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Central American Migrants Remain Under Siege in Mexico

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As Mexico awaits movement in the debate on immigration policy in the US, some changes are in the works on Mexico’s own policies toward immigrants, including a proposal to strengthen the rights of persons about to be deported. Some see the proposal from President Enrique Peña Nieto as a shallow move intended to benefit a Peruvian-born television commentator who has come under fire for her reporting tactics, while others view the change as a tactic to improve the business climate in Mexico for foreigners. Regardless, critics are urging the administration to take on a more urgent immigration-related matter: protecting the rights of migrants from Central America and other countries in Latin America who travel through Mexico to attempt to cross into the US. These migrants are often kidnapped and robbed, or worse—they are killed by criminal organizations following failed extortion schemes. By some estimates, 400,000 to 500,000 Central and South Americans cross illegally into Mexico every year. Some are seasonal farm workers, but the vast majority are passing through on their way to the US.

The violations of the rights of Latin American migrants in Mexico often fly under the radar, in part because the victims do not report attacks. Additionally, the Mexican government lacks the mechanisms to monitor the attacks, although the semi-independent Comisión Nacional de Derechos Humanos (CNDH) has some programs in place to collect information. "The CNDH, criticized in Mexico for excessive passivity, has reported that migrants have become a big business [for criminal organizations]," Ismael López wrote in the online news site El Confidencial. "Whenever they are assaulted, attacked, or blackmailed, no one dares denounce an incident because of fear of being deported."

In some instances, the attacks are so brutal that they merit some news coverage. This was the case with the news of the discovery of mass graves in Tamaulipas state in 2010 and 2011. The graves contained the bodies of dozens of migrants, primarily from Central America, who were killed by the Zetas drug cartel (SourceMex, Sept. 8, 2010, and April 13, 2011).

Dangerous journey on 'La Bestia' freight train
More recently, a brazen attack on at least 100 Central American immigrants who were hitching a ride on a freight train attracted some headlines. The migrants were stowaway passengers on La Bestia (The Beast), a freight train that originates in Arriaga in southern Chiapas and ends in Mexico City. On an early morning in December, the train was forced to stop near Chahuites in Oaxaca state to avoid hitting several logs that were placed on the tracks. While La Bestia was stopped, 10 armed men boarded the cars and forced the migrants to leave the train. The assailants beat the victims with the flat sides of machetes and forced some of the men to strip to their underwear. The attackers proceeded to steal the migrant’s belongings.

There have probably been many other incidents where Central American migrants have been victims of attacks while riding on La Bestia. These attacks often go unreported because migrants are afraid to report them, particularly since state and federal authorities have done little to prevent the
attacks. Often the attacks are carried out by corrupt police and by criminal organizations. In some instances, Central American gangs have attacked the migrants (SourceMex, Aug. 29, 2007).

Despite the extreme dangers, migrants continue to rely on the train as a means of transportation to Mexico’s northern border. "Migrants say the train is the lesser of two evils," said a recent report in Fronteras, an online site supported by US public radio stations along the US-Mexico border. "By road, they face police checkpoints, robbers, or kidnappers who force their families to come up with the ransom. On the train, they pay bribes to armed gangs that control who gets on, and in some cases, who is thrown off. They must also stay awake, standing, for days on end, gripping a handrail. Many migrants have fallen off, losing limbs or their life."

By some estimates, 1,500 passengers alight from La Bestia each day upon its arrival at Lechería station just outside Mexico City. This is considered a sort of midpoint for Central American migrants seeking to reach the US. Many continue on their journey via this mode of transport, transferring to other trains headed in a northerly direction.

A safe passage for Central Americans in Mexico?

The Mexican Congress at times has considered measures to protect Central American migrants traveling through Mexico but has yet to approve meaningful legislation to address the problem. José López Medina, who served in the Chamber of Deputies in 2003-2006, has become a leading advocate for change. The ex-legislator, a member of Partido Revolucionario Institucional (PRI), is pushing for the Mexican government to decriminalize all undocumented migrants and grant them safe passage, which would eliminate the need for Central Americans to jump on a moving freight train targeted by criminal organizations and/or police.

"We claim something that we don't practice in our own country. The Central Americans are treated worse than the way the Mexicans are treated in the United States. I feel shame, profound shame," López Medina said in an interview with Lorne Matalon of Fronteras.

Other influential leaders are also calling for safe passage for Central Americans and other foreign nationals who travel through Mexico en route to the US. Fernando Fernández Font, rector of the Universidad Iberoamericana Puebla, called for the federal government to take intentional steps to protect the lives of the migrants and preserve their human rights. "While it is an important step to spell out individual rights, this is not sufficient," Fernández Font said at a recent conference on migration and human rights. "People keep dying of hunger, they lack access to quality education and justice. They have to leave their homeland to go to countries where their rights are violated."

There are some signs that the Mexican Congress is beginning to take the problem a little more seriously. On Dec. 4, the Chamber of Deputies proposed creating a mechanism to collect more accurate information and develop a database on immigrants entering Mexico from the southern border, so that the government can get a better handle on the situation. To this end, the lower house asked Interior Secretary Miguel Ángel Osorio Chong to work closely with state and municipal governments, the national migration agency (Instituto Nacional de Migración, INM), and relevant nongovernmental organizations to put together pertinent information on the migrants.

A benefit of this effort, said legislators, is that the various levels of government would be able to coordinate and integrate their policies and programs and address some of the problems and crimes that the migrants face. Through the collection of DNA samples and photographs, some migrants
who have been displaced in Mexico might be more easily located and identification of the bodies of those who have died or been killed would be easier, said the initiative.

**Central American mothers seek missing children in Mexico**

Learning the fate of loved ones has been a constant challenge for relatives of migrants from Nicaragua, El Salvador, Guatemala, and Honduras. This has prompted a group of mothers from the four countries to make an annual trip to 15 Mexican states to try to find their sons and daughters who never made it to the US and who seem to have disappeared in Mexico.

The campaign—the Caravana de Madres Centroamericanas (Caravan of Central American Mothers)—is being held for the ninth consecutive year in 2013. Participants travel nearly 4,000 km through 14 states in search of information regarding the fate of their children.

For those able to find information, the news obtained during the caravan is often bad. "Judging from what the priests and nuns have told the Central American mothers when they visit the shelters looking for their children ... the migrants experience a real hell in Mexico," Ismael López wrote in El Confidencial.

Occasionally, there is a positive story. Martha Sánchez Soler, president of the Movimiento Migrante Mesoamericano, which helps support the caravan, said there was a happy ending with a young man the group found in Tijuana. "We asked him to travel to [Guadalajara] to meet up with his mother," said Soler. "And the young man eventually returned to Nicaragua with her."

The group also found two sisters who had been separated when they were seven and eight years old. "One of the sisters resides in Guadalajara, and we brought her sister from Guatemala," said Soler. "This was a beautiful reunion."

**President Peña Nieto focuses on different immigration issue**

Shortly after taking office in December 2012, Peña Nieto promised to take steps to protect the rights of migrants in Mexico, including restructuring the INM. The president has yet to promote a major initiative to this effect, instead putting most of his efforts in pushing through reforms on education, telecommunications, taxation, and energy. The one immigration-related initiative that Peña Nieto has proposed has little to do with protecting poor migrants from Central America. The measure seeks changes to Article 33 of the Mexican Constitution, which allows the executive at his discretion to expel anyone deemed non grata. Peña Nieto’s proposal would eliminate the discretionary practice, allowing migrants who have been targeted for deportation to hire legal counsel and seek a court hearing to defend themselves.

The accused migrants would also be entitled to seek injunctions known as recurso de amparo (recourse for protection) against unfavorable outcomes (SourceMex, Oct. 2, 2013). These were previously unattainable since the Suprema Corte de Justicia de la Nación (SCJN) would traditionally defer to the president.

In the past, the executive branch has used Article 33 to expel foreigners deemed to be interfering in Mexico internal affairs. This includes the cases of several foreign nationals accused by the government of illegally involving themselves in the conflict that followed the uprising by the Ejército Zapatista de Liberación Nacional (EZLN) in Chiapas in the 1990s (SourceMex, July 5, 1995, May 13, 1998, and March 3, 1999).
The Secretaría de Gobernación (SEGOB), which oversees the INM, also used Article 33 to expel foreigners and "avoid the extradition process," Luis Guillermo Cruz Rico, a Mexican lawyer working in Canada, said in an interview with The Christian Science Monitor.

Some observers see the proposed changes to Article 33 as a means to give certainty to potential foreign investors. "It’s a good strategy by the administration," said Arturo Pueblita Fernández, constitutional law professor at the Universidad Iberoamericana. "It lets [investors] know, 'Mexico is open for doing business.'"

Still, critics questioned the timing of Peña Nieto’s proposal, saying the move was intended to protect television host Laura Bozzo, a Peruvian national who works for Grupo Televisa, Mexico's leading TV network. Bozzo came under severe criticism after she hitched a ride with rescue crews traveling to Guerrero to help with rescue operations in the aftermath of Tropical Storm Manuel in September (SourceMex, Sept. 25, 2013). Allegations surfaced that Bozzo staged a made-for-TV spectacle, preventing the government helicopter that transported her to the site from distributing supplies to settlements that had been isolated by the storm. "Some outraged citizens on social media called for a uniquely Mexican punishment for the Peruvian-born reporter: expulsion," said The Christian Science Monitor.

"Is [the change] to Article 33 for the benefit of Bozzo?" asked columnist Yarima Merchan Rojas in the online political site Animal Político.

Merchan Rojas said social media, particularly Twitter, was filled with angry messages calling for Bozzo’s expulsion from Mexico. The hashtag #FueraLauraBozzoDeMéxico sought to collect signatures to be sent to the president urging that she be deported from the country. "Some of these had a xenophobic tone," added Rojas.

Critics have said Bozzo’s affiliation with Televisa, which is said to be closely aligned with the governing Partido Revolucionario Institucional (PRI), could be the reason why Peña Nieto would be seeking to protect the television personality. But Rojas said this might be a moot point. "[A deportation] might not be possible because, according to some reports, Bozzo has become a naturalized Mexican citizen.

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