



SPECIAL REPORT ON THE
KIDNAPPING OF MIGRANTS IN
MEXICO

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SYNTHESIZED VERSION

Mexican National Human Rights Commission



I. INTRODUCTION

The vulnerable situation in which migrants find themselves is of extreme measure, particularly, in cases of kidnappings which violate personal dignity and the rights that such dignity implies. Not only are the victims affected, but so are their families and communities. This type of crime directly threatens a person's right to public security. Furthermore, the migrants' human rights such as freedom, legality, legal security, integrity, personal security, and in some cases even, the right to life, are put in jeopardy.

This report aims to provide information on the current situation of migrant kidnappings as well as to evaluate the methods of raising awareness and prevention that are in place. The report also aims to bring to the attention of the relevant authorities a sense of urgency when dealing with this crime and suggests plans of action for prevention as well as the integral assistance of victims.

2

I. FACTS

In order to produce this *Special Report on Migrant Kidnappings in Mexico* a work program was designed to gather, systematize and analyze, both accounts of migrant victims themselves and witnesses of kidnappings, as well as the information requested from the relevant authorities, in the following terms:

Requests for information. Based on article 67 of the Mexican National Human Rights Committee Law and 67, part II of its Regulation, requests for information were sent to the following federal authorities: the Secretary of Government and National Migratory Institute, Secretariat of Public Safety, Secretariat of National Defense, Attorney General's Office. Locally, requests for information were directed to the District Attorneys' of the federal entities and to the Secretariats of Public Safety of each entity.



In total, 176 letters requesting information were sent: 2 letters were directed to the Executive Secretariat of the National Public Safety System, 2 to the Secretary of Government, 3 to the National Migratory Institute, 2 to the Secretariat of Public Safety, 3 to the Secretariat of National Defense, 4 to the Office of the Attorney General, 3 letters were directed to each of the 32 district attorneys of the federal entities, and 2 to each of the 32 Secretariats of Public Safety of the federal entities.

Type of information requested from the authorities. The requests for information consisted of the contribution of data regarding programs put in place for the prevention and combat against crime, as well as assistance to victims, between June 2009 and June 2010. Both the Office of the Attorney General and the district attorneys were contacted for information regarding the preliminary investigations of the crime of kidnapping of migrants. The Federal Secretary of Public Security and the Secretariats of Public Safety of the federal entities were asked to provide information as to whether they possessed a reference map of the high risk areas regarding the commission of the crime in question.

In addition to this information, data was also taken from the IV Government Report of the current six year term, as well as from the *Mexican State Report on Kidnappings, Extortion and Other Crimes Committed against Migrants Crossing Mexican Territory*, presented by the Mexican government before the Inter-American Commission on Human Rights.

Evaluation of public policies. The National Human Rights Commission requested information from the earlier mentioned authorities and proceeded to carry out an analysis of said information, taking into account both the developments in the proposals presented in the *Special Report 2009*, as well as some of the central themes suggested as for public policy indicators in the



*Manual for the Prevention of Kidnapping*¹, produced by the United Nations Office on Drugs and Crime (UNODC).

Work Visits. Between January and December 2010, staff from the National Human Rights Commission carried out 1,559 work visits to migratory stations, in which they attended 35,237 migrants. This was the launch pad for 253 complaint files as well as letters for 6 other files.

During the same period, 214 visits were carried out to places that depend upon authorities other than migratory ones, but where there is also a high concentration of migrants, such as airports, bus and train stations, border crossings and search points, amongst others, to oversee treatment of migrants and to discover their perspectives, gather statements and, where necessary, launch the respective complaint files. A total of 3,060 migrants were attended during these visits.

Additionally, 538 visits were carried out at migrant houses and hostels, in which a total of 14,725 migrants were seen to, 238 complaint files were launched and 148 processes took place before a number of authorities.

Furthermore, 394 visits were carried out at migrant transit points, such as public squares or rail roads, where a total of 15,073 migrants were attended and 62 processes were carried out in their benefit, in order to guarantee respect of their human rights.

In summary, given the earlier mentioned action carried out, a total of 68 thousand and 95 people were attended during the given time period.

Statements given by migrants who have been victims of kidnapping. During the work visits to migratory stations, concentration spots and hostels that attend



these populations, the additional visitors interviewed migrants that had been victims or witnesses of a kidnapping.

Using the victims' statements the information gathered from April through to September 2010 was systematized, in order to obtain the necessary data to carry out an analysis regarding the current frequency of migrant kidnappings, and to therefore determine whether the action carried out by the country's federal and state government authorities had had any beneficial impact on the lives of these people.

The statements given by migrant victims and witnesses of kidnapping constitute an essential element not only when calculating the number of cases and possible victims, but also in order to obtain specific data on the way in which kidnappers operate, the types of violence inflicted upon victims, the quantities of money demanded from their families, the zones where they operate, as well as the places where this deprivation of freedom occurs.

A detailed affidavit was produced for each recorded statement, following the terms of article 30 of the National Human Rights Commission Law.

When the information was organized and integrated, the cases which indicated, in one or more statement the possibility that there was reference to the same kidnapping incident, taking into account the place and date in which it occurred, these were accounted for as one single incident.

In continuation, bearing in mind the possibility that deprivation of freedom may alter the migrant's calculation of the amount of people kidnapped in the same incident, the lowest number was recorded. For example, if the migrant indicates that they saw between 40 and 60 victims kidnapped, for use in this report, the first number was taken into account, which may mean that the size of the phenomenon is of even greater magnitude.



It is also valid to mention that the calculated number of migrant victims of this crime is not based on the number of reports made before an authority, whenever there is significant “black data” incorporated by crimes which are not registered in the official figures and that they are made up of both the un-reported crimes as well as those that do not receive preliminary investigation, despite having been reported.

Alternative reports on the kidnapping of migrants. In order to produce this *Special Report on Migrant Kidnappings in Mexico*, analysis and investigation were carried out on the following reports that discuss this matter and were produced between June 2009 and December 2010 by civil society organizations: *Kidnappings of Central American Migrants in Transit through Mexico* ⁱⁱput together for the Inter American Human Rights Commission, carried out on the 22nd March 2010 within the framework of a theoretical audience; *Invisible Victims: migrants in movement across Mexico*, presented by Amnesty International on the 28th April 2010, as well as the *Sixth Report about the Situation of the Human Rights of Migrants Crossing Mexico*, published in June 2010, by the civil society organizations Belen Posada del Migrant, Humanity Without Borders and Justice Without Borders.

6

Furthermore, consideration was given to the decisions made at the Analysis Forum “*Migrant Kidnappings in Mexico*”, that took place on the 4th November 2009, by request of the National Border Issues Commission pertaining to the Senate of the Republic.

II. CHARACTERIZATION OF THE CURRENT PROBLEMS

Between January and December 2010, staff members of the National Human Rights Commission carried out 2,705 work visits, 1,559 visits to migratory stations, 214 visits to places dependent upon an authority other than migratory ones where there is a high concentration of migrants, 538 visits to migrant



houses or hostels of Human Mobility Pastoral and 394 visits to migrant transit spots, such as public squares or rail ways; visits in which, amongst other issues, diverse statements related to the migrant kidnapping phenomenon were gathered. This action allowed the National Human Rights Commission to attend 68,095 people.

The information gathered from these visits showed that violence against this group in a particularly vulnerable state has in no way reduced, and the groups committing violations against them have specialized and diversified their strategies.

During the six month period of April to September 2010, the National Human Rights Commission documented a total of 214 kidnapping incidents, which, according to the victims and witness accounts produced 11,333 victims. This figure shows that the government's efforts to reduce migrant kidnappings have not been sufficient.

During the work visits, the National Human Rights Commission staff gathered a total of 178 statements discussing migrant kidnapping incidents, of which 153 (86%) were accounts given by migrants that were direct victims of the crime, whereas 25 (14%) can be attributed to stories told by people who witnessed such criminal occurrences.

It is important to point out that the figures quoted earlier may in reality be greater, given the nature of the crime and the vulnerable situation in which the migrant population find themselves mean that it is impossible to uncover all the kidnapping incidents that took place in this period.

This *Special Report on Migrant Kidnappings in Mexico* reports that, in terms of the nationalities of the victims and witnesses that provided the National Human Rights Commission with their statements, in 44.3% of the cases relate to



Hondurans, 16.2% Salvadorians, 11.2% Guatemalans, 10.6% Mexicans, 5% Cubans, 4.4% Nicaraguans, 1.6% Colombians, 0.5% Ecuadorians, and as for the remaining cases, it was not possible to decipher the nationality.

15.7% of the total statements gathered are experiences told by female migrants.

In relation to the regions where the migrant kidnapping incidents took place, the information gathered indicates that, 67.4% of the incidents occurred in the southeast, 29.2% in the north and 2.2% in the center of the country. For the rest of the incidents there is no specified region.

The states that showed the greatest number of statements of victims and witnesses of kidnapping are Veracruz, followed by Tabasco, Tamaulipas, San Luis Potosi and Chiapas.

Of the 178 statements gathered by the National Human Rights Commission, in 8.9% of the cases, witnesses and/or victims mention the collusion of an authority in the commission of the crime of kidnapping. Amongst the most frequent are varying municipal police bodies, National Migratory Institute staff and state Public Security Institutions, such as the Federal Police.

High risk zones for kidnappings

Using the information provided by the authorities, as well as that derived from the migrants' statements and analysis carried out by regional NHRC offices, the following zones have been identified, listed by state and in alphabetical order.

1. Baja California: the mountainous region of Tecate and highway stretch between Tijuana-Tecate.
2. Chiapas: Palenque, Arriaga, Tapachula, Pijijiapan, Salto del Agua, Pichucalco, Estación Juárez and Playas de Catazaja.
3. Coahuila: Saltillo, Piedras Negras and Ciudad Acuña.



4. The State of Mexico: Valle de Cuautitlán
5. Guanajuato: Municipal Celaya (railroad crossings) and municipal Apaseo el Alto.
6. Guerrero: Cuajinicuilapa (on Oaxacan borders) and San Juan de los Llanos in Igualapa.
7. Michoacan: Querendaro (Pueblo Viejo), Cotija de la Paz, Paso de Núñez and Acuitzio del Canje.
8. Nuevo León: highways towards Laredo, Guerrero Tamaulipas town; Miguel Alemán, Reynosa and Tamaulipas.
9. Oaxaca: Railroads at Chahuites, Ixtepec, Matías Romero, Tuxtepec and Zanatepec.
10. Querétaro: Railroads that pass through Pedro Escobedo, El Marqués and San Juan del Río.
11. Quintana Roo: Cancún.
12. San Luis Potosí: Terceras district and municipal region of Bocas.
13. Sonora: Santa Ana, Altar, Caborca and Sásabe.
14. Tabasco: Tenosique, Balancán, Macuspana, Teapa and Huimanguillo.
15. Tamaulipas: Nuevo Laredo, Reynosa, Río Bravo and Ciudad Victoria.
16. Veracruz: Railroads at Las Choapas, Agua Dulce, Medias Aguas, Jesús Carranza, Amalgres, Sayula de Alemán, Acayucan, Mundo Nuevo, Coatzacoalcos, Cosamaloapan, Tierra Blanca, Córdoba, Loma Bonita, Orizaba and Río Blanco.

The majority of these areas are directly linked to the train routes used by migrants on their journeys through Mexico.

III. PROPOSALS

In agreement with the basic principals surrounding legal security, following the faculties of the institutions in charge of migrant assistance, crime prevention and procurement of justice, as well as the analysis of the information compiled, the National Human Rights Commission has drawn up the following proposals:



For the Ministry of the Interior:

SOLE RECOMMENDATION. Produce, alongside the relevant authorities, a campaign for inter institutional and inter sectorial communication, in order to point out the areas of high risk of migrant kidnappings and to inform the migrants, via channels accessible to them, regarding the victims and/ or witnesses' rights, regardless of their migratory status.

For the National Institute of Migration:

FIRST. Provide training for workers in a specialized procedure for the detection of and assistance to migrant victims of kidnappings, with the aim of preventing their recapture. This includes specific protection methods when dealing with possible victims that are underage. Additionally, the design of an evaluative mechanism for this procedure.

SECOND. Design a mechanism to make use of the knowledge of the Office of the Attorney General and where relevant, the district attorneys' offices, about possible acts which constitute the crime of migrant kidnapping, so that these occurrences possess greater elements for a due incorporation in the respective preliminary investigations.

THIRD. Reinforce the presence of National Migratory Institute staff at high risk migrant kidnapping zones and provide training for members in identifying cases of kidnapping, as well as assistance and channeling of victims or probable victims of this crime.

FOURTH. Guarantee that the migrant victim or witness is informed of a likely crime, and their right to consular assistance, as well as their right to stay in contact with their families.



FIFTH. Ensure that the migrant knows their right to report a crime in the case of having been a victim or witness of crime, to retain their identification and the right to not be confronted as well as their prerogatives as a victim of crime.

SIXTH. Establish an efficient and clear procedure for the migratory legalization of migrant victims of crime, in conjunction with the corresponding institutions.

SEVENTH. Establish a mechanism to, where necessary, channel victims and witnesses of kidnappings to the victims' assistance systems, which have implemented the federal, state or municipal requests for justice.

For the Office of the Attorney General:

FIRST. Go about training the staff in charge of integrating previous enquiries of crimes committed against migrants, as well as providing medical and psychological assistance to victims and witnesses.

SECOND. Incorporate, in conjunction with the relevant authorities, a data base of migrant kidnappings to concentrate information generated by federal, state and municipal requests of prevention and justice in order to obtain statistics about criminal behavior, regional maps and routes, as well as methods of operation of organized crime, respecting the confidentiality of the victims' personal data.

THIRD. To put in place, with the relevant authorities, agile mechanisms to present reports from abroad, which the families of kidnapped migrants can then access.

FOURTH. To provide training for analysts, researchers, experts and other staff deemed as adequate, on how to carry out research of the crime of migrant kidnappings.



FIFTH. Establish mechanisms with the state district attorneys, in order to monitor known migrant kidnapping cases, as well as offering their collaboration, when the research requires so.

SIXTH. Along with the Federal Secretary of Public Safety and the state district attorneys, coordinate the establishment and operation of areas or installations that specialize in assistance to migrant victims or witnesses of kidnapping, in which respective psychological and medical attention is given, as well as legal advice.

For the Secretariat of Public Safety:

FIRST. Design and put into action crime prevention techniques, which take into account the production of maps to indicate high risk areas of migrant kidnappings.

SECOND. Organize, with the relevant authorities, the design and implementation of a protocol of assistance to migrant victims of kidnapping, directed towards the authorities at the three levels of government, as well as the civil society which is in contact with the migrant population, in order to find out the next steps in order to detect and assist migrant victims of this crime.

THIRD. Implement, in conjunction with the state secretaries of public security, security and combat operations at the points with a high risk of migrant kidnappings.

FOURTH. Aid the attorney authorities in the development of mechanisms for the exchange of information and coordination, in order to identify the risk zones where migrant kidnappings take place, and also the respective security houses.



FIFTH. In conjunction with the state secretaries of public safety, implement the necessary mechanisms to reinforce the public security in neighboring areas of the railways that are used by migrants when crossing national territory.

SIXTH. Together with the Office of the Attorney General and the district attorneys, organize the establishment and functioning of areas or installations specialized in assistance to migrant victims and witnesses of kidnappings, which can give respective psychological and medical attention, as well as legal advice.

For the Secretariats of Public Safety of each state:

FIRST. Put in place programs of prevention and assistance specifically for the migrant victims of crime population, to avoid kidnappings and other related crimes.

SECOND. In conjunction with the Federal Secretary of Public Security, carry out an analysis of zones of high risk of migrant kidnapping.

THIRD. Provide training for members of staff in the detection of and assistance to migrant victims of kidnapping, as well as in non discrimination and human rights of these people.

FOURTH. In conjunction with the Federal Secretary of Public Safety, implement the necessary mechanisms for the reinforcement of public security in areas surrounding the railways used by migrants when crossing national territory.

For the District Attorneys' Offices of each state:

FIRST. Adopt methods for training of staff that specialize in the incorporation of preliminary investigations concerning crimes committed against migrants, as well as providing the victim or witness with legal, medical and psychological assistance.



SECOND. Arrange and implement mechanisms for the exchange of information with the Office of the Attorney General and monitor migrant kidnapping incidents.

THIRD. In conjunction with the Office of the Attorney General, organize the design and functioning of areas or installations specialized in assistance to migrant victims and witnesses of kidnappings, in which respective psychological and medical attention is provided, in addition to legal advice.

FOURTH. Put in place a mechanism to inform the state secretaries of public health about migrant kidnappings, in the hope that this information will be used to establish crime prevention policies.

ⁱ Produced in accordance with resolution 59/154 of the General Assembly, December 20th, 2004.

ⁱⁱ http://centroprodh.org/index.php?option=com_docman&Itemid=34&lang=es