

# ACCESS TO JUSTICE FOR MIGRANTS IN MEXICO

## A Right That Exists Only on the Books

JULY 2017

RESEARCH  
REPORT



AP Photo/Felix Marquez



## IN MEMORY OF

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This report is dedicated to the life and work of Alberto Donis, migrants' rights defender and coordinator of the shelter *Hermanos en el Camino* in Oaxaca, who died in June 2017. Beto always demanded justice for crimes and abuses committed against migrants in Mexico. We will never forget you, Beto.

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# FINDINGS

- **ACCORDING TO ALL OF THE MIGRANT SHELTERS THAT COLLABORATED IN THIS REPORT, THE NUMBER OF KIDNAPPINGS, FORCED DISAPPEARANCES, AND OTHER TYPES OF FALSE IMPRISONMENT OF MIGRANTS REMAINS HIGH IN MEXICO.** The data and testimonies collected show that organized criminal groups are involved in these cases and are often in collusion with authorities from different levels of government.
- **BETWEEN 2014 AND 2016, THERE WAS A 575 PERCENT INCREASE IN THE NUMBER OF MIGRANTS WHO REGULARIZED THEIR MIGRATION STATUS IN MEXICO BECAUSE THEY WERE VICTIMS OR WITNESSES OF GRAVE CRIMES IN THE COUNTRY. THIS CONFIRMS THAT CRIMES AGAINST MIGRANTS ARE ON THE RISE.**
- **IMPUNITY FOR CRIMES AGAINST MIGRANTS IN MEXICO IS AT ALARMING LEVELS.** According to official figures for the 2014-2016 period, of 5,824 crimes against migrants reported in Chiapas, Oaxaca, Tabasco, Sonora, Coahuila, and at the federal level, there is evidence of only 49 sentences, leaving 99 percent of the cases in impunity.
- **MEXICO HAS DRASTICALLY INCREASED ITS CAPACITY TO DETAIN AND DEPORT MIGRANTS, BUT IT HAS NOT GIVEN THE SAME PRIORITY TO, NOR TREATED WITH THE SAME URGENCY, THE NEED TO DEVELOP MECHANISMS FOR INVESTIGATING CRIMES AGAINST THEM.** The creation of special local prosecutor's offices and a federal unit within the federal Attorney General's Office (*Procuraduría General de la República*, PGR) is important, but not enough to ensure justice. In practice, reporting crimes is difficult and the offices in charge of investigations do not have sufficient human and financial resources, nor do they have comprehensive and clear strategies for investigating the crimes. Effective procedures to allow migrants to denounce crimes and abuses while held at migrant detention centers are also lacking.
- **MANY STATE OFFICIALS IN MEXICO SHOW A CLEAR LACK OF WILL TO INVESTIGATE CRIMES COMMITTED AGAINST MIGRANTS.** Mexican authorities commonly justify the lack of results saying that if victims do not stay in the country, investigations cannot move forward. However, we found that authorities do not adequately use the two main resources available for investigating these cases: the production of evidence before a trial ("*pruebas anticipadas*") and the regularization of the migration status of migrants who are victims of or witnesses to crimes.

# FINDINGS

- **THE MECHANISM FOR FOREIGN SUPPORT (MECANISMO DE APOYO EXTERIOR, MAE) THAT PERMITS CRIMES COMMITTED AGAINST MIGRANTS IN MEXICO TO BE DENOUNCED FROM ABROAD, WORKS THANKS TO THE EFFORTS OF CENTRAL AMERICAN GROUPS WHOSE FAMILY MEMBERS HAVE BEEN VICTIMS OF THESE CRIMES, HUMAN RIGHTS ORGANIZATIONS ACCOMPANYING MIGRANTS, AND SPECIFIC ACTIONS OF SOME GOVERNMENT OFFICIALS.** However, Mexico's Ministry of Foreign Affairs (*Secretaría de Relaciones Exteriores*, SRE) and Attorney General's Office have not yet shown the will to make the Mechanism work adequately, facilitate case intake, and educate Mexico's consular network about it. Significant challenges exist to keep families in their country of origin or residency informed about their cases and to facilitate family travel to Mexico when they have to participate directly in the investigation.
- **THE CENTRAL AMERICAN CONSULATES IN MEXICO DO NOT MAKE THE NECESSARY EFFORTS TO ASSIST THEIR CITIZENS WHEN THEY FALL VICTIM TO CRIME IN MEXICO, SUCH AS THROUGH ACTIVELY PARTICIPATING IN THE INVESTIGATION OF ABUSES AGAINST MIGRANTS OR BY FACILITATING INFORMATION THAT IS NEEDED FROM THE VICTIMS DURING INVESTIGATIONS.** In Coahuila, for instance, the Honduran consul has been recognized for the strong support he provides to migrants who are crime victims. In other states, such as Oaxaca, consular support to Central American migrants is insufficient.
- **ALTHOUGH THE NATIONAL HUMAN RIGHTS COMMISSION (COMISIÓN NACIONAL DE LOS DERECHOS HUMANOS, CNDH) REGULARLY VISITS MIGRANT DETENTION CENTERS TO DOCUMENT THE CONDITIONS AND TREATMENT OF MIGRANTS, IT HAS MADE FEW RECOMMENDATIONS TO THE NATIONAL MIGRATION INSTITUTE (INSTITUTO NACIONAL DE MIGRACIÓN, INM) ON HOW TO IMPROVE THE SITUATION.** The number of recommendations issued by the CNDH on abuses in the detention centers and against migrants is surprisingly low compared to the accounts of migrants, who identify migration enforcement operations and their stay in detention centers as sources of abuse and human rights violations, and INM agents as perpetrators.
- **OFFICIAL STATISTICS SHOW AN INCOMPLETE STORY—FAR LESS VIOLENT AND HARMFUL—THAN MIGRANTS' TESTIMONIES ON THE CRIMES AND ABUSES THEY SUFFER IN MEXICO.** In some cases, there is not disaggregated data on crimes against migrants. In others, the attorney general or special prosecutor's offices do not have information on how many of their investigations resulted in

# FINDINGS

sentences. Statistics on violence against migrants are not gathered at the national level even though many federal and local cases may be related, making it difficult to obtain information on criminal networks that target migrants and operate throughout the country. Shelters and organizations supporting migrants who have been victims of crimes are an essential source of information and have better statistics than the government.

- **MIGRANTS' RIGHTS DEFENDERS ARE VICTIMS OF THREATS AND INTIMIDATION FOR THEIR WORK.** Similar to crimes against migrants, attacks on migrants' rights defenders go unpunished. Furthermore, there have been attempts to discredit, limit, and halt the work of defenders supporting the identification of victims' remains in the San Fernando and Cadereyta massacres.

# INTRODUCTION

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*When I left there (the U.S. Customs and Border Protection office at the border with Reynosa on the day I went to apply for asylum) at 6:30 p.m., they grabbed me and kidnapped me.... A guy wearing glasses came up to me and said, "Let's go," and I said, "No." Two minutes later, they showed up in a cab and forced me to get in. There were two other male migrants there and they shoved them in against their will. I got in willingly. When we got to the store, they beat them up with an iron rod, but not me because I had gone willingly. There were people from everywhere there—Hondurans, Guatemalans, Africans, South Americans—everyone was crying. My mom paid money so they would let me go. She is in Guatemala. She took out a loan and still has to pay it back. I don't remember when I got out. —Pedro, 18-year-old Guatemalan migrant<sup>1</sup>*

Since 2014, there has been a drastic increase in the number of migrants traveling through Mexico that are fleeing violence and threats from gangs in their home countries and who are fighting, literally, for their lives. The majority come from Central America's Northern Triangle—Guatemala, El Salvador, and Honduras. As they journey through Mexico, they often face more violence and, just like in their countries of origin, the crimes and abuses they fare victim to are almost never investigated or punished. Although Mexico claims to "prioritize the protection of the human rights of migrants,"<sup>2</sup> migrants' testimonies<sup>3</sup> reveal a different reality: extortion, kidnapping, torture, sexual abuse and rape, homicide, robbery, and disappearances of migrants are all frequent occurrences.

Mexican authorities have implemented a number of measures to investigate crimes against migrants. For example, in 2015, under pressure from civil society organizations, the federal Attorney General's Office (*Procuraduría General de la República*, PGR) created the Unit for the Investigation of Crimes for Migrants (*Unidad de Investigación de Delitos para Personas Migrantes*, UIDPM) tasked with investigating federal crimes committed against or by migrants in Mexico. It also established the Mechanism for Foreign

Support (*Mecanismo de Apoyo Exterior*, MAE), which allows migrants and their families to report crimes that occurred in Mexico from abroad. Since 2008, seven states—Chiapas, Oaxaca, Veracruz, Coahuila, Tabasco, Campeche, and Quintana Roo—have opened prosecutor's offices or offices specialized in investigating crimes against migrants. Nonetheless, Mexico continues to prioritize the detention and deportation of migrants—a policy that has prompted an upsurge in crimes and human rights violations against migrants—and it has not treated with the same urgency the need to develop more effective mechanisms for investigating the crimes and abuses against them. Access to justice is secondary, impunity is the general rule, and successful investigations are the exception.

In this report, we analyze whether the creation of these special prosecutor's offices, units, and mechanisms have helped to reduce impunity for crimes and human rights violations committed against migrants.<sup>4</sup>

The final section of this report presents proposals and recommendations on how to improve migrants' access to justice in Mexico.

## METHODOLOGY AND COLLABORATION WITH MIGRANT SHELTERS, ORGANIZATIONS OF THE FAMILIES OF DISAPPEARED MIGRANTS, AND HUMAN RIGHTS DEFENDERS

This report is the result of close collaboration between *Casa del Migrante “Frontera con Justicia”* in Saltillo, Coahuila; “Red Migrante Sonora”, a coalition of five organizations that offer support to migrants in Sonora; “Hermanos en el Camino” migrant shelter in Ixtepec, Oaxaca; “La 72, Hogar—Refugio para Personas Migrantes” in Tenosique, Tabasco; Washington Office on Latin America (WOLA); and Fundar: *Centro de Análisis e Investigación. Fundación para la Justicia y el Estado Democrático de Derecho* participated in the elaboration of the section on the Mechanism for Foreign Support and the final revision of the report.

The content of the report is based on visits to migrant shelters during the months of February and March 2017 in the states of Sonora, Coahuila, Tabasco, and Oaxaca, where migration flows are high. We held interviews with migrants who were victims of crime in Mexico, lawyers who accompany them, human rights defenders, prosecutors in charge of investigating and prosecuting crimes against migrants, officials from public human rights bodies, and federal officials in charge of determining the country’s migration policies. In total, we conducted 44 interviews and submitted 26 access to information requests to obtain statistics on crimes and human rights violations committed against migrants and

information on the status of investigations, trials, and rulings between 2014—the year Mexico began to implement its Southern Border Program (*Programa Frontera Sur*, PFS)—and 2016. The report presents an analysis of official statistics and an exhaustive review of migrant shelters’ documentation of crimes and abuses. The names of migrants who shared their stories have been modified to protect their identity and integrity.



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

# OFFICIAL FIGURES *VERSUS* REALITY

## VIOLENCE AGAINST MIGRANTS IN MEXICO

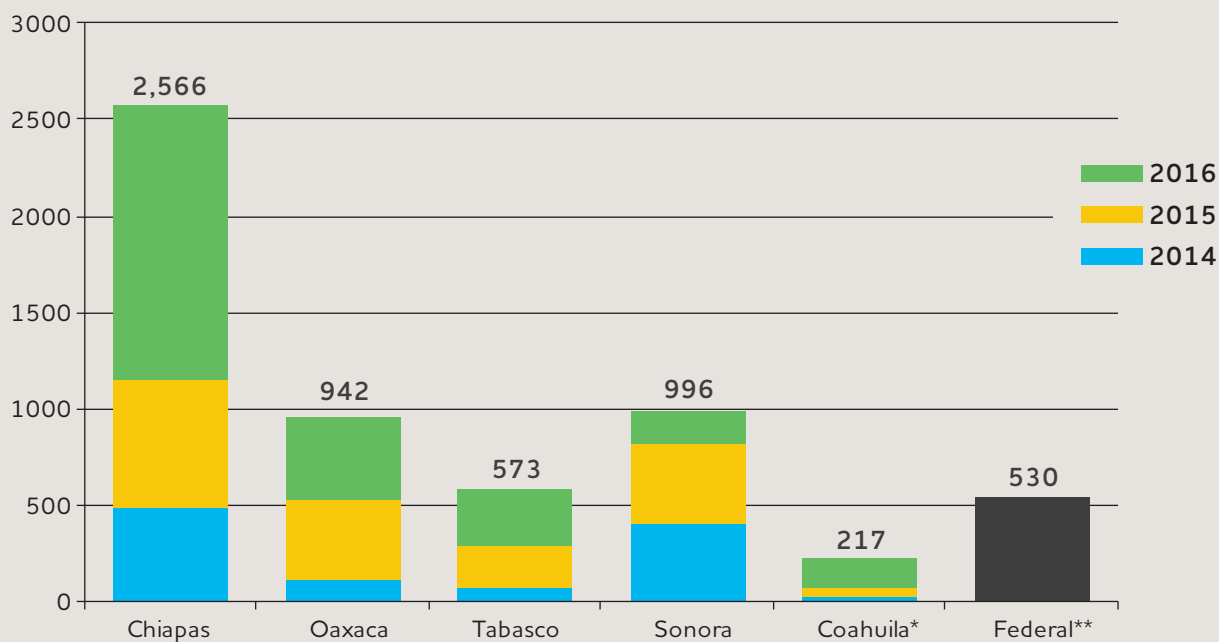
The first challenge to assessing the magnitude of violence against migrants in Mexico is the inconsistency and unreliability of official figures. They tell an incomplete story—far less violent and harmful—of what migrants actually experience. Therefore, hearing the testimonies of migrants who are victims of crime in Mexico and the organizations that document the abuses is fundamental to uncovering the reality that migrants face in the country.

For this section of the report, we submitted access to information requests to the officials in charge

of investigating and prosecuting crimes against migrants at the federal level and in the states of Sonora, Coahuila, Oaxaca, and Tabasco, as well as to the judges who hear cases on these crimes. We requested access to the official figures for 2014, 2015, and 2016 (taking into account that the PFS was launched in Mexico in 2014) to ascertain how many reported cases have resulted in sentences.<sup>5</sup> We also presented requests to authorities in Chiapas, the first state to open a prosecutor's office specialized in crimes against migrants, as it serves as an important point of reference for other officials.

**FIGURE 1**

### CRIMES AGAINST MIGRANTS IN MEXICO, OFFICIAL DATA, 2014-2016



\* The 2014 data for Coahuila corresponds to the period between July and December.

\*\* It is not possible to disaggregate the data by year.

Source: Responses to access to information requests. The data includes investigative files and case files.

We found a number of shortcomings in authorities' responses to our requests: they did not provide all of the information requested, states do not utilize a clear or uniform system for classifying crimes, and, in some cases, disaggregated data on violence against migrants does not exist. We further found that the official figures fragment crimes against migrants between different states and jurisdictions which creates an obstacle to justice because implementing adequate policies to address criminality requires reliable and quality information. In other words, it is important to be able to identify perpetrators' *modus operandi*, patterns of violence, types of victims, and places where crime levels are high.

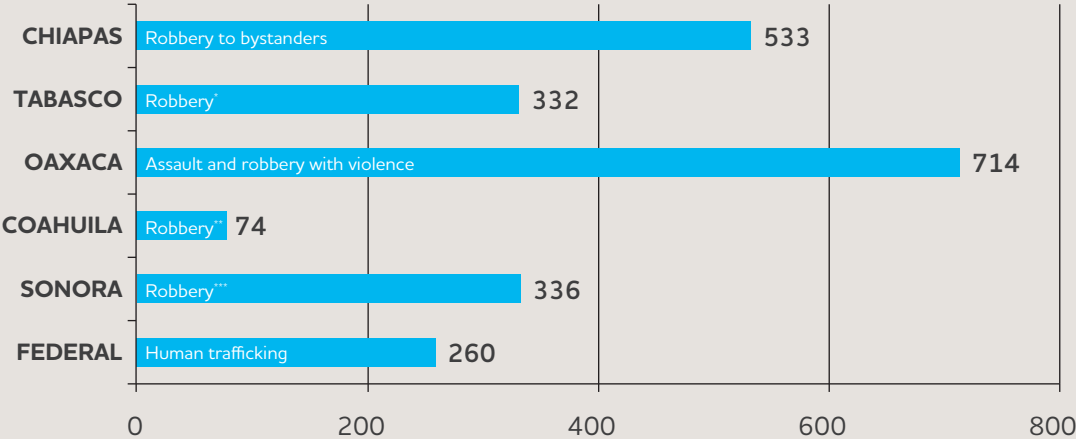
Despite these difficulties, we succeeded in retrieving some figures that present an official overview of crimes committed against migrants in Mexico. Each table contains explanations on the methodologies used.

The responses to our information requests also confirmed that officials, seeking to minimize the severity of the violence migrants face, only document part of the crimes migrants report, and therefore official data do not adequately reflect more serious crimes. For example, according to Figure 2, which was prepared using official figures, the most common crime documented at the local level is robbery, whereas at the federal level, it is human trafficking. Furthermore, while we found that kidnapping continues to occur frequently, this is not shown in the data.

We share below some of migrants' cases and stories that are not reflected in the official data.

The *Casa del Migrante de Saltillo* shelter has documented cases in which the Saltillo Municipal Operational Reaction Group (*Grupo de Reacción Operativa Metropolitana de Saltillo*, GROMS), an elite police force, has detained migrants traveling

**FIGURE 2**  
**MOST COMMON CRIMES AGAINST MIGRANTS BY STATE, OFFICIAL DATA, 2014-2016**



\* Includes cases of: robbery with violence; robbery; aggravated robbery; aggravated robbery committed in a public space; aggravated robbery of a vehicle; aggravated robbery committed in a confined area; aggravated burglary.  
\*\* Includes cases of: aggravated robbery; simple robbery; robbery; robbery and sexual abuse; robbery and injuries; assault and robbery.  
\*\*\* Includes cases of: simple robbery; burglary; robbery of a vehicle; robbery of a business; robbery of auto parts.  
Source: Responses to access to information requests.

along the train tracks, taken them away in patrol cars, and tortured them to force them to sign statements. In 2013, the shelter documented various cases involving a total of 47 migrants that followed the same pattern: migrants were arrested on the trains, tortured, and later accused of drug possession or other drug-related crimes. The shelter has also registered abuses that the Special Weapons and Tactics Group (*Grupo de Armas y Tácticas Especiales*, GATE) has committed against migrants.

In Sonora, crimes against migrants are in many cases related to organized crime, often with the involvement of federal and state authorities. Approximately three years ago, local organizations detected cases of abuse by officials, including cases where the Federal Police extorted migrants. The *modus operandi* for extortion is to detain migrants on buses, make them get off the bus, and beat them. Now, the responsibility for these crimes is in the hands of the “mafia”, which robs, kidnaps, and charges fees to let people pass or

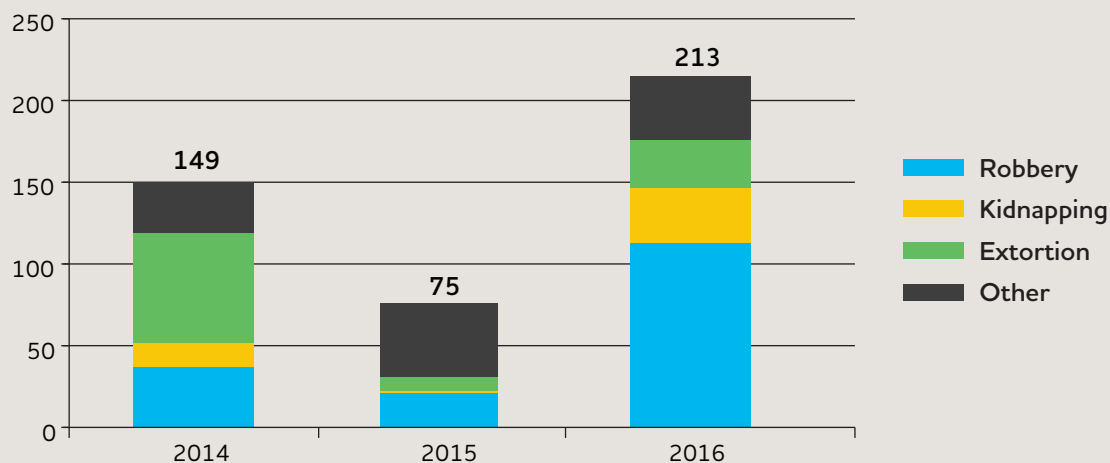
travel through an area. They have even gone so far as to mutilate people to force them to pay.

Areas around the bus stations in Sonora are particularly vulnerable to crime. “Since there are no security guards, they go in through the back of the station and as people get off the bus, they say to them, ‘You’re the one,’ and take them away.” Violence against migrants also occurs in other areas. For example, as some cab drivers explained: “Around the corner from where we provide services, they kidnap migrants. They take them to places controlled by the mafia, but in the same city.” In 2013, “people from Central America were kidnapped. Some were to obtain ransom money, but in other cases, it was to tell them, ‘You can’t go through here.’ Some smugglers even started to smuggle only Mexicans in order to avoid problems with the mafia.”

The Migrant Orientation Center (*Centro de Orientación del Migrante*, COMI) in Oaxaca has also detected an increase in abuses and crimes

**FIGURE 3**

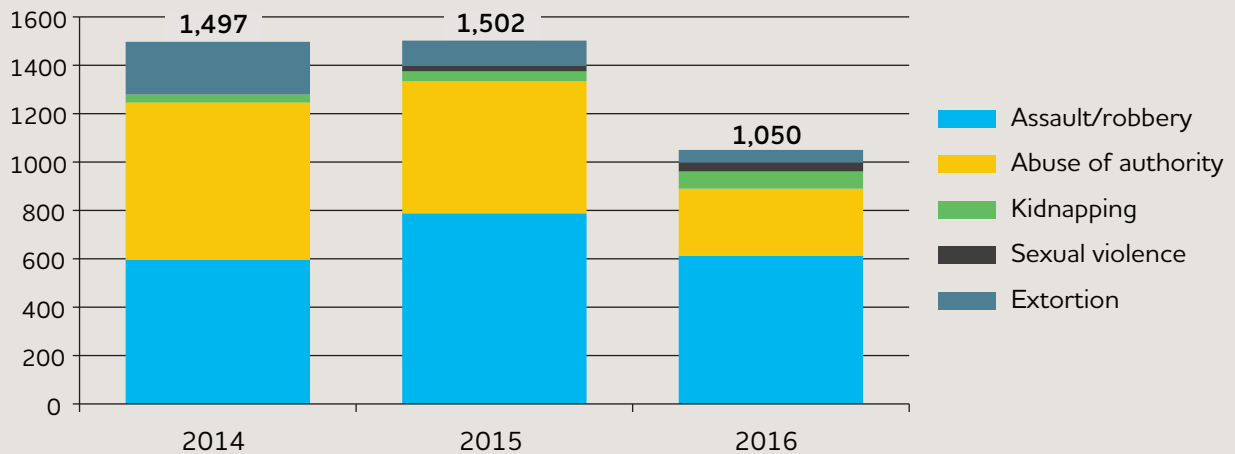
### **CASES DOCUMENTED BY THE CASA DEL MIGRANTE DE SALTILLO IN COAHUILA, 2014–2016**



Source: Cases documented by the Casa del Migrante de Saltillo.

**FIGURE 4**

**CASES DOCUMENTED BY LA 72 IN TENOSIQUE, TABASCO, 2014-2016**



Source: Cases documented by La 72, Hogar—Refugio para Personas Migrantes.

against migrants on buses.<sup>6</sup> Some testimonies confirm collusion between agents of the National Institute of Migration (*Instituto Nacional de Migración*, INM) and bus operators, who turn migrants in to the INM so that they can conduct searches. There are also documented cases in which bus operators extort migrants to force

them to pay a fee in order to avoid being “turned in to the INM.” In Ixtepec, three Garifuna migrants from Honduras, aged 17, 23, and 20, told us that every time they entered Mexico, they were violently attacked by hooded men armed with guns and machetes, who took their belongings, their clothes, and their money.

# OBSTACLES TO DENOUNCING CRIMES AGAINST MIGRANTS

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*“To avoid the train, I crossed the mountains on foot. In San Fernando, they took everything I had: my documents, my clothes, my backpack. They beat me up, but they let me go.”  
—Juan, Garifuna migrant from Honduras staying at the shelter in Ixtepec*

*“Even the people for whom things go well along the way will have to deal with at least one attempt at extortion” —comment made at the Casa del Migrante de Saltillo*

## PROSECUTOR’S OFFICES SPECIALIZED IN MIGRANT CASES ARE FAR FROM THE PLACES WHERE CRIMES AGAINST MIGRANTS ARE COMMITTED, AND INVESTIGATIONS ARE DELAYED UNDER THE PRETEXT OF LACK OF JURISDICTION

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The first obstacle to justice migrants encounter is the difficulty of denouncing the crimes they have suffered in Mexico. Seven Mexican states have established special prosecutor’s offices to investigate state-level crimes against migrants—Chiapas, Oaxaca, Tabasco, Campeche, Veracruz, Coahuila, and Quintana Roo—and the Unit for the Investigation of Crimes for Migrants within the PGR, which investigates federal crimes, is based in Mexico City. While the PGR has offices throughout the country, these offices are not located in the places where abuses against migrants most frequently occur, and neither federal nor local authorities have coordinated with the Unit to assist with case intake.

Migrants are often subjected to crimes and human rights violations while traveling from one state to another, while aboard the cargo train known as “The Beast” (*La Bestia*), during migration control

operations, and while passing through isolated and inhospitable areas that are not on the train’s route—where they are easy prey for criminals—in order to avoid being detected by officials. Oftentimes, migrants do not denounce crimes in the states where they occur, either because authorities are not present in the locations where the crimes take place, or due to lack of trust or fear that authorities are in collusion with the criminal groups that attack them. For example, the majority of the crimes that take place in Chiapas are documented in Oaxaca, crimes in Veracruz and Chiapas are reported in Tabasco, and only a few of the cases denounced in Coahuila actually happen in that state.

This situation impedes investigations, and local prosecutor’s offices justify the delays by saying that the crimes occurred in areas outside their jurisdiction.



*Special prosecutor's offices for migrants in Mexico*

## ADEQUATE PROCEDURES FOR REPORTING CASES AND HUMAN RIGHTS VIOLATIONS IN MIGRANT DETENTION CENTERS ARE LACKING

Another obstacle stems from a lack of adequate procedures to ensure that migrants held in migrant detention centers have access to the UIDPM or local prosecutor's offices. Organizations that have access to the detention centers play a critical role in giving visibility to the crimes detainees want to denounce, but only a few are allowed inside the facilities. Their access is restricted to certain hours and days of the week, and they can only visit migrants who have requested their assistance.

Without access to human rights organizations or the necessary authorities, detained migrants'

options for denouncing crimes are limited to reporting them to INM agents or to Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) during its visits to the centers. However, we have found cases in which the INM does not submit migrants' complaints to the CNDH or inform the Commission of the human rights violations migrants report. We have also found that the INM sometimes denies the abuses reported in migrants' testimonies or discourages, threatens, and intimidates migrants if they file complaints.<sup>7</sup>

## THE ROLE OF THE INM BETA GROUPS IN CHANNELING COMPLAINTS AND REPORTS

The INM Beta Groups (*Grupos Beta*)<sup>8</sup> are tasked with protecting migrants in transit through Mexico by providing rescue services, humanitarian assistance, and legal assistance. There are currently 22 Beta Groups present in nine of the country's states—Baja California, Sonora, Chihuahua, Coahuila, Tamaulipas, Veracruz, Tabasco, Chiapas, and Oaxaca. Unlike other INM agents, they are not obligated to verify or report a migrant's status.

Agents from the Beta Groups can offer migrants legal assistance<sup>9</sup> by forwarding their reports to the appropriate authorities for investigation. These authorities can be public service ombudsmen (for example, the INM's Internal Control Office or the Ministry of Public Administration), human rights bodies (such as the CNDH or local public human rights bodies), or public prosecutor's offices in the case of potential crimes. However, several challenges exist in regards to the legal assistance the Beta Groups offer:

- **INCONSISTENCY WITH THE SITUATION OBSERVED BY MIGRANT SHELTERS:**

According to the Ministry of the Interior (*Secretaría de Gobernación*, SEGOB)'s statistical bulletins,<sup>10</sup> the number of cases in which the Beta Groups provided legal aid decreased between 2014 and 2016, but while preparing this report, we noted that crimes and human rights violations increased during this period. In 2014, the Beta Groups reported having provided legal assistance in 358 cases; in 2015, 236 cases; and in 2016, 93. The majority of the legal advice was offered in Chiapas and Baja California, whereas in Oaxaca and Coahuila, there are no records of Beta Groups providing this type of assistance.

Data obtained through an access to information request about the Beta Groups' legal aid services reveal several inconsistencies. For instance, some cases were submitted for investigation to authorities that do not investigate the activities of officials or protect human rights. Furthermore, the Beta Groups have not standardized their procedures for documenting crimes and abuses: while some reports are imprecise, others specify what kind of crime was committed (kidnapping, unlawful deprivation of liberty, threats, extortion, robbery, etc.) and contain a more detailed account of the crime. Some also document migrants' concerns about whether or not to file a report (for example, fear of retaliation), while others do not.

- **EFFECTIVENESS:** The data shows that many cases were not submitted to the proper officials because migrants were not willing to report them. This raises questions about migrants' trust in Mexican authorities and their fear of being retaliated against for having submitted a complaint.<sup>11</sup> Although local attorney general and public prosecutor's offices have received some cases, information on the results of the investigations is lacking.

- **LACK OF TRANSPARENCY:** Information regarding the cases of crimes and abuses received by Beta Groups is not public and there is no standardized procedure for reporting on the legal aid services they provide. This makes it difficult to gain a complete overview of the violence and crimes migrants suffer in Mexico, or to evaluate whether or not the Beta Groups are adequately equipped to carry out their important responsibilities.<sup>12</sup>

## ONLY MIGRANTS WHO ARE VICTIMS OF GRAVE CRIMES CAN REGULARIZE THEIR MIGRATION STATUS

Mexican law allows migrants who have been victims of or witnesses to grave crimes to regularize their migration status for “humanitarian reasons” so that they can follow up on their cases. To apply for regularization before the INM, migrants must present a copy or other form of documentation of the complaint they filed at the local or federal public prosecutor’s office.

Regularizing someone’s migration status is an important, yet underutilized, tool for public prosecutor’s offices to be able to obtain vital information from migrants who are victims of or witnesses to grave crimes. It also allows them to continue their investigations into these cases regardless of whether or not the person stays in the country. In practice, however, the lack of results in the investigations causes migrants, even those who have regularized their status in order to collaborate with authorities, to distrust and have low expectations for Mexico’s judicial system.

Pedro is an 18-year-old migrant from Guatemala who was kidnapped and raped by members of the Gulf Cartel (*Cártel del Golfo*). He had never filed a report, nor did he want to submit one:

“My mother kept telling me to go back to Guatemala, to turn myself in to migration authorities. I didn’t want to, but I got the courage to do so thanks to the people from the *Casa del Migrante* [in Saltillo]. I don’t

know if the authorities will do anything in terms of justice.... All I want is my humanitarian visa. Then, I would go back to my country to see my mother (she went to Belize to pay off the debt) and come back to Mexico. I have to help her pay off the debt. But yes, I would stay if more were offered to me.”

According to information obtained through access to information requests, between 2014 and 2016, the regularization of migration status gained more importance for migrants who were victims of crimes in Mexico. The number of cases with positive outcomes increased 575 percent. Most migrants who benefited were from Guatemala, Honduras, and El Salvador. The INM did not specify whether the requests that were denied were victims of crimes or not, nor the reasons for rejection.

Several aspects of this regularization procedure restrict access to justice. For one, Mexico’s immigration laws only permit the regularization of migrants that have been victims of “grave crimes”.<sup>13</sup> This opens the door to violations of due process during regularization procedures and to arbitrary decisions as to whether the migrant is a victim of a grave crime or not, or that the authority receiving the complaint will make this determination. For example, in Oaxaca, public prosecutors are more willing to receive reports of grave crimes, whereas in Tabasco we found that authorities often minimize the seriousness

**TABLE 1**  
**NUMBER OF HUMANITARIAN VISAS APPROVED**

HUMANITARIAN VISAS	2014	2015	2016
Positive outcomes for victims / witnesses of grave crimes	338	1,073	1,944
Percentage of victims from Guatemala, Honduras, and El Salvador	92%	93%	92.6%

*Source: Responses to access to information requests.*

of the crimes migrants report. One Honduran migrant reported that he was detained, robbed, and sexually abused on the highway between Tenosique and the Guatemalan border. He applied for regularization, but his request was originally turned down by the INM because the special prosecutor's office in Tenosique did not classify these crimes as grave.

The visa card obtained by migrants who are victims or witnesses of grave crimes after they regularize their migration status is temporary and valid for only a year, sometimes less. They can renew the visa as long as the investigation is ongoing, but the renewal process is cumbersome. In Oaxaca and Sonora, we noted that migrants must go in person to the public prosecutor's office in charge

of their case in order to obtain proof that the investigation of their case is still open. This affects migrants' mobility and makes renewal difficult.

The regularization procedure for these migrants is slow: at best it takes a month. Sometimes there are no officials in the public prosecutor's offices to receive migrants' complaints or the officials that are present are not familiar with the procedure for submitting cases to the INM. Furthermore, the regularization of status for migrants who are victims of crime does not guarantee that the investigation into their cases will be fruitful, especially when officials are unwilling to investigate or do not use the other means available to advance the cases, such as gathering evidence before a trial (*"pruebas anticipadas"*).

## BOX 1

### THE IMPORTANCE OF CONSULAR SUPPORT TO MIGRANTS WHO ARE VICTIMS OF CRIME IN MEXICO

Consular support for migrant victims of crime in Mexico is fundamental in a number of ways: 1) to provide information on a migrant's nationality and other data required for procedures such as the regularization of migration status for victims of or witnesses to crimes, 2) to obtain important information needed for searches, for example, in cases of disappearance or kidnapping, and 3) to demand respect for migrants' rights when they are being investigated or detained in migrant detention centers or prisons.

In the states discussed here, we found that the scope of consular aid provided depends considerably on the disposition of diplomatic personnel (which is always subject to staff changes). The Honduran consul in Saltillo has been recognized for the strong support he provides to migrants who are crime victims. He cooperates with authorities to verify information about disappeared persons, keeps up-to-date on investigations involving Honduran citizens, and helps speed up procedures for Hondurans who are victims of crime. For example, Miguel, a 51-year-old Honduran national, received support from the consulate while being hospitalized in Monclova after having both of his feet amputated after being thrown off of a moving train by gang members. For the *Casa del Migrante de Saltillo*, the consul's attitude is very helpful, as "he gets very involved in the work and has a strong working relationship with the Attorney General's Office."

However, this level of commitment is not found in all of the country's consulates and embassies. In Sonora and other northern states, for example, there are no Central American consulates. In these cases, the consulates are located far from the places where their citizens require assistance and support when they suffer a crime. In Oaxaca, Central American consulates do not get involved in cases of crimes and abuses committed against their nationals; instead, they focus on administrative procedures. The Honduran Consulate in Oaxaca, however, did intervene in a case being investigated by the PGR's UIDPM which led to the identification of the smuggler of a girl who was a human trafficking victim.

# OBSTACLES TO INVESTIGATING CRIMES AGAINST MIGRANTS

*“[They] beat me up and we filed a complaint, but nothing happened. The PGJ [State Attorney General’s Office] would only tell us that it would take a while.” —Eduardo, 42-year-old migrant from El Salvador*

The creation of special prosecutor’s offices or units dedicated to investigating crimes against migrants—a process that began at the state level with Chiapas in 2008—symbolized an important acknowledgment of migrants’ vulnerability to crimes and abuses in the country. However,

their creation alone has not been enough to guarantee justice. Once migrants denounce the crimes committed against them in Mexico, many obstacles hinder their investigation. We highlight the main ones below.



Migrants at La 72, Hogar—Refugio para Personas Migrantes in Tenosique, Tabasco

## BOX 2

### **AUTHORITIES THAT INVESTIGATE CRIMES AGAINST MIGRANTS IN THE STATES COVERED IN THIS REPORT**

Created in December 2015,<sup>14</sup> the Unit for the Investigation of Crimes for Migrants within the PGR is in charge of investigating federal crimes committed against or by migrants in Mexico, including those that take place along “The Beast” railway line, as it falls under federal jurisdiction,<sup>15</sup> and on the federal highways along which migrants frequently travel by bus. However, there are other PGR offices (units, deputy attorney general’s offices, and prosecutor’s offices) that could be given the power to investigate crimes against migrants. Examples include: the Deputy Attorney General’s Office for Special Investigations on Organized Crime (*Subprocuraduría Especializada en Investigación de Delincuencia Organizada*, SEIDO), 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 Special Prosecutor’s Office for the Search for Disappeared Persons (*Fiscalía Especializada en Búsqueda de Personas Desaparecidas*, FEBPD). The UIDPM also investigates cases where migrants are the perpetrators of crimes, but these cases are exceptional.

The Tabasco State Prosecutor’s Office has a Special Prosecutor’s Office for Attention to Migrants in Tenosique, a common stop along the route of “The Beast”, which passes through the city. The state of Oaxaca has also established a Special Prosecutor’s Office for Attention to Migrants in Ixtepec. However, as more migrants turn to traveling by foot to cross the state of Chiapas to reach Ixtepec, Oaxaca (in order to avoid boarding the train), many crime reports are being filed at the prosecutor’s office in the municipality of Chahuities, Oaxaca, as it is closer to this new route.

In Coahuila, a General Office for Serious Crimes Committed against Migrants (*Dirección General de Delitos de Alto Impacto y Cometidos en Agravio de Migrantes*) was set up within the State Attorney General’s Office in 2016. Cases have been found where migrants in Coahuila have committed crimes against other migrants. In 2010, the *Casa del Migrante de Saltillo* reported a case, the case reached the PGR’s office, and now the perpetrators are serving a 25-year term in prison. The percentage of migrants who have allegedly committed crimes is small (around five percent), according to the migrant shelter’s legal team.

## INADEQUATE BACKGROUNDS OF SPECIAL PROSECUTORS AND THEIR TEAMS, LACK OF RESOURCES, AND LACK OF SENSITIVITY

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According to the lawyer at the *Centro de Recursos para Migrantes* in Agua Prieta, Sonora “... the person who heads [the investigation of crimes against migrants] determines whether there will be will [to investigate] or not. Continuing to create laws, regulations, and rules does not always help to achieve real justice. They can keep setting up units or prosecutor’s offices, but if there is no real interest in investigating, detaining perpetrators, and sentencing them, things will stay the same. There are no tangible cases of justice.”

In Oaxaca, the nomination of the prosecutor for attention to migrants (*Fiscal para la Atención al Migrante*) is political and it is not determined by victims’ needs. As a result, whether or not the candidate has the right profile for the position, a background in migration issues, or experience working with victims, is often not taken into account. This—and the fact that the prosecutor changes with every administration—affects the continuity of policies for prosecuting crimes against migrants. Furthermore, the prosecutor’s office’s personnel often show a clear lack of will to investigate crimes and interact with victims while respecting their dignity and rights.

The staff at the special prosecutor’s office in Tenosique is not adequately trained, and the office is not equipped with the human and financial resources it needs to conduct effective investigations. Its team is composed of only the prosecutor and around six employees. In February 2017, state authorities reported that they were making efforts to assign police officers to the special prosecutor’s office, but resources were limited. In general, the treatment migrants receive is disrespectful and unprofessional. For example, in cases of sexual violence, agents laugh when certain body parts are mentioned (for example, the

anus) and they describe poorly or minimize victims’ descriptions of their experiences due to their discomfort in documenting them. Furthermore, *La 72* reported that the victims often have to remain standing while an employee takes their statement, as there are no private rooms available. This lack of professionalism and sensitivity results in the re-victimization of the migrant.

In Sonora, migrants know that to file a report “means going in the morning and coming back late in the afternoon. They take forever. That is why we now submit complaints in writing,” collaborators of the Kino Border Initiative explained. For Ramón, a Honduran migrant who was kidnapped in Veracruz and is now in Nogales, lodging a complaint “takes a lot of time. I’d also have to talk to the other people who were kidnapped with me.” What is more, local authorities have even gone as far as to threaten to report to the INM the irregular status of migrants who are victims of crimes.

Before the General Office for Serious Crimes Committed against Migrants was created in Coahuila, Saltillo municipal police would see migrants at a crossing, ask them for their documents, and bring them before the Coordinating Office of Qualifying Judges (a state administrative body). The judges would notify them that they did not have “papers” and send them to the INM for their “assisted return to their country.” However, as a result of multiple training courses and awareness-building activities for officials, this practice is becoming less and less common.

The federal Attorney General’s Office’s Unit for the Investigation of Crimes for Migrants does not have sufficient human resources to investigate crimes involving transnational criminal networks.



*Migrants at the Casa del Migrante de Saltillo in Coahuila*

## CONFLICT OF JURISDICTION IN INVESTIGATIONS OF CRIMES AGAINST MIGRANTS

Another challenge to investigating crimes against migrants is the lack of coordination between federal and state authorities and between the various departments within the same institution.

### COORDINATION WITHIN THE PGR

The resolution that created the UIDPM establishes that all crimes against migrants should be submitted to the Unit for investigation; however, we found some cases where migrants are victims of organized crime-related offenses, kidnapping,

and human trafficking, yet their cases continue to be processed by other prosecutor's offices or deputy attorney general's offices. There is also little communication and coordination on these cases between PGR offices. Moreover, some PGR offices in the states are unaware of the UIDPM's existence.

In Nogales, we accompanied Luis, a 34-year-old migrant from El Salvador, to the PGR's local office to report a federal crime. The head of the PGR's Immediate Attention Unit (*Unidad de Atención*

*Inmediata*, UNAI) in Sonora did not know that the UIDPM existed. A lawyer from the *Centro de Recursos para Migrantes* who knew about the case commented that the UIDPM was already aware of the case because of the references to crimes committed elsewhere.<sup>16</sup> The UIDPM took note of the case and helped coordinate on certain elements, but the criminal investigation began at the UNAI with Luis's complaint. The head of the UNAI forewarned that it was highly unlikely that the criminal investigation would continue because there was little evidence to prove the fraud or the unlawful deprivation of liberty.

Currently, the *Casa del Migrante de Saltillo* does not have knowledge of or accompany cases at the UIDPM. It only has cases at the PGR local offices, SEIDO, or FEVIMTRA. Although the Unit is supposed to “cover the entire migrant population, it continues to classify cases by crime, and not by group. It depends ... on who is leading the investigation,” the shelter's lawyer explained.

## COORDINATION BETWEEN STATES AND THE FEDERAL GOVERNMENT

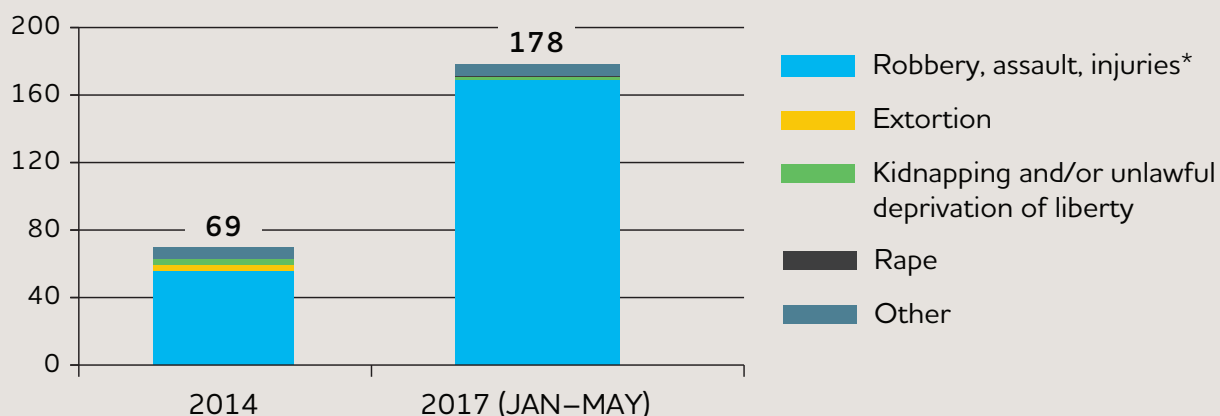
When a crime report is filed in a state other than where the event occurred, there are difficulties in transferring the case from one authority or office to another.

The head of the General Office for Serious Crimes Committed against Migrants in Coahuila indicated that his office maintains relations with federal authorities through weekly meetings held by a public security coordinating group in which the Federal Police, the PGR, the INM, municipal preventative police, and all other state-level authorities involved in security issues participate.

In Sonora, federal and state level authorities evade the responsibility of addressing crimes against migrants by attempting to refer investigations to one another—that is, they transfer them from one jurisdiction to another. According to the Kino

**FIGURE 5**

### CASES DOCUMENTED BY THE HERMANOS EN EL CAMINO SHELTER IN IXTEPEC, OAXACA, 2014 AND 2017



\* Cases from 2014 include: robbery; robbery with violence; assault; assault with violence; robbery to bystanders; injuries, and other. Cases from 2017 include: robbery; robbery with violence; assault; assault with violence; robbery to bystanders. Source: Cases documented by the Hermanos en el Camino shelter.

Border Initiative, when the PGR takes on a case, the agents act more professionally and provide better treatment than the State Attorney General's Office (where there is no special prosecutor's office). In Oaxaca, the UIDPM has helped in some of the human trafficking cases the *Hermanos en el Camino* shelter is accompanying, but besides these cases, the shelter does not see the Unit participating much in cases under its jurisdiction.

In Tabasco, the majority of crimes against migrants, including kidnapping, are dealt with at the state-level. The special prosecutor for human trafficking mentioned that her office had worked with the UIDPM on a kidnapping case in which the father of the family was being blackmailed by individuals in the United States. Via the UIDMP, the U.S. Federal Bureau of Investigation (FBI) and the PGR were involved in the case.

## AUTHORITIES ARE UNWILLING TO INVESTIGATE CRIMES AGAINST MIGRANTS

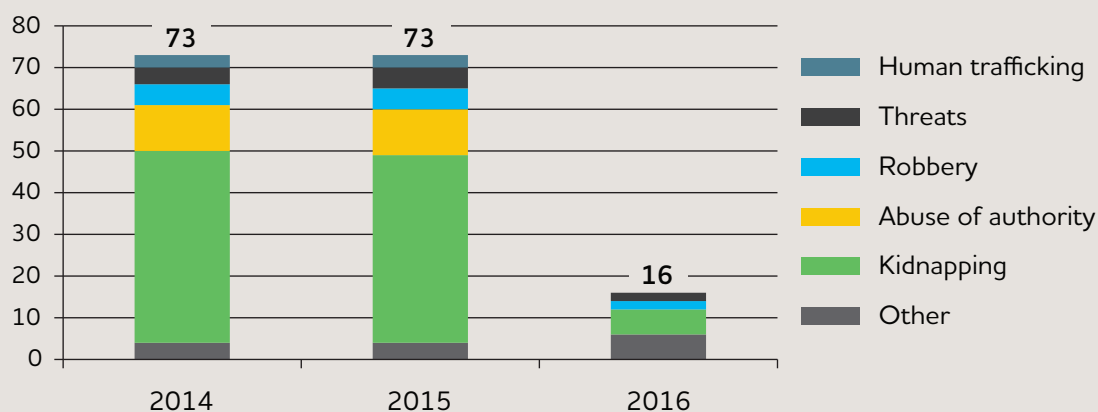
Local prosecutor's offices have shown willingness to investigate crimes reported by migrants and to punish those responsible in only a few cases. While the head of the UIDPM demonstrates that she is willing to carry out investigations, the Unit's ability to investigate is limited by bureaucracy and a lack of communication within the PGR, a lack of capacity to investigate complex crimes that may involve transnational organized crime, and a lack of human resources.

Local prosecutors justify the lack of results in investigations by claiming that since migrants who are victims of crime do not stay in the areas

where they file their complaints, investigations into their cases cannot move forward. For the Ministry of the Interior's Undersecretary of Population, Migration, and Religious Affairs, "migrants go and file reports, but do not stay in the country. If they go to the U.S. or return to their home country, the investigation is cut off. We cannot proceed." Similarly, according to the head of the General Office for Serious Crimes Committed against Migrants in Coahuila, the greatest difficulty the office faces is that "we cannot give continuity to the investigation files since migrants are just passing through and only want to make it to the border. But there have been cases where migrants

**FIGURE 6**

### CASES DOCUMENTED BY RED MIGRANTE SONORA, 2014-2016



Source: Cases documented by Red Migrante Sonora.

stay for over a month in order to complete the file.” In Sonora, organizations indicate that it is difficult for cases to advance because authorities require victims to appear before them even though they often do not remain in the place where they reported the crimes.

In a 2015 case involving the robbery of three victims—two Hondurans and one Guatemalan—that the *Hermanos en el Camino* migrant shelter in Ixtepec accompanied, the prosecutor’s office asked for “the exact date they left the shelter, if they indicated where they were going, and if there was a telephone number where they could be reached.” Since the shelter could not provide this information, the case did not move forward. In a 2016 case of assault, robbery, and aggravated sexual abuse involving four women and two men, including one minor, the prosecutor’s office asked the shelter and the consulate how to locate the migrants.

Several interviews and testimonies reveal that Mexican authorities believe that in order for investigations of crimes against migrants to advance, the victims must remain in the place where they reported the crimes. For the *Hermanos en el Camino* shelter in Ixtepec, officials “do not understand the logic of migrants’ travel and only pursue the investigation on the condition that the victims appear before them. How are you supposed to find them if they were only passing through here? If the victims do not appear, the investigations do not advance.”

Despite Mexican officials’ claims, investigations into crimes against migrants can indeed move forward even if the victim leaves the country. As mentioned above, migrants who are victims of or witnesses to grave crimes can regularize their migration status in order to remain in Mexico and contribute to investigations into their cases. Additionally, the Federal Code of Criminal Procedures (*Código Nacional de Procedimientos Penales*, CNPP),<sup>17</sup>

which took effect nationwide on June 18, 2016 and is applicable to the investigation of crimes against migrants, allows for prosecutors to gather evidence before trial (“*pruebas anticipadas*”) when “it is likely that a witness will not be able to appear at the hearing because he or she lives abroad or has reason to fear for his or her life,” and to “avoid the loss or alteration of evidence.” In the case of crimes against migrants, this means that authorities can collect all necessary evidence at the time that a migrant reports a crime and can pursue the investigation even in their absence.

The head of the UIDPM stated that evidence has been used before trial in at least one kidnapping case. The Oaxaca State Attorney General’s Office has also used this resource, recognizing that for crimes against migrants, it is sometimes difficult to gather the evidence needed to corroborate certain cases. However, we did not find any evidence of significant or constant use of producing evidence before trial by the PGR or local prosecutor’s offices in the investigation of crimes against migrants.

Another consequence of authorities’ belief that cases can only advance if the victims remain in the area where they reported the crime is that many cases are left open indefinitely due to the supposed lack of evidence to proceed with the investigation (investigative files put on hold). In Saltillo, we found evidence that authorities put cases on hold even when the victims stay in the area. For the *Casa del Migrante de Saltillo*, “it is not to [authorities’] advantage to say that they have already closed the case definitively, so they put them on hold.”

Ideally, if authorities were willing to investigate these crimes, they could combine the use of producing evidence before trial and the strategic use of the regularization of victims’ migration status to obtain information. We found no proof of this being done.

In the *Casa del Migrante de Saltillo*'s experience, in the rare cases where progress is made, investigations are not carried out with due diligence. The situation is similar in Sonora, where state authorities do not show any interest in these cases. On one occasion, the lawyer from the *Centro de Recursos para Migrantes de Agua Prieta* found negligence in the follow-up on a report of the kidnapping of a migrant: the case file went missing when it was sent from Agua Prieta to Nogales. "The Public Prosecutor's Office reprimanded its staff due to our insistence. Many case files were missing."

Miguel, a 51-year-old migrant who lost both of his feet when members of an organized crime gang threw him off of a moving train, was rescued by the Monclova police, close to Ciudad Frontera. Even though he feels that officials had enough material

to investigate, they let "the investigations cool off." Although they detained two people for the injuries they caused and for other homicides committed on the same route, they apparently let them go during the investigation phase, even before they went to trial. "It is not fair that they let them go. If they didn't want to do anything because they were foreigners, they could have at least handed them over to authorities and deported them so that they would be punished there. I think there are powerful people behind them."

In Oaxaca, cases in the two prosecutor's offices that investigate crimes against migrants (Ixtepec and Chahuities) are at a standstill. Officials limit themselves to only receiving complaints and when they do take action, "they do the investigation from their desks and offices." In other words, they do not go out on the streets to investigate. No



*Migrants at the Kino Border Initiative migrant aid center in Nogales, Sonora*

progress is made on the cases and the majority remain in impunity. In Tabasco, the situation is similar. *La 72* has noted authorities' indifference:

they receive reports and open case files, but other than that, they do not take any further steps.

## THE WORK OF HUMAN RIGHTS COMMISSIONS (PUBLIC HUMAN RIGHTS BODIES) IN CASES OF ABUSE AGAINST MIGRANTS

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The CNDH and local public human rights bodies (*organismos públicos de derechos humanos*, OPDH) are responsible for identifying and investigating potential human rights violations committed by federal and local authorities, respectively. As such, they play an important role in guaranteeing that migrants who are victims of crime in Mexico have access to justice. The recommendations that the CNDH and the local OPDH propose to authorities that have committed human rights violations are not binding until the authority in question accepts them. Even so, they can have a positive impact: due to their official nature, it is difficult for authorities to dismiss them.

The local OPDH in the states we investigated do not fulfill their duty to protect migrants' human rights when they are violated by state authorities. In Oaxaca, the CNDH assumes this responsibility. According to the *Hermanos en el Camino* shelter in Ixtepec, "the CNDH swallowed up the Ombudsman's Office." In Sonora, the Kino Border Initiative says, "the staff of the CEDH [State Human Rights Commission in Sonora] does not offer support to migrants." As a result, the CNDH is sometimes the one to follow up on the complaints of state-level crimes, although the CNDH's level of involvement depends a lot on the employee doing the work. In Sonora, only one employee offers comprehensive and broad support to migrants. In the majority of the cases, the CNDH's role is limited to accompanying the migrant in person and "paper-pushing", and it does not provide the legal advice and support needed to help victims with their complaints. According to the *Casa del Migrante de Saltillo*, the State Human Rights Commission only pretends to be

doing something; its work is limited to "office work" and it does not conduct investigations. For example, in a case related to the torture of 47 migrants by the Saltillo municipal police, the State Commission classified the case as "abuse of authority" and finally issued a recommendation on the excessive use of force and abuse of authority. According to the lawyer, they did not want to prove that torture was used, as the State Commission said that "it cannot be deduced from the police's conduct that they tried to force them to make a statement."

The CNDH conducts visits to migrant detention centers, where it receives complaints, issues precautionary measures, and takes other actions. In October 2016, the CNDH released a report<sup>18</sup> by the National Mechanism for the Prevention of Torture (*Mecanismo Nacional de Prevención de la Tortura*) about several migrant detention centers and short-term detention centers. The report exposes numerous problems with the facilities, their medicinal supplies, and the certification of physical well-being of detainees, among other issues.<sup>19</sup> The CNDH in Ixtepec has documented cases in which INM agents mistreated migrants and cases where there were delays in taking migrants to detention centers. In this region, the CNDH observed that abuses take place from the time migrants are detained to the time they are brought to the centers. The SEGOB's Undersecretary of Population, Migration, and Religious Affairs claims that INM agents "cannot be the perpetrators of crimes and human rights violations against migrants." However, data obtained from the CNDH through access to information requests indicate that the INM

continues to be the authority migrants identify most in their complaints as being responsible for violating their rights.<sup>20</sup> The fact that the CNDH has not used these complaints to develop strong recommendations should not be interpreted as a sign that the complaints are unfounded or that authorities have been falsely accused.

The CNDH has documented numerous human rights violations committed by INM agents, but it

has issued few recommendations to the Institute in recent years: three in 2015 and two in 2016. Two of these recommendations are in regards to the arbitrary detention of Mexican nationals who had their Mexican birth certificates and their Unique Population Registry Code (*Clave Única de Registro de Población*, CURP) with them. In the case of four Tzeltal Indigenous individuals in Chiapas that INM agents tried to claim were Guatemalans, there were signs that they had been tortured.<sup>21</sup>

## CRIMINALIZATION OF MIGRANTS AND MIGRANT RIGHTS DEFENDERS

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The criminalization of the migrant population and the people who defend their human rights is another obstacle to guaranteeing access to justice for migrants in Mexico. The discourse of state officials and some groups in society is openly discriminatory and prejudiced towards migrants. This can be seen, for example, in comments made by the mayor of Chahuities, Oaxaca, who wants to close the *Casa del Migrante* shelter because he considers migrants to be “unruly” people who enter people’s homes without permission, “spark fights amongst each other, and put other people’s lives at risk.”<sup>22</sup> Shelters, migrant centers, and human rights organizations play a fundamental role in documenting such discrimination.

The problems that migrants and their defenders have with the mayor of Chahuities are not the only obstacle they face in Oaxaca. At the shelter in Chahuities, shelter staff and the migrants staying there have suffered from several attacks and threats since it opened in 2014.<sup>23</sup> Father Alejandro Solalinde, founder of the *Hermanos en el Camino* shelter, has received multiple death threats in recent years. In May 2012, he decided to leave the country for a few months after receiving six death threats in two months.<sup>24</sup> The last threat against Father Solalinde was made in March 2017 in a video posted by a Twitter account.<sup>25</sup>

As for Coahuila, human rights defenders and migrants in the city of Saltillo have faced harassment for several years. The *Casa del Migrante de Saltillo* has been under the protection of the CNDH’s precautionary measures since 2009 and under those of the Inter-American Commission on Human Rights (IACHR) since 2010.<sup>26</sup> Threats against the shelter’s staff have been documented but have not received an adequate response from the state and federal governments. In 2015, after municipal police detained Central American migrants for begging for money on the street, the *Casa del Migrante* denounced the mayor of Saltillo for “publicly criminalizing poverty and migration and inciting discrimination against migrants.”<sup>27</sup>

At the state level, the government of Coahuila maintains a “pro-rights” or “pro-protection” discourse on migrants. However, cases of torture exist, such as those that took place in 2013 and the years after, as well as cases where public prosecutors have violated migrants’ presumption of innocence by pressuring them to confess to crimes in which their involvement has not been proven. While these incidences do not appear to occur often, they tend to increase in certain political contexts, such as during elections.

Prior to the 2013 mayoral election in Saltillo, there were cases of migrants being tortured and

having drugs “planted” on them. It was common to hear statements calling for the *Casa del Migrante* shelter to be stricter, to adopt more effective admission criteria for migrants, and to let authorities do their work. It was also common to hear the phrase, “As human rights defenders, they defend criminals.” These comments feed a discourse that criminalizes the entire migrant population. For example, Daniel—a Honduran migrant—was arrested, tortured, and forced to confess to a murder he did not commit in 2009. In 2011, he was convicted for the murder. In response to his case, it was common to hear comments such as, “It’s the migrant shelter’s fault there is crime in the city.”<sup>28</sup>

The criminalization of migrants and their defenders is also common in Sonora. Since 2016, in the municipality of Caborca, a place where migrants cross the border into the United States, the INM carried out several operations at the request of the mayor and the town’s citizens.<sup>29</sup> This pressure from citizens, who claim that migrants are giving the city a “bad image”, has led authorities to conduct migrant raids to arrest and impose penalties on migrants for administrative offenses.

Carried out by the INM, the Caborca municipal police, the state investigative police, and the Federal Police,<sup>30</sup> these operations have been widespread and have resulted in the detention of over 200 migrants.<sup>31</sup> Furthermore, the *Casa del Migrante de Caborca* has also been the target of harassment and threats, demonstrating again that this context of discrimination and xenophobia also affects migrants’ rights defenders.

As a consequence of its migrants’ rights work, the Kino Border Initiative experienced its first security threats in 2014:

“People from the mafia wearing hoods came up to our director and asked him for a light. Father felt it was a message to say, ‘We’re watching you.’ On another occasion, they followed the sisters that were coming

from the soup kitchen. And once, after we filed a complaint, a municipal police officer warned me that his boss wanted them to investigate me to find out what I was doing here. If this time they said, ‘We’re the police,’ imagine what we can expect from the mafia.”

Later, in 2016, the Kino Border Initiative suffered other incidents of harassment, which led the organization to request precautionary measures. The SEGOB is now responsible for providing protection for the Initiative’s team members which it facilities under the Mechanism to Protect Human Rights Defenders and Journalists (*Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas*).

In Tenosique, *La 72* team members have been threatened and harassed by criminal groups and state agents. Since April 2013, shelter staff and the migrants staying at the shelter have been under the protection of IACHR precautionary measures. Despite these measures, they continue to suffer attacks. In one incident in May 2014, three team members suffered injuries at the hands of INM, Federal Police, and state police officers during a police operation aimed at detaining illegal immigrants in Zapata. In October 2016, a nun who works in the shelter received two phone calls threatening her for her work to defend human rights.<sup>33</sup>

*La 72*, Fundar, and other rights defenders filed a complaint at the CNDH to denounce the physical abuse, which resulted in injuries, against migrants during an INM operation that took place in Tenosique in May 2015. In response to the complaint, the INM’s Internal Control Office directly accused the shelter and the other organizations of assaulting INM agents. The CNDH, for its part, closed the file on the case.

Finally, shortly before the publication of this report, on June 26, 2017, *La 72* suffered the most recent act of harassment: the INM reported one of the

priests who works at the shelter, Father Bernardo Molina Esquiliano, to the PGR for alleged human trafficking. According to *La 72*, authorities—

especially the INM—see providing shelter and assistance to migrants as human trafficking.<sup>34</sup>

## CONSPIRACY TO MAINTAIN IMPUNITY

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For migrants' rights organizations, it is no surprise that crimes against migrants do not result in verdicts or sentences. For several years now, areas along Mexico's migration routes have been controlled by organized crime groups,<sup>35</sup> or the mafia, which integrate public officials from the police corps and the attorney general's offices into their structure. Under these circumstances, impunity for crimes committed against migrants is basically automatic. When the authorities in charge of watching over and protecting the rights of all people within the country are the ones committing crimes and protecting the perpetrators—for whatever reason—the outlook is bleak.

According to official data, from 2014 to 2016, of the 5,824 crimes against migrants reported in Chiapas, Oaxaca, Tabasco, Sonora, Coahuila, and at the federal level, there is evidence of only 49 sentences, leaving 99 percent of the cases in impunity.

In 2014, a lawyer from the *Centro de Recursos para Migrantes de Agua Prieta* commented that a person who had been repatriated in Agua Prieta got off at a bus stop to buy something less than 100 meters from the bus. A municipal police patrol car “came up and talked to him, put him in the car, and began to ask him questions, as if they were saying he was a criminal. They kept him in the car for one or two hours before they let him go.” The person filed a complaint at the Municipal Comptroller's Office, where “they called the commander, who spoke very arrogantly to the migrant. The migrant felt belittled. We said

that that was not right.” For the organizations, because of situations like this, there is no way to dialogue with the police or municipal authorities.

On another occasion, in 2016, the same organization in Agua Prieta documented the case of a migrant who was attacked on the train by armed guards, who opened fire on him and other people:

“We went to the federal Public Prosecutor's Office in the afternoon and they took me to see the head prosecutor. He asked why we were there. We answered that it was because of the Unit for Migrants. They told me it would be better to come back later so that they could investigate a bit. When we returned, they told us that there were no guards on the trains and that they could not take the report there, that we should denounce the crime at the state level. We did not want to insist.”

This account reveals how in addition to the lack of will to investigate and the lack of coordination between crime investigation authorities, there is a tradition of collusion and complicity between authorities, leading to impunity. This is all the more serious when this complicity is between authorities and members of organized crime groups, which does indeed occur. “A lot of information is leaked to organized crime,” staff from the Kino Border Initiative affirmed.

According to a CNDH official we spoke to in Nogales, not only do agents of the Public Prosecutor's Office not investigate crimes for fear of losing their lives at the hands of organized crime hitmen, but also because “there is a lot of corruption and apathy among authorities. When crimes are not reported, it generates more impunity.”

**TABLE 2**  
**SENTENCES FOR CRIMES AGAINST MIGRANTS, 2014-2016\***

	FEDERAL	SONORA**	COAHUILA	OAXACA	TABASCO	CHIAPAS	TOTAL
<b>2014</b>	<b>NA</b>	<b>NA</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>25</b>	<b>31</b>
<b>2015</b>	<b>NA</b>	<b>NA</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>8</b>	<b>14</b>
<b>2016</b>	<b>NA</b>	<b>NA</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>4</b>

*\* It is possible that other sentences exist, but they were not reported in authorities' responses to the access to information requests. The breakdown of the sentences for each state are as follows: in Coahuila, of the 5 sentences, 3 are acquittals and 2 are convictions; in Oaxaca, of the 5 sentences, 3 are convictions and 2 are acquittals; in Tabasco, all 3 sentences are convictions; and in Chiapas, of the 36 sentences, 30 are convictions and 6 are acquittals.*

*\*\* The number of sentences in Sonora far exceeded the number of investigations. Given that the official data is inconsistent and does not clarify the reason for this discrepancy, it was not considered reliable and therefore not included in this table.*

*Source: Responses to access to information requests.*

Crimes committed by authorities—or rather, by criminals backed by authorities—are common on the migrants' routes north. Adolfo recalls that:

"After we got away from where they had kidnapped us, the police stopped us and asked us for money. We told them that we had been robbed. We asked them if they were going to turn us in to migration and we asked them to be understanding. We were scared, but at least we thought that they were going to deport us and we weren't going to die. They came to take us over to where migration officials were..."

In these situations it is not surprising that migrants who are victims of crimes do not trust Mexican authorities: "When I see a Mexican official, I hide.

If they stop me, I prefer not to take risks. When I went to file the report, I didn't know what was going to happen. I was very scared," said Alejandro, a 42-year-old migrant from El Salvador. Even after he filed his complaint in Saltillo, he was threatened by the police officer that he had submitted his report to:

"The police officer on the street said to me, 'Hey you! This isn't over,' and I regretted having filed the report. They can shoot me or beat me up, as if my life doesn't matter. I prefer to run away than to be shot. Justice is injustice. There is no justice. Very few people fight for justice. Only one person, a woman, really helped me—the one who recorded everything that happened."

# REPORTS OF CRIMES AGAINST MIGRANTS RECEIVED FROM ABROAD

In August 2010, 72 migrants were massacred in San Fernando, Tamaulipas. A year later, the remains of 193 migrants were discovered in 47 clandestine graves in San Fernando. Then, 49 bodies, the majority of which were migrants, were discovered in Cadereyta, Nuevo León in May 2012. All of these cases show that when migrants are victims of kidnapping, forced disappearance, unlawful deprivation of liberty, disappearance committed by individuals, extortion, or homicide, their families—the majority of which live in Central America or the United States—are the ones who have to denounce these crimes and demand justice from abroad.

The relatives of the migrants who were victims of the San Fernando and Cadereyta massacres faced many difficulties when they attempted to

denounce the crimes and monitor the progress of the investigations being carried out in Mexico from their country of residence. Together with Central American groups whose family members had gone missing in Mexico and the organizations that represent and accompany them, these families demanded that the government create a mechanism that allows migrants and their families to report crimes and monitor the progress of investigations from abroad. In response, in December 2015, the PGR created the abovementioned Unit for the Investigation of Crimes for Migrants and the Mechanism for Foreign Support.

The MAE was created to receive reports of crimes committed against migrants from abroad via PGR representatives in Mexican embassies

**TABLE 3**  
**CASES REPORTED THROUGH MEXICO’S FOREIGN SUPPORT MECHANISM**

COUNTRY OF ORIGIN OF THE VICTIM	NUMBER OF DOCUMENTED CASES
EL SALVADOR	21 CASES OF DISAPPEARANCE
HONDURAS	20 CASES OF DISAPPEARANCE
GUATEMALA	19 CASES OF DISAPPEARANCE
COLOMBIA, BRASIL, ECUADOR AND OTHER COUNTRIES	8 CASES INVOLVING UNSPECIFIED CRIMES
TOTAL	68 CASES

Sources: <http://bit.ly/2hb2LhN>; <http://eluni.mx/2e4zXba>; <http://bit.ly/2lo7qNt>; responses to access to information requests.

(attachés) or PGR offices in Mexican consulates. It is also in charge of submitting the cases to the UIDPM for investigation, receiving evidence, and keeping families informed of progress made in the investigation in the country where they reside. The MAE eliminates, at least on paper, geographical, economic, and bureaucratic barriers so that the families of migrants who have been victims of crime in Mexico have direct contact with Mexican authorities, can report crimes, and are able to follow up on the investigation, without having to travel to the country.

As of July 2017, the MAE has received 68 reports of crimes perpetrated against migrants in Mexico.

Of these, at least 60 were cases of migrants from El Salvador, Guatemala, and Honduras who disappeared in Mexico between 1999 and 2014. Disappearances were at the highest level in 2011.

The MAE is one of the most important measures created to respond to the families of migrants residing in other countries. While major challenges persist in terms of operability and effective responses, there are some positive aspects of the MAE that open the door to reporting similar cases. For this to occur, authorities must resolve the following aspects.

## **OBSTACLES TO REPORTING CRIMES FROM ABROAD**

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The resolution that created the UIDPM and the MAE highlight that PGR representatives located outside of the country are the doorway to reporting crimes to the Mexican justice system.<sup>36</sup> However, in practice, neither the Ministry of Foreign Affairs nor the PGR have made sufficient efforts to clarify—for instance, by issuing guidelines—the role of each institution in receiving reports of crimes against migrants and evidence, nor have they sought out effective ways to coordinate. This means that authorities' responses to victims are neither constant nor consistent, which often delays investigations. In Honduras, reports have been submitted directly to the consul, whereas

in other cases, the embassies are only a physical space used by the head of the UIDPM traveling from Mexico to receive reports. Some complaints were received directly by the MAE, while others were received through traditional means of cooperation between countries (international legal assistance) that, contrary to the MAE, do not allow victims to participate. Moreover, the PGR has only one attaché in Guatemala, which makes it difficult for victims from Honduras or El Salvador to present reports. There are few PGR liaison offices and attachés in the United States to receive migrants' reports.

## **OBSTACLES TO INVESTIGATING CRIMES REPORTED FROM ABROAD**

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Once a crime has been reported from abroad and investigations have begun in Mexico, there are no appropriate mechanisms for keeping families living in Central America or the United States informed about advances in their cases.

A more structured and formal procedure must be developed in order to enable victims' families

to monitor progress made in their cases while still in their country of residence. In some cases, the official in charge of the MAE has informed families in person or via Skype of the state of the investigation into their case, but in others—for example, in 19 cases involving Guatemalan victims—review boards have not met to discuss cases because “there has been no progress

made.” This is despite the fact that the cases were filed in late 2016 and January 2017, which means that enough time has passed to produce results. In light of this situation, authorities could take advantage of already existing means of collaboration, such as the Forensic Commission (*Comisión Forense*), to report on progress made in investigating crimes reported through the MAE. The Forensic Commission is a working group created in 2013 to identify the remains of victims from the San Fernando and Cadereyta massacres. The PGR, organizations of families, the Argentine Forensic Anthropology Team (*Equipo Argentino de Antropología Forense*), and human rights organizations that represent the victims all participate in the working group.<sup>37</sup>

Families in Central America also find it difficult to travel to Mexico when they have to participate in important proceedings, such as search-and-rescue efforts to find disappeared migrants. The lack of clarity on the procedures and criteria for granting visas in these cases forces the families to apply for tourist visas. However, the requirements for obtaining these visas are too strict and, in many cases, impossible to meet for those who do not have the economic resources required to obtain these visas. Maria, who lost a family member in the Cadereyta massacre, explained that:

“I went to the consulate to apply for a visa. They asked me to meet many requirements, prove my financial situation, where I worked.... I proved all of this.... I took the letter of invitation that *Fundación para la Justicia* had sent me and on top of all this, they asked me to submit his bank statements.... I have the right to go and see with my own eyes how they are investigating my brother’s assassination, since the authorities don’t come to tell us what they are doing.”

Finally, families’ and victims’ access to justice is also restricted when they do not have access to the files of the investigations underway in Mexico from their country of residence. The PGR has proved to be particularly opposed to the idea of exploring alternatives so that the families do not have to travel to Mexico to view the documents, files, and records related to their cases’ investigations. The PGR affirms that it does not have an online system for consulting files and that Mexican law does not require it to digitalize files so that they can be accessed electronically. It also states that the families can only consult the files at the PGR’s offices in Mexico City. This has forced the families’ lawyers to file petitions for a writ of *amparo* (guarantee of protection for an individual’s constitutional rights) to gain access to files. By responding in this way, the PGR ignores the fact that the MAE exists precisely so that the families of migrants who are victims of crime in Mexico—many of whom have scarce resources or cannot travel easily—do not have to travel to Mexico to find out the status of their case.<sup>38</sup>

# CONCLUSIONS AND RECOMMENDATIONS

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The creation of special prosecutor's offices or units for investigating crimes against migrants and the Mechanism for Foreign Support (*Mecanismo de Apoyo Exterior*, MAE) to denounce crimes from abroad are an official acknowledgment of the need for concrete measures to guarantee access to justice for migrants who are victims of crime in Mexico. However, fundamental obstacles remain—most of them due to authorities' lack of will or

negligence—that impede these bodies from fulfilling their duty. Currently, an overwhelming number of crimes against migrants in the country go uninvestigated or unpunished.

To address this situation, Mexican authorities must take bold measures to produce measurable and public results, including:

## ELIMINATE OBSTACLES SO THAT MIGRANTS CAN REPORT CRIMES COMMITTED AGAINST THEM IN MEXICO

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- The special prosecutors or offices to investigate crimes against migrants and the Unit for the Investigation of Crimes for Migrants (*Unidad de Investigación de Delitos para Personas Migrantes*, UIDPM) of the federal Attorney General's Office (*Procuraduría General de la República*, PGR) should facilitate the reporting of crimes against migrants. Measures to do so could include conducting regular visits to migrant shelters or human rights organizations to receive crime reports and creating new special prosecutor's offices in other states where there is a high number of crimes against migrants, such as Sonora and Tamaulipas. Public officials should have presence in well-known transit points and migration detention centers to receive crime reports from migrants. Implementing mobile Public Prosecutor's units to be able to receive complaints where they are needed could contribute to addressing this situation.
- Reform Article 133 of the Migration Law, and Article 144, section 2 and Article 180, section 1, paragraph b) of the Regulations to the Migration Law that only permits the regularization of migrants that have been victims of "grave crimes". This requirement is an obstacle to justice and due process during regularization procedures, and opens the door to arbitrary decisions by authorities on who is or is not a victim of a grave crime. Keeping this requirement may also prevent officials from the Public Prosecutor's Office from gathering information from crime victims and witnesses that may be relevant to other investigations.
- Hold regular meetings with the National Migration Institute's (*Instituto Nacional de Migración*, INM) Beta Groups, federal and state-level prosecutors that investigate crimes against migrants, the CNDH, public human rights bodies, migrant shelters, and organizations that accompany cases, to discuss statistics and crime reports and ways to increase their capacity to receive crime reports from migrants, instead of waiting for them to go to

the authorities. The Ministry of the Interior (*Secretaría de Gobernación, SEGOB*) should produce and publicize annual statistics that concentrate data on crimes against migrants as a way to comply with the fifth objective of the Special Migration Program (*Programa Especial de Migración*) on security and access to justice for migrants and migrants' rights defenders.

- Because the Mechanism for Foreign Support permits reporting crimes committed against migrants in Mexico from abroad, Mexico's Ministry of Foreign Affairs (*Secretaría de Relaciones Exteriores, SRE*) and the PGR must officially clarify—for instance, by issuing guidelines—the role of each institution in receiving complaints and evidence. The Mexican government must have a sufficient number of trained and permanent staff in Central America and the United States—either legal attachés or officials from the Public Prosecutor's Office—to receive crime reports, channel them to authorities in Mexico, and to keep families informed in real time of progress in their cases in the countries where they reside, including a mechanism to consult relevant documents remotely. Furthermore, they must facilitate the visa process so that families and victims who are in Central America can travel to Mexico when their participation in investigations is required.

## CONDUCT SERIOUS INVESTIGATIONS INTO CRIMES AND HUMAN RIGHTS VIOLATIONS AGAINST MIGRANTS IN MEXICO AND DELIVER CONCRETE RESULTS

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- Provide the UIDPM and the special state-level prosecutor's offices with the financial and human resources they need to carry out their work. To this end, federal and state congresses must allocate sufficient resources to the prosecutor's offices and units that investigate these cases. The attorney general and public prosecutor's offices must have autonomy to conduct investigations and to appoint or hire personnel with the necessary professional and technical capacities, including agents of the Public Prosecutor's Office, experts, and investigative police.
- The UIDPM and special prosecutor's offices should establish a policy to investigate and prosecute crimes against migrants. The plan should be made public, specify investigative priorities for each prosecutor's office, the cases under investigation, and the results, which should also be made public. The plan should also explicitly promote producing evidence before trial ("*pruebas anticipadas*") and the regularization of the migration status of migrants who have been victims of or witnesses to crimes so that criminal investigations can be pursued. These public policy documents will facilitate communication among prosecutors and among PGR offices that investigate crimes against migrants.
- The federal and state congresses should establish procedures with clear criteria for appointing and removing the heads of the prosecutor's offices specialized in investigating crimes against migrants. The nomination process should be public and transparent, with participation from civil society. The head of these prosecutor's offices should have a background relevant to

the position, with experience in providing adequate assistance to migrants who are victims of crime, and the appropriate professional experience for the position.

- The PGR should establish transparent and accessible procedures for keeping the families, or the migrants who are crime victims and who live abroad, up-to-date on the progress of their case in their country of residence. For example, authorities could take advantage of already existing working groups (such as the Forensic Commission created in 2013 to identify the remains of victims from the San Fernando and Cadereyta massacres) to report on progress made in investigating crimes reported through the Mechanism for Foreign Support.
- In addition to its important work to document the situation in migrant detention centers, the CNDH should make recommendations to the INM, the Federal Police, and other federal authorities based on migrants' complaints, including specific recommendations on crimes and irregular conduct that should be investigated. We also urge the CNDH to produce reports or general recommendations on the human rights of migrants in Mexico, such as on migration enforcement operations carried out by the INM together with other security forces and on access to justice for migrants who have been victims of crime. Furthermore, the Commission should publish reports on a regular basis with recommendations to the INM based on the CNDH's work in migrant detention centers.

## INCREASE REGIONAL COOPERATION

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- Through their consular services, the Central American governments should increase their presence in places where crimes against their citizens are common, as well as the protection of their citizens when they are victims of crimes or human rights violations in Mexico. They should also strengthen dialogue with their Mexican counterparts on the transnational investigation of crimes against migrants.
- This may include enhancing communication with attorney general's offices and other bodies of the Mexican government, validating and issuing identity papers for victims of crimes, and providing legal advice. It is fundamental that they request information from the Mexican government on the progress of investigations or submit letters supporting migrants' complaints or reports on abuses, as the Honduran consul has done in Coahuila. The consulates must also provide information to migrants who live abroad on how to access and use the MAE to report crimes they suffered in Mexico from their countries of origin and the United States.
- The prosecutors from Mexico, Central America, and the United States as a destination country, should hold regular meetings to address from a regional perspective the crimes and human rights violations committed against migrants. They should also agree on efficient ways of collaborating and reducing impunity in these cases.

# NOTES

- 1 Pedro sought political asylum in the United States due to gender discrimination, as he had suffered persecution in Guatemala.
- 2 Interview with the head of the Ministry of the Interior's (*Secretaría de Gobernación*, SEGOB) Migration Policy Unit, April 2017.
- 3 In this report, we use the term "migrant" to refer to people from other nationalities who travel through or seek to reside in Mexico, for whatever reason, as well as Mexican nationals who returned or were deported. Migrants can become asylum seekers or refugees when they are granted this status.
- 4 In this report, we analyze crimes against migrants committed by state and non-state actors. In some cases, the crimes or abuses committed by authorities can also be classified as human rights violations.
- 5 The access to information requests submitted for this report, as well as authorities' responses, are available at: <http://migracionytransparencia.org/>.
- 6 Interview with the director of the COMI, March 2017.
- 7 Angélica Jocelyn Soto Espinosa, "INM y CNDH obstaculizan defensa de migrantes detenidos, acusan," *Cimacnoticias*, May 8, 2014, <http://www.cimacnoticias.com.mx/2015/node/66424>.
- 8 Ley de Migración, Art. 71. "The Ministry will create protection groups for migrants in national territory, whose purpose is to protect and defend their rights, regardless of their nationality or migration status. The Ministry will sign cooperation and coordination agreements with the agencies and bodies of the Federal Public Administration, federal states, or municipalities, with civil society organizations, or with individuals to ensure their participation in the creation and functioning of the migrant protection groups."
- 9 Instituto Nacional de Migración, Grupos Beta de Protección a Migrantes, <http://www.gob.mx/inm/acciones-y-programas/grupos-beta-de-proteccion-a-migrantes>.
- 10 Secretaría de Gobernación, Unidad de Política Migratoria, "Boletines Estadísticos," [http://www.politicamigratoria.gob.mx/es\\_mx/SEGOB/Boletines\\_Estadisticos](http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Boletines_Estadisticos).
- 11 Request to the INM, folio number 0411100066117, responded to on May 30, 2017.
- 12 Secretaría de Gobernación, Unidad de Política Migratoria, "Boletines Estadísticos," [http://www.politicamigratoria.gob.mx/es\\_mx/SEGOB/Boletines\\_Estadisticos](http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Boletines_Estadisticos).
- 13 Article 52 of the Migration Law (Ley de Migración) and Article 137 of the Regulation to the Migration Law (Reglamento de la Ley de Migración, RLM) do not distinguish between "grave crimes" and ones that are not. However, Article 133 of the Migration Law and Article 144, section 2, and Article 180, section 1, paragraph b) of the RLM does make this distinction, which also appears in Article 50, "Requirements" section, of the Guidelines for Migration Procedures and Formalities for Migrants in an Irregular Situation (Lineamientos para trámites y procedimientos migratorios, relativos a migrantes en situación irregular).
- 14 Secretaría de Gobernación, Diario Oficial de la Federación, *Acuerdo A/117/15*, December 18, 2015, [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5420681&fecha=18/12/2015](http://www.dof.gob.mx/nota_detalle.php?codigo=5420681&fecha=18/12/2015).
- 15 Interview with the head of the UIDPM, April 2017.
- 16 One migrant had previously filed a report in Mexicali for similar acts carried out by the same perpetrator. Even though the UIDPM was already aware of the earlier cases, after two reports were filed and the migrant shelters were alerted, the perpetrator arrived in Altar, Sonora. The UIDPM, which is based in Mexico City, said to them that nothing could be done, as at the time, there was no evidence to prove any elements of the crime, and that the perpetrator would have to be caught in the act.
- 17 Cámara de Diputados del H. Congreso de la Unión, Secretaría General, Secretaría de Servicios Parlamentarios, Código Nacional de Procedimientos Penales, Artículo 304, June 17, 2016, [http://www.diputados.gob.mx/LeyesBiblio/pdf/CNPP\\_170616.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/CNPP_170616.pdf).
- 18 Comisión Nacional de los Derechos Humanos, Informe 7/2016 del Mecanismo Nacional de Prevención de la Tortura sobre estaciones migratorias y estancias provisionales en los estados de Guerrero, Michoacán, Nuevo León, Quintana Roo, Sonora y Veracruz," September 29, 2016, [http://www.cndh.org.mx/sites/all/doc/PrevTortura/7\\_2016.pdf](http://www.cndh.org.mx/sites/all/doc/PrevTortura/7_2016.pdf).
- 19 Comisión Nacional de los Derechos Humanos, Dirección General de Comunicación, "Comunicado de Prensa DGC/263/16," October 14, 2016, [http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com\\_2016\\_263.pdf](http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_263.pdf).
- 20 Request submitted to the CNDH with folio number 00002417, responded to on January 30, 2017.
- 21 The recommendations are available at: <http://www.cndh.org.mx/recomendaciones>.
- 22 "Apodan a alcalde como el 'Trump oaxaqueño' por su rechazo a migrantes," *Radio Fórmula*, May 13, 2017, <http://www.radioformula.com.mx/notas.asp?Idn=683528&idFC=2017>.
- 23 Roselia Chaca, "Agrede priista a responsable del albergue de migrantes en Ixtepec," *NVI Noticias*, May 24, 2016, <http://www.nvinoticias.com/nota/12763/agrede-priista-responsable-del-albergue-de-migrantes-en-ixtepec>.
- 24 Emir Olivares Alonso and Ciro Pérez Silva, "El sacerdote Alejandro Solalinde sale del país, amenazado de muerte," *La Jornada*, May 15, 2012, <http://www.jornada.unam.mx/2012/05/15/politica/005n1pol>.
- 25 "Amenazan de muerte al padre Alejandro Solalinde (Video)," *Proceso*, March 28, 2017, <http://www.proceso.com.mx/479915/amenazan-muerte-al-padre-alejandro-solalinde-video>.
- 26 "Casa del Migrante Saltillo," PBI México, <http://www.derechoadefenderderechos.com/pbi-mexico-casa-migrante-saltill.html#>.
- 27 Leopoldo Ramos, "Denuncian por discriminación a migrantes al alcalde de Saltillo," *La Crónica de Chihuahua via La Jornada*, March 25, 2017, <http://www.cronicadechihuahua.com/Denuncian-por-discriminacion-a-34647.html?PageSpeed=noscript>.
- 28 Sanjuana Martínez, "Tras ser torturado, el hondureño Reyes Ardón aceptó haber asesinado a una mujer," *La Jornada*, September 11, 2011, <http://www.jornada.unam.mx/2011/09/11/politica/010n1pol>.
- 29 "Nueva redada en Caborca," *Código 07*, June 15, 2016, <http://codigo07.com/web1/index.php/noticias-locales/item/6929-nueva-redada-en-caborca/6929-nueva-redada-en-caborca>.

- 30 Ibid.
- 31 Ramón Eduardo Ortiz, “Redadas contra migrantes en Sonora,” *Contra Línea*, January 18, 2017, <http://www.contralinea.com.mx/archivo-revista/index.php/2017/01/18/redadas-contra-migrantes-en-sonora/>.
- 32 Amnesty International, “Acción Urgente: Amenazas contra defensores y defensoras de los derechos humanos de las personas migrantes,” July 19, 2011, <https://www.amnesty.org/download/Documents/28000/amr410482011es.pdf>.
- 33 La 72–Hogar–Refugio para Migrantes, “Nueva Intimidación Al Equipo de La 72,” October 7, 2016, <http://www.la72.org/wp-content/uploads/2017/03/Comunicado-061016.pdf>.
- 34 La 72–Hogar–Refugio para Migrantes, “Nueva embestida del INM en contra del personal de la 72,” June 26, 2017, <http://reddtd.org.mx/?p=8872>.
- 35 Open Society Justice Initiative, *Undeniable Atrocities: Confronting Crimes against Humanity in Mexico*, 2016, <https://www.opensocietyfoundations.org/sites/default/files/undenialble-atrocities-2nd-edition-20160808.pdf>.
- 36 The PGR’s updated manual indicates that the regional and legal attachés and the liaison offices play an important role in receiving reports from abroad: [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5462599&fecha=25/11/2016](http://www.dof.gob.mx/nota_detalle.php?codigo=5462599&fecha=25/11/2016).
- The regulations of the Mexican Foreign Service Act, which regulates the operations of Mexican embassies and consulates, establishes that the consulates must assist the public prosecutor and other officials of the justice system: [http://www.dof.gob.mx/nota\\_detalle.php?codigo=722171&fecha=23/08/2002](http://www.dof.gob.mx/nota_detalle.php?codigo=722171&fecha=23/08/2002).
- 37 Secretaría de Gobernación, Diario Oficial de la Federación, Convenio de Colaboración para la identificación de restos localizados en San Fernando, Tamaulipas, y en Cadereyta, Nuevo León, September 4, 2013, [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5312887&fecha=04/09/2013](http://www.dof.gob.mx/nota_detalle.php?codigo=5312887&fecha=04/09/2013).
- 38 Secretaría de Gobernación, Diario Oficial de la Federación, “Acuerdo A/066/13,” June 21, 2013, [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5303411&fecha=21/06/2013](http://www.dof.gob.mx/nota_detalle.php?codigo=5303411&fecha=21/06/2013); ministerial agreement issued on PGR files in cases of disappearances that the *Fundación para la Justicia y el Estado Democrático de Derecho* is following.
- 39 Secretaría de Gobernación, Diario Oficial de la Federación, “Programa Especial de Migración 2014–2018,” April 30, 2014, [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5343074&fecha=30/04/2014](http://www.dof.gob.mx/nota_detalle.php?codigo=5343074&fecha=30/04/2014).

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## ABOUT THE ORGANIZATIONS

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

**LA RED MIGRANTE SONORA** is a network of five organizations based in the state of Sonora dedicated to defending and providing humanitarian assistance to migrants in Mexico.

- **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.
- **Centro de Recursos para Migrantes (CRM)**, in Agua Prieta, works to provide humanitarian assistance to migrants and document abuses.
- **Centro de Atención al Migrante Exodus (CAME)** provides shelter to traveling or deported migrants in Agua Prieta.
- **Centro Comunitario de Atención al Migrante y Necesitado (CCAMYN)** is a migrant shelter in Altar directed by the Church of Nuestra Señora de Guadalupe.
- **Centro Comunitario de Ayuda a Migrantes (C-CAM)** is a group of volunteers organized to help migrants crossing through the city of Caborca; they give out food along the train tracks and belong to the local parish of Nuestra Señora de Guadalupe.

**ALBERGUE DE MIGRANTES “HERMANOS EN 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.

**FUNDACIÓN PARA LA JUSTICIA Y EL ESTADO DEMOCRÁTICO DE DERECHO** is an organization based in Mexico City with offices in Honduras, El Salvador, and Guatemala, dedicated to promoting access to justice and truth for victims of crimes and human rights violations as a way of strengthening the rule of law and combating impunity.

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

**WASHINGTON OFFICE ON LATIN AMERICA (WOLA)** is a research and advocacy organization based in Washington, DC that promotes human rights in the Americas.