

Migrants in Mexico's Border Regions and Human Rights
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"I am grateful to WOLA and LAWG for the invitation and for the opportunity to speak to you about what we have just seen. Without a doubt, these images and these testimonies speak for themselves. We began listening to these testimonies in 2007. The "Dimension Pastoral" is made up of 57 migrant houses in the entire country from the south to the north that accompany the people who, for economic reasons, persecution, or protection, leave their countries of origin, leaving their families to come here to the US to look for an alternative and be able to help the families and loved ones they leave behind, who they have not been able to support because of the economic situation of their countries. From Tapachula, Chiapas, Tenoxique Tabasco, Veracruz, and the entire migratory path, thousands of migrants, primarily coming from Guatemala, Honduras, El Salvador, and Nicaragua, transit through Mexican territory. As we saw in the video, in 2009 the "Dimension Pastoral" along with the National Commission of Human Rights documented 9,758 people in 6 months. This information came from 10 of our houses, we have 57. The year after, we came to the Inter-American Commission of Human Rights to present a thematic hearing and point out, at the international level, what the Central American population in Mexico was going through. The Mexican government responded by saying that the methodology was incorrect and that the numbers were not true. Rather than recognizing the problem and developing collaborative solutions to address the issue, they told us that our methodology was erroneous. From April to September of 2010, the National Commission of Human Rights, documenting the testimonies of people who stayed in or who were detained in migration offices, documented an increase. In a parallel six-month period (now), 11,333 people were documented. The *modus operandi* that has been denounced to the authorities by the church and civil society for the last five years develops in the train tracks or routes where thousands of migrants walk to hide from the authorities and who are obligated to go to places where illicit groups or narcotrafficking groups, primarily the "zetas", wait for them to take them to ranches or houses where they are tortured, raped (regardless of gender), assassinated, or disappeared. From Tenosique, Tabasco, Cardenas, Comalcalco, Cunduacan, Huimanguillo and Paraiso in the state of Tabasco, the municipalities of Palenque and Arriaga in Chiapas, Ixtepec and Chahuites in Oaxaca, Quatzecuatl, Cosagula, Medias Aguas, and Tierras Blancas in Veracruz, kidnappings in Puebla, in the state of Mexico, Tlaxcala, Guanajuato, and San Luis Potosí. On the northeastern border, Nuevo Laredo, Matamoros, and Reynoso, as well as Piedras Negras and Ciudad Acuña in the city of Coahuila. In these violations, the involvement of officers of the three tiers of government has been occasionally documented. As we heard in the testimonies from people who escape from the

houses where they are held hostage (hundreds of migrants that manage to escape), it is the authorities that turn them over to the delinquents or to the narcotraffickers. This crime of kidnapping migrants is one of the 27 crimes that organized crime commits in Mexico. We also found the indirect participation of the Mexican government through independent agencies such as private security officers of the railroad enterprises that operate with the authorization of the Mexican Department of Communications and Transport, cases where, as the victims tell us, the train is in transit and it stops in an unpopulated area where there is no light. It stops and minutes later trucks appear with armed men who take the migrants away. We do not understand how 72 migrants crossed the entire Mexican territory, from Ciudad Hidalgo, Chiapas to San Fernando, Tamaulipas without being noticed by the dozens of military posts; these officers could have prevented their assassination. We are also worried about the mass kidnappings where we are seeing a *modus operandi* in which first comes an immigration operation and hours later comes a mass kidnapping. We saw it at the end of 2010 in Oaxaca, we saw it in February in Tierrablanca in Veracruz, and in Tenosique, Tabasco. Thanks to the documentation of the Center for Human Rights, two days ago the Mexican press reported the case in which an immigration officer chased a woman with a machete and forced her to jump into the Usumacinta River, one of the most treacherous rivers in Mexico. And thanks to the pressure of a group of people that was in a tourist attraction, the immigration official was pressured to leave and a boatman rescued the woman. Otherwise, we have no doubt that she would have drowned. Unfortunately, this situation has also affected those people who we support, who we host and feed--- Central American migrants crossing through Mexico. From 2004-2011, 51 attacks have been carried out against us. Among them, threats, attempts to arrest us, federal police raids, and accusations by the authorities, including a local congress in the state of Coahuila that continues to accuse us of being human traffickers, saying that we generate migration and poverty, that we generate alcoholism. But I repeat, what we do is lend a hand to the people--men and women, boys and girls—whose only objective is to go to the United States to obtain a better quality of life. Among the 20,000 people who are documented, there are without a doubt many who we cannot identify, nor do we know when they come from. We know that, for example 30 people of 50 people were taken, and that year after year families of murdered or disappeared migrants come from El Salvador or Honduran mothers from the committee of the families of migrants from Progress Honduras come to ask in the streets, the cemeteries, the morgues of the migratory route, to interview with the authorities of the three levels of government about hundreds of their family members who left their houses one day and who are now disappeared. A very important point to make here is the economic factor, because what the kidnappers are looking to gain from this crime is profit. And money is demanded from families or friends that reside here in the US, be it legal migrants or illegal migrants, and what is even more worrisome is the intervention of Western Union, because the majority of bank transfers through which the families pay rescues is by way of these companies, who are perhaps not involved directly, but they do at least stay with a percentage of the money of the blood of these people. I leave you now with Alberto who will speak to you about what these people live through.

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Hello, good afternoon to all, thank you for being here with us. Even though all of us who are here with you right now work with the migration phenomenon, both Mexican and Central American, the topic of insecurity and violence in Mexico is generalized. That is to say, there is no population that is living or traveling through Mexico that is safe. And the topic of migrants and violence against migrants is one more element that will be added to a situation of generalized violence and a situation of lack of governability in Mexico. Fortunately, as members of civil society, we have not remained immobile and we have not been indifferent in regards to this reality and in regards to this situation. Each individual and each organization has been working with different populations and we have been making noise to put all that is happening in Mexico in the public eye: women in Juarez, the State of Mexico, migrants in the whole country, the situation of street children, the situation of people in penitentiaries. In brief, the issue of violence is a generalized issue in the country. Within these vulnerable populations is the one that Axel mentions, which is the one that we work with—Central American migrants. This population is within this category because they are going to travel in secrecy. It is not possible for them to receive an immigration document that would allow them regulated travel. Mexican Immigration Policy is extremely hard-line and this policy will align itself with the U.S. policy of closing borders. Mexico is a country that is a border, a vertical border that will work so that no one can enter the country to work. Or if they enter, they enter in secrecy, which is a situation that will lower salaries and deny labor rights. Now, the situation that these migrants live through, this clandestine situation that Mexican migratory policy obligates them into, drives them to travel the country through places where organized crime syndicates live: obscure places, places that are “shady,” to put it that way, places that are, in the end, public. Based on reports, on television, on the media, we know which are the towns, the cities, and the spaces through which people are going to transit. This supposed situation of hiding will place them in a situation of vulnerability and in this situation of criminalizing the act of entering Mexico without legal documents. Even though the law has changed and entering without documentation is no longer seen as a crime, public opinion, despite all of the work of civil society, continues to think that this act is against the law, that people who enter Mexico without documents are criminals. I repeat, all of this places them in this situation—and criminals are going to take advantage of the situation to make profits. In other words, the point here is money, and the point here is that money is buying wills: federal police officers, municipal police officers, and also high public officials. The issue here is the economic resources that are being circulated. Public officials are living from money that crime is giving them. They themselves are participating and are benefiting from all of this. This is why, from high officials to low-level officials such as municipal police officers, all of them

are living from crime, from the actions that crime entails, among them kidnapping. One of our biggest worries is the level of suffering that crime exerts against kidnapped people. Unfortunately, what we saw in this video, which happened in San Luis Potosí, is unfortunately not an uncommon story in the ones that we hear daily. Casa del Migrante in Saltillo serves approximately 12,000 to 14,000 people per year, and unfortunately, those types of stories repeat themselves daily. Two years ago, we created the first report on the subject of kidnapping, in which we wrote about this violence and these cruel, inhumane, and degrading treatments, which range from rape, to amputation of limbs, to burning people alive. We thought that both the Mexican State as well as Mexican society would be scandalized, but it was not so. Seeing so much violence and living in such violence every day has placed Mexican society in a state of indifference that obviously has to do with the idea of "caring for my psyche." People are nervous, people are scared, and people are denying the reality in Mexico. The people do not want to know and the Mexican government is taking advantage of that fact. After the massacre of the 72 migrants in San Fernando, which is unfortunately not the only massacre that has occurred in Mexico but it is the one that appears in the media (All of the houses have documentation of different massacres in which 10, 12, 14, and up to 15 people were killed in one act), Mexico was placed in the international public eye and Mexico was obligated to accept that it had a substantial impunity problem, a corruption problem, and a bad security administration system. This event obligated Mexico to develop, at least in appearance, transformations in the application of immigration policy in the country. We do want to say that this apparent change has not evolved into better conditions for the people who migrate through Mexico. On the contrary, the levels of aggression and the levels of violence exerted against these people have increased. The first cases we had were of beatings against migrant men and women, but now we are beginning to see that it has been transformed into a much more complex practice, and that these are practices that demonstrate a specific training. We have observed that they are methods of torture that have much in common with the repression torture tactics in Guatemala and in Argentina. These are not just street criminals that suddenly come and decide to attack. There is a prior training and there is an awareness of a specific purpose for the beating; and this aggression and this violence continues to increase. One year ago, we were scandalized by what was happening. We thought that we had reached the limit of violence and cruel treatment that could be committed against a human being. However, it's terrible because, unfortunately, when it seems that we have reached the limit, there is always more. There are always other ways to cause more pain, to cause more hurt; there are always ways to cause a greater impact with the end of generating terror and fear in migrants who are kidnapped so that they will give the telephone numbers of their families here in the U.S. so that they, in turn, can pay the ransom. When we began documenting kidnappings, \$300 was minimum amount that was paid as ransom. In two and a half years, the minimum has increased to \$3000. It increased horrendously. After that, when people paid the ransom and paid for their liberty, the people were released. It is no longer like that. When the kidnapers discover that the person has the economic means to pay a ransom, that person is sold to the same gang in different points of the Republic. If he or she is kidnapped in

the south of Mexico, he or she is sold to the same gang, but this time in the center of the country. That gang will once again generate pressure to gain profit. If there is once again economic profit, the person is then sold to another gang on the border. When it is not possible on the border, as Gaby will tell you or perhaps I will get a bit ahead, the gangs take the person across the border illegally and their families are further pressured to pay the ransom for this person. So we are seeing that this phenomenon, far from diminishing, far from disappearing, is becoming a more common practice. It is becoming a systematic practice, and it has already become another way to obtain resources and multimillion-dollar profits, profits that everyone will benefit from: from Mexican enterprises that subcontract with Western Union (such as the Salinas Group), to Western Union, who continues to receive million-dollar earnings and does not wish to transform its system or do anything specific to combat this phenomenon. The State of Mexico has not changed its policies relating to the prosecution of money laundering. What the state *does* do is fuel a war against narcotics trafficking, a war of appearances that only leaves dead people on the streets. However, there is no structural transformation, a transformation that would clean up institutions of investigation and institutions of public security. Additionally, there lacks a clear persecution against *empresarios* who are laundering money for organized crime. They remain in complete impunity. And at the same time, there is no strategy at the international level to combat money laundering or illegal economic transactions. However, there is a superficial attempt to combat the problem--- [the government] heavily regulates economic transactions that we can make among individuals in a bank---that *is* very supervised. With this practice, [the government] pretends that there is a holistic and deep structural change happening. Now, as I was saying, the story that we bring you here is that of migrants, but unfortunately, they are not the only population in Mexico that is suffering from this barbarity. To give you some context, I give you the example of the Northern part of Mexico. We have a sister organization that has documented cases in the State of Nuevo León. The state police come to the correctional facilities, which are the jails where prisoners are, and they take the most violent people. They take them out of these places, obligate them to commit crimes against the gangs and against organized crime, and they bring them back to the correctional facilities in the morning. Many of them disappear. So the point here that we want to share is that, certainly, the issue we deal with is migration, but unfortunately, this is not the only portion of the population in Mexico that is being victimized, that is being assassinated, and that is becoming a substantial part of the economic profits of a few and is affecting many people. At the same time, as Mexican society, we have a serious challenge; there are so many gangs that fight one another, that there is no social fabric in Mexico. There isn't a sense of community. That sense of support and solidarity is disintegrating because now people are all fearful of one another. Therefore, we have a huge challenge as a community, a huge challenge with migrants and a huge challenge with the population in general.

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My name is Gabriela, as you already know. I am going to speak to you about the Northern Mexican border, but in order to do so, I would like to speak to you about a few important elements to consider when putting in context all that is happening in this area. First of all, I will discuss the situation that the Merida Initiative implies, not only a sort of technical cooperation, not only in terms of the training of police officers and of the army, but also concretely the implications of the construction of the Border of the 21st Century and its repercussions on the issue of migration in Mexico. If you look over the details of the idea of the 21st Century Border, you see that it includes only documented people---how to make facilitate the exchange of people that have access to a legal migratory status, the control of the border, the closure of border, and the repercussions that all this will have on human rights. We also have to take into account the fact that the Mexican state is one of the states that has formally signed a large amount international conventions, declarations, and that appears with this front in the international forum, but that has difficulty implementing such laws or actually going through will such measures. This reinforces o guarantees impunity because, towards the international community, it appears that Mexico has achieved noteworthy advances in human rights standards, which are not actually carried out. We have to also take into account the human rights situation in Mexico, not only of violations, but of what people live through daily in Mexico, which is a little bit of what Alberto commented on about certain groups, in this case migrants, who are experiencing violations that are much more serious, but which are not new phenomena. If you look over the issue of the migration phenomenon, you note that, by its very nature, it is very complex. Because it is not just about people who are crossing through the country, it is also a destination country, and also a country that deports. This fact has manifested itself throughout the years because, while the country denounces civil rights violations against Mexicans in the United States, the Mexican state continues to violate, and to a greater degree, the rights of people that transit through the country and the people that live in the country. If we were to review the reports that have been published by different organizations about the [human rights] abuses, we would note that they are the same violations, the difference being that they are worsening and expanding into different areas of the country. This implies an evolution or a regression in what has occurred and shows us how the only factor that this policy of control has added is that it has accented the topic of national security, which had never before been tied to the issue of migration. And this has an impact on the degradation of human rights. The issue of national security also implies the participation of certain public security forces, which also exacerbates the situation as well as aspects and situations such as militarization in the context of the northern border (which I will discuss). This also aggravates the situation. On top of this, we

have to add state and non-state actors that are the culprits in violating these rights. And there is a perception and an idea that it is very difficult to place value or pay attention to a human rights violation when an individual actor commits it. However we know that it is not so; the Mexican state is following a specific pattern to protect certain groups that commit these violations and precisely because of this, we can place the blame upon these actors because of their omission. The project that we are developing, the issue of migration was traditionally worked with in the southern part with the influx of transit and with Mexico as a destination, while in the north there was a more humanitarian or aid approach in the north. This began to be modified as the human rights violations increased. With these I am referring to cases of attempts against human life, cases of cruel treatment, inhumane or degrading treatments, sexual, psychological, and verbal violence, issues of extortions committed by the authorities, kidnapping (which is one of the most serious), but also issues that relate to the conditions or the events that happen on each and every point of the border. We are working on an initiative that attempts to represent the majority of the northern border. We work in four points of this area that were designated as the cities that received the greatest number of those deported, but that with all of these changes in national security and deportation policies, have been displaced to these cities. What we have discovered is that the deportations areas are the principal areas where organized crime operates, areas where there is a high level of kidnapping, where is almost no presence of civil society or a fabric of organizations that could help or asses [the needs of these people], places where the local police is notorious for abuse, not only in economic terms, but in terms of the use of force, the use of racial profiling in order to arbitrarily detain people, and in recent months, we could also add to all of this the forced disappearances of people in this area. To this we have to add the fact that there are groups that are much more vulnerable than others, which are women and children, but if you observe the patterns of the cases and the people who are documented, the majority of migrant houses only host men. There are very few houses that receive women, even though we know that the migrant population is split 50/50 between men and women. The cases of women are very difficult to document. The women who come to refuge houses are not very visible. Very few women are detained in immigration stations. But at the same time, one can observe that in border areas there are red zones or tolerance zones where human trafficking is freely carried out through different businesses, not only with the end of sexual exploitation, but one can also see human trafficking with the end of labor exploitation (in which men, girls, and boys participate), and also the problem of servitude, for example in the south of Mexico with women from Guatemala. All of this is an ensemble of violations that are tied to the migratory phenomenon, but that are oftentimes not made visible. We must also talk about the policy of control that is established by the use of immigration posts, such as detention centers where, up until a few years ago, one could find Mexican citizens in these stations where foreigners were detained. This obeys the country's deeply-rooted racism and discrimination, which is not accepted but practiced. In the northern Mexican border, we can see that the population that we help is, in its majority (but depending on the area) deported Mexicans. There are situations in which people not been living in

Mexico for 10, 20, 30 years. Some of these[people] don't even know how to speak Spanish. They can be deported through cities such as Nuevo Leon, Tamaulipas, where we know that the presence of the zetas is terrible. We also have situations such as Ciudad Juarez where, although the transit has lessened by 80 percent, people who are deported there have to confront a militarized city, security officers that are hunting down probable hit men or detaining or abusing their authority against their local population or anyone who will let them do so. Therefore, what sort of possibility does a deported person have? Someone who doesn't have identification documents, who does not have any money, who does not have any ties or some sort of family relationship so that they can leave those cities. Aguaprieta, a city in Sonora closer to the Pacific Ocean, is one of the cities in which one can see an apparent tranquility. However, we have knowledge that this is the zone where all of the people deported from the Tamaulipas and Ciudad Juarez side are arriving, and that these people are at the mercy of narcotics trafficking groups. Many people are taken to these areas, are deceived and told that they are in the United States, and they are left there and they do not even know in what part of the country they are. This happens after the gangs receive the money from the families in EEUU and sometimes even after receiving the money of the victims themselves. The issue of unaccompanied travel is a common one when talking about immigrant children. One can see adolescents between 15 and 17 years of age that travel alone. This is often with the end of family reunification. When they are deported, these boys and girls supposedly enter under the protection of the State, who merely receives them at the border but does not have any foster homes to house them until they are returned to their homes or until their situation is determined. These homes belong to civil society organizations where, as we have observed, the majority of cases that are handled are of boys. I stress this issue because girls are another group that is invisible, yet as we know, they make up 50 percent. We don't know where these girls are staying. On the subject of the human rights violations that they are victims of, these are very complex to document because, to start with, it is assumed that because they are separated from adults and they are fed, they are given adequate protection. However, these could be cases of abuses or mistreatment in their countries of origin, they could also be cases of some sort of sexual violence that warrant asylum, yet there are no specialized resources to interview them and detect these types of cases. In many cases, these specific cases are pinpointed once the person is already on the Mexican side and it is very difficult to give them protection. Even though Mexico is part of the protection of the Law of Refugees, the reality is that the country is not a viable option for refugees because it does not have the structure of concrete protections in terms of economic, social, and cultural rights to support these people: education, work, or housing. The United States could be an option, but they do not get to have that opportunity. Additionally, we have a serious problem in terms of consular protection because although many of the people that are detained do actually learn that the consulate exists and they do want to make use of that right, the level of education that they have does not allow them to fully comprehend their rights. They also have a number of rights that they possess in the moment, but given the situation of nervousness and anxiety in knowing that they will be expelled from this country, many times they do not use their rights. So we

also think that there are some procedures that do not conform to the realities. On the issue of migration, many act with the attitude of what the states want to prevent, what is going to happen. But the reality is that the people are already here. The reality is that there are many necessities that they need to make tangible, but there are only addressed as if [these people] weren't here or weren't part of this reality. I believe that part of the reason why these human rights violations exist is, first of all, because migrants are not recognized legally. Not even the term "migrant" is something that is concretely accepted, and this speaks to the invisibility of these people. How can they have access to rights if they are not even considered? They are considered on the basis of laws that are in place for the control of influx [of migrants], but never in terms of laws of integration or attention to what being a migrant really is, what human mobility implies. Finally, I want to say that the point of this initiative is to deepen and to defend and promote human rights on the northern border in a new way. Not only based on documentation and detection of cases through a much more specialized methodology (in order to avoid comments such as that of the Mexican state, who said we don't have methodology), but also to be able to enter into more detail about each one of these violations. To determine who are the actors, what the profile of victims is, the actors, and which are the authorities that participate in this process of migration in a direct or indirect way, and with whom we need to work with, not only on structure. You all can hear of official programs of attention to migrant children, programs of secure, proper, and orderly repatriation [for migrants]. As I am saying, there are a series of programs and laws that, in their structure, appear to respond to the need, but that in practice are extremely difficult to implement. Because one of the challenges that we have found is that efficient programs exist in the center of the country, but none of these get to the northern and southern borders. They do not reach the borders, nor do the specialized officers, people with knowledge of the issue, nor the resources necessary to carry them out. And they are areas that speak of this other Mexico that exists, but which is not contemplated. An area that is not contemplated and where a series of dynamics and realities are happening that need to be addressed.