

Situation of Impunity and Violence in Mexico's Northern Border Region

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Introduction

The situation of insecurity and violence along Mexico's northern border and the government's failure to effectively investigate and prosecute these crimes poses dangers for migrants and asylum seekers, in particular unaccompanied children and women who are attempting to reach the United States. Asylum seekers who are forcibly turned back after claiming fear with U.S. migration officials at the U.S.-Mexico border and left to seek protection through clandestine means are particularly at risk.

Violence and crimes against migrants in Mexico's northern border states have long been documented to include cases of disappearances, kidnappings, rape, trafficking, extortion, executions, and sexual and labor exploitation by state and non-state actors. The situation is compounded by ineffective responses by Mexican authorities to investigate and prosecute crimes against migrants and other human rights violations. While the sparse civil society actors, including several migrant shelters often operating well above their capacity, do what they can to offer protection to migrants in transit and repatriated Mexican nationals, they too suffer attacks due to their work and the generalized situation of violence in the region. The 2015 Inter-American Commission on Human Rights (IACHR) report on the situation of human rights in Mexico identified violence as being particularly acute in the Mexican states of Baja California Norte, Sonora, Chihuahua, Coahuila, Nuevo León, and Tamaulipas due to the effects of drug trafficking and organized crime in this area.ⁱ A recent study states that in 2016, the border cities of Tijuana and Ciudad Juarez were among the top five Mexican cities with the highest level of homicides in the country.ⁱⁱ The Inter-American Commission has noted with great concern that the disappearance of persons had become common practice in several states in northern Mexico, severely impacting migrants and Mexicans crossing Mexico on their way to the United States, as well as Mexicans deported from the United States to certain areas of the border region.ⁱⁱⁱ

The U.S. State Department has issued travel advisories for all six of Mexico's northern states sharing a border with the United States, noting the dangers of transiting through them, the prevalence of organized crime, and the high rates of crimes.^{iv} The 2016 State Department Human Rights report on Mexico noted the persistence of the involvement of the police and military in serious abuses across the country, including in executions, torture, and disappearances alongside impunity and corruption among Mexican law enforcement and in the justice system.^v The same report highlighted the role of organized criminal groups in murdering, kidnapping, extorting, and intimidating individuals and in particular women, migrants, journalists, and human rights defenders. Violence against migrants and trafficking in persons were noted as particular problems in Mexico.

This situation confirms that the increasing of Customs and Border Protection agents refusing entry to asylum-seekers and turning back others without proper documents at the U.S. Ports of Entry at the border places only returns individuals, families, and children at risk, exposing them to organized crime and smugglers as well as corrupt state authorities unable to protect them or investigate the crimes they have suffered. Furthermore, the proposal in the U.S. government executive order "*Border Security and Immigration Enforcement Improvements*," issued January 25, 2017, and accompanying implementation memo to return to non-Mexican individuals to Mexico while they await a final resolution of their

immigration proceedings would further the practice of sending vulnerable migrants and asylum seekers back to danger in Mexico.^{vi} It should be noted that the Mexican government has made clear that it will not receive from the U.S. deported migrants from any other country.^{vii}

Crimes against Migrants, Shelters and Violence by Geographical Area

Baja California: Tijuana and Mexicali

Official statistics from the Baja State Secretariat for Public Security evidence an increase in homicide rates in the state of Baja California from January 2016 to July 2016, compared to the same period in the previous year.^{viii} The U.S. State Department travel warning notes “violent crime areas” and “targeted criminal assassinations” throughout the state.^{ix} According to an article by the *Los Angeles Times*, 2016 was on track to be the most violent year in Tijuana since 2010. Through the end of September 2016 there were 636 killings.^x

Recently, the Tijuana port of entry area has been overwhelmed by the number of migrants and asylum seekers who have arrived, a large portion of them Haitians. The local Mexican government has been unable to support this population. NGO service providers have documented cases of extortion and kidnapping, reporting that the level of violence has increased recently.^{xi} In Mexicali, local migrant shelters have been operating far above capacity given the numbers of migrants arriving. For example, one shelter has capacity for 100 individuals but at times in fall 2016 it received around 500.^{xii} The security situation of shelters is also tenuous; shelters have identified instances where organized crime operatives have infiltrated their spaces.^{xiii} Here, too, the local city government has not been responsive to complaints of crimes against migrants.

Violence against migrants in this part of the border is not new. In 2012, a WOLA report included accounts from Mexican officials and civil society about frequent kidnappings of migrants in the mountain region between Tijuana and Mexicali.^{xiv} A 2006 study focusing on the areas of Tijuana and Mexicali reported that migrants traveling through these areas experience high rates of verbal, psychological, and physical violence perpetrated by local police and judges, along with high rates of sexual violence perpetrated by members of organized crime and the military.^{xv}

Sonora: Nogales, Caborca and Altar

The U.S. State Department includes a travel advisory for the state of Sonora, noting that “Sonora is a key region in the international drug and human trafficking trades.”^{xvi}

According to NGO reports, kidnapping and extortion continue with impunity in the city of Nogales. From 2014 to the present, the Kino Border Initiative has assisted migrants in filing 95 police reports, primarily for victims of kidnapping. None of the crimes have been adequately investigated and the majority of people who are victims of crime do not want to file a police report. In September 2016, the Kino Border Initiative soup kitchen was vandalized and electronics were stolen, possibly by organized crime, after the staff had received death threats.^{xvii} The attacks were thought to be a reprisal against staff for their work reporting complaints of migrant kidnappings in the area.

In Caborca, Sonora the local community is hostile to migrants and Mexican authorities regularly violate the rights of migrants. NGOs have documented ongoing raids by the Mexican National Migration Institute (*Instituto Nacional de Migración*, INM) including targeting migrants inside private residences.^{xviii}

In Altar, Sonora organized crime regularly attacks and commits crimes against migrants, including homicides.^{xix} Municipal police also regularly detain, extort, and rob migrants. The local community is hostile to migrants here as well.

Chihuahua: Ciudad Juárez and Chihuahua

The U.S. State Department includes a travel advisory for the state of Chihuahua, stating “criminal activity and violence remains an issue throughout the state of Chihuahua and its major cities.” The warning urges individuals to exercise caution in all areas of Ciudad Juarez and prohibits U.S. employees from traveling after dark to certain areas.^{xx}

After reporting a decrease in homicides in the state of Chihuahua, Mexico from 2011 to 2015, the U.S. Department of State 2017 Crime and Safety report documents a significant increase in 2016, with murders increasing from 1,151 in 2015 to 1,470 in 2016.^{xxi}

Likewise, the cities of Ciudad Juarez and Chihuahua experienced an increase in reported murders in 2016, after a decrease from 2014 to 2015. In Ciudad Juarez, numbers fluctuated from 438 murders in 2014, to 312 in 2015, and peaked at 545 murders in 2016. There were over 150 homicides in Ciudad Juarez in the first two months of 2017.^{xxii} In the city of Chihuahua, there were 219 reported murders in 2014, 158 reported murders in 2015, and 236 reported murders in 2016.^{xxiii} *InSight Crime* reports that in October 2016 alone, the state of Chihuahua had 186 homicides, with 90 homicides occurring in Ciudad Juarez.^{xxiv} Violence against women is historically a cause of grave concern in the area around Ciudad Juarez and in greater Mexico. Chihuahua is still the only state that has not incorporated femicide into its criminal code, despite the 2,318 women that have been murdered in Mexico over the course of nine years as reported by the National Citizen Femicide Observatory.^{xxv}

The State Department reported kidnappings have increased in the state of Chihuahua; reporting nine in 2016, six in 2015, and eight in 2014. The report analyzes that these numbers may be artificially low due to under-reporting because of fear of retribution as well as differences in recording based on if the kidnappings relate to drug trafficking.^{xxvi} Migrant shelters have likewise reported frequent kidnappings.

There is only one migrant shelter in the city of Chihuahua which recently opened on November 28th, 2016.^{xxvii} Civil society presence here is not as developed as in other cities along the Mexican side of the border. The migrant population in the city is often mixed with other indigent groups, which has led to discrimination and criminalization of migrants.

Coahuila: Saltillo, Piedras Negras

The U.S. State Department issued a travel warning for the state of Coahuila, noting “violence and criminal activity, including homicide, armed robbery, carjacking, kidnapping, extortion, and sexual assault, pose significant and continuing security concerns, particularly along the highways between Piedras Negras and Nuevo Laredo.”^{xxviii}

The state of Coahuila has been notorious for crimes against migrants and a lack of response by local government authorities to these abuses. Organized crime controls the border region and it is unsafe for migrants to proceed beyond Saltillo. This is one factor that causes groups of migrants to be stranded in the city. The situation of violence is ongoing and continues to increase. The migrant shelter in Saltillo, *Frontera con Justicia*, in documented more crimes against migrants: kidnapping, extortion, robbery and other abuses in the first seven months of 2016 than in all of 2015.^{xxxix} The border town of Piedras Negras also continues to experience violence. In November 2016, five Salvadoran migrants, including a woman and child, were rescued by Mexican authorities after having been kidnapped there.^{xxx}

Migrant shelters and their staff have also been impacted by violence and impunity. The director and other staff from the Casa del Migrante shelter in Saltillo have been threatened organized criminal organizations on multiple occasions^{xxxix} The most recent incident occurred in October 2016. As a result of the harassment and threats they have experienced, the director and staff have been beneficiaries of precautionary measures by the IACHR since 2010.^{xxxix} When migrants are detained by Mexican migration agents human rights defenders are often not given access to them and the migrants themselves are not informed of their rights.

Nuevo Leon: Monterrey

The U.S. State Department travel advisory notes that U.S. government personnel should travel outside of the city of Monterrey only during daylight hours. The 2016 Crime and Safety Report released by the U.S. Department of State categorizes Monterrey's consular district as a high crime area. Violent crime in the forms of kidnappings, extortions, homicides, as well as non-violent crimes of vehicle threats and others, remain serious concerns for the area. Police and cartel confrontations can at times put the public at risk through shootouts, or via the weapons and explosives discovered after a confrontation.

In Monterrey, shelters have reported violence against migrants perpetuated by organized crime as well as local police. Kidnappings of migrants are ongoing. The municipal police has also forcibly disappeared migrants, not just on the streets but also from houses. Police extort migrants and have even detained volunteers from the migrant shelters. In a recent survey, the *Casa Monarca* migrant shelter found that 82% of migrants who have experienced threats report that they were threatened by the police. The INM claims to be rescuing migrants from situations of insecurity when it is in fact detaining and deporting them.^{xxxix}

Crimes committed against migrants are also not new in this state. In 2012, forty-nine migrants were kidnapped and executed by organized crime in the city of Cadereyta, Nuevo Leon. Five years later, the identification of all of their remains is still pending.^{xxxix}

Tamaulipas: Matamorros, Nuevo Laredo & Reynosa

The U.S. State Department's December 2016 travel advisory warns: "U.S. citizens should defer all non-essential travel to the state of Tamaulipas due to violent crime, including homicide, armed robbery, carjacking, kidnapping, extortion, and sexual assault. State and municipal law enforcement capacity is limited to nonexistent in many parts of Tamaulipas. Violent criminal activity occurs more frequently along the northern border and organized criminal groups may target public and private passenger buses traveling through Tamaulipas. These groups sometimes take all passengers hostage and demand ransom

payments. Matamoros, Reynosa, Nuevo Laredo, and Ciudad Victoria have experienced numerous gun battles and attacks with explosive devices in the past year.^{xxxv}

The 2016 Crime and Safety Report issued by the U.S. Department of State on Nuevo Laredo, Tamaulipas demonstrated the continued absence of police in regulating crimes in the area. The violence primarily stems from organized crime. Kidnapping and other violence statistics have not improved from 2015. U.S. government statistics list Tamaulipas as the highest state for kidnappings in the country, a record held for 2015 and 2016.^{xxxvi} Similarly, Tamaulipas has the third highest missing person's rate in Mexico due to major migrant routes that traverse the border state and an ongoing territorial battle between organized crime groups.^{xxxvii}

Nuevo Laredo has also long presented a danger for migrants in transit, as well as those who are returned. The *Casa del Migrante* Nuevo Laredo reports that it is dangerous for migrants to be on the street or in the bus stations. NGOs have requested that Mexican marines or army position themselves at the bus station in Nuevo Laredo to provide security, but the government has not taken action. There is almost no government support even for deported Mexican migrants in this border town. The government only brings migrants from the point of deportation to the migrant shelter. There is no support from the local government for migrants to return to their place of origin and the burden falls to the migrant shelters.^{xxxviii}

Migrants continue to be victims of crime in Reynosa as well. In December 2016 it was reported that a Guatemalan migrant women in Reynosa approached U.S. authorities at the Port of Entry to request asylum and she was turned away only to be kidnapped by smugglers.^{xxxix} In April 2016, Mexican marines rescued 49 Central American migrants who had also been kidnapped in Reynosa.^{xl}

In 2010 and 2011, some of the most egregious cases of mass kidnapping and execution of migrants were committed in the city of San Fernando, Tamaulipas. While organized crime was the main perpetrator behind the massacres, additional evidence since then has confirmed the collusion of municipal police forces in disappearing and handing the migrants over to organized crime for execution.^{xli}

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