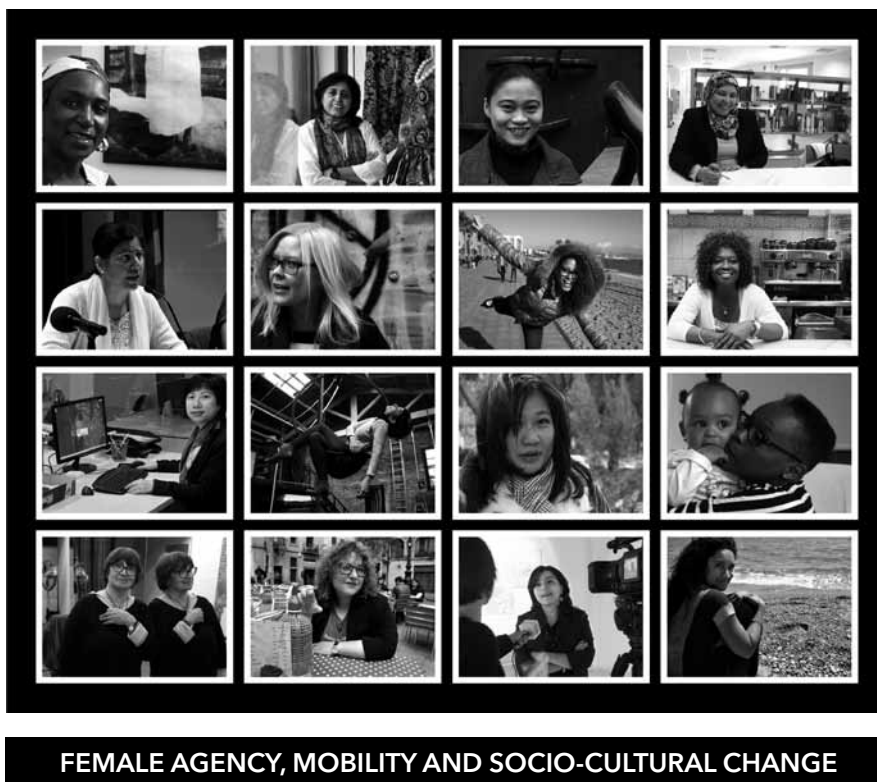


WOMEN MIGRATING TO MEXICO FOR SAFETY:  
THE NEED FOR IMPROVED PROTECTIONS  
AND RIGHTS

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ANJALI FLEURY



UNU-GCM

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*Policy Report 03/08*



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Institute on Globalization,  
Culture and Mobility

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This research programme focuses on the feminization of migration as one of the most significant social patterns to have emerged in the course of the last century. Too often, female migrants occupy vulnerable positions in their host societies, engaging in domestic work, sex work and other unregulated sectors. Despite being so vulnerable and despite established patterns of exploitation, the numbers of women who choose to migrate is rising. This research programme focuses on this phenomenon, in order to better understand why and how migration may offer routes to empowerment to women. A specific area of focus will be the extent to which migration allows women from the global south new sociocultural horizons as they cross over and settle in the global north.

# Women Migrating to Mexico for Safety: The Need for Improved Protections and Rights

Anjali Fleury

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## Summary

Migration from the Northern Triangle countries, El Salvador, Honduras, and Guatemala, continues to rise, with many migrating to or through Mexico to the United States. Many migrants are fleeing increased violence in the Northern Triangle. Migrant women face distinct risks and abuses, both in their home countries and while migrating for safety. This policy report reviews the situation in the Northern Triangle, the risks during migration, including detention, and provides an overview of Mexico's migration programs and policies, as well as suggested recommendations. The report is intended to enable a discussion on the ways in which Mexico can protect migrants, specifically migrant women, as it responds to the recent increase in migration. This report is the second part of a two-part report series examining the migration of women from the Northern Triangle to Mexico.

# Introduction

Recent media attention has focused on increased migration to the United States from El Salvador, Honduras, and Guatemala, also known as the Northern Triangle countries. The migration of thousands of migrants, referred to as “the surge,” prompted the United States, and subsequently Mexico, to respond with new policies and efforts to quell the migration. Many of these migrants are fleeing increased violence in the Northern Triangle. Not surprisingly, migrant women face distinct vulnerabilities, risks, and abuses. This policy report is intended to enable a discussion on the ways in which Mexico can protect migrant women as it responds to the recent rise in migration.

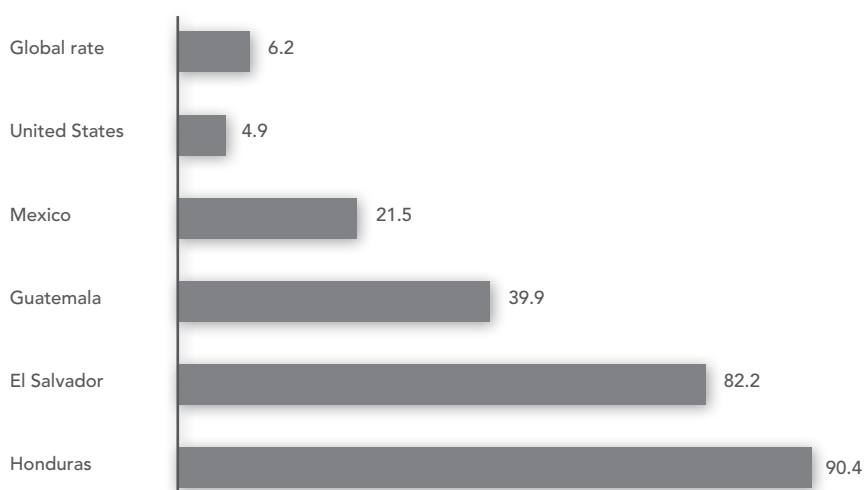
## Violence in the Northern Triangle

Migration from El Salvador, Honduras, and Guatemala to Mexico and the United States is not a new phenomenon. Historically, Northern Triangle migrants moved throughout the region for better economic opportunities and during times of conflict. In 2007, in a small study on migrant women detained in Mexico City, almost 80% of women interviewed migrated for economic purposes. However, the reasons for migrating were often multi-faceted, known as “mixed migration,” with women also migrating to avoid violence and insecurity (Diaz and Kuhner 2007).

The term “migrant” is an umbrella term referring to someone moving from one place to another, generally for economic, family, or education purposes. According to the 1951 Convention relating to the Status of Refugees, a refugee is a person who, “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership or a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself to the protection of that country” (UNCHR 2015, p.33). While refugees claim fear of persecution while in their country, an asylum seeker enters another country and then seeks protection under the same qualifications as a refugee. Under the Convention, women experiencing domestic violence or gender-based violence during conflict have successfully been granted asylum or refugee status based on persecution due to their gender. Migrants, refugees, and asylum seekers deserve rights and protections, but the types of protections and the legal obligations may differ.

Though migrants from the Northern Triangle may be mixed migrants, the increase in violence in El Salvador, Honduras, and Guatemala is likely playing a role in the motivation to migrate. The United Nations Office on Drugs and Crime (UNODC) ranks Honduras as first, El Salvador as fifth, and Guatemala as sixth for countries with the highest rates of homicide (UNODC 2014 and CIA 2013, as cited by UNHCR 2015). Moreover, El Salvador ranks first, Guatemala third, and Honduras seventh globally for rates of female homicides (Geneva Declaration on Armed Violence and Development 2015, as cited by UNHCR 2015). Unfortunately, the governments appear unable to provide sufficient protection or appropriately prosecute the criminals.

**Figure 1: Homicide Rates\***



\*Per 100,000 persons

Source: UNHCR 2015, based on data from UNODC 2014 and CIA 2013.

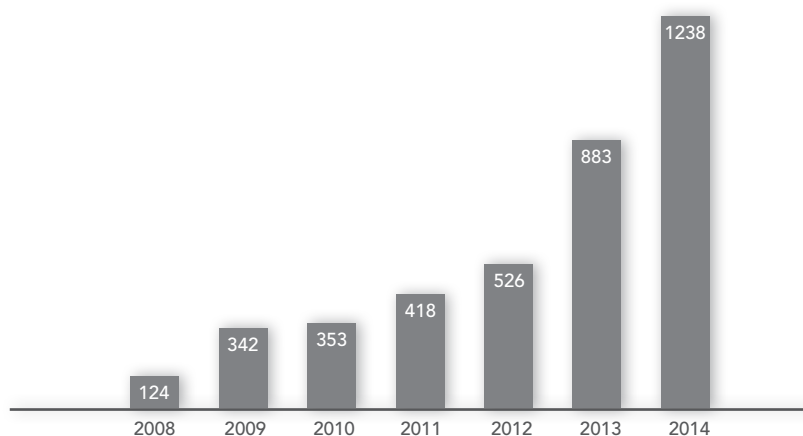
The United Nations High Commissioner for Refugees (UNHCR) interviewed Central American women seeking asylum in the United States and 85% came from neighborhoods controlled by criminal armed groups (2015). In addition to experiencing violence by gangs, many women in the region experience extreme forms of sexual and gender-based violence, such as domestic violence, rape, and violent physical abuse, by gangs or in their own homes. The strong culture of machismo often causes violence against women to seem acceptable and even deserved (Guinan 2015), which makes it difficult for women to report violence or feel protected. Of the women interviewed by UNHCR, 64% of the women cited risk of rape, assault, extortion, and other threats as their main reason for migrating to the United States (UNHCR 2015).

All three countries, El Salvador, Honduras, and Guatemala, have legislation protecting women from gender-based violence; however, in practice, the countries have not provided adequate protection from violence in the home or in public. Indeed, 60% of the women interviewed by UNHCR reported the sexual assaults, rape, and other abuses to authorities, but did not receive sufficient or even any protection. The remaining 40% interviewed did not report the attacks considering it useless. Furthermore, 10% of the women experienced violence from the authorities themselves. Others were threatened by authorities connected with the gangs (UNHCR 2015).

## Fleeing from Home

Of the women interviewed by UNHCR, 69% first attempted fleeing to other parts of their home countries, hiding with family and friends. Despite their efforts, they were always found by the criminal groups (UNHCR 2015). Without adequate protection or the ability to safely live in other parts of their home countries, many women flee the Northern Triangle seeking international protection. According to UNHCR, in 2014, 66,000 unaccompanied or separated minors traveled to the United States, and similarly, 66,000 families also migrated to the United States that year. From 2013 to 2014, the number of women entering the United States tripled. Even outside the United States, the number of asylum applications in Mexico, Belize, Costa Rica, Nicaragua, and Panama from the Northern Triangle countries dramatically increased by 13 times since 2008 (UNHCR 2015). *Comisión Mexicana de Ayuda a Refugiados* (Mexican Commission for Refugees (COMAR)) received a 17% increase in asylum applications in the first 8 months of 2014 than the total of 2013 (SEGOB 2014, as cited by HRI 2015).

**Figure 2: Number of Asylum Applications in Mexico from Northern Triangle Countries 2008-2014**



Source: UNHCR 2016.

Some women first sought asylum in Mexico before later seeking asylum in the United States. The women reported their claims were more difficult to prove to Mexican authorities. Others fled to the United States not knowing enough about the protection system in Mexico, but would have attempted asylum in Mexico with better information and facilities (UNHCR 2015). Other migrants purposely avoided asylum in Mexico. An asylum seeker from El Salvador in the United States explained to UNHCR, “Mexico [is] almost as bad as El Salvador. Why would I go there? That would be no escape. In fact, it could be worse, because I don’t know anyone there” (UNHCR 2015, p.45).

For those traveling to the United States, the migration process is arduous and costly. Migrants often pay high fees to coyotes (smugglers) to facilitate the migration process (UNHCR 2015). In addition, extortion often occurs with officials, such as police and agents from the *Instituto Nacional de Migración* (National Institute of Migration (INM)). In other cases, it occurs with locals, such as bus drivers, that threaten to alert officials (Diaz and Kuhner 2007). One study found that of migrants interviewed 52% had been robbed and 33% experienced extortion during their migration process. The main offenders were criminal groups, but around 18% were Mexican authorities (Isacson et al. 2014). In yet another study, 43% of detained migrant women interviewed were victims of extortion in Mexico, and of the migrants from Central America, the majority had experienced extortion (Dimmitt Gnam 2013).

Migrants escaping violence in the Northern Triangle unfortunately experience violence during transit as well. Criminal groups in Mexico kidnap more than 20,000 migrants each year. The *Comisión Nacional de los Derechos Humanos* (Mexican National Human Rights Commission (CNDH)) reported that in six months, between 2008 to 2009, nearly 10,000 migrants were kidnapped, and in the first six months of 2011 11,333 migrants were kidnapped. Most victims were from Honduras, followed by El Salvador, then Guatemala, then Mexico (CNDH 2009 and CNDH 2011, as cited by Dimmitt Gnam 2013).

Authorities have been linked to criminal groups. In fact, in 2001, INM officials colluded with a cartel, offering 120 migrants to the cartel to hold for ransom (Dudley 2012, as cited by Dimmitt Gnam 2013). The 2009 study by CNDH reported that Mexican authorities were involved in at least 91 of almost 10,000 kidnappings. Furthermore, in 99 kidnapping cases, migrants were aware of police involvement (CNDH 2009, as cited by Dimmitt Gnam 2013).

Once captured by the criminal groups, the families of the migrants are contacted for ransom money (Meyer and Brewer 2010, as cited by Dimmitt Gnam 2013). Meanwhile, the kidnapped migrants may experience torture, “beatings, rape, gang rape, extortion, sexual exploitation, and human trafficking,” according to the Inter-American Commission on Human Rights Special Rapporteur (IACHR 2011, as cited by Dimmitt Gnam 2013, p.715-716). Migrants whose families are unable to pay may be killed (Meyer and Brewer 2010, as cited by Dimmitt Gnam 2013).

In addition to the risks of extortion, kidnapping, and violence and abuse that migrants face, migrant women are also vulnerable to sexual and gender-based violence, including rape and sexual assault. Women experience sexual violence and forced disappearances often near the border (UNHCR 2015). According to Amnesty International, 60% of migrant women and girls are raped while migrating (Amnesty International 2010, as cited by Dimmitt Gnam 2013), while other data indicates that 80% of women experience rape and sexual assault during the migration process (Morales 2008, as cited by Dimmitt Gnam 2013). Given the frequency of sexual and gender-based violence, many migrant women take contraceptives before migrating to avoid the risk of pregnancy from rape by armed criminal groups, locals, or their smugglers. Unfortunately, contraceptives don't protect women from sexually transmitted diseases or other health risks, and migrant women often do not report or seek medical care for sexual and gender-based violence (Diaz and Kuhner 2007).



Given that migrants are unlikely to report sexual violence and abuse, there is little data on the extent of such cases. However, one study of detainees in Mexico City found 26% of migrant women admitted to physical or sexual violence while in transit. The perpetrator was often an authority figure threatening the migrant with detention and deportation (Diaz and Kuhner 2007). Even in cases where officials are not the perpetrators, corrupt authorities and lack of prosecution result in less protection for the victims.

Migrant women captured by criminal groups are also at risk of being sold into prostitution and human trafficking (Meyer and Brewer 2010, as cited by Dimmitt Gnam 2013). More than 20,000 people are sold into trafficking every year in Mexico (IOM 2010, as cited by Dimmitt Gnam 2013). In 2005, women represented 80% of those trafficked, most from Guatemala. The same study reported that 24% faced sexual exploitation, such as forced prostitution and sex tourism. The smugglers themselves may sell the migrants to criminal groups and traffickers (Le Goff and Lothar Wiess 2011, as cited by Dimmitt Gnam 2013).

## Detention in Mexico

Of course, undocumented migrants are also at risk of apprehension, detention, and deportation. Of those detained, one study found 71% of migrant women did not receive information on their rights upon arriving to the detention center. Instead, migrants often received this information from their fellow detainees (Diaz and Kuhner 2008). Another study found 93% of surveyed detainees in Chiapas were not informed of their rights, 91% were not informed of their right to legal representation, and 88% were not informed of their right to asylum (Cruz Jaimes 2011, Camacho Servín 2011). There are similar findings for unaccompanied minors, indicating that detained children were not informed of their rights or the process for applying for asylum, or were detained for long and indefinite periods, particularly when applying for appeals for asylum (HRI 2015).

CNDH, among others, reported violations in the detention centers, including poor conditions, abuse and corruption, overpopulation, and inadequate services (Sin Fronteras 2011, Ballinas 2008, and CNDH 2005, as cited by GDP 2013). In addition, investigations cited poor treatment and quality of food in detention centers. Yet another issue is the existence of male medical workers for female detain-

ees. In some cases, women are simply uncomfortable with the male medics, and in other cases women reported sexual harassment and abuse (Diaz and Kuhner 2008).

Unfortunately, very little data is disaggregated by sex, making it difficult to understand detention experiences specific to women. Reports have indicated, however, that migrant women are particularly vulnerable to harassment and abuse. In a study on migrant women detained in Mexico City, 25% reported violence or aggression by INM authorities while in detention. Most women chose not to file complaints to avoid additional problems out of fear that it would prolong their detention and deportation process or simply because they didn't know how to file a complaint (Diaz and Kuhner 2008).

The experience of detention may deter migrants from applying for asylum, even in cases where international protection is truly needed. For many migrants, the conditions of the detention center, along with the indefinite processing period, may be less appealing than deportation and restarting the migration process again (HRI 2015). For some migrant women the anxiety experienced during detention, particularly for their detained children, makes a quick deportation preferable (UNHCR 2015). Many women plan to migrate again after deportation (Diaz and Kuhner 2007).

## Mexico's Programs and Policies

Given the many issues migrants face throughout the migratory process, Mexico passed the *Ley de Migración* (Migration Law) in 2011 to address migration to, from, or returning to Mexico. The law also regulates migration in transit through Mexico. The Migration Law provides many relevant provisions and protections, including special attention to vulnerable groups, such as minors, women, indigenous peoples, adolescents, seniors, and victims of crime. The law also provides specifications for detention, including facility conditions and services, such as three meals a day, medical, psychological, and legal services, the separation of criminal detainees from non-criminal detainees, and the separation of men and women (DOF, as cited by Dimmitt Gnam 2013; GDP 2013). Mexico also provides only female guards in the women's sleeping areas (Diaz and Kuhner 2008). Detainees are required to know their detention reason and location, and have the right to apply to asylum, the right to consular protection, an interpreter or translator and legal representation, as well as

visits from family members (DOF, as cited by Dimmitt Gnam 2013; GDP 2013). Another provision of the law is that only INM officials can conduct immigration control and supervision of foreigners, which is not always carried out in practice (GDP 2013).

Indicating its international commitment to migrant women, Mexico signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Optional Protocol to CEDAW, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW). Furthermore, Mexico is party to important international conventions, such as the 1951 Convention relating to the Status of Refugees, as well as its 1967 Protocol relating to the Status of Refugees. However, if migrants are not informed of their rights or whether they even qualify as a refugee, the country is at risk violating *non-refoulement*, that is, sending migrants back to harm in countries where they are not properly protected.

Alongside its efforts to legally protect migrants, Mexico has also strengthened its migration enforcement efforts. In 2000, Mexico began to fortify its detention and deportation processes by increasing law enforcement and detention facilities (Diaz and Kuhner 2007). Now, in response to the recent thousands of migrants fleeing to Mexico and the United States, it has continued to further strengthen its migration enforcement.

The United States has long provided funding to Mexico for strengthening its southern border. Through the Mérida Initiative, from 2009 to 2013 the United States provided \$112 million in border security and biometric tracking equipment. In 2014, the Bureau of International Narcotics and Law Enforcement funded \$86.6 million to Mexico for border security. Moreover, in 2015, the United States Congress funded the Mérida Initiative an additional \$79 million on top of the amount requested by President Obama's administration (Ribando Seelke 2014, as cited by HRI 2015). Mexico responded by better securing its border (Isacson et al. 2014, as cited by HRI 2015); increasing checkpoints throughout southern Mexico (Dominguez Villegas, as cited by HRI 2015); sending specialized troops to the border town Tapachula (Martín Pérez, as cited by HRI 2015); increasing the speed of La Bestia (the northern-bound trains) to discourage migrants from riding on top of the trains (Dominguez Villegas, as cited by HRI 2015); as well as increasing surveillance and raids of La Bestia (AP 2015, as cited by HRI 2015).

The heightened border security and enforcement is evident based on the increased number of apprehensions and deportations. The number of apprehended Central Americans increased by over 80%,

from 49,893 to 92,889, in just one year following the “surge” (WOLA 2015b). Deportations doubled from 2010 to 2013 and increased by an additional 30% in 2014. The majority of those deported were from the Northern Triangle countries (Boggs 2015, and Isacson and Meyer 2015, as cited by HRI 2015). The number of children deported in 2014 doubled from 2013, and children held in detention increased by 230% in 2014 (Lakhani 2015, as cited by HRI 2015). The trend continued into 2015, with the number of Central American migrants deported in January-February 2015 double that of January-February 2014 (Isacson 2015).

**Figure 3: Deportations of Central Americans from Mexico**



Source: Isacson 2015.

Now, with Mexico increasing its enforcement and deportations, the United States is receiving and deporting fewer Northern Triangle migrants, despite the still high rates of emigration. Mexico now detains more migrants from Central America than the United States, a change that occurred only in the past year (WOLA 2015a).

# Conclusion and Recommendations

With increasing violence in their home countries and stricter enforcement measures in Mexico, migrant women are not truly protected. While Mexico's laws aim to protect migrant women, with harsher border and detention enforcement, migrants are forced to travel more dangerous and expensive routes, relying more heavily on smugglers to hide them in their journey, and risking additional violence, extortion, kidnapping, and trafficking in doing so (Diaz and Kuhner 2007; UNHCR 2015; Dimmitt Gnam 2013). For women that end up detained, lack of knowledge and additional barriers to asylum also does not aid nor protect them. Despite the efforts to protect the rights of migrants, those that are particularly vulnerable may be suffering even more.

Therefore, more needs to be done to truly protect vulnerable migrants. Mexico has indicated its support for and the importance of respecting migrant women's human rights through its laws and conventions, but it must increase its efforts and improve its implementation. To do so, Mexico is encouraged to carry out the following recommendations:

- **Increase the Capacity of Programs and Officials to Protect Migrants**

Mexico must increase the capacity of COMAR. Despite the rise in Central American migrants and apprehensions, COMAR only increased its capacity by 5% from 2014 to 2015, with only 15 employees conducting asylum interviews in all of Mexico (WOLA 2015b). In addition, Mexico must ensure that INM officials are properly trained, provide services sensitive to gender and age (Sin Fronteras 2011, as cited by GDP 2013); and that only INM officials are involved with immigration matters to decrease corruption, extortion, and abuse (Dimmitt Gnam 2013; GDP 2013).

- **Improve Information regarding Asylum and Visas**

Migrants must be provided comprehensive information about the asylum process and visas. Mexico should assess and ensure that the language used in detention paperwork and procedures is not too technical and is understood by migrants. To further ensure that detainees' rights are met, Mexico should allow non-governmental organizations and migrant advocates better access to detention facilities (HRI 2015).

- **Improve the Detention Process**

Migrants with a legitimate fear of persecution and requiring international protection are at times deterred from seeking asylum

due to indefinite detention. The time period for processing asylum cases must be shortened, and better facilities and alternatives to detention ought to be considered.

- **Better Target and Prosecute Organized Criminals and Gangs**  
Mexico must address and prosecute the organized criminals targeting migrants and its own citizens. Mexico instated the *Fiscalía Especializada en Delitos Cometidos en Contra de Inmigrantes* (Special Prosecutor's Office for Crimes Against Immigrants) to prosecute crimes against migrants in and transiting through Mexico. While it has opened investigations, there is little information on whether any prosecutorial actions were taken (Isacson et al. 2014).
- **Increase Safe and Legal Migration Channels**  
Without safe and legal migration channels migrant women will continue to remain vulnerable to sexual and gender-based violence in addition to the abuses that all migrants may face in their journey. Organizations and experts, including the International Labour Organization (ILO), agree that legal migration channels will far better protect migrants, particularly vulnerable migrants (Fontes Chammartin 2002, as cited by Dimmitt Gnam 2013). The result may be less reliance on smugglers and susceptibility to criminal gangs and more migrants reporting abuses, extortion, and corruption (Amnesty International 2010, as cited by Dimmitt Gnam 2013). Unfortunately, with the United States backing stricter enforcement efforts, Mexico will likely not be able to provide legal and safe avenues for migration (Dimmitt Gnam 2013).
- **Develop Regional Cooperation**  
To fully address the root causes of migration and the response requires regional cooperation from the United States, Mexico, Honduras, Guatemala, and El Salvador (Diaz and Kuhner 2007). Cooperation amongst the nations also requires looking at economic migration and how to better allow migrants meeting labor demands to safely enter and work in countries, particularly female migrants. Cooperation with other Central American countries may also prove useful, considering the rise in asylum seekers in countries like Belize, Costa Rica, Nicaragua, and Panama.
- **Facilitate Cross-Border Movement for Northern Triangle Migrants**  
Already Guatemala, El Salvador, Honduras, and Nicaragua have ratified the CA-4 agreement, which under the *Sistema de Integración Centroamericano* (Central American Integration System (SICA)), facilitates trans-border movement with an identification document. The agreement allows for six months outside of their

home country but does not permit migrants to work. Mexico joined SICA as an observer (Alba and Ángel Castillo 2012, as cited by Dimmitt Gnam 2013). Mexico does facilitate entry for citizens of countries like Belize, Costa Rica, and Panama by not requiring visas (SEGOB 2012, as cited by Dimmitt Gnam 2013). Previously, Mexico also allowed Colombians to enter the country without visas (EIEspectador.com, as cited by Dimmitt Gnam 2013). Mexico may want to consider the same for Northern Triangle citizens. In the past, Mexico welcomed refugees from countries experiencing conflict. Mexico provided refuge in the 1930s for Spaniards during the Spanish civil war, in the 1970s for refugees fleeing coups and dictatorships in Argentina, Bolivia, Chile, and Uruguay, and in the 1980s during conflict and civil wars in Central America (Boggs et al. 2015). Perhaps this is yet another instance where Mexico can open its border to migrants seeking refuge.

Solutions certainly aren't easy but are increasingly needed as migrants continue to enter Mexico risking extreme situations while seeking better, safer lives. With increased funding from the United States, Mexico may consider allocating some funding away from detention and security to more protective measures for migrants to ensure those needing asylum are able to safely migrate. This report serves to foster discussion and increase awareness of the issues facing migrant women fleeing violence in the Northern Triangle, and inspire Mexico to develop and better implement programs and policies to truly protect these migrants.

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