvador, or Honduras, Mexican migrants may also be victims of the same patterns of violence and human rights abuses, even when they are in Mexico.

These migration enforcement efforts are significant, but they are not without precedent. For years authorities have conducted raids and set up checkpoints throughout the country—primarily in the south—and each year they have detained and deported thousands of migrants: Mexico deported 79,643 migrants in 2012; 80,902 in 2013; and 107, 814 in 2014.[6]

As of the writing of this report, the facts of the Caborca case and the whereabouts of all the victims had not been clarified. The case illustrates migrants' absolute defenselessness against the organized crime networks that control significant portions of Mexican territory. Policy changes like the Southern Border Program have not only failed to alter this situation, to a certain extent they have even exacerbated the patterns of crimes and human rights violations against migrants. Migration is more clandestine than ever, as migrants and smugglers have sought to avoid the checkpoints and raids that have proliferated in the southern states, and to some degree, all over the country. This has had an impact on the routes migrants use, inasmuch as they have had to look for alternatives, including traveling on foot, which makes them easy prey for criminal gangs. These new routes mean they have less contact with shelters, most of which are run by clergy, and which were established to assist migrants along the route of the cargo train, known as "The Beast" ("*La Bestia*").[7] As a result, the Southern Border Program has made it more difficult for human rights advocates and organizations to identify and report crimes and human rights violations against migrants.[8]

Although the Mexican government has spoken a great deal about the need to protect migrants crossing through the country, there is no meaningful evidence that authorities have made significant progress in investigating or punishing the criminal groups or the police officers, soldiers, and INM agents that take advantage of vulnerable migrants. Despite the creation of several state-level specialized prosecutors' offices whose principal duty is to investigate and prosecute crimes against migrants, punishment for these crimes continues to be extremely rare. In the state of Oaxaca, there have only been four sentences handed down for crimes against migrants in four years. Likewise, the presence of human rights commissions (federal and state) in the states through which migrants travel has led to few recommendations being issued to the institutions involved in migration enforcement. For example, of the 1,617 complaints received by the National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) from December 1, 2012 to June 15, 2015, only four resulted in a formal recommendation issued to the institutions implicated in human rights violations.

While there has been little progress in fighting impunity, enforcement activities have escalated. Officials are detaining and deporting migrants rapidly; as a result, civil society organizations, human rights advocates, and asylum attorneys have few opportunities to hear migrants' stories about what they have experienced in Mexico or reasons why they have left their home countries. Furthermore, the increase in operations along train tracks and roadways has led to changes in traditional migration routes, especially for the most vulnerable migrants, who travel without human smugglers and are most dependent on the train to travel northward. Migrants and smugglers have gone back to clandestine routes that have now become more dangerous, including travel on foot or by sea. Therefore, a growing number of migrants that cross Mexico are practically invisible. If the Mexican government continues conducting migration enforcement under the same policy framework, using the same methods, and relying on the same corrupt and deficient authorities, it is likely we will know less and less about the migrant population's fate.

This report aims to assess the Mexican government's performance in investigating and punishing crimes and human rights violations against migrants traveling in an irregular situation, as well as against Mexican migrants crossing Mexico or who are deported from the United

States. Based on this analysis, the report sets out a series of recommendations for concrete and realistic policy changes that the Mexican government, and, where appropriate, the United States government, can make to prevent crimes and human rights violations against migrants.

In the long term, if the Mexican government truly intends to implement a migration policy that respects human rights, it is important that authorities more effectively investigate and sanction crimes and human rights violations against migrants, regardless of whether they have been committed by individuals, gangs, large organized crime networks, or public servants. Doing so would not only help protect one of the most vulnerable populations within Mexico's borders, but it would also strengthen the institutions responsible for enforcing migration policy in Mexico.

METHODOLOGY AND COLLABORATION WITH MIGRANT SHELTERS AND DEFENDERS IN THE PRODUCTION OF THIS REPORT

This report is the result of close collaboration between the Washington Office on Latin America (WOLA), *Fundar, Centro de Análisis e Investigación*, and seven shelters and organizations that advocate for migrants' rights in five areas of Mexico:

- *Casa del Migrante de Saltillo "Frontera con Justicia," AC* in Saltillo, Coahuila;
- *Red Sonora*, a network of organizations located in the northern state of Sonora: Kino Border Initiative in Nogales, *Centro de Recursos para Migrantes* in Agua Prieta, and *Centro Comunitario de Atención al Migrante y Necesitado (CCAMYN)* in Altar;
- *Albergue de Migrantes "Hermanos en el Camino"* in Ixtepec, Oaxaca;
- *La 72, Hogar—Refugio para Personas Migrantes* in Tenosique, Tabasco;
- *Un Mundo, Una Nación* in Apizaco, Tlaxcala; and
- The migrants' rights advocate, Irazú Gómez.

The document is based on a series of visits to the abovementioned shelters and organizations, interviews with personnel and the migrant population, interviews with local authorities, and an exhaustive review of the shelters' case documentation. A total of 30 interviews were conducted during the research for this report.[9]

The work of migrant shelters in Mexico is of the utmost importance in advocating for and defending migrants' human rights. These shelters, most of which are run by or in coordination with the Catholic Church, operate with minimal funds and few personnel. They represent the first line of defense for vulnerable migrants. They provide food, temporary refuge, clothes, and medical attention, in addition to making it possible for migrants to contact their families. Furthermore, they take statements and report crimes and human rights violations to authorities. In many cases, migrant shelter personnel have directly confronted corrupt or indifferent officials, or even members of organized crime groups. All too frequently, migrant shelter personnel throughout Mexico have been harassed and threatened as a result of their work.[10]

THE SOUTHERN BORDER PROGRAM

AS A FRAMEWORK FOR INCREASING MIGRATION ENFORCEMENT

THE SOUTHERN BORDER PROGRAM

> *Under Peña Nieto, these agents are violating rights under the cover of law, operations have resumed, and INM agents are being implicated as perpetrators—now, together with the Federal Police. —Alberto Xicoténcatl, Casa del Migrante de Saltillo*

With the Southern Border Program (*Programa Frontera Sur*), Mexico appears to be responding to pressure from the U.S. government following the mid-2014 "humanitarian crisis" of migrant children arriving at the U.S. border. The statement from the Office of the President of Mexico announcing the program indicates that the program aims to "protect and safeguard the human rights of migrants who enter and pass through Mexico, as well as establish order at international crossings to boost development and security in the region."[11] However, in its implementation, the Southern Border Program has focused mostly on migration enforcement, and, at its outset, on preventing migrants from using the cargo trains, known as "The Beast," as a means of transportation. Since then, the number of checkpoints and operations has continued to climb, resulting in large numbers of detentions and deportations.

TABLE 1

DETENTIONS AND DEPORTATIONS IN MEXICO

BEFORE AND AFTER THE SOUTHERN BORDER PROGRAM

	JULY 2013 TO JUNE 2014	JULY 2014 TO JUNE 2015	PERCENT INCREASE
TOTAL DETENTIONS	97,245	168,280	73
DETENTIONS OF CENTRAL AMERICANS	91,905	156,992	71
DETENTIONS OF MINORS (FROM ALL COUNTRIES)	17,092	27,513	61
TOTAL DEPORTATIONS	86,692	141,290	63
DEPORTATIONS OF CENTRAL AMERICANS	84,457	138,451	64
DEPORTATIONS OF MINORS (FROM ALL COUNTRIES)	13,925	21,935	58

Source: Secretaría de Gobernación, Unidad de Política Migratoria, Boletines Mensuales de Estadísticas Migratorias 2013, 2014, 2015, http://bit.ly/1jMKo18.

On July 8, 2014, one day after President Peña Nieto announced the Southern Border Program, the "Decree creating the Coordinating Office for Comprehensive Attention to Migration at the Southern Border" (*Decreto por el que se crea la Coordinación para la Atención Integral de la Migración en la Frontera Sur*) was published in Mexico's Official Federal Gazette (*Diario Oficial de la Federación*). This document revisits the 2014-2018 National Security Program's "consolidation of the Comprehensive Strategy for Attention at the Southern Border." Nevertheless, no public policy document exists to substantiate the Decree.[12]

The shelters and organizations involved in the production of this report are located in places that were traditionally "obligatory" on the route taken by migrants passing through Mexico, as they are locations through which the cargo train passes and where migrants may get off or on the train. Since late 2014, some shelters have seen a decrease in the flow of migrants arriving at their doors, as is the case of the shelters in Ixtepec and Saltillo. For example, the shelter in Ixtepec, which once received approximately one thousand migrants per month, now sees no more than an average of 100 migrants per week.[13] In Tlaxcala, an increase in the presence of security agents on the train (Auxiliary and Urban Security Forces of the State of Mexico, *Cuerpos de Seguridad Auxiliar Urbana del Estado de México*, CUSAEM), in addition to the barriers ("*barrotes*") put up on one side of the train tracks that traverse Apizaco mean fewer and fewer migrants are now using the train.[14]

In its first report, the Coordinating Office for Comprehensive Attention to Migration at the Southern Border (*Coordinación para la Atención Integral de la Migración en la Frontera Sur*, CAIMFS) notes that:

> The government of the Republic, via the different federal agencies responsible for handling migration, has taken actions designed to implement the provisions of that strategy; such is the case of the operations launched on August 1, 2014 to afford safety to migrants who were using the train from the Isthmus of Tehuantepec to travel within the country. This operation is being successfully coordinated by the National Migration Institute (*Instituto Nacional de Migración*, INM) (...). In it, the INM is joined by different federal government agencies such as (...) [the] federal Attorney General's Office (*Procuraduría General de la República*, PGR), the Army (*Secretaría de la Defensa Nacional*, SEDENA), the Federal Police, the Navy (*Secretaría de Marina*, SEMAR), in addition to the Government of the State of Chiapas and representatives of the Isthmus of Tehuantepec Railroad.[15]

One consequence of the Southern Border Program has been an escalation in human rights violations against migrants during operation, detention, and deportation processes, including in the methods used to detect undocumented migrants (particularly the use of allegedly discriminatory criteria, such as physical appearance), the use of force in arrests, the difficulty in accessing humanitarian visas and asylum, and poor conditions in the migration detention centers.

Many migrants report being chased by the INM for two hours through the woods, (with agents) running behind them, shouting things at them, physical aggressions, sometimes blows, sometimes they are robbed or their documents are taken from them, theft or extortion directly by the police and military, meaning they have to pay in order to pass through. —Emilie Viklund, La 72

During migration enforcement operations, physical and psychological aggressions occur; in addition, migrants are stripped of their money and belongings. These operations have ironically been named "rescues" by the government, though most times this is not the case. Such operations have proliferated since mid-2014, but official figures about how often they occur are not consistent.

In response to an appeal for review of an information request filed with the National Institute for Transparency, Access to Information and Personal Data Protection (*Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales*, INAI), the INM provided the following information about the number of migration enforcement operations carried out. In 2013, 14,246 operations were conducted nationwide. In 2014, the number of operations surged to 20,074, that is, it grew by 41 percent. The increases were concentrated in the states of Chiapas, Tabasco, Oaxaca, and Guerrero, but there were also significant increases in Baja California, Baja California Sur, Coahuila, and Sonora.[16] However, in response to another appeal for review of an information request filed with the INAI, the INM provided different figures: 16,181 operations in 2013 and 27,992 in 2014 (a 73 percent increase). The increases appear to be concentrated in the same states, but the change in Chiapas is far more pronounced (rising from 1,297 to 8,192).[17]

According to statistics published on the Migration Policy Unit's (*Unidad de Política Migratoria*, UPM) website, the INM detained approximately 60,000 foreigners between August and December 2014. This figure comes close to the one mentioned by INM Commissioner Ardelio Vargas Fosado during a press conference on March 3, 2015: 64,215 individuals were purportedly "rescued" by the INM during that same period. If the problems related to the operations and subsequent detentions and deportations were already known, it is likely that these problems have worsened due to the increase in operations, detentions, and deportations, and the speed with which they are occurring.

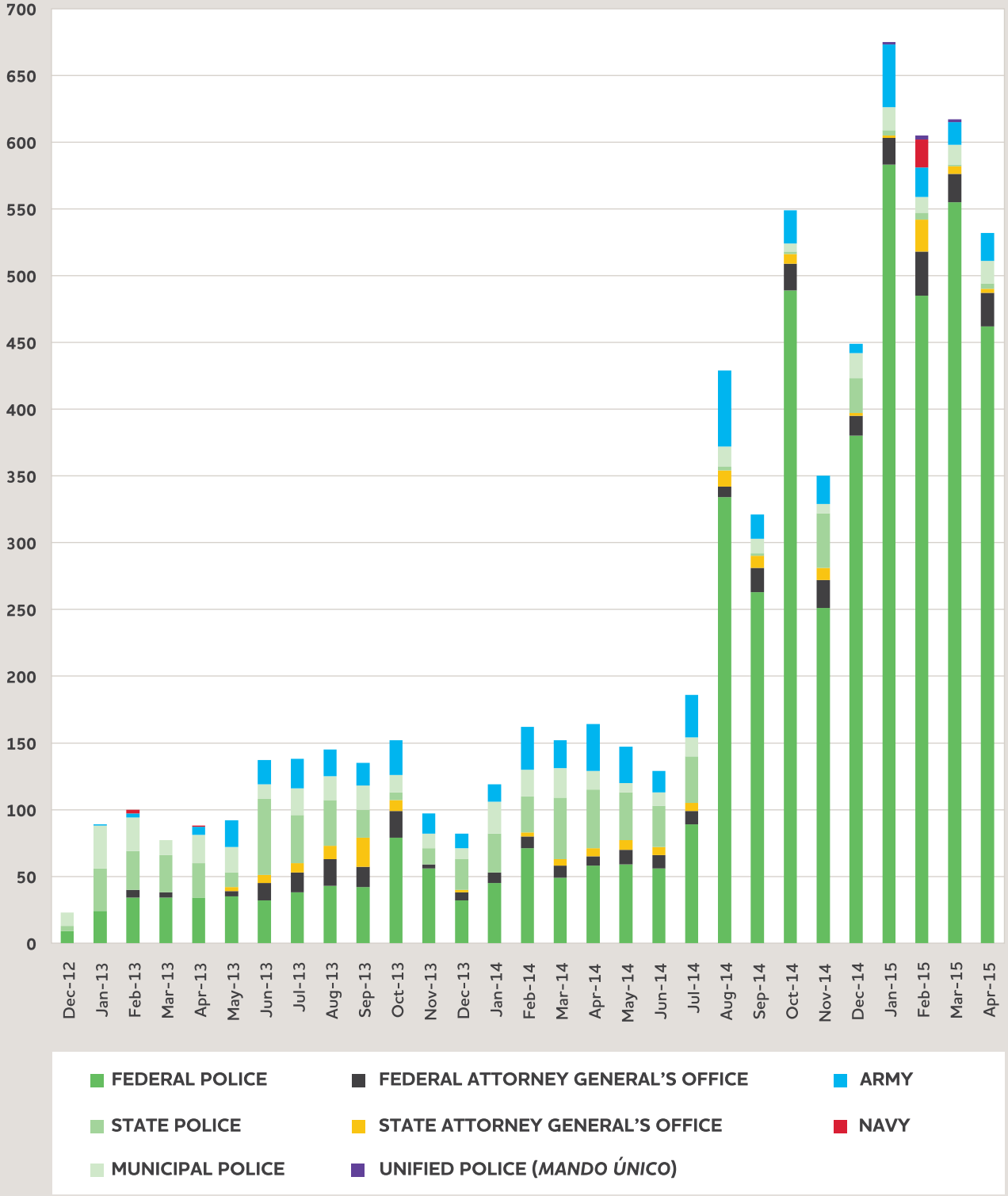
THE PARTICIPATION OF SECURITY FORCES IN MIGRATION ENFORCEMENT OPERATIONS

Only the INM can verify the immigration status of foreigners in Mexican territory. The Migration Law, however, provides that other authorities may assist the INM in its control, verification, and enforcement functions (but they may not carry out such functions on their own).[20] In particular, the law states that the Federal Police shall act in support of and in coordination with the INM in its migration enforcement activities. The Migration Law Regulations specify that the INM should request the Federal Police's support when there is a presumed risk in the migration enforcement or verification operation to be conducted. The involvement of different security forces, such as the Federal Police and the Army (*Secretaría de la Defensa Nacional*, SEDENA), as well as the federal Attorney General's Office (*Procuraduría General de la República*, PGR), has become more frequent in migration enforcement operations since mid-2014. From 2013 through July 2014—the month in which the Southern Border Program was announced—the average number of operations in which another authority participated alongside the INM was 125.8 per month. From July 2014 to April 2015, this number climbed to an average of 429 per month (see graphic 1).

Moreover, in June 2014, the INM and the Federal Police signed a cooperation agreement to provide support in the control, verification, search, and transfer of migrants, as well in securing the perimeters of migrant detention centers (Convenio de Colaboración para brindar apoyo en el control, verificación, revisión y traslado de migrantes, así como resguardo perimetral de Estaciones Migratorias); such agreement facilitates the involvement of the Federal Police in migration enforcement operations.[21]

GRAPHIC 1

PARTICIPATION OF SECURITY AND JUSTICE AGENCIES IN MIGRATION ENFORCEMENT OPERATIONS



Source: Prepared by the authors with data from the Instituto Nacional de Migración's response to Infomex request 0411100035415, June 17, 2015, available on WOLA's website, http://bit.ly/1RA3kuy.

In the military zone in Tenosique, the local battalion has a hand in causing harm to migrants: at checkpoints they commit violations to the right of free transit, they ask for identification, commit sexual assault, we've also learned of the participation of soldiers in migrant smuggling, something that cannot be reported because of everything that it signifies. —Brother Tomás González, La 72

In practice, it is very difficult to monitor the conduct of other authorities during migration enforcement operations with the INM because no clear regulations exist, nor are there control mechanisms in place. Statements from migrants and defenders reveal that the INM as well as other authorities, such as police and soldiers, commit human rights violations during the operations.

The operation conducted on May 1, 2015 in Tenosique, Tabasco illustrates a recurring pattern: agents used excessive force and threatened, pushed, and beat the migrants. Both INM and police agents were identified as perpetrators.

> The cargo train arrived at the Tenosique station at 6 p.m., where it stopped indefinitely; this made it possible for more than 100 migrants to climb aboard. Among this group of individuals were several families, women, children, and a 12 year-old girl. In this case, La 72 documented the presence of two vehicles, one from the Beta Group [Grupo Beta] and the other from the municipal police. Thereafter, you could hear how one of the train's operators said over the radio that [the train] was not going to move until the authorities arrived. At around 8 p.m. the federal assistant delegate and local delegate of the INM led an intense pursuit of the migrants who were on the train tracks and in the surrounding areas. Also involved were at least three Federal Police vehicles, two "volantas" [mobile checkpoints], two INM pickup trucks, one Beta Group vehicle, and the federal assistant delegate's private vehicle. The La 72 team, exercising its right to observe, monitor, and document, witnessed the following: multiple detentions were made using verbal and physical aggression; one migrant who managed to escape the operation confirms that he was threatened with a firearm. The authorities involved in the operation used force to get people off the train by violently pulling them while the cargo train was in motion, thereby unnecessarily risking their physical integrity.[22]

The Migration Law and its regulations are not clear as to the objective and scope of the involvement of other authorities and there are no specific guidelines that regulate or limit the use of force. There are general agreements in place and the INM requests support for each operation through official letters. Nonetheless, all of the aforementioned authorities have their own different internal rules, practices, and issues. Hence, it is important that the Ministry of the Interior (*Secretaría de Gobernación*, SEGOB) develop clear regulations for the conduct of such operations that take into account the complaints of excessive use of force by the INM and other authorities.

It is likewise important to point out that, in addition to the migration enforcement operations coordinated by the INM, other authorities also conduct migration enforcement operations separately, despite the fact that such operations fall exclusively within the jurisdiction of the INM.

This pattern is illustrated by the June 14, 2015 testimony from "Antonio" (pseudonym), a deported Mexican migrant:

> I was in the DeConcini [Nogales] station four days after the last time they deported me. I was seated on the benches in the hallway where you go into immigration. It was 7:00 in the morning. Two officers arrived by bike wearing green vests [tourist police] and asked me where I was from. I told them from Chihuahua. They didn't believe me, they handcuffed me, and took me away by force, kicking me in the shin; I wasn't drunk or high or anything, nothing. They called for a patrol car and put me in. The judge told me I wasn't Mexican, that I was from Honduras. He made me sing the national anthem to him three times and tell him the names of two presidents we've had. I did, and even so, he locked me up and told me they were going to keep me detained for 36 hours. I was locked up. After 15 hours I began to pound on the bars so the judge would come. They came and handcuffed me to the bars and started slapping me. They left me there and about five hours later, the judge arrived. And he told me he was going to let me go. And he did, but very beaten up.[23]

Operations that consist of pursuits on public streets jeopardize the lives and safety of migrants. We became aware of several cases in which this type of pursuit of migrants resulted in migrants getting hurt, or in some cases killed.[24]

It is clear that the number of migration enforcement operations conducted by the INM with the support of other authorities has increased very rapidly since the Southern Border Program was launched. Without clear guidelines to regulate and limit the use of force and the role of the different authorities involved, it is difficult to monitor whether the operations are being conducted properly. In light of the multiple reports of human rights violations committed during operations, and the documentation of several incidents in which migrants have been hurt or have lost their lives because of them, the intensification of operations aimed at enforcement and detention is concerning.

INM van in Nogales, Sonora

BUDGET

The Mexican government executes its budget through budget programs. Proposed spending for a fiscal year is published in the Federal Expenditures Budget (*Presupuesto de Egresos de la Federación*, PEF). After the necessary adjustments and execution of the PEF, the Public Account is published the following year. It is revealing to see the amounts approved by Mexico's Chamber of Deputies for some budget programs related to migrants, in particular, those of the INM, the Mexican Commission for Refugee Assistance (*Comisión Mexicana de Ayuda a Refugiados*, COMAR), the UPM,[25] and the CAIMFS (see table 2). This, bearing in mind that public policies without adequate resources for their implementation are nothing more than demagogy.

TABLE 2
FEDERAL EXPENDITURES BUDGETS (PEF)
BY BUDGET PROGRAM AND RECIPIENT UNIT

BRANCH / BUDGET PROGRAM (ADMINISTRATIVE UNIT IN CHARGE)	PEF 2012	PEF 2013	PEF 2014	PEF 2015
BRANCH: 04 INTERIOR	-	-	-	-
E006 REFUGEE ASSISTANCE SERVICES (COMAR)	22,256,164	24,618,444	25,661,594	25,308,083
E008 MIGRATION SERVICES AT BORDERS, PORTS, AND AIRPORTS (INM)	1,997,490,727	2,024,924,785	2,173,783,360	1,966,084,661
P019 COORDINATE MIGRATION POLICY (UPM)	16,910,321	13,043,403	63,014,070	62,876,173
P019 COORDINATE MIGRATION POLICY (CAIMFS)	-	-	-	102,011,743

Source: Prepared by Rodolfo Córdova, Fundar researcher, using data from the Secretaría de Hacienda y Crédito Público. Data from 2015 can be found in the 2015 PEF: http://bit.ly/1L8WMCT. The values for 2012, 2013, and 2014 taken from the corresponding PEFs: http://bit.ly/1aEFG0g. However, they were adjusted for inflation (meaning that they are real, not nominal, amounts). 2015 is the base year (=100) and all of the amounts are in Mexican pesos.

Table 2 shows the evolution of the budgets for COMAR (which has remained the same over the past three years), of the INM (which has remained high), and of the UPM (which shows a clear increase), and we can see the creation of the CAIMFS (which has a higher budget than that of the UPM).

It is worthwhile to note what was actually spent in the specific case of the INM (see table 3). What is striking is the difference between the approved budget and the actual expenditures by the INM. This is because the Chamber of Deputies approves only current expenditures (salaries and wages) and operations costs for the first quarter. The INM generates some of its own revenues, including from the collection of fees and fines. The actual expenditures by the INM have increased year after year and have never been as high as they were 2014: in that year, the difference between the approved budget and the INM's expenditures reached 70 percent.

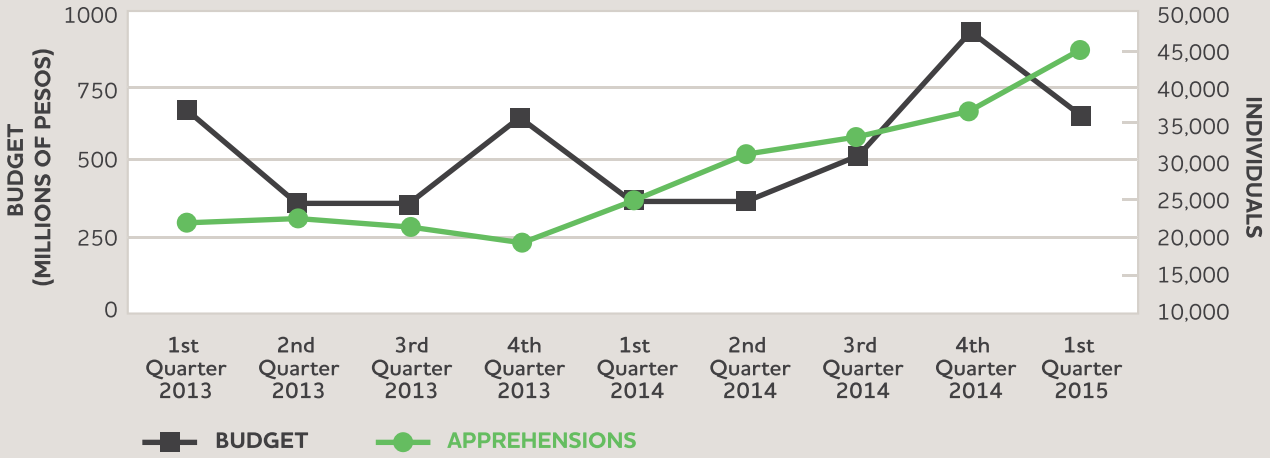
TABLE 3
INM APPROVED BUDGET VS. EXPENDITURES

YEAR	APPROVED BUDGET (PEF)	EXPENDITURES (PUBLIC ACCOUNT)	DIFFERENCE (EXPENDITURES VS. BUDGET)	PERCENT INCREASE
2009	1,956,019,701	3,037,482,050	1,081,462,348	55
2010	2,096,784,055	3,312,537,612	1,215,753,558	58
2011	1,982,853,338	3,314,831,343	1,331,978,006	67
2012	1,996,619,411	3,358,490,502	1,361,871,091	68
2013	2,025,574,493	3,363,374,620	1,337,800,127	66
2014	2,173,783,360	3,701,746,413	1,527,963,053	70
2015	1,966,084,661	-	-	-

Source: Prepared by Rodolfo Córdova, Fundar researcher, with data from the Secretaría de Hacienda y Crédito Público. The 2015 data are available in the 2015 PEF: http://bit.ly/1L8WMCT. The amounts from 2009-2014 were taken from the corresponding PEFs, available at: http://bit.ly/1aEFG0g, and were adjusted for inflation (the amounts are real not nominal). 2015 is the base year (=100) and all amounts are in Mexican pesos.

When we study the expenditures authorized each quarter by the Ministry of Finance and Public Credit (*Secretaría de Hacienda y Crédito Público*), we see that as of the first quarter of 2014 expenditures rise in lock step with the increase in migrant detentions (see graphic 2).[26]

GRAPHIC 2
INM BUDGET VS. APPREHENSIONS



Source: Prepared by Rodolfo Córdova based on the quarterly reports of the Secretaría de Hacienda y Crédito Público, available at: http://bit.ly/1FLxfiM.

The parallel increase in the budget and the number of detentions confirms that the INM has indeed intensified its enforcement, despite the adverse impacts these processes have on migrants' human rights. In order to track such trends for the entire federal public administration, there must be progress in developing a cross-cutting annex in the PEF for migrants, a tool that would identify the resources allocated to migration-related agencies. This would increase transparency and could be a solid foundation for redistributing resources in order to protect human rights. In addition to the SEGOB, INM, and COMAR, it goes without saying that the Federal Police, the PGR, and the CNDH should also be included in said exercise. The annex is an important commitment included in the Special Migration Program (*Programa Especial de Migración*, PEM), a recently created program that was prepared with extensive involvement of civil society. In contrast, neither the basic program budget nor the budgetary structure of the Southern Border Program and the CAIMFS is known, which casts a shadow over what the PEM could have achieved for migrants and their families.

COOPERATION WITH THE UNITED STATES

Mexico's Southern Border Program followed a dramatic spike in the number of unaccompanied minors and families arriving at the United States' southern border from Central America. The Obama administration's response to this crisis is at least in part responsible for Mexico's new focus on migration enforcement, particularly the expedited deportation of Central American migrants, including unaccompanied minors. During the first months of 2014, the number of Central American children, whether accompanied or not, who arrived at the U.S. border grew markedly. In January 2014, the U.S. Border Patrol, an agency of the Department of Homeland Security (DHS), detained 3,711 children; in June 2014 that figure had reached 10,631, more than double the number of detentions in June 2013.[28]

The U.S. government has provided assistance to the Mexican government for border security and migration enforcement principally through the Merida Initiative, a security aid package. Congress has approved US$2.4 billion in Merida aid since 2008; approximately US$1.5 billion has been delivered.[29] As part of this support, the government of the United States delivered more than US$90 million to the INM through fiscal year 2012, primarily in equipment and training.[30]

The Merida Initiative is organized in four "pillars," the third of which is to "create a 21st century border structure," further described by the Department of State as facilitating "legitimate commerce and movement of people, while curtailing the illicit flow of drugs, people, arms, and cash."[31] While this third pillar of the Merida Initiative initially focused on the border between the United States and Mexico, much of the cooperation has clearly moved to Mexico's border with Guatemala and Belize. In July 2014, Ambassador Tom Shannon, Counselor of the State Department, revealed that the State Department was working with the government of Mexico on enforcement at its southern border, providing some US$86 million in funds already included in Merida through the International Narcotics Control and Law Enforcement (INCLE) account. Furthermore, Congress allocated up to US$79 million in additional funds in fiscal year 2015 for this same purpose.[32] It is important to keep in mind that U.S. assistance to Mexico for migration enforcement and border security has been provided not only to the INM, but also to Mexico's customs agency (*Servicio de Administración Tributaria*, SAT), Navy (*Secretaría de Marina*, SEMAR), Army, and the Federal Police. This support ranges from non-intrusive scanning equipment, to helicopters, patrol boats, information technology, biometric kiosks, workshops, and training sessions.[33]

It is clear that this type of assistance will continue and will likely be expanded due to the concern

about Central American migration expressed by members of the U.S. Congress and by executive branch officials. Such concern has continued to grow since the "surge" in the number of Central American children arriving at the United States' southern border in the summer of 2014. Members of the U.S. Congress have expressed their support for the Southern Border Program on several occasions over the past year. In fact, some members of Congress have made statements in which they call on Mexico—and in some cases on the countries of Central America—to take additional measures to stem the flow of Central Americans through Mexico.[34]

Conversely, few members of Congress have expressed concern over how vulnerable migrants in Mexico are.[35] They have more often expressed doubts over whether Mexico is doing enough to detain migrants who cross through the country. Statements of that kind were heard particularly frequently in the months after the "crisis" of unaccompanied children reached its climax in the summer of 2014.[36]

Fray Tomás González, Director of La 72, Hogar—Refugio para Personas Migrantes

HUMAN RIGHTS VIOLATIONS
AND CRIMES AGAINST MIGRANTS

This section provides an overview of the current situation regarding human rights violations and crimes against migrants. Existing documentation makes clear that migrants in transit through Mexico are victims of multiple crimes and human rights violations, such as kidnapping, human trafficking, enforced disappearance, sexual violence, assault, and aggravated robbery. Despite various efforts to quantify these incidents, it is not precisely known how frequently they occur. As a result of the challenges mentioned in this section, there is likely a significant under-reporting of human rights violations and crimes against migrants.

There have been several studies on the subject of crimes and human rights violations against migrants, including two special CNDH reports on migrant kidnappings from 2009 and 2011[37] and two recent reports from the Documentation Network of Migrant Defense Organizations (*Red de Documentación de Organizaciones Defensoras de Migrantes*, REDODEM) from 2013 and 2015.[38] Additional data and information has been made available by Mexican authorities (the federal and state attorneys general offices) in their responses to several information requests. Nevertheless, all these sources have their own limitations. The CNDH data, for example, are limited to kidnappings and are from 2009 to 2011. The REDODEM data, for its part, only include the cases of migrants who arrived at one of the network's shelters and decided to share their experiences, while government data only include the few cases in which migrants made the decision to file a complaint.

This report does not seek to provide definitive estimates about the frequency of crimes against migrants in Mexico. However, it does include recent data and experiences documented by migrant shelters, alongside previously unreleased government data and data from other sources, underscoring the need to generate, systematize, and publically disseminate greater information about patterns of crimes and human rights violations against migrants.

KIDNAPPINGS

The kidnapping of migrants was widely documented in the 2009 Special Report prepared by the CNDH, which included migrant testimony taken during a series of visits to migrant shelters and detention centers. In 2011, the CNDH updated this information in a second Special Report, which estimated that 20,000 migrants were kidnapped in a single year. It is not known whether kidnappings have increased or decreased since then; data from migrant shelters appear to indicate an increase from 2013 to 2014, but the evidence is not sufficient to draw definitive conclusions or to make projections about trends on a national level. (It should be further noted that the data from the shelters reflect cases documented in a single location, even though the events may have transpired elsewhere.) Other sources have broader geographic coverage (the CNDH reports are based on case documents that include information from the entire country).[39]

TABLE 4
MIGRANT KIDNAPPING CASES
DOCUMENTED BY MIGRANT SHELTERS

YEAR	LA 72, TENOSIQUE, TABASCO	CASA DEL MIGRANTE DE SALTILLO, COAHUILA	RED SONORA
2013	10	7	-
2014	33	15	31
2015 (JAN-APR)	3	-	3

Source: Cases documented by La 72, Casa del Migrante de Saltillo, and the Red Sonora.

Documentation carried out by migrant shelters and organizations also makes it possible to identify trends and changes in the pattern of kidnappings. Migrant kidnappings in Mexico have long been known to occur along the train route; organized crime groups have occasionally worked with corrupt train operators to stop the train and force the migrants off, sometimes in large groups. There have also been cases in which migrants have been taken off of buses or taken away from bus stations or hotels using force or deceit. Now that fewer migrants are traveling by train, migrant shelters report that this latter form of kidnapping appears to be more common. Mass kidnappings seem to occur less frequently; migrants tend to be abducted in small groups or one by one. In some cases, criminals force smugglers to turn migrants over to them once they reach a certain point along the route.[40]

Victims are taken to "safe houses" for several days and are forced, by means of threats, beatings, and sometimes even torture, to provide the phone numbers of their relatives in the United States or in Central America, who they then contact to request money, sometimes thousands of dollars, via money transfer services such as Western Union or MoneyGram. Once kidnapped, migrants may also be forced to work on an ongoing basis or until the criminals decide the migrants have worked enough to be taken across the border into the United States. In other cases, they may be killed if their relatives fail to pay the ransom.

The principal reason that criminal groups abduct migrants is to hold them for ransom, but there have also been reports of migrants who were kidnapped in an apparent attempt to deter them from traveling within a certain area that is important for drug trafficking.

Regarding kidnappings, they've been happening in groups, with Central Americans. People were tortured not so much to demand money but to send a message. In two of the kidnappings, the messages were that they didn't want Central Americans passing through the area. —Perla Del Angel, Centro de Recursos para Migrantes

HUMAN TRAFFICKING

Migrants in Mexico, both Mexicans and foreigners, have been identified as being particularly susceptible to human trafficking. Most foreign victims of human trafficking in Mexico hail from the Americas, especially Guatemala, El Salvador, and Honduras. In a number of cases, migrants become victims of human trafficking because they are unable to pay their smugglers and are therefore forced into labor or into performing sex work to pay off their debts. In other cases, criminal groups kidnap migrants not only to ask for ransom, but also to force the migrants to work in drug trafficking as "mules" or in marijuana or poppy fields.[42]

The testimony given by "Hugo" (pseudonym), a 23-year-old Mexican who was deported after living nearly all his life in the United States, provides a detailed description of the horror of experiencing human trafficking first hand.

> I was deported to Nogales, Sonora and started looking for work. A man offered me work and I went to work at his house. After a few days of work he refused to pay me and told me I had to work for him and if I didn't, that they were going to kill me. Several armed men arrived and beat me and put me in the trunk of a car where they kept me for 12 hours. They took me to a room where there were about 7 or 8 other people. They took us to work in a covered truck and made us dig tunnels. I would remove the bags of dirt and haul them to the truck. We would work all night long and they would take us back to the room in the morning. They wouldn't let us sleep. If we fell asleep they would throw cold water in our faces or kick us in the stomach. They beat us whenever we asked for food or water and threatened to kill us if we refused to cooperate. They took away some of the abductees when they became weak from hunger and had gone crazy, saying "their time has come." Twice they made me clean the bathroom and it was full of blood. I didn't know if they had killed the people they took away, but those people never returned. I was held hostage and forced to work for nearly a month. I was finally able to escape with some others and we came across the municipal police. We asked for their help, but they ignored us and drove away in their car. Since then, I have felt like they were after me.[43]

There have also been reports that some government officials are directly involved in human trafficking networks. For example, in 2013, the Special Prosecutor's Office for Crimes of Violence against Women and Human Trafficking (*Fiscalía Especial para los Delitos de Violencia contra las Mujeres y Trata de Personas*, FEVIMTRA) detained INM officials and other public servants in connection with human trafficking.[44]

SUMMARY EXECUTIONS

The most infamous and horrendous crime committed against migrants in transit through Mexico is the massacre of 72 migrants on a ranch in the municipality of San Fernando in the state of Tamaulipas. The migrants, the vast majority of whom were from Central and South America, were taken off buses and murdered between August 22 and 23, 2010. Their bodies were discovered on August 24, 2010[45] after one of the three survivors—an Ecuadorian who had been shot in the face and neck—escaped and walked several miles to alert the authorities, who, when they arrived at the ranch, found that the 72 migrants had been summarily executed and their bodies tossed in the ground.[46]

A number of theories exist as to why the migrants were killed: the most widely accepted is that they had refused to work for an organized crime group.[47] Declassified documents from the Mexican

government regarding the massacre include the testimony of a member of the *Los Zetas* criminal organization in which he alleges that the local municipal police were accomplices in the crime.[48] Less than one year later, in April 2011, the remains of 193 individuals were discovered in clandestine mass graves in that same town in Tamaulipas, and in May 2012, the remains of 49 others were found in Cadereyta, Nuevo León. In the latter two cases, the victims were both Mexicans and Central Americans (though there continue to be unidentified remains) who were heading to the U.S.-Mexico border.[49]

ENFORCED DISAPPEARANCES

The United Nations Committee on Enforced Disappearances, in its recommendations to the Mexican government in February 2015, expressed concern for the vulnerability of migrants in Mexico, especially minors, given the problem of enforced disappearances.[50] Several Mexican civil society organizations and migrant shelters work directly with committees of Central American families established to search for disappeared migrants. Furthermore, for the last ten years a caravan has been organized every year for Central American mothers searching for their children who disappeared in Mexico.[51]

Nevertheless, as is the case with other human rights violations , it is a challenge to quantify disappearances of migrants in Mexico. In the Inter-American Commission on Human Rights (IACHR) 2013 report on the human rights of migrants in Mexico, the IACHR highlights that there is no single registry of disappeared migrants and that authorities do not keep consistent figures. Furthermore, the *Fundación para la Justicia y el Estado Democrático de Derecho*, a civil society organization with expertise in the topic, underscores that there is no certainty about number of disappeared persons in Mexico, and even less so in the case of migrants.[52]

SEXUAL VIOLENCE

According to the information collected by migrant shelters, migration flows through Mexico have always included women, even if male migrants remain the majority. The likelihood that women and girls will be victimized during their transit through Mexico is high. Sexual violence has become a part of the journey through Mexico, especially for female migrants; indeed, it is well known that Central American women inject contraceptives to avoid becoming pregnant from their potential rapists. It has also been reported that men have been victims of this kind of violence.[53] The IACHR, in its 2013 report, documented different cases of sexual violence, assaults during kidnappings, and sexual exploitation. It also reported on the case of a 15-year-old Honduran girl who was sexually assaulted by an INM official in Tenosique, Tabasco. With regard to this case, the CNDH issued "Recommendation No. 54/2012, On the sexual assault case involving the migrant minor V1," on September 28, 2012, so that the INM would take measures against the local delegate and four other officials.[54]

It is difficult to document cases of sexual violence because the victims may be afraid, feel embarrassed, or have internalized what they suffered. In Tabasco, there has been an increase in the lesbian, gay, bisexual, and transgender population, which are also sometimes victims of sexual violence.[55]

"Natalia" (pseudonym), a Honduran woman who was staying at the *La 72* shelter decided to file a sexual assault complaint with the Specialized Prosecutor for Attention to Migrants (*Fiscalía Especializada para la Atención a Migrante)* in Tenosique, Tabasco. A month before, the young woman was threatened at gunpoint and forced to have sexual relations with a human smuggler in a hotel in Tapachula, Chiapas. Several days

after she managed to escape, she was detained by the INM and deported to Honduras without anyone confirming her status as a victim. When she crossed the southern border of Mexico for the second time and reached *La 72* in Tenosique, Tabasco, she was provided legal assistance and decided to report these events. The only result she obtained was that the prosecutor's office decided to give jurisdiction of the case to the state of Chiapas, so that it could be investigated there. Natalia is awaiting a decision on her application for a humanitarian visa.[56]

ROBBERY, ASSAULT, AND EXTORTION, ACCOMPANIED BY PHYSICAL AND PSYCHOLOGICAL ABUSE

Robbery, assault, and extortion are among the most frequent crimes committed against migrants. The number of reported crimes indicates that there was an increase in robberies committed from 2014 to 2015 in the states of Chiapas, Oaxaca, and Tabasco. The Tabasco prosecutor's office, for example, reported that there were 26 reports of robbery between July 2013 and May 2014, while there were 35 in the same period from 2014 to 2015.[57] Documentation by migrant shelters reveals a proliferation of perpetrators since the implementation of the Southern Border Program. Common criminals and members of organized crime, as well as public officials, commit these offenses, which in the first place constitute property crimes, but are also routinely accompanied by torture, cruel treatment, or in the worst case, loss of life.

When public officials commit these crimes, however, they are also commiting human rights violations, as these authorities are harming an individual's security. Furthermore, it should be noted that, almost invariably, multiple violations are committed as part of what might seem to be a single incident: for example, a migrant may be threatened or beaten when robbed, just as a migrant that is kidnapped may be forced to work (trafficked).

In 2014 authorities participated in one out of every five crimes against migrants (20.16 percent) that were documented by REDODEM members. The most frequent crimes were robbery and extortion. Among the authorities who are most often implicated as perpetrators in these cases, the involvement of the Federal Police, in 41 percent of the cases, and of the municipal police, in 23 percent, is striking.[58]

It is important to distinguish between larceny, aggravated robbery, assault, and extortion. All of these acts involve taking possession of the victim's property. What changes is the seriousness of the crime according to the kind of harm inflicted on the victim and society. In cases of extortion, the migrants are forced (by intimidation, for example) to surrender their property. In cases of robbery or assault, property is taken violently and by force (the harm always goes beyond the victim's property and is therefore considered serious). Extortion also involves harm that surpasses property because it is an attack on the integrity and freedom of the victim who is forced to do something prohibited by law or to allow the official in question to omit doing something he or she should do in the performance of his or her duties. Article 164 of the Mexican Federal Criminal Code provides that extortion is aggravated when it is committed by public officials, particularly by law enforcement or the armed forces.[59]

Both robbery and extortion are committed by individuals, as well as by authorities, including the Federal Police, the INM, and local police. A common pattern in the case of migrants is that an individual or official will demand money in order to let migrants continue their journey. Thus, the journey carries a price above and beyond the fee that in many cases they have already paid to a coyote to leave their countries. These acts go hand in hand with threats and attacks which, when

committed by public officials, constitute cruel treatment, and in some cases torture.

> We were having dinner in the Federal District, there in Lechería opposite the metro station. Some 10 minutes after dinner a Mexican man came and began to chat. He began asking whether we had crossed [the border], whether it was the first time, and we fell into the trap of listening to him and chatting. After 15 minutes of chatting a private passenger car—a Chevy—arrived. A screech of brakes could be heard. The driver got out, as well as the passenger, and came over to us and told us, "We are the state police and I'm going to take you in." He had a uniform on, but it was under his jacket. One of them had an earring. "Get in," he ordered. They were threatening me with an Uzi. They put me in the car. Another fellow traveler ran. In the truck there was a civilian and two police officers. The driver was not a police officer. They took me about a kilometer and a half south of the station. There they asked us for money; otherwise, they were going to kidnap us for a long time until we paid the ransom. They asked us to hand over what we had, otherwise the ransom would be US$10,000. Behind the car a seven-man patrol arrived in a state police car. They took our clothes, all of them, so we wouldn't escape. There were two of us. The third guy had run. We gave them the MXN$2,000 we had on us. They left us naked and without shoes, without anything. The police officers from the patrol car were guarding the area. My fellow traveler was from Durango. We saw a Federal Police car approaching. We took advantage of that moment to run and flee. We headed for the woods. I covered myself with a shirt that I found. When a man saw that we were bound for the woods, he helped us. He took us to his house and gave us clothes and shoes because he said, "Here all the police rob you." And he told us to be very careful because if they did find us, they would kill us for having escaped. We waited until dawn and went to the train station. I filed a complaint in Guadalajara, Jalisco, at the FM4 [*FM4 Paso Libre*, a civil society organization] but I didn't want to wait six months to follow through on it.[60]

The shelters and organizations involved in this report have documented many cases and testimonies regarding robbery, assault, and extortion, and have established some clear patterns. In Tabasco and the Isthmus of Oaxaca, the pattern of assaults has changed since the end of 2014 because migrants can no longer reliably use the cargo train for transportation. Local authorities, as well as the staff of the migrant shelters *Hermanos en el Camino* in Ixtepec and *La 72* in Tenosique, have identified some very specific places where these attacks take place. The migrants recount in their testimonies that they are assaulted by groups of individuals with Mexican accents that seem to know the area well. Sometimes these individuals even offer food and lodging, only to later attack them with machetes or other weapons and take everything from them. In these cases, certain locations are repeatedly mentioned: the area between Arriaga, Chiapas and Ixtepec, Oaxaca (in particular Corazones), as well as the area surrounding Tenosique, Tabasco.

In Tenosique, the data from the shelter *La 72* shows that the majority (89 percent) of the cases documented in 2013 were assaults or extortions. In 2014, in addition to a high number of assaults and extortions, other crimes, including abuse of authority linked to migration raids, became increasingly common (see table 5).

TABLE 5
CASES OF ASSAULT AND EXTORTION OF MIGRANTS DOCUMENTED BY LA 72

YEAR	VICTIMS (TOTAL)	ASSAULTS	EXTORTION	OTHER CRIMES
2013	1,108	745	236	127
2014	1,497	595	218	684
2015 (JAN-APR)	476	189	60	227

Source: Documentation records from La 72. The column labeled "victims" refers to the number of cases La 72 documented and accompanied. The total number of crimes committed may actually be even higher.

Both shelters, as well as prosecutors from Ixtepec and Tenosique, mentioned in interviews that despite the frequency of the robberies, assaults, and extortion in the area, authorities' response to reports filed has been limited. Surveillance operations were conducted in the areas identified by migrants, but investigative police have not found any suspects. Three Honduran migrants identified the INM as the perpetrators of robbery and intimidation.

> We filed a report of our robbery; it was committed by INM agents. We entered in Mexico via el Ceibo, and when we were 11 kilometers from Tenosique we were already tired and our feet were very sore. We encountered an INM patrol but we didn't run. Four migrants who were with us did run. Four INM agents got out of the car, searched our bodies, our things, and then asked if we had dollars. They took the backpack and MXN$500 from one of us. Afterwards we went into the reed bed and an agent yelled: "Fire away at those bastards!" We took off. We hid for a while, and when we came out, we continued our journey. When we got to Tenosique, we filed a report with the PGR but it wasn't handled well.[61]

In the north of Mexico, in particular in Saltillo, Coahuila and the border zone of Sonora, cases of robbery and extortion committed by authorities have been documented and the involvement of police forces is striking. In 2014, the Federal Police was accused of being responsible in 37 of the 66 cases of extortion documented by the *Casa del Migrante de Saltillo*.

TABLE 6
CASES OF ROBBERY AND EXTORTION OF MIGRANTS COMMITTED BY AUTHORITIES
DOCUMENTED BY THE CASA DEL MIGRANTE DE SALTILLO

YEAR	TOTAL CASES	ROBBERY	EXTORTION	OTHER CRIMES
2013 (JUL-DEC)	113	26	38	49
2014	149	37	66	46

Source: Documentation records from the Casa del Migrante de Saltillo.

The cases systematized by the three organizations that make up the *Red Sonora* reveal that the cases of extortion are crimes against property, but also against liberty. For example, State agents detain migrants for purposes of extorting them at a checkpoint on the road. Sometimes they put them in patrol cars, take them to other places, and bring them back by bus, in something akin to an express kidnapping. In Sonora, the cases of both extortion and robbery involve restrictions on free transit, arbitrary detentions, threats, and cruel treatment.

The authorities that are most frequently accused of being perpetrators are the Federal Police and the Municipal Preventive and Transit Police, but also noteworthy is the involvement of the State Security Police, Federal Protection, and the INM. Testimonies recount the collusion of some authorities in organized crime. These cases are difficult to document because migrants often fear reprisal.

TABLE 7
CASES OF ROBBERY, EXTORTION, TORTURE, CRUEL TREATMENT, AND THREATS AGAINST MIGRANTS
DOCUMENTED BY THE RED SONORA

YEAR	ROBBERY	EXTORTION	TORTURE	CRUEL TREATMENT	THREATS
2014	35	49	15	43	11
2015 (JAN-JUN)	8	25	6	18	9

Source: Red Sonora case registry.

From the point of view of migrant rights advocates, robbery, assault, and extortion of migrants have always been frequent and persist to date. However, now that flows are not concentrated on trains, the places where the crimes occur and the perpetrators have proliferated. As highlighted previously, since the Southern Border Program was announced in July 2014, there has been a deployment of migration and security authorities nationwide and there seems to be greater coordination between the INM, Federal Police, and local police. The number of migration operations carried out has risen in general, as has the number of operations in which an authority other than the INM, like the Federal Police, is involved. This has led to an increase in migrant detentions. This same deployment and coordination, in addition to offending the dignity of those individuals subject to the verification and detention processes, may have led to a mushrooming of actors who abuse and take advantage of migrants. Furthermore, as will be described later, the fact that prosecutors' offices, in particular specialized prosecutors' offices, report meager results in investigating these cases, underscores an implicit message: it is extremely unlikely that those who rob, assault, extort, threaten, or torture a migrant will be punished.

Mural at the migrant shelter Hermanos en el Camino in Ixtepec, Oaxaca

UNDER THE MICROSCOPE:

DOCUMENTATION OF HUMAN RIGHTS VIOLATIONS AGAINST MIGRANTS IN SONORA

The organizations that make up the *Red Sonora* ("Sonora Network")—Kino Border Initiative in Nogales, *Centro de Recursos para Migrantes* in Agua Prieta, and *Centro Comunitario de Atención al Migrante y Necesitado* (CCAMYN) in Altar—have devoted themselves to providing assistance to migrants in the Sonora desert region that borders the state of Arizona. The migrants they help are mostly Mexicans and Central Americans. Having seen how violence and abuse committed by authorities was becoming increasingly common, these organizations decided to strengthen their documentation and advocacy efforts. About two years ago the organizations began documenting cases of human rights violations against migrants because clear patterns had emerged of authorities' involvement in the abuse of migrants in a context of almost complete impunity.

> *Abuses happen and nothing happens. The authorities then take advantage to diminish resources. There is no intention of wanting to help. The treatment we give our brothers is shameful. A trip from Hermosillo to Los Angeles by plane costs US$1,000 and migrants pay up to US$8,000 without any assurances and they are treated inhumanely. You can't even compare. —Father Prisciliano Peraza, Centro Comunitario de Atención al Migrante y Necesitado*

Documentation is a process by which the collection of key data about cases (in this instance, migrants and their experience during transit through or deportation to Mexico) enables the identification of patterns of abuse and the monitoring of cases. It entails the creation of a methodology and system that, in addition to recording migrants' personal data and the types of assistance provided to them, such as meals or lodging, includes variables about human rights violations and the authorities identified as responsible by the migrants. The system of the *Red Sonora* is special because it is shared in real time.

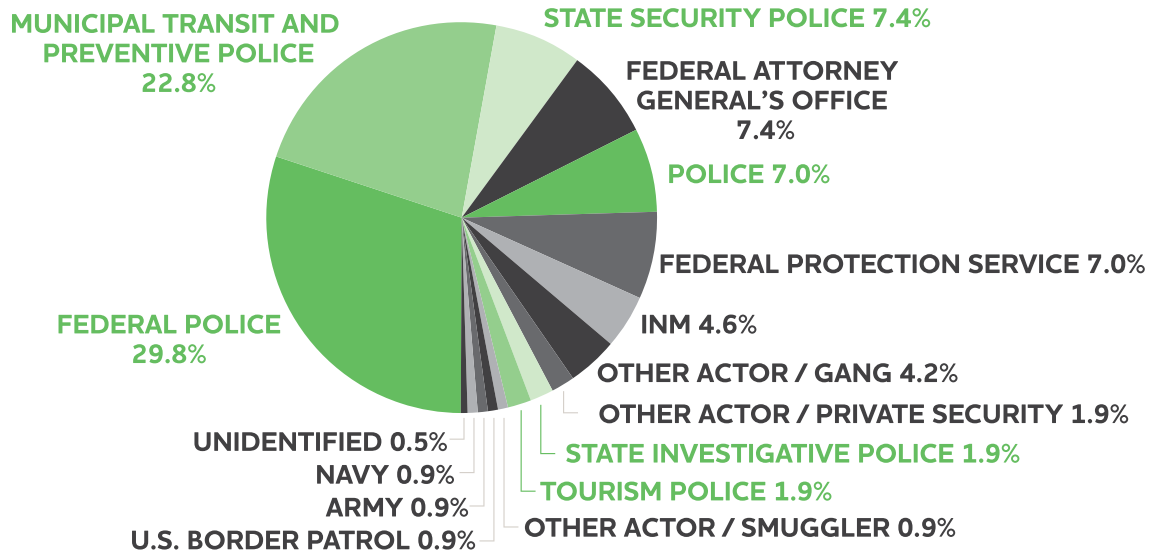
THE MOST IMPORTANT FINDINGS THAT HAVE EMERGED FROM THIS EFFORT, WHICH INCLUDE 215 CASES (151 CASES DOCUMENTED IN 2014 AND 64 CASES FROM JANUARY TO JUNE 2015) ARE THE FOLLOWING:

1. The Federal Police is the authority that is most frequently singled out as responsible for the human rights violations against migrants documented by the *Red Sonora*: 64 of the 215 cases (29.8 percent). It is followed by the Municipal Transit and Preventive Police (*Policía Preventiva y Tránsito Municipal*, PPTM) with 49 cases (22.8 percent). The

involvement of the PGR and the State Security Police also stands out (both at 16 cases or 7.4 percent). Finally, Federal Protection (which provides surveillance and security for federal government officials, assets, and buildings) is implicated in 15 cases (seven percent).

The patterns of human rights violations that the Federal Police and the PPTM commit against migrants are very similar. First of all, they violate the right to personal liberty (through the restriction of free transit, arbitrary detention, and kidnapping); secondly, they violate property rights (through extortion and robbery); and thirdly, they violate humane treatment (through cruel treatment, torture, and threats). This shows that these authorities first detain migrants and use excessive force or physical or psychological violence in order to then take their money and belongings. Although the patterns are similar, there are important differences.

GRAPHIC 3
AUTHORITIES IMPLICATED AS PERPETRATORS
CASES DOCUMENTED FROM JANUARY 2014 TO JUNE 2015



215 CASES TOTAL

Source: Red Sonora case registry.

2. Regarding the physical location where documented abuses occurred, there are differences in the authorities' conduct. In cases where migrants were assaulted during their journey by bus on the roadway, the involvement of the Federal Police is singled out in 36 of the 64 cases (56.3 percent, the majority in Sonora, close to where the organizations are located). While walking down the street, for example in Nogales, migrants are more often victimized by local authorities such as the PPTM (24 out of 49 cases, or 49 percent). Cases

of abuses also occurred frequently in specific places where authorities had identified the presence of migrants, including near government offices, on the train tracks, or in bus terminals. In these cases, which have been primarily documented in Nogales, both Federal Police and municipal police have been singled out as perpetrators.

3. The specific situation or circumstance that led to the human rights violation in 30.2 percent of all cases was a checkpoint on the roadway. In another 16.7 percent of the cases, the catalyst was that authorities identified an individual on the street as having "the appearance of a migrant." The latter reveals the problem of discrimination, especially on the part of the PPTM.

The importance of these findings lies in the identification of clear patterns of abuse on the part of authorities and in well-identified places. Nearly all migrants mention the same checkpoint on the roadway close to the Santa Anna crossroads in their testimony. There is also a strong presence of organized crime in the area, which may conceal even more abuses that migrants are reluctant to share. Collusion between organized crime and authorities is also a real possibility; as a result, the total number of abuses in which public officials have been involved is impossible to determine.

Finally, the Kino Border Initiative has discovered that migrants have suffered gross human rights violations at the Nogales train station. From April 2014 to February 2015, more than 60 migrants reported having suffered torture, cruel treatment (beatings, threats, and insults), as well as discrimination, at the hands of Federal Protection. For this reason, on February 18, 2015, the Kino Border Initiative filed a complaint with the CNDH, requesting an investigation and precautionary measures.

Inside Centro Comunitario de Atención al Migrante y Necesitado in Altar, Sonora

DETENTION AND ACCESS TO THE RIGHT TO ASYLUM

Migrants, in their journey through Mexico, can be detained by the INM and "housed" at migrant detention centers or provisional holding facilities. Official Mexican government documents make no mention of migrant detentions, rather of "appearances" (*presentaciones*) and "housing" (*alojamiento*). Thus, the person detained is not immediately made available to the competent authority or brought before a judge. Detention is illegal if it is carried out without cause and it is arbitrary if, even where there is cause, it is carried out using methods that are inconsistent with human rights. It is important to point out that detained migrants must be immediately informed of the reason for their detention and the crimes they are accused of in simple language (only mentioning the legal grounds is insufficient), as well as their rights, including that of consular and linguistic assistance. It is likewise important that migrants be informed of their right to request asylum.[62]

The migrant population in Mexico comes mainly from countries in which conditions of generalized violence prevail, especially El Salvador, Honduras, and Guatemala. Indeed, of the 107,814 migrants returned by Mexican migration authorities in 2014, 104,269 (96.7 percent) came from those three countries.[63] In 2014, Honduras had a homicide rate of 68 per 100,000 people.[64] Meanwhile, the violence in El Salvador is increasing, and in the month of August there were 907 homicides, which is the highest figure on record since the end of the civil war in 1992.[65]

The INM has 32 migrant detention centers, where as general rule migrants are held for 15 days, although in some cases they are held for longer periods. There are 14 "Type A" provisional holding facilities, where migrants may be detained for up to 48 hours, and 12 "Type B" provisional facilities, where they can be held for up to seven days, although in practice these limits are frequently exceeded.[66] Although the focus of this report is not the human rights situation of individuals in migration detention, it is pertinent to note that detention should be used only as an exceptional measure, and alternatives should be applied as a rule. There is a wide array of documentation regarding conditions in detention centers, including the reports *La ruta del encierro* (2014) and *Derechos cautivos* (2015) by several civil society organizations, and the Inter-American Commission on Human Rights' 2013 report, *Human Rights of Migrants and other Persons in the Context of Human Mobility in Mexico*. These reports emphasize the lack of information provided to migrants, the excessive duration of detention, the lack of specialized assistance for children and adolescents, access to justice, and the poor conditions in migrant detention centers.

Families with two to four children arrive from Honduras and El Salvador. Many of them are single mothers whose husbands have been killed and they are fleeing and seeking asylum. One girl married a former gang member who had distanced himself from the gang, but they killed his brother and his first wife. They requested asylum in Guatemala and obtained it, but when they found out he was a gang member they began to harass them and make their life hell. She decided to go to the U.S. to seek asylum. She entered through Tenosique but the INM detained her. —Alberto Donis, Albergue de Migrantes "Hermanos del Camino"

It is important to reiterate that since the Southern Border Program began, the number of migrants detained and deported has risen dramatically; from July 2014 to June 2015, detentions rose 73 percent compared to the same period in the previous year. This new agility in the detention-deportation process means it is unlikely that during this process individuals obtain enough information and are provided with an opportunity to assert their right to asylum or their rights as victims of crime. Migrant testimonies documented by the organizations involved in this report make clear that when migrants do decide to file a complaint, it is not always done in their first attempt to cross Mexico, but rather after being deported or with support from shelter staff. It is therefore even more important to allow civil society organizations, legal counsel, and other trusted persons access to migrant detention centers and provisional holding facilities, and to make procedures to enter more flexible.

The Mexican government's refusal to recognize the detention of migrants as such and its insistence on using euphemistic terms puts detained migrants in legal limbo. Because they are not technically detained, migrants do not enjoy the same rights as detained persons, namely, access to legal representation; however, they are deprived of their liberty. This is particularly harmful for potential asylum seekers who are often detained and deported without being informed of their rights or afforded a fair opportunity to tell their stories to a competent authority. Mexico only recognized 451 individuals' refugee status in 2014, of which 413 were from the northern triangle, according to COMAR.[68] The number of individuals with recognized refugee status is very small when compared to the number of deportations.[69] It is likely that many of these individuals were potentially eligible for asylum. In 2014, the United Nations High Commissioner for Refugees (UNHCR) conducted a survey of 200 unaccompanied minors detained in Mexico City and Chiapas and found that nearly half (48.6 percent) could have qualified for international protection.[70]

TABLE 8
ASYLUM APPLICATIONS
2013–FIRST HALF OF 2015

	2013	2014	2015 (FIRST HALF OF THE YEAR)
APPLICATIONS	1,296	2,137	1,383
GRANTED	270	451	289
DENIED	455	840	618
ABANDONED	543	767	438
COMPLEMENTARY PROTECTION	28	79	37

Source: Comisión Mexicana de Ayuda a Refugiados, Estadísticas, www.comar.gob.mx/es/COMAR/Estadisticas_COMAR.

It is important to highlight that Mexico has ratified the Cartagena Declaration on Refugees, which recognizes the right to asylum in cases of "generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order."[71] Furthermore, the Mexican government has enshrined this broader definition of "refugee" in the 2011 Law on Refugees, Complementary Protection, and Political Asylum (*Ley sobre Refugiados, Protección Complementaria y Asilo Político*).[72] Therefore, there are grounds for the government to recognize the status of a large number of refugees who are clearly fleeing Central America. In contrast, the United States has not ratified the Cartagena Declaration on Refugees; the U.S. government only grants asylum to those individuals who show that they "were persecuted or fear persecution due to race, religion, nationality, political opinion, or membership in a particular social group."[73]

Among the various reasons why Mexico has so many potential refugees and so few recognized refugees is that few migrants identify themselves as potential refugees and apply for asylum. In 2014, only 2,137 people applied for asylum in Mexico, including 1,769 Hondurans, Guatemalans, and Salvadorans.[74] The limited number of asylum applicants also reflects the fact that in many cases migrants do not know their rights or are poorly informed. According to the UNHCR report *Arrancados de Raíz*, only 27 percent of children interviewed at migrant detention centers in Tapachula and the Federal District knew of their right to asylum.[75] The problem is exacerbated by the lack of access to legal representation: there are few pro bono asylum attorneys in Mexico, and the civil society organizations that are involved in representing asylum seekers report difficulties in entering the detention centers.[76] *La 72*, which has provided assistance to asylum seekers, reports significant delays in obtaining interviews for asylum seekers with COMAR officials (the interviews must be requested through the INM), as well as delays throughout the asylum process. As a result, many asylum seekers abandon or desist from the process.[77]

It is likewise important to mention that the increase in detentions by the INM has not been accompanied by a significant increase in COMAR's capacity. This is significant because now that the INM has intensified its enforcement actions, it is in contact with a greater number of migrants who may be eligible to obtain refugee status.[78] Therefore, there is a growing need for agents who are trained to identify vulnerable individuals who require international protection, conduct asylum interviews, and process applications. Despite this uptick in detentions, COMAR's budget did not increase in real terms from 2014 to 2015,[79] and the agency only has 15 agents throughout the entire country to conduct asylum interviews.[80]

SCAPEGOATS:
THE CRIMINALIZATION OF MIGRANTS

It is true that some migrants commit crimes; in fact, in some cases, crimes against migrants have even been committed by other migrants. However, it is just as true that there is a worrisome pattern of falsely accusing migrants of having committed crimes. According to a 2014 report by the *Centro de Derechos Humanos Miguel Agustín Pro Juárez* (Centro Prodh), between May and October 2013, there were 1,219 people of Central American origin in Mexico's state and federal prisons.[81] They are far from their families and support networks and many lack legal representation. It is not known how many have been falsely accused, and/or how many have been victims of torture. Coverage in some media outlets of criminality in areas where migrants transit also fosters the perception that migrants are criminals or are a danger to residents.[82]

Between 2013 and 2014, the migrant shelter *Casa del Migrante de Saltillo* documented 35 cases of torture of migrants by municipal police and elite forces such as the Saltillo Municipal Operational Reaction Group (*Grupo de Reacción Operativa Municipal de Saltillo*, GROMS) and Saltillo Special Tactical and Weapons Group (*Grupo de Armas y Tácticas Especiales de Saltillo*, GATES). The case of "Carlos" (pseudonym), a young Honduran, is illustrative.

> On May 14, 2013, Carlos was traveling by taxi to a hotel in Saltillo, where he was to meet three fellow travelers from Honduras. As the taxi approached the hotel, there were several patrol cars surrounding it. A hooded officer came over to the taxi, detained him, and asked him what nationality he was. When Carlos said that he was Honduran, the officer took him out of the cab, put his t-shirt over his head, took him by the feet and cuffed him. He grabbed him by the shoulders and put him in the patrol car where his fellow travelers were. After 15 minutes they arrived at a place where the migrants were tortured. They destroyed Carlos' documents, pointed a weapon at him, and put it in his mouth. They ordered them to write out a list of drugs on a piece of paper while they had a dog that attacked them. When they arrived at the municipal jail, they placed Carlos in an area for children and adolescents. [However,] they forced him to say he was an adult so they would transfer him to the state prision [*Centro de Rehabilitación Social,* CERESO] (...) Before meeting with the medical examiner, officers threatened them and told them to say that they had fallen from the train. A policewoman took photos and video footage of them.[83]

The victims filed a complaint with the Coahuila State Human Rights Commission (*Comisión Estatal de Derechos Humanos*, CEDH) against the GROMS elite corps, in which they specified the kinds of threats and injuries received (blows to the hand with a bat, blows to the face, chest, back, and legs, electric shocks, and waterboarding). The CEDH issued "Recommendation No. 114/2014" on October 9, 2014 (a year and four months after receiving the complaint) for violation of the right to privacy due to the illegal searches and domiciliary visits, violation of the right to humane treatment and personal safety due to the injuries, and violation of the right to legality and legal certainty due to wrongful exercise of public duties. They refused to investigate additional acts, including torture or forced confession.[84]

INVESTIGATING AND SANCTIONING

CRIMES AND HUMAN RIGHTS VIOLATIONS AGAINST MIGRANTS

Unfortunately, one thing is the facts, and another thing is the law. —Father Prisciliano Peraza, Centro Comunitario de Atención al Migrante y Necesitado

The context in which crimes are committed against migrants requires special attention, as well as a forceful response from the State to investigate, sanction, and prevent the repetition of these acts. Such crimes constitute human rights violations when they are committed by public officials. The data we obtained regarding authorities' performance in investigating and sanctioning these acts, combined with the migrant shelters' firsthand accounts, indicate that efforts to address human rights violations and crimes against migrants continue to fall short.

DATA ON INVESTIGATIONS INTO CRIMES AGAINST MIGRANTS

There are no real investigative proceedings. I accompanied a complaint in 2014, a man was assaulted by municipal police; they beat him. Because he did not have any information on the patrol car's number or the names of individuals, the public prosecutor told him that the complaint would not move forward, that it was in vain. —Diana Castillo, Casa del Migrante de Saltillo

Currently, there are several reasons why it is challenging to collect data on investigations of crimes committed against migrants in Mexico. One of them is that investigating such crimes involves many agencies, including the PGR—especially the Special Prosecutor's Office for Crimes of Violence against Women and Human Trafficking (*Fiscalía Especial para los Delitos de Violencia Contra Mujeres y Trata de Personas*, FEVIMTRA) and the Deputy Attorney General Specialized in Investigations on Organized Crime (*Subprocuraduría Especializada en Investigación de Delincuencia Organizada*, SEIDO)—as well as state attorneys general offices, including the offices of specialized prosecutors for crimes against migrants that have been created in several states. Furthermore, not all prosecutors and attorneys general offices record data on the results of investigations, including whether the cases were successfully prosecuted and whether there was a judgment handed down by the courts. The problem of data fragmentation is exacerbated by the inconsistent manner in which these different agencies document and categorize their data. In some cases, the crimes are not classified in the same way, and moreover, not all agencies specify whether the victim was a migrant.

Despite these challenges, the authors of this report requested and obtained data from some agencies that shed light on the frequency of investigations of crimes against migrants in Mexico and, in some cases, the stage of the investigative proceedings. These data reveal that despite multiple obstacles and dangers, there are indeed hundreds of migrants who have had the courage to file a complaint with federal and state

authorities. Nonetheless, the authors have not found information that points to a real effort on the part of Mexican authorities to ensure that these complaints lead to effective investigations, and even less, convictions of the perpetrators.

At a federal level, the data on crimes against migrants are especially sparse. In a response to an information request, the PGR stated that all its documents are in its Institutional System for Statistical Information (*Sistema Institucional de Información Estadística*), but that "its databases lack the variables that allow for knowing or identifying information involving migrants as victims and State agents as perpetrators of unlawful acts under federal jurisdiction."[85] If it is true that the PGR is currently unable to disaggregate its data according to victims or perpetrators, this lack of capacity constitutes a fundamental obstacle to conducting a thorough assessment of the PGR's performance in investigating crimes against migrants.

The PGR stated that SEIDO does have some data about crimes against migrants in Mexico. Without providing a breakdown by offense, the PGR explained that between 2011 and 2014, it had initiated 397 preliminary investigations for crimes against migrants. Opening these investigations could be considered a positive step by the government to investigate the criminal networks that commit such crimes. However, the fact that SEIDO failed to provide information about the results of these preliminary investigations, particularly the number of convictions, makes it difficult to evaluate the seriousness or efficacy of such efforts.[86]

The PGJE does not have qualified personnel. For example, for sex crimes, they take statements in front of everyone, the doctor is a man, and they encourage the survivors to minimize the events. With regard to the expert analysis, practically the only thing they do is a reconstruction of the events; they take them to the scene; there are no technical elements. — Salvador Leyva, La 72

OBSTACLES TO REPORTING CRIMES AND HUMAN RIGHTS VIOLATIONS

Victims of crime in Mexico, whether they are Mexican citizens, migrants in transit, or other foreigners, are unlikely to see justice done in their cases. There are many obstacles in the long road to justice in Mexico, including a lack of trust in the authorities, the fear of retaliation, slow proceedings, and authorities' lack of investigative capacity. Such obstacles and dangers affect all victims regardless of their nationality; however, migrants, and particularly migrants in transit, face additional challenges.

It is important to recognize the critical role played by migrant shelters in informing migrants of their rights, including their right to initiate proceedings to regularize their migration status and/or file a report or complaint regarding crimes or human rights abuses to which they have been victim. Migrant shelter staff members draw on their significant experience accompanying cases to analyze the shortcomings of official investigations and procedures. Such analysis facilitates the identification of opportunities for improving the government's response to crimes and human rights violations against migrants.

Violence has become normalized to such an extent that people cannot identify the violations of their rights or crimes. They take it as if it were a part of life, especially women [with regard to] sexual violence. So that violence is covered up with the economic argument. How you experience the violence determines whether you file a report or complaint. When they enter Mexico, they already know what lies ahead, that they may be robbed, kidnapped, raped. That is why they don't file a complaint and [think] it is better to just continue, otherwise their family will stop helping them. Out of 100 cases, only five stay behind to file a complaint. Those are the people who come by themselves and can wait for a humanitarian visa. This is increasing; more people are coming who have no one to help them, but they decide to take the risk and try it alone. —Diana Castillo, Casa del Migrante de Saltillo

Migrants and their defenders underscore that one of the main problems is the scant probability that any given complaint will lead to results. These low expectations are due to the lengthy nature of the proceedings and the superficial nature of the investigations (forensic analysis is conducted in a perfunctory way and is not tailored to each case). The lack of protection for those who report authorities or organized crime is another significant hindrance to filing a complaint.

An obstacle to investigations that was mentioned repeatedly in interviews with local authorities is the inherent mobility of migrants. Also mentioned was the fact that migrants are rarely able to identify the perpetrators of the crime. All these challenges persist and combined, they complicate access to justice while also explaining the limited number of complaints.

There is a great deal of fear about filing a report. Those who do decide to file a report don't believe in justice, they are not from Nogales and their plans are not to stay here and move forward with the proceedings. (...) Getting a response to the report takes a long time. In July 2014, we filed a complaint against the agency specialized in sex crimes and intra-familial violence. This week, after a year, they just closed the case because there was a change in personnel; it was another person who didn't do what they were supposed to, processing the cases. We have to pressure them to get a response to the reports and complaints. We need personnel to do this follow-up; to bolster this work we would need an attorney, a psychologist, a doctor, another social worker. This would help to document the cases and have time to devote to advocacy. —Marla Conrad, Kino Border Initiative

When migrants who are victims of crime during their time in Mexico reach their destination or are deported to their countries of origin, it is difficult to file a complaint. They may not, for example, have any way to prove injuries and other damages. Although the overwhelming majority of migrants in Mexico come from El Salvador, Honduras, and Guatemala, there are no established mechanisms either for migrants who have already been deported, or family members who learn of the crime, to inform Mexican authorities about these crimes from their countries of origin.

Nor are there effective mechanisms for migrants who reach the United States to file a report with the Mexican authorities. Although U.S. authorities could exercise jurisdiction for crimes that involve individuals residing in the United States (for example, in a kidnapping, if the ransom is demanded from a family member in the United States), few cases are reported. This is due to the fact that few migrants are aware that this possibility, and many fear going to the authorities if they are undocumented in the United States.

After the hearing on "Access to Justice for Migrants" held on March 20, 2015, as part of the 154th Regular Session of the IACHR, the Mexican government committed to creating a transnational mechanism for the search for and investigation of crimes against migrants. There now is a definitive proposal for creating a Specialized Unit of the Transnational Mechanism and Investigation of Crimes against Migrants (*Unidad Especializada del Mecanismo Transnacional e Investigación de Delitos Contra Migrantes*) within the PGR. This unit would have the power to, *inter alia*, investigate and prosecute crimes committed against foreign and Mexican migrants. Nevertheless, as of the writing of this report, the PGR had not formalized the unit's creation.

Crosses in Altar, Sonora represent migrants who have died in Arizona, Texas, and California

SPECIALIZED PROSECUTORS: AN EFFECTIVE RESPONSE?

When a migrant is victim to a crime that falls within state jurisdiction (*fuero común*), they should be able to seek recourse in the criminal justice system in the state where they are located, regardless of their immigration status. But state-level criminal justice systems in Mexico have failed to appropriately respond to crimes against migrants, and civil society organizations within Mexico and internationally have demanded that state governments redouble their efforts. In response to these demands, several state governments in Mexico created specialized prosecutors' offices for crimes committed against migrants. The first specialized prosecutor's office for providing assistance to migrants was established in 2008 in the state of Chiapas, with offices in Tapachula and prosecutors from the Public Prosecutor's Office (*Ministerio Público*) in Arriaga, Palenque, Comitán, Huixtla, Tuxtla Gutiérrez, Suchiate, and Comalapa.

More recently, specialized prosecutors' offices were established in 2011 in Oaxaca and Veracruz, in 2014 in Tabasco and Coahuila, and in 2015 in Campeche and Quintana Roo. The prosecutor's office in Tenosique was created following the precautionary measures granted by the IACHR due to threats received by the staff of the shelter *La 72*, while the Saltillo prosecutor's office was created as part of the State Human Rights Program, which brings together civil society organizations, including the *Casa del Migrante de Saltillo*.

TABLE 9
SPECIALIZED PROSECUTORS' OFFICES FOR MIGRANTS

STATE	NAME OF PROSECUTOR'S OFFICE	YEAR EST.
CHIAPAS	*Fiscalía Especializada en Delitos Cometidos en contra de Inmigrantes*	2008
OAXACA	*Fiscalía de Atención al Migrante*	2011
VERACRUZ	*Fiscalía Especial de Atención al Migrante*	2011
COAHUILA	*Fiscalía Especializada para la Atención de Delitos Cometidos en agravio de Migrantes*	2014
TABASCO	*Fiscalía Especializada para la Atención al Migrante*	2014
CAMPECHE	*Fiscalía de Atención al Migrante*	2015
QUINTANA ROO	*Fiscalía Especializada en Delitos Cometidos en contra de Migrantes*	2015

Source: Website of the Chiapas State Attorney General's Office: http://bit.ly/1OcAnXA;
Website of the Oaxaca State Attorney General's Office: http://bit.ly/1OcAt1o;
Website of the Veracruz State Attorney General's Office: http://bit.ly/1OcAxhR;
Website of the Coahuila State Government: http://bit.ly/1OcC9rU;
Website of the Tabasco State Attorney General's Office: http://bit.ly/1OcAJxz;
Website of the Chiapas State Government: http://bit.ly/1OcBFlp.

It is too soon for a definitive assessment of the work of these state prosecutors' offices. In theory, designating an authority with the sole responsibility of addressing the issue of crimes committed against migrants, one that is properly trained and equipped with procedures that are tailored to the specific characteristics of these crimes, could lead to more effective investigations and better access to justice for migrants who are victims of crimes. However, initial data, particularly from the Oaxaca prosecutor's office, strongly indicate that the presence of specialized prosecutors' offices has not yet led to the intended outcome. The experiences of migrant shelters confirm that the creation of these specialized offices does not necessarily entail an effective response, unless such offices possess sufficient resources, personnel, capacities, and the political will to conduct timely investigations and ensure that cases reach a satisfactory resolution.

It bears mentioning that many migrants are frequently referred to the prosecutors' offices by the shelters and organizations advocating for their rights. Lack of trust and awareness of their undocumented status may prevent migrants from going to the specialized prosecutors' office on their own, so shelters provide legal assistance when there is no public legal assistance available. This can make a significant difference in terms of how seriously a complaint or report is taken. The experience shelters have had with these offices is quite varied, but there are some commonalities.

More than 110 complaints have been made since the Southern Border Program began, with 411 persons having filed reports. The prosecutor has not been able to arrest anyone. —Alberto Donis, Albergue de Migrantes "Hermanos en el Camino"

In addition to the problems previously identified regarding the prolonged duration of investigations and proceedings, which is exacerbated for those cases that are referred to other states, we have also detected a lack of appropriate office settings for migrants to file complaints, particularly in the prosecutors' offices in Tenosique, Tabasco and Ixtepec, Oaxaca. These offices sometimes lack private rooms for individuals to provide sensitive testimony or personnel properly trained to take statements in sensitive cases, such as those that involve sexual violence. Authorities claim to be aware of the sensitive nature of these cases, but it is not clear how they have modified their actions to address these situations. Public areas should not be used to receive testimony in cases of sexual violence, and it is important that the prosecutor is sensitive to gender issues. Finally, public officials must know how to serve victims and have the appropriate level of sensitivity to ensure that victims do not unnecessarily relive painful experiences, and thus become re-victimized.

Specialized prosecutors' offices must have updated, accessible data on the results of their work. In interviews with some prosecutors, offices were ambiguous on the number of preliminary investigations initiated and the number of indictments. We therefore requested the information through the state governments' information transparency systems. The states of Chiapas, Tabasco, Oaxaca, and Veracruz have all stated they do indeed have a registry of crimes committed against migrants. In Chiapas, the specialized prosecutor's office for migrants reported that from the beginning of 2013 through April 2015, a total of 950 preliminary investigations had been opened for cases of crimes against migrants, including organized crime, homicide, human trafficking, rape, and the "smuggling of illegals." The office stated that

information regarding the number of sentences "was not available in the unit's files, as it was not their purview."[88] Although the prosecutor's office certainly does not have the jurisdictional authority to issue judgments in cases of crimes against migrants (that authority belongs to the judge under the jurisdiction of the judicial authority), it would be rather improbable for a prosecutor's office to have no knowledge of the matter. The fact that the Chiapas specialized prosecutor's office lacks information on convictions implies a worrisome indifference towards understanding and measuring the outcome of its work. Meanwhile, the specialized prosecutor's office for migrants in Tabasco reported having information on 209 crimes committed against migrants in the state, the most frequent crime being robbery (59 in 2013, 10 in 2014, and 31 in 2015).[89]

In contrast, the Oaxaca prosecutor's office did provide more comprehensive data for cases of crimes against migrants for 2011 through May 2015, including the number of reports (383 in total), preliminary investigations opened (96 in total), cases referred to other states (130 in total), and sentences (four in total). According to these numbers, 25 percent of the complaints led to preliminary investigations, which is approximately half national average for all crimes between 2010 and 2014 (a period that partially corresponds to Oaxaca's data and offers an approximate idea of how the results obtained by the prosecutors' offices compare to the national average). Only four percent of the preliminary investigations launched by the Oaxaca Attorney General's Office resulted in a sentence. This low percentage is indicative of the poor quality of the investigations.

TABLE 10
CASES OF CRIMES AGAINST MIGRANTS
DOCUMENTED BY THE GOVERNMENT OF OAXACA

	2011	2012	2013	2014	2015 (JAN-MAY)	TOTAL
REPORTS	22	52	103	123	83	383
PRELIMINARY INVESTIGATIONS	7	14	24	19	32	96
CASES REFERRED TO OTHER STATES	4	17	36	59	14	130
SENTENCES	-	-	3	1	-	4

Source: Oaxaca State Attorney General's Office, response to information request 16795, July 22,2015, document available on WOLA's website, http://bit.ly/1kaCVcs.

These paltry outcomes match the findings of other investigations. For example, in a response to an IACHR information request, the Mexican government reported that between 2008 and 2011, district courts in Mexico ruled on a mere 57 criminal cases involving migrants (and it is unclear how many cases involved migrants as victims and how many cases involved migrants as defendants). Upon evaluating these statistics, the IACHR expressed its "deep concern at what is clearly the State's patently inadequate response in terms of the investigation, prosecution, and punishment of such crimes."[91]

The information obtained clearly shows that the majority of reports of crimes against migrants do not end in convictions. Advocates and some prosecutors agree that key problems occur during the investigations, particularly due to bureaucratic internal procedures, including the large number of official communications necessary to conduct investigations, carry out forensic analysis, and obtain evidence. Another challenge is the lack of economic resources available to prosecutors to travel to the site of the incident; expert examinations must be tailored to the intricacies of each case and must be conducted expeditiously. In many cases, it is difficult for migrants to identify their perpetrators, as they are not familiar with the uniforms or vehicles of the authorities in a country through which they are transiting. This should be considered during the investigation.

Another recurring problem is when the crime occurred in one state, but is reported in another. In such cases, the prosecutors' offices should refer the complaint to the corresponding state. This, however, does not always happen in a timely fashion, further complicating efforts by migrants or their legal advisors to follow-up on the cases.

These problems, when compounded with migrants' aspiration to continue their journey and their lack of means to subsist while waiting for the case to be processed, perpetuate the cycle of impunity.[92]

The local public prosecutor in Agua Prieta put up obstacles to avoid taking complaints for crimes committed in other states. It wanted migrants to travel to file the complaints there, for example to Veracruz. For cases from Nogales or Naco, they wanted the migrants to travel there, even though they're in Sonora. We talked to them and told them it wasn't their job to investigate, just to refer the case and then they agreed to take the complaint. The only other way is for the organization's attorney to write up a complete report of the events, print it, sign it; that way they only have to certify it. This can make it more accessible. —Perla Del Angel, Centro de Recursos para Migrantes

Hence, despite the existence of specialized prosecutors' offices and the efforts of some prosecutors, the lack of capacity and resources combined with the lack of political will and sensitivity impedes effective investigations. Based on the experiences of the shelters and organizations involved in this report, we can conclude that, even though the prosecutors' offices receive the complaints and open preliminary investigations, they do not follow through on their primary duty of obtaining justice.

The government of Mexico should carefully assess the performance of existing prosecutors' offices, before promoting the creation of new offices. The federal and state governments should work together to ensure that specialized prosecutors' offices possess the physical space and resources necessary to operate, and that staff are appropriately and effectively trained. The government should also acknowledge that prosecutors are limited in their capacity to fully resolve migrants' obstacles to justice. In particular, as will be described later, it is vital for the migrants who do report crimes to have access to humanitarian visas. Such visas are important not only because they are an incentive to report the crimes, but also because they enable migrants to remain in the country during the duration of proceedings.

THE NATIONAL HUMAN RIGHTS COMMISSION AND STATE HUMAN RIGHTS COMMISSIONS

Migrants continue to have more trust in the legal work of non-judicial bodies, like the CNDH and CEDHs; in many cases, they are the only mechanism that migrants can use for accessing justice. Nonetheless, they fail to respond to real needs: they are very bureaucratic, the victim has to provide all evidentiary exhibits, and they cannot investigate. —Alberto Xicoténcatl, Casa del Migrante de Saltillo

When federal authorities violate migrants' human rights, the victims are entitled to file a complaint with the National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH), which has various offices across the country. The State Human Rights Commissions (*Comisiones Estatales de Derechos Humanos*, CEDHs) takes cases in which the human rights violations were committed by local authorities. In some cases, both the CNDH and the CEDHs refer migrants to other bodies, including local attorneys general offices and shelters. Some migrant shelters and organizations believe the CNDH and CEDHs are most approachable for demanding justice, but their procedures and investigative capacities are not particularly expeditious or effective. It does appear that it is easier for migrants and their advocates to get in contact with the CNDH than with the CEDHs, as the latter (at least in the cases of Tabasco and Oaxaca, whose offices are in Tenosique and Ixtepec) reported having received very few migrants.

The recommendations that the CNDH and CEDHs can issue to authorities that have committed human rights violations are not binding; however, they can have a positive impact. Given their formal nature, it is difficult for authorities to ignore them entirely.

These commissions also have the authority to conduct conciliation efforts; however, the shelters report that, based on their experience, migrants who are victims have a limited role in this process.

To better understand the frequency and outcomes of the CNDH's interventions in cases of human rights violations against migrants, we requested public information regarding such complaints received by the CNDH. According to the figures obtained, between December 1, 2012 and June 15, 2015, the CNDH reported having received 1,617 complaints, of which 1,220 were against the INM, followed by 143 complaints against the Federal Police, and 120 against the PGR. Only 18 complaints were officially initiated.[93]

The system that the CNDH utilizes to categorize human rights violations provides little insight into the nature of the acts themselves. The CNDH uses categories such as "inappropriately providing a public service" and "actions or omissions that infringe upon the rights of migrants and their family members."

Strikingly, only four out of the 1,617 complaints recorded led to the CNDH issuing recommendations. This figure highlights the limited capacities of the CNDH to investigate allegations of human rights violations and guarantee that they are not repeated.

Table 11 shows that most (73.7 percent) of the incidents for which formal complaint proceedings were initiated occurred in the southern states of Chiapas, Oaxaca, Tabasco, and Veracruz, in the Federal District, and in the northern state of Tamaulipas. The fact that there the CNDH offices in these states receive an even higher number of overall complaints is because some receive complaints of incidents that took place in another state. For example, in Ixtepec, Oaxaca, most of the complaints are related to human rights violations committed in Chiapas.

TABLE 11
DISTRIBUTION OF COMPLAINTS REGARDING HUMAN RIGHTS VIOLATIONS AGAINST MIGRANTS
DECEMBER 1, 2012-JUNE 15, 2015

STATE	NO. OF COMPLAINTS	CNDH OFFICE	NO. OF COMPLAINTS
CHIAPAS	326	TAPACHULA	210
FEDERAL DISTRICT	279	GENERAL DIRECTORATE FOR ATTENTION TO MIGRANTS (*DIRECCIÓN GENERAL DEL PROGRAMA DE ATENCIÓN A MIGRANTES*)	498
VERACRUZ	241	COATZACOALCOS	127
OAXACA	132	IXTEPEC	265
TAMAULIPAS	116	REYNOSA	159
TABASCO	98	VILLAHERMOSA	135

Source: CNDH, response to information request 00036515, document available on WOLA's website, http://bit.ly/1kaBL0D.

We heard a variety of perspectives during the interviews at CNDH field offices in Villahermosa, Tabasco; Ixtepec, Oaxaca; and Nogales, Sonora. In Villahermosa, most of the complaints of violations stemmed from migration enforcement operations; others were attributed to the municipal police. However, we noted that the response to these operations was limited to rudimentary procedures such as interviewing detained migrants, and ensuring the minors spoke with one of the INM's Child Protection Officers (*Oficial de Protección a la Infancia*, OPI).[94] In Saltillo, most of the cases were police abuse from police officers at various levels and mistreatment in migrant detention centers. Similiarly, the cases in Ixtepec mostly involved treatment at migration detention centers and police abuse of authority. According to the director of the CNDH field office in Ixtepec, Oaxaca, there has been an uptick in cases since the launch of the Southern Border Program.

The CNDH is equipped with a rather sound infrastructure to service migrant cases through its various offices with resources from the Fifth General Inspection Unit (*Quinta Visitaduría*). It bears noting, however, that specializing in migration issues should not be limited merely to knowledge of the Migration Law or the INM's obligations during enforcement operations or migrant detention, or the internal regulations of other authorities; specialization also requires understanding international human rights standards to ensure that their intervention truly prevents repetition. This could entail, for example, recommending changes in regulations or resource allocation.

THE RESPONSIBILITY OF THE NATIONAL MIGRATION INSTITUTE

The INM is often singled out by migrants, shelters, and the CNDH for perpetrating human rights violations during operations and at migrant detention centers. Excessive use of force during migration enforcement operations figures prominently in reported cases of abuse and such cases have multiplied since the Southern Border Program began. Inside migrant detention centers, the INM is the authority charged with informing migrants of their rights, including their right to seek asylum and request a humanitarian visa if they have been victims of a crime. However, testimonies confirm that INM agents often fail to inform migrants of their rights or they tell migrants that applying for asylum will result in prolonged detention, in order from discourage potential asylum seekers.[95]

These problems are at least partly due to the lack of internal and external oversight for INM operations. Although the INM has an Internal Control Body (*Órgano Interno de Control*) that can impose administrative sanctions on agents for failing to fulfill their duties, it does not yet have an Internal Affairs Unit able to open investigations against agents for alleged criminal activities or serious misconduct or disciplinary infractions. Such a unit, however, is provided for in the SEGOB's internal regulations.[96] The INM does possess a Citizen Council, but the conditions for conducting internal oversight could be bolstered further.[97] As for external oversight, civil society organizations have limited access to migrant detention centers, and procedures for determining entrance remain opaque. According to the "Agreement issuing operating procedures for the National Migration Institute migrant detention centers and provisional holding facilities," civil society organizations must apply to be included in an access registry, but there are no clear standards for authorization.[98] This procedure should not be discretional and must be flexible in order to ensure that organizations can assist migrants by informing them of their rights, as well as monitor detention conditions.

While there are few incentives for reporting crimes, Mexican legislation allows for migrant who are victims of crime to apply for "visitor resident status for humanitarian reasons" (Migration Law, Article 52, paragraph V).[99] Such a permit would grant temporary residence to migrant who are victims of a crime that is committed in Mexico and that the authorities recognize. Nonetheless, the INM has issued few humanitarian visas in recent years, and organizations report that only a few of the applications that they have accompanied have been successful. This number, however, is increasing, according to government data (see table 12).[100]

The support provided by the shelters and organizations in the procedures to obtain a humanitarian visa greatly increases the probability of a favorable outcome. One of the hurdles that migrant shelters have identified in obtaining humanitarian visas is the requirement that the crime must be a felony, as provided for in Article 50 of the regulations of the Migration Law. However, whether or not a given crime is considered a felony depends on the particular state's criminal procedure legislation. This determination could also depend on the opinion and willingness of the prosecutor to consider the context of the migrant's vulnerability. If the complaint does not clearly specify the degree of the crime, it is up to the INM's discretion to interpret the crime. That decision, however, technically belongs within the purview of the justice system. The small number of visas granted could, thus, be increased by standardizing the procedures for determining the severity of crimes.

TABLE 12
HUMANITARIAN VISAS* ISSUED BY THE INM

	2012	2013	2014	2015 (JAN-JUN)
TOTAL	108	277	623	527
CENTRAL AMERICA	103	208	501	461

**Tarjetas de Visitante por Razones Humanitarias (TVRH)*
Source: Secretaría de Gobernación, Unidad de Política Migratoria, Boletines Mensuales de Estadísticas Migratorias 2012, 2013, 2014, 2015, http://bit.ly/1jMKo1.

Although filing a report is a requirement for accessing a humanitarian visa, this visa has become a prerequisite for migrants to access justice. It is impossible for migrants to remain present for the duration of criminal proceedings without it. It is, therefore, important for the process to be clear, simple, and leave no leeway for discretion.

The information in this section demonstrates that, despite the obstacles migrants face in reporting crimes, there have indeed been complaints in recent years filed by migrant victims of crimes or human rights violations, many of whom have been accompanied by migrant shelters. In light of problems documented, it is necessary to improve the number of reports filed as well as the number of investigations carried out and sentences and recommendations issued. It would seem that the creation of specialized prosecutors' offices has not succeeded in incentivizing migrants to report crimes, nor has it led to successfully prosecuting criminals. Advocates and some prosecutors agree that the results obtained by these specialized prosecutors leave room for improvement, and also that the criteria for granting humanitarian visas to migrant who are victims of crime must be clarified.

This section has made clear that migrants face greater obstacles in accessing justice than others; the next section proposes feasible changes that would help to reduce that discrepancy.

CONCLUSIONS AND RECOMMENDATIONS

A review of official data, reports, and documented cases has given us a picture of the crimes and human rights violations committed against migrants, as well as important clues as to what specific obstacles lie in the way of access to justice. In addition, we have identified a direct relationship between the intensification of migration enforcement under the Southern Border Program and a number of violations of specific rights. Current policies have led to more frequent violations of the rights to humane treatment, liberty, and access to asylum.

Serious crimes against migrants, including kidnappings, trafficking, disappearances, and murders continue to occur; the June 2015 attack against a group of migrants in Caborca, Sonora and the possible disappearance of some members of that group is emblematic. Federal, state, and municipal police rob and extort money from migrants, and those acts are frequently accompanied by physical and psychological abuse.

Migrant shelters and civil society organizations produce the most reliable data on this subject through their documentation, but we have not found any information that enables us to assess the State's intervention in these cases.

Despite the existence of some specialized prosecutors' offices for assisting migrants and focused efforts by migrant shelters and civil society organizations to report and document cases, most cases go unpunished. When migrants go to the authorities to file reports, cases are often hampered, primarily during the investigation stage. Humanitarian visas available to certain migrants who have been victims of crimes are granted by the INM almost solely when the migrant has the legal assistance of a civil society organization. In addition, given the situation of human rights violations migrants face, the CNDH's intervention in cases of complaints and recommendations falls short.

Mural in La 72, Hogar—Refugio para Personas Migrantes

RECOMMENDATIONS

WE BELIEVE THE FOLLOWING RECOMMENDATIONS TO THE GOVERNMENTS OF MEXICO AND THE UNITED STATES ARE BOTH IMPORTANT AND FEASIBLE.

TO THE NATIONAL MIGRATION INSTITUTE (INM):

STRENGTHEN INTERNAL OVERSIGHT AND ACCOUNTABILITY TO PREVENT HUMAN RIGHTS VIOLATIONS AGAINST MIGRANTS FROM OCCURRING WITHIN THE FRAMEWORK OF MIGRATION ENFORCEMENT ACTIVITIES, specifically through the establishment of an Internal Affairs Unit equipped with the necessary financial and human resources and the political will to investigate allegations of crimes and human rights violations perpetrated by INM agents.[101]

TO THE MINISTRY OF THE INTERIOR (SEGOB):

PROMOTE A NATIONAL STRATEGY FOR IMPLEMENTING AND MONITORING THE 2014-2018 SPECIAL MIGRATION PROGRAM (PEM) THAT INCLUDES, AS A CORE ELEMENT, SUFFICIENT FUNDING. Rather than creating new programs that further duplicate responsibilities, such as the Southern Border Program, the 2014-2018 PEM should be held up as the primary public policy document regarding migration by all federal government agencies and should be implemented as such. To this end, there must be a transparent allocation of sufficient funding for the PEM.

CREATE AN ASYLUM AND INTERNATIONAL PROTECTION POLICY THAT UPHOLDS MEXICO'S VALUES. COMAR's budget must be increased so that it is proportional to the increased needs of the migrant population and so that each individual who so desires may have the opportunity to tell his or her story to an official specialized in asylum. Specifically, there is an urgent need to hire and train more COMAR protection officers to conduct eligibility interviews, as well as to evaluate the possibility of opening new COMAR offices at key points along the migration route, such as on the border between the state of Tabasco and Guatemala.

It is also necessary to build institutional capacity and enhance mechanisms for coordination between the INM and COMAR in order to inform all migrants in Mexican territory about their right to asylum and international protection, as well as facilitate cooperation with civil society organizations that provide legal assistance in order to increase the number of requests and reduce the rate of desisted or abandoned cases.

In addition, cooperation agreements should be reached with university law schools nationwide in order to encourage attorneys to provide pro bono assistance to migrants eligible for refugee status in Mexico.

DEVELOP CLEAR REGULATIONS FOR MIGRATION ENFORCEMENT OPERATIONS, SPECIFICALLY REGARDING APPROPRIATE PLACES AND CIRCUMSTANCES IN WHICH TO CONDUCT THEM, COOPERATION BETWEEN THE INM AND OTHER

AUTHORITIES, THE RESPONSIBILITIES OF EACH OF THESE AUTHORITIES, AND CLEAR LIMITS ON THE USE OF FORCE. Such regulations should include a protocol that regulates and limits the use of force during migration enforcement operations, ensures the training of all agents on such guidelines, and establishes oversight and sanctions. The UPM's website should post up-to-date information on the number of migration enforcement operations, broken down by month and state.

It is also necessary to develop a clear protocol on the procedure for granting humanitarian visas, including explicit and consistent definitions of eligibility requirements in order to eliminate discretion, and mechanisms for coordination between the PGR, the PGJEs, the INM, and civil society organizations.

TO THE FEDERAL ATTORNEY GENERAL'S OFFICE (PGR):

IMPLEMENT THE SPECIALIZED UNIT OF THE TRANSNATIONAL MECHANISM AND INVESTIGATION OF CRIMES AGAINST MIGRANTS (*Unidad Epecializada del Mecanismo Transnacional e Investigación de Delitos contra Migrantes*). Create a protocol for investigating crimes against migrants that facilitates cooperation between the PGR and state attorneys general offices. Such a protocol should include travel provisions for prosecutors and agents, so they can receive reports in places such as consulates, migrant detention centers, and shelters.

Work with the states to standardize and systematize data collection on investigations and prosecutions in connection with crimes against migrants, including case outcomes, and make such data available on a monthly basis on the PGR's website.

TO THE GOVERNMENT OF THE UNITED STATES:

PROMOTE THE INVESTIGATION OF CRIMES AND HUMAN RIGHTS VIOLATIONS AGAINST MIGRANTS IN MEXICO. Provide technical assistance to the Mexican government and to the countries of Central America on the investigation and sanctioning of crimes against migrants that are transnational in nature. Through the Department of Justice, broaden technical assistance to Mexico's specialized prosecutors' offices, including training staff on investigative techniques.

Through the Merida Initiative, the Department of State should work with the Mexican government to determine ways to support the INM in strengthening oversight mechanisms, such as through the establishment of an Internal Affairs Unit.

The Department of State's Bureau of Population, Refugees, and Migration must continue to support efforts to strengthen the Mexican government's capacity to identify, protect, and assist vulnerable migrants in Mexico.

TO THE GOVERNMENTS OF MEXICO AND THE UNITED STATES:

EXPLORE THE CREATION OF PROSECUTOR EXCHANGE PROGRAMS REGARDING THE STRATEGIC USE OF HUMANITARIAN VISAS AS AN INCENTIVE FOR REPORTING CRIMES COMMITTED AGAINST MIGRANTS, AS WELL AS TO SHARE SUCCESSFUL PRACTICES IN INVESTIGATING CRIMES AGAINST MIGRANTS.

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[3] México: Presidencia de la República, "Pone en marcha el presidente Enrique Peña Nieto el Programa Frontera Sur," July 7, 2014, accessed September 25, 2015, http://bit.ly/1OcDVck.

[4] México: Presidencia de la República, "Pone en marcha el presidente Enrique Peña Nieto el Programa Frontera Sur," July 7, 2014, accessed September 25, 2015, http://bit.ly/1OcDVck.

[5] In some places like Apizaco, Tlaxcala, the company Ferrosur has placed barriers next to the train tracks, which have already caused seven serious accidents, including one that was fatal.

[6] For years, images of Central American migrants riding as stowaways on trains were used to demonstrate the serious risks that migrants face when crossing Mexico, as well as the Mexican government's apparently permissive approach to transmigration. In this regard, the Southern Border Program was a great success (although some migrants continue to travel by freight train, the numbers have decreased and it is only happening in some parts of the country). WOLA, "Mexico Now Detains More Central American Migrants than the United States", June 11, 2015, accessed September 25, 2015, http://bit.ly/1MlQy2U. Boletines Mensuales de Estadísticas Migratorias 2012, 2013, 2014, 2015. Migration Policy Unit, Secretariat of the Interior, http://bit.ly/1jMKo18.

[7] Lupita Thomas and Xóchitl Álvarez, "Abren 16 rutas más peligrosas para migrantes", *El Universal*, June 14, 2015, accessed September 25, 2015, http://eluni.mx/1OcE0wG.

[8] The areas of concern with respect to migrants' human rights include: lack of access to asylum (only 270 refugees recognized in 2013 and 451 in 2014); the excessive use of force by migration officials; detention of children; prolonged detention of asylum-seekers; and failure to provide protection or effective access to justice for victims of crimes and human rights violations. The United Nations Special Rapporteur on the Human Rights of Migrants, Jorge Bustamante, visited Mexico in 2008, and expressed concern about migrants' victimization by gangs and government officials, and about the government's detention and deportation practices. For its part, the Inter-American Commission on Human Rights (IACHR) published an extensive report on migrants' human rights in Mexico in 2013, based on a visit made in 2011: Inter-American Commission on Human Rights, *Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico*, 2013, accessed October 27, 2015, http://bit.ly/1KBsgMU.

[9] When conducting research for this report, the authors also consulted a wide array of secondary sources, including a series of reports from Mexican civil society organizations on the situation of migrants, government reports, and reports from NGOs on crime and victimization, as well as several evaluations on Mexico's law enforcement and criminal justice institutions. We have also analyzed official documents, including migration data regularly published by SEGOB, as well as a series of information requests made to the federal and state government through the service *Infomex*.

[10] Many migrant rights advocates have had to resort to national and international protection mechanisms, including the CNDH, the federal Protection Mechanism for Human Rights Defenders and Journalists, and the IACHR, in order to obtain basic protection from authorities: Inter-American Commission on Human Rights, *Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico*, p. 106. Even when protection measures are granted, the implementation has been poor. WOLA and Peace Brigades International, *The Mechanism to Protect Human Rights Defenders and Journalists in Mexico: Challenges and Opportunities*, February 3, 2015, accessed September 25, 2015, http://bit.ly/1OcE3ZB.

[11] México: Presidencia de la Republica, "Pone en marcha el presidente Enrique Peña Nieto el Programa Frontera Sur".

[12] Diario Oficial de la Federación, "Decreto por el que se crea la Coordinación para la Atención Integral de la Migración en la Frontera Sur," July 8, 2015, accessed October 15, 2015, http://bit.ly/1Lw0ir2

[13] According to the *Red de Documentación de Organizaciones Defensoras de Migrantes* (REDODEM), the flow of migrants assisted by its 15 member organizations dropped abruptly in mid-2014. In the first half of the year, 21,000 people passed through their shelters and soup kitchens. In the second half of the year, the number was not even half that, but records show there were still 10,000 migrants. REDODEM, *Migrantes invisibles, violencia tangible*, Jesuit Migration Services, July 29, 2015, accessed September 25, 2015, http://bit.ly/1OcE4wx.

[14] It is worth noting that migrants often pay in installments from their place of origin to a "*pollero*" or "*coyote*" to cross the border.

[15] Secretaría de Gobernación, *Coordinación para la Atención Integral de la Migración en la Frontera Sur, Informe de Actividades Julio de 2014—Julio de 2015*, document obtained via Infomex request number 0000400282715, available on WOLA's website, http://bit.ly/1kay9LQ.

[16] Instituto Nacional de Migración, Resolución del Comité de Información, Infomex request 0411100011515, April 16, 2015, accessed September 25, 2015, http://bit.ly/1OcEnHN.

[17] Instituto Nacional de Migración, Respuesta a la solicitud de información pública, Infomex request 0411100035415, June 17, 2015, available on WOLA's website, http://bit.ly/1KBwKDh.

[18] According to figures from SEGOB, in 2013 the INM detained 86,298 foreigners. In 2014, the number of foreigners detained increased to 127,149. Secretaría de Gobernación, Unidad de Política Migratoria, *Boletines Mensuales de Estadísticas Migratorias 2013 y 2014*, http://bit.ly/1jMKo18.

[19] Ardelio Vargas, "Combate el Gobierno de la Republica Delitos Cometidos en Contra de Migrantes" Press Conference, March 3, 2015, document obtained via Infomex request 0411100024215, June 17, 2015, available on WOLA's website, http://bit.ly/1kaQUPk.

[20] Diario Oficial de la Federación, "Decreto por el que se expide la Ley de Migración y se reforman, derogan y adicionan diversas disposiciones de la Ley General de Población, del Código Penal Federal, del Código Federal de Procedimientos Penales, de la Ley Federal contra la Delincuencia Organizada, de la Ley de la Policía Federal, de la Ley de Asociaciones Religiosas y Culto Público, de la Ley de Inversión Extranjera, y de la Ley General de Turismo" May 25, 2011, accessed October 6, 2015, http://bit.ly/1VBUpPO.

[21] Policía Federal, *Convenio de Colaboración para brindar apoyo en el control, verificación, vigilancia, revisión y traslado de migrantes, así como resguardo perimetral de las estaciones migratorias*, document obtained via Infomex, request 0413100043715, May 27, 2015, document available on WOLA's website, http://bit.ly/1kaRAV3.

[22] La 72, CODEMIRE, COMPA, and Movimiento Migrante Mesoamericano, "INM y PF realizan operativo violento en Tabasco contra migrantes y defensores de derechos humanos," May 3, 2015, accessed October 6, 2015, http://bit.ly/1VBSWJf.

[23] Case documented and followed by the Kino Border Initiative, a civil society organization based in Nogales that is a member of the *Red Sonora*.

[24] *"Federales y personal del INM dejan morir ahogado a un joven migrante centroamericano"*, Sin Embargo, March 18, 2015, accessed September 25, 2015, http://bit.ly/1OcEqDq; Carlos Marí, *"Perseguían policías a migrantes accidentados", Reforma*, June 28, 2015, accessed September 25, 2015, http://bit.ly/1OcEtz0.

[25] The UPM was created in August 2012 and its mission is: "To develop and propose strategies, programs, and actions to establish a comprehensive, consistent, and well-founded Mexican migration policy that respects and safeguards human rights, facilitates the documentation of migration, and helps to preserve national sovereignty and security, taking into account the branches of government, government orders, and civil society in a framework of shared responsibility with the governments of other countries and of contributing to national development." See: http://bit.ly/1OcEtPB.

[26] The Mexican public administration tends to spend most of the budget at the end of the year, which explains the expenditure increases shown in the last quarters of 2013 and 2014.

[27] The Special Migration Program (*Programa Especial de Migración*, PEM) was published in the Mexico's Official Federal Gazette (*Diario Oficial de la Federación*) on April 30, 2013. The PEM is a cross-cutting multi-sectoral instrument that sets forth the Mexican government's priorities with regard to migration. Its preparation stems from the 2013-2018 National Development Plan (*Plan Nacional de Desarrollo*). The PEM, which consists of five objectives and several strategies and courses of action, seeks to coordinate the work between different bodies and government levels with the aim of ensuring migrants' well-being, taking into account the origin, transit, destination, and return processes. Diario Oficial de la Federación, "Programa Especial de Migración 2014-2018," April 30, 2014, accessed September 25, 2015, http://bit.ly/1OcEzXv.

[28] United States Border Patrol, "Total Unaccompanied Alien Children (0-17 Years Old) Apprehensions by Month - FY 2010-2014," data updated September 2014, accessed September 25, 2015, http://1.usa.gov/1OcECCJ.

[29] Clare Seelke and Kristin Finklea, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, Congressional Research Services, May 7, 2015, accessed October 1, 2015 http://bit.ly/1OcEDq8.

[30] *Presupuesto priorizado de los Proyectos para INM en los FY10 y FY 11*, document provided to WOLA in 2012.

[31] U.S. Embassy – Mexico, "The Merida Initiative – An Overview", May 2015, accessed September 25, 2015, http://1.usa.gov/1OcEEue.

[32] Thomas A. Shannon, "Testimony to Senate Foreign Relations Committee," July 17, 2014, accessed September 25, 2015, http://1.usa.gov/1OcEIdq; Congressional Research Service, "Mexico's Recent Immigration Enforcement Efforts," April 29 2015, accessed September 25, 2015, http://bit.ly/1OcEItV. Congress allocated funds totaling US$79 million for border security and/or judicial reform, without specifying amounts.

[33] Adam Isacson, Maureen Meyer, and Gabriela Morales, Mexico's Other Border: Security, Migration, and the Humanitarian Crisis at the Line with Central America, WOLA, June 2014, accessed September 25, 2015, http://bit.ly/1OcEJ0R.

[34] For example, during a budget hearing on U.S. assistance to Central America in March 2015, Rep. Kay Granger, Chairwoman of the State, Foreign Operations and Related Programs Subcommittee of the House Appropriations Committee stated that, "Our neighbor, Mexico is on the front lines of combatting the illegal migration issue and we must do all we can to help Mexico strengthen its borders." Office of Congresswoman Kay Granger, "Granger Opening Statement: Budget Hearing – Assistance to Central America," March 24, 2015, information accessed September 25, 2015, http://1.usa.gov/1OcEHpV.

[35] For example, Rep. Albio Sires, Ranking Member of the Western Hemisphere Subcommittee of the House Committee on Foreign Affairs, stated during a June 25, 2014 Subcommittee hearing that "reports indicate that the migrants are increasingly citing widespread incident[s] of extortion, kidnapping and other abuses committed by both criminal groups and Mexican federal, state and local police officials. Mexico must work together with the Central American neighbors to address security concerns along the southern border." House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, "Subcommittee Hearing: Children Migrating from Central America: Solving a Humanitarian Crisis," June 25, 2014, information accessed October 27, 2015, http://1.usa.gov/1O67YD1. In another rare instance of dissent, during an April 30, 2015 Western Hemisphere Subcommittee hearing, Representative Joaquín Castro raised questions about Mexico's Southern Border Plan: "Many folks have been cut off from riding what is known as the Beast—the train that ultimately leads them on the path toward the United States. But what I would like to see going back through the testimony that you all give is an understanding of how we are doing that with respect for human rights or understanding the cost of human life." House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, "Subcommittee Hearing: Migration Crisis: Oversight of the Administration's Proposed $1 Billion Request for Central America," April 30, 2015, information accessed September 25, 2015, http://1.usa.gov/1OcEHGy.

[36] For example, Congressman Jeff Duncan, Chairman of the Western Hemisphere Subcommittee of the House Committee on Foreign Affairs, asked Deputy Assistant Secretary Palmieri the following question during the aforementioned June 25, 2014 hearing: "What has changed within the country of Mexico that it has allowed 60,000 children to transit that area? Whether they are Honduran or Guatemalan or El Salvadorean [*sic*], they crossed that border and they came through Mexico to get to the United States. They didn't get on an airplane. They walked or they rode a train or in a car or something and we are talking about, what, 3-year-olds?" House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, "Subcommittee Hearing: Children Migrating from Central America: Solving a Humanitarian Crisis."

[37] Comisión Nacional de los Derechos Humanos, *Informe Especial Sobre los Casos de Secuestro en Contra de Migrantes*, June 15, 2009, accessed September 25, 2015, http://bit.ly/1L4VR2W; Comisión Nacional de los Derechos Humanos, *Informe Especial Sobre Secuestro de Migrantes en México*, February 22, 2011, accessed September 25, 2015, http://bit.ly/1L4VW6D.

[38] The 2015 REDODEM report is *Migrantes invisibles, violencia tangible* information accessed on October 15, 2015, http://bit.ly/1Lw2Aqd; while the 2013 report is *Narrativas de la transmigración centroamericana en su paso por México*, accessed October 7, 2015, http://bit.ly/1VEUkW6.

[39] Other reports include: Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh) and Casa del Migrante de Saltillo, *Cuaderno de Secuestros de Migrantes*, December 2011, information accessed September 28, 2015, http://bit.ly/1OcELGa; Latin America Working Group, *Perilous Journey*, October 2014, information accessed September 28, 2015, http://bit.ly/1OcEMK6; and Maureen Meyer and Stephanie Brewer, A Dangerous Journey Through Mexico: *Human Rights Violations against Migrants in Transit*, WOLA and Centro Prodh, January 2011, information accessed October 7, 2015, http://bit.ly/1VEUMUj.

[40] Interview with Brother Tomás González, Director of La 72, conducted by Gabriela Morales on April 29, 2015.

[41] U.S. Department of State, *Trafficking in Persons Report 2014, "Mexico,"* information accessed October 6, 2015, http://1.usa.gov/1OcEPpu.

[42] The IACHR indicated in its 2013 report that "During its visit to Reynosa, Tamaulipas, the Commission was told of cases of Mexican migrants who, after being deported, were abducted by criminal organizations like the Los Zetas Cartel or the Gulf Cartel, who locked them in safe houses, cemetery vaults and elsewhere. During their captivity the migrants are beaten severely and their entry into the United States will at times depend on whether they are willing to carry drugs into United States territory. This problem is particularly severe in the state of Tamaulipas." Inter-American Commission on Human Rights, *Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico*, p. 61.

[43] Case documented by members of the Red Sonora.

[44] Silvia Otero, PGR liga a agentes del INM con trata", *El Universal*, September 24, 2013, information accessed September 28, 2015, http://eluni.mx/1OcERxq.

[45] Salvador Camarena, "*Hallados 72 cuerpos de inmigrantes 'sin papeles' en un rancho en México,"El País*, August 26, 2010, information accessed September 28, 2015, http://bit.ly/1OcEUcH.

[46] "Presidente de El Salvador dice que hay un tercer sobreviviente de masacre," CNN México, September 5, 2010, information accessed September 28, 2015, http://cnn.it/1OcEXVM.

[47] Reference is made in survivors' statements, Inter-American Commission on Human Rights, *Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico*, p. 68.

[48] The National Security Archive, "Mexico: Los Zetas Drug Cartel Linked San Fernando Police to Migrant Massacres," December 22, 2014, information accessed September 28, 2015, http://bit.ly/1L4Wae4.Nick Miroff and William Booth, "Mass graves in Mexico reveal new levels of savagery," *Washington Post*, April 24, 2011, information accessed September 28, 2015, http://wapo.st/1OcEXFj; Alberto Nájar, *"México: ¿quiénes son los muertos de Cadereyta?"*,BBC, May 22, 2012, information accessed September 28, 2015, http://bbc.in/1OcF43H; *"Identifican a ocho migrantes hondureños entre víctimas de masacre en México", El Heraldo*, December 22, 2013, information accessed September 28, 2015, http://bit.ly/1OcF4AX. In its report on the situation of Central American migrants in transit through Mexico, the IACHR noted that it had received documents that contain "testimony given by migrants who said they had witnessed mass killings in which several dozen people were murdered and that they had been held in captivity with upwards of 400 people. Some migrants told of having witnessed mutilations, decapitations, migrants who were hammered to death;

there were even stories of bodies being dissolved in barrels of acid." IACHR, *Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico*, p. 70.

[49] Case documents compiled on the website of the organization Foundation for Justice and the Democratic Rule of Law (*Fundación para la Justicia y el Estado Democrático de Derecho*), http://bit.ly/1OcF8R7, information accessed October 1, 2015.

[50] "Concluding observations of the United Nations Committee on Enforced Disappearances (CED) review of Mexico," February 13, 2015, accessed September 28, 2015, http://bit.ly/1OcFbfF..

[51] For example, the regional network Truth and Justice for Migrants (*Verdad y justicia para migrantes*) is made up of family members of disappeared migrants from Honduras and El Salvador, along with civil society organizations, http://bit.ly/1M6ChTG. The Central American mothers' convoy is organized every year by the Mesoamerican Migrant Movement (*Movimiento Migrante Mesoamericano*), http://bit.ly/1FN4T7J.

[52] See, *Informe alternativo presentado al Comité contra la Desaparición Forzada en vista del examen del informe de México durante la 8ª sesión del Comité, de 2 a 13 de febrero de 2015* (Alternative report submitted to the UN Committee on Enforced Disappearances in light of the review of Mexico's report during the Committee's 8th session from February 2 to 13, 2015), December 2014, p. 16, 2015, accessed October 7, 2015, http://bit.ly/1LztU8X. It is noteworthy that in February 2015 the CED concluded that in much of Mexico there is a grave crisis of generalized disappearances. Enorced disappearance is understood as "the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees." Article 2, Inter-American Convention on Forced Disappearance of Persons, adopted at Belém do Pará, Brazil, June 9, 1994, at the Twenty-fourth Regular Session of the General Assembly (to the Organization of American States), accessed October 7, 2015, http://bit.ly/1LztkYF.

As a result of the CED's review, the Mexican government began a process of preparing a law on enforced disappearance. While this law was being drawn up, groups of victims and organizations expressed concern about having their experiences included in the new legislation.

In multiple cases the Inter-American Court of Human Rights has defined disappearance as: "Involuntary or enforced disappearance constitutes a multiple and continuing violation of a number of rights protected by the Convention, because not only does it produce an arbitrary deprivation of liberty, but it also endangers personal integrity, safety and the very life of the detainee. Moreover, it places the victim in a state of complete defenselessness, resulting in other related crimes." Case of Bámaca-Velásquez v. Guatemala, Judgment of November 25, 2000, para. 128. See also, among others, IACHR. Report 53/96. Case 8.074. Francisco José Antonio Pratdesaba Barillas (Guatemala); Report 54/96. Case 8.075. Luis Gustavo Marroquín (Guatemala); Report 55/96. Case 8.076. Axel Raúl Lemus García (Guatemala); Report 56/96. Case 9.120. Ana Lucrecia Orellana Stormont (Guatemala); Report 3/98. Case 11.221. Tarcisio Medina Charry (Colombia); Report 51/99. Cases 10.471; 10.955; 11.014; 11.066; 11.070; 11.067; 11.163 (Perú); IACHR Case 10.247 et al., para. 178, Peru, Report Nº 101/01, October 11, 2001, Extrajudicial Executions and Enforced Disappearances of Persons, Considerations relating to enforced disappearances.

[53] Alma Gudiño, *"Consignan a policía de Ramos Arizpe por violar a migrante", Excelsior*, February 23, 2015, accessed September 28, 2015, http://bit.ly/1OcFc3h.

[54] National Human Rights Commission, Recommendation No. 54/2012 *Sobre el caso de agresión sexual a la menor migrante V1*, of September 28, 2012, accessed September 29, 2015, http://bit.ly/1OcFcQP.

[55] Interview with staff from La 72, conducted by Gabriela Morales from April 29 to May 1, 2015.

[56] Natalia's (pseudonym) complaint, reviewed with her explicit authorization.

[57] Manu Ureste and Yosune Chamizo, *"Plan Frontera Sur: un año después, los robos a migrantes se disparan 81% en los estados del sur", Animal Político*, July 7, 2015, accessed September 28, 2015, http://bit.ly/1OcFdnN.

[58] REDODEM, *Migrantes invisibles, violencia tangible*, Jesuit Migrant Services, July 29, 2015, accessed September 25, 2015, http://bit.ly/1OcE4wx

[59] Mexican Chamber of Deputies, *Código Penal Federal – Ultima reforma (Federal Criminal Code – Latest reform)*, December 26, 2013, accessed October 7, 2015, http://bit.ly/1RkI6Bm. .

[60] Documentation of case assisted by Kino Border Initiative, a civil society organization and member of the Sonora Network.

[61] Testimony taken by the authors at La 72, April 30, 2015.

[62] It is easy to confuse the different terms related to asylum and refugees. The organizations that have collaborated on this report prefer to refer to the right to asylum in a broad sense and individuals who are migrants and refugees, based on the idea that an individual's status does not depend on an administrative decision. Indeed, governments are the ones who confer or fail to confer refugee status on an individual. "Asylum seekers" are what people are called when the danger they are fleeing from has yet to be evaluated. Many countries have a specific legal framework for cases of political persecution (thus distinguishing between humanitarian and political asylum). In Mexico, Article 13 of the Law on Refugees, Complementary Protection, and Political Asylum provides that an individual will be granted refugee status under the following conditions:

> *They are outside of the country of which they are nationals, to which they cannot return for well-found fears of being persecuted for reasons of race, religion, nationality, gender, membership in a given social group, or their political opinions;*
>
> *They have fled from their country of origin because their lives, security, or liberty have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights, or other circumstances that have gravely disturbed public order, and*
>
> *For circumstances that have emerged in their country of origin or as a result of activities undertaken during their time on domestic territory they have well-found fears of being persecuted for reasons of race, religion, nationality, gender, membership in a given social group, or their political opinions, or their lives, security, or liberty may be threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances that have gravely disturbed public order.*

Law on Refugees, Complementary Protection, and Political Asylum, 2011, accessed October 7, 2015, http://bit.ly/1GoSuSk.

[63] *Boletín Estadístico de SEGOB*, 2014, accessed October 15, 2015 http://bit.ly/1jMKhm0.

[64] National Autonomous University of Honduras (*Universidad Nacional Autónoma de Honduras*) and the University Institute for Democracy, Peace and Security (*Instituto Universitario en Democracia, Paz, y Seguridad*), *Observatorio de la Violencia (Observatory of violence)*, February 2015, accessed September 28, 2015, http://bit.ly/1OcFhEe..

[65] *"El Salvador confirma a agosto como el mes más violento desde la guerra civil"*, BBC, September 2, 2015, accessed September 28, 2015, http://bbc.in/1OcFkzT.

[66] Communiqué from INM to members of its Citizen's Council, dated June 23, 2015.

[67] *La Ruta del Encierro Sin Fronteras*, 2014, accessed September 28, 2015, http://bit.ly/1OcFlUk *"Derechos Cautivos", Sin Fronteras*, 2015, accessed September 28, 2015, http://bit.ly/1OcFmHR.

[68] Secretariat of the Interior, "*Estadísticas Comar*", September 22, 2015, accessed September 28, 2015, http://bit.ly/1OcFo2D. For reasons that are unclear, the Secretariat of the Interior provides a much lower figure—296—for the number of refugees documented as permanent residents in 2014; Secretariat of the Interior, Migration Policy Unit, and the National Migration Institute, 2014 Monthly Migration Statistics Report, 2014, accessed October 10, 2015 http://bit.ly/1OcFuap.

[69] Ibid.

[70] United Nations High Commissioner for Refugees, *Arrancados de Raíz*, accessed September 28, 2015, http://bit.ly/1Kl0Qv4. .

[71] Chamber of Deputies of the Honorable Congress of the Union, *Law on Refugees, Complementary Protection, and Political Asylum*, October 30, 2014, accessed September 28, 2015, http://bit.ly/1OcFwPu

[72] Ibid.

[73] U.S. Citizenship and Immigration Services, "Refugees", accessed September 28, 2015, http://1.usa.gov/1OcFzef

[74] Secretariat of the Interior, "Estadísticas COMAR", September 22, 2015, September 28, 2015, http://bit.ly/1JBst5L..

[75] United Nations High Commissioner for Refugees (UNHCR), *Arrancados de Raíz: Causas que originan el desplazamiento transfronterizo de niños, niñas y adolescentes no acompañados y separados de Centroamérica y su necesidad de protección internacional* 2014, accessed October 1, 2015, http://bit.ly/1OcFBTb

[76] IACHR, Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico, p. 227-228

[77] Interview with Salvador Leyva, attorney for La 72, conducted by Gabriela Morales on April 29, 2015. It is worth noting that in 2015, investigators from the Human Rights Institute of Georgetown Law School conducted a week-long investigative mission to Tapachula, Chiapas, and the capital of Guatemala. They conducted interviews with 45 migrants and found that children were not appropriately interviewed to identify their need for international protection nor were they informed about their right to seek asylum. Furthermore, investigators found that the conditions, as well as the length, of detention dissuade children

from applying for asylum. Georgetown Law Human Rights Institute, *The Cost of Stemming the Tide: How Immigration Enforcement Practices in Southern Mexico Limit Migrant Children's Access to International Protection*, April 2015, information accessed on October 27, 2015. http://bit.ly/1O6ajOk.

[78] Clay Boggs, Carolina Carreño y Diana Martinez, "New Data Show that Mexico has Intensified Its Immigration Operations Without Building an Adequate Refugee Protection System," Washington Office on Latin America, June 24, accessed September 28, 2015, http://bit.ly/1Lzsxae.

[79] Secretariat of Finance, "Presupuesto de Egresos de la Federación" ("Federal Expenditures Budget"), September 9, 2015, accessed September 28, 2015, http://bit.ly/1OcFEyk.

[80] Manu Ureste, *"México recibe 67% más solicitudes de refugio, pero sólo tiene 15 oficiales para atender 2 mil casos", Animal Político*, June 19, 2015, accessed September 28, 2015, http://bit.ly/1OcFEyz.

[81] Miguel Agustín Pro Juárez Center for Human Rights (*Centro de Derechos Humanos Miguel Agustín Pro Juárez*) and the Migrant Affairs Program of the Ibero-American University, Mexico City Campus (*Programa de Asuntos Migratorios de la Universidad Iberoamericana Campus Ciudad de México*), *Migrantes en prisión: La incriminación de migrantes en México*, September 2014, accessed September 28, 2015, http://bit.ly/1OcFgQt.

[82] The phenomenon of falsely accusing migrants of crimes became evident thanks to the case of Ángel Amílcar Colón Quevedo, an indigenous Garífuna man from Honduras, who in January 2009 left his country headed for the United States. Detained in a house where he was awaiting a "coyote" to take him to the US, Ángel was falsely accused of participating in organized crime. Following his detention he was assaulted and tortured by the army and federal police agents, who above all made reference to the color of his skin and his origins as a foreign migrant. He was jailed at the Federal Social Readaptation Center No 4 Northwest (*Centro Federal de Readaptación Social No. 4 Noroeste*), in Tepic, Nayarit. The Miguel Agustín Pro Juárez Center for Human Rights took charge of his legal defense and undertook a publicity campaign to gain his release. Five years, six months and seven days later on October 16, 2014 he was released after the PGR presented its decision to not indict.

[83] Cases documented by the Saltillo Migrant Shelter (*Casa de Migrante de Saltillo*).

[84] Ibid.

[85] Federal Attorney General's Office, Deputy Attorney General's Office for Legal and International Affairs, General Directorate of Legal Affairs, Official Letter SJAI/DGAJ/08863/2015, response to Infomex request, number 0001700224815, July 14, 2015, document available on the WOLA website, http://bit.ly/1kaC0bS.

[86] Procuraduría General de la Republica, Subprocuraduría Jurídica y de Asuntos Internacionales, Dirección General de Asuntos Jurídicos, Oficio SJAI/DGAJ/08863/2015, respuesta a solicitud de información folio 0001700224815, July 15, 2015, available on WOLA's website, http://bit.ly/1kaC0bS.

[87] Organization of American States, "Report on the 154th Session of the IACHR", June 19, 2015, accessed September 28, 2015, http://bit.ly/1OcFE1w.

[88] This information was taken from the four responses to requests for information from the Chiapas Government. The first three requests were made independently of this report by journalist Manu Ureste of *Animal Político* to the Government of Chiapas, the State's Attorney General's Office, the Specialized Prosecutor's Office on Crimes against Immigrants (responses to requests for information, number 12855

(data for 2013); 12856 (data for 2014); and 12857 (data for 2015), June 5, 2015). Documents available on WOLA's website, http://bit.ly/1kayxdl (2013); http://bit.ly/1kayBdb (2014); and http://bit.ly/1kayFJK (2015). However, the aforementioned request did not make reference to the number of sentences handed down. As such, it was necessary to consult the response to the request submitted by the authors of this report (the Government of Chiapas, the State's Attorney General's Office, and the Specialized Prosecutor's Office on Crimes against Immigrants (response to request for information, number 12960, June 18, 2015), available on WOLA's website, http://bit.ly/1kazoe8.

[89] Response from the Tabasco Attorney General's Office to the request for information, number 00993815, June 10, 2015, as part of an investigative journalism report. See Manu Ureste and Yosune Chamizo, *"Plan Frontera Sur: un año después, los robos a migrantes se disparan 81% en los estados del sur", Animal Político*. July 7, 2015, accessed September 28, 2015: http://bit.ly/1OcFdnN. Documents available on the WOLA website, http://bit.ly/1kaBnPt (2013); http://bit.ly/1kaBryW (2014); and http://bit.ly/1kaBvP7 (2015). For 2014 and 2015, the document refers to "information pertaining to migrants (injured party)," while for 2013 it only refers to "information pertaining to migrants (injured party) [sic]." This creates confusion as to whether the 2013 data include cases with migrants who are perpetrators or only victims. The IACHR criticizes this same lack of precision in its report, when analyzing the response given by the Mexican state to its request for information on cases of crimes against migrants (Inter American Commission on *Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico*, p. 136).

[90] National Statistics and Geography Institute (Instituto Nacional de Estadística y Geografía), National Survey of Victimization and Perception of Safety (*Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública*, ENVIPE) 2015, "Principales Resultados," accessed October 16, 2015 http://bit.ly/1Mu3y2L, p. 27.

[91] Ibid.

[92] The case of Beylin Sarmiento, a Honduran murdered while crossing Mexico in August 2014, shows that the lack of communication among state Attorney General's Offices can have serious consequences. John Washington, "Who Killed Beylin Sarmiento?" T*he Nation*, August 11, 2015. Accessed September 28, 2015. See http://bit.ly/1OcFG9F.

[93] National Human Rights Commission, in response to request for information, number 00036515, July 1, 2015, document available on WOLA's website, http://bit.ly/1kaBOJK.

[94] OPIs are Federal Migration Agents whose duty it is to guarantee respect of child migrant rights, particularly unaccompanied minors. The INM currently has 543 OPIs in its 32 regional delegations. OPIs are selected to receive ongoing specialized training. Their duties are to: (1) protect the physical and mental integrity of children; (2) immediately provide basic health, food, clothing, and shelter services; (3) facilitate contact between minors and their families via free telephone calls; (4) keep minors apprised of their migratory status, using a kind, age-appropriate language; and (5) assist child migrants throughout their repatriation process. INM website. Accessed October 7, 2015, http://bit.ly/1LztuiV.

[95] Interview with Alberto Xicoténcatl, conducted by Gabriela Morales. May 14, 2015.

[96] Diario Oficial de la Federación, "*Reglamento Interior de la Secretaria de Gobernación*" ("Internal Regulations for the Secretariat of the Interior), February 4, 2013. Accessed September 28, 2015: http://bit.ly/1OcFGGy.

[97] See, Rodolfo Córdova, *"Transformar construyendo: dos años de Presidencia del Consejo Ciudadano del Instituto Nacional de Migración, informe rendición de cuentas", Fundar*, August 2015. Accessed October 7, 2015, http://bit.ly/1LzvJCB; and Adam Lane, Bryan Maekawa, Manuel Ruiz and Ricardo Vázquez, *"Mejores prácticas para los consejos consultivos ciudadano en México"*, May 11, 2015.

[98] Diario Oficial de la Federación, "Acuerdo por el que se emiten las Normas para el funcionamiento de las Estaciones Migratorias y Estancias Provisionales del Instituto Nacional de Migración", August 11, 2012. Accessed September 28, 2015: http://bit.ly/1OcFIhL.

[99] Migration Law, http://bit.ly/1OiZaZ0.

[100] See Articles 178 through 184 of the Migration Law Regulations. Diario Oficial de la Federación, "Decreto por el que se expide el Reglamento de la Ley de Migración y se reforman, derogan y adicionan diversas disposiciones del Reglamento de la Ley General de Población y del Reglamento de la Ley de Asociaciones Religiosas y Culto Público, September 29, 2012. Accessed September 28, 2015: http://bit.ly/1OcFJ5n.

[101] SEGOB's internal regulations provide for an Internal Affairs Unit within the INM, but no such unit has yet been established. The functions, objectives, and goals of such Unit should be consistent with best practices on this matter and approved by the INM's Citizen's Council.

ABOUT THE ORGANIZATIONS

CASA DEL MIGRANTE DE SALTILLO "FRONTERA CON JUSTICIA", AC, in Saltillo, Coahuila, provides comprehensive humanitarian assistance as well as case documentation and legal services.

FUNDAR, CENTRO DE ANÁLISIS E INVESTIGACIÓN, AC is a civil society organization based in Mexico City, Mexico that works toward a substantive democracy.

ALBERGUE DE MIGRANTES "HERMANOS EL CAMINO," in Ixtepec, Oaxaca, provides comprehensive humanitarian assistance to migrants in transit in Mexico.

LA 72, HOGAR—REFUGIO PARA PERSONAS MIGRANTES, is a Franciscan project dedicated to providing comprehensive assistance to migrants and refugees traveling through Tenosique, Tabasco in Mexico.

WOLA (WASHINGTON OFFICE ON LATIN AMERICA) is a leading research and advocacy organization that promotes human rights in the Americas.

LA RED SONORA is a network of three organizations based in Sonora, Mexico dedicated to defending and providing humanitarian assistance to migrants in Mexico.

- **Centro Comunitario de Atención al Migrante y Necesitado,** in Altar, is a migrant shelter run by the local Nuestra Señora de Guadelupe Church.
- **Centro de Recursos para Migrantes,** in Agua Prieta, works to provide humanitarian assistance to migrants and document abuses.
- **Kino Border Initiative** is an organization based in Nogales, Sonora and Nogales, Arizona that works in support of migrants and refugees in the United States and Mexico.

UN MUNDO, UNA NACIÓN, AC is an organization dedicated to providing humanitarian assistance and promoting the human rights of migrants in Apizaco, Tlaxcala.

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