



Irregular migrants in Mexico: Ten urgent measures to save lives

A briefing update

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The number of irregular migrants crossing Mexico increased in 2012¹ and routine abductions, sexual violence, forced recruitment into criminal gangs, people trafficking and murder of migrants continued unchecked. Impunity for these grave abuses remains the norm.

The government of Enrique Peña Nieto so far has not taken any steps to correct the abject failure of the last government to get to grips with this humanitarian crisis. Once again the fate of irregular migrants in Mexico appears to be reduced to a side issue. Yet migrants' shelters and human rights defenders have reported to Amnesty International an increasing flow of migrants and more incidents of abductions and other attacks on migrants and migrants' defenders.

In February there were new reports of abductions of migrants in Medias Aguas in Veracruz state, appearing to confirm this worsening situation. The authorities have yet to provide any information on the steps taken to investigate these incidents.

Human rights defenders who provide shelter and support for migrants have also faced more threats and intimidation. On 4 March 2013, Ruben Figueroa working at "La 72" shelter in Tenosique was threatened, highlighting the risks faced by those committed to the safety of migrants.

Migrants rights defenders that receive official protection have consistently reported how poor or ineffective these measures are. The investigations into those behind the threats never prosper and the local politicians routinely fail to support the work of shelters, and in some case foster hostility.

Nothing has changed since the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) produced its last report on kidnapping of migrants in 2011 which showed that more than 11,000 migrants were kidnapped over the previous six month period. The killing of 72 migrants in San Fernando, Tamaulipas state, in August 2010, in which local police colluded with a criminal gang, led to national and international outrage. Scores of suspects were arrested for involvement in the gang allegedly responsible, but the authorities have failed to make clear how many of these suspects are facing charges directly in relation to abuses committed against migrants. As a result, as with so many cases, abuses against migrants are invisible.

The identities of at least 12 bodies of the victims from San Fernando still have to be established as do scores of other bodies recovered in the municipality. The authorities have been keen to dismiss concern that many of these remains may belong to migrants, - Mexican or Central American - but has not facilitated reliable and independent identification procedures. The marches of mothers of disappeared Central American migrants at the end of

¹ According to INM, 88,501 migrants were detained in detention centres in 2012 compared with 66,583 in 2011 and 70,102 in 2010

last year demonstrated that this is a much wider problem that the government has failed to address.

In August 2010 the last government announced its Integrated Strategy to Combat Kidnapping of Migrants, but this proved to be nothing more than a public relations exercise. The same absence of coordination and accountability between federal, state and municipal government agencies - including the National Institute for Migration (Instituto Nacional de Migración, INM), Federal Police, Federal Attorney General's Office (Procuraduría General de la República, PGR), Armed Forces, state police and prosecutors as well as municipal police - has prevented effective measures to stop abuses and bring those responsible to justice, including public officials colluding with criminal gangs.

The recent statement by the Under Secretary for Population, Migration and Religious issues of the Interior Minister that recent complaints of kidnapping of migrants are simply passed to the PGR is symptomatic of the federal government's apparent inability to lead a coordinated and effective response to this crisis.

The complete failure of government agencies to gather and publish data such as reports of abuses against migrants, investigations undertaken, perpetrators prosecuted, officials sanctioned, migrants reported missing, is a clear indication of the lack of priority and focus on the abuses suffered by migrants in transit.

The only federal preventive and investigative measures appear to be limited to the work of the Specialist Unit on Trafficking of Children, Undocumented and Organs (Unidad Especializada de Tráfico de Menores, Indocumentados y Órganos) of the PGR's Organized Crime Section (SIEDO). This unit has a wide remit and the abuses committed against migrants are not its priority. Even worse, migrants' rights defenders have informed Amnesty International that since the new government took office, PGR officials on the migrant routes have ceased to focus on abuses against migrants and increased obstacles to accessing justice and protection – for example denying migrants and migrants' rights defenders copies of their complaints.² As a result, Amnesty International believes the crisis is set to deteriorate.

Amnesty International is demanding action from the government in a number of priority areas:

1. Ensure migrants' rights defenders at risk receive effective protection and all threats are fully investigated in order to bring perpetrators to justice;
2. Guarantee federal, state and municipal government recognise and publicly support work of migrants' shelters;
3. Implement federally lead and coordinate measures to prevent abuses against migrants, regardless of whether committed by criminal gangs or public officials;
4. Improve security in coordination with federal, state and municipal authorities on transit routes to prevent migrants being targeted;
5. Establish and implement protocols for investigation of crimes against migrants, such as kidnap, extortion, arbitrary arrest, sexual violence, trafficking, forced recruitment, ill-treatment and killing, in order that the particular vulnerability of migrants, including the obstacles they face reporting, testifying and obtaining justice, are taken into account;
6. Facilitate complaints mechanisms for migrants to report abuses, receive copies of complaints, access humanitarian visas and witness protection;

² The PGR is refusing to give migrants who file complaints about abuse with copies, making it difficult to demonstrate the plight as victim and dependent on the INM to request a copy in order as part of the process of obtaining a humanitarian visa.

7. Make public quarterly information on implementation and impact of measures, such as prosecutions of perpetrators, including public officials;
8. Ensure participation of independent international forensic experts, with the support of relative's groups, to develop and carry out reliable procedures to exhume and identify remains;
9. Establish a database for disappeared migrants and related procedures, in consultation with civil society and international experts, in order that relatives can lodge information, including DNA, to assist in the identification of missing persons;
10. Review in conjunction with civil society the implementation and impact on the protection of migrants' rights of migration law and its regulatory code.