

DEFENDERS BEYOND BORDERS:

MIGRANT RIGHTS DEFENDERS UNDER ATTACK IN CENTRAL AMERICA, MEXICO & THE UNITED STATES



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Migrant Rights Defenders

September 2019

"In the 1990s, there were 12 Customs and Border Patrol agents in our community. Now there's 400. The militarisation of the border went from being a background thing to the dominant issue shaping our lives. We've always been faced with the choice of how to help people in the desert – now we do it under threat of 20 years in prison."

- Dr. Scott Warren, HRD, No More Deaths

I. Introduction



Photo Credit: Cristóbal Sánchez

Summary

Migrant rights defenders protecting migrant families, refugees, asylum seekers, and others along migrant routes from Honduras to the United States (US) are facing severe threats from both state and non-state actors, according to research conducted by Front Line Defenders (FLD), Programa de Asuntos Migratorios (PRAMI) de la Universidad Iberoamericana-Ciudad de México -Tijuana (Mexico City Ibero-American University's Migratory Issues Program, hereafter PRAMI) and Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos Para Todas y Todos" (the "All Rights For Everyone" National Network of Civil Society Human Rights Organizations, hereafter Red TDT) in Central and North America between April 2019 and August 2019.

The research found that human rights defenders (HRDs) working with migrants are being criminalised, assaulted, arrested, deported, detained, interrogated, intimidated, digitally surveilled and harassed for carrying out legitimate and peaceful work. These attacks are part of a broader transnational governmental effort to stop the migration of people fleeing violence and persecution following decades of war, poverty, gender violence, mega development projects on indigenous lands without consultations, climate change, threats and extortion from gangs, political instability, corruption, state violence and US military intervention and support for right-wing military dictatorships and governments in Central America. The impact of this increasing crackdown

on migrant rights defence is especially dangerous for and disproportionately affects HRDs who are migrants, refugees, asylum seekers, undocumented HRDs in the US and Mexico, women, and queer-identifying activists across the region.

The documentation shows a range of abuses against migrant rights defenders along the migrant routes and in the borderlands. Defamation and criminalisation of humanitarian activity is increasing throughout Central and North America. HRDs in Guatemala, Mexico and the US have been arrested, assaulted and put on trial for the provision of humanitarian aid including distributing food, water and medical supplies and operating emergency shelters for migrant families. Additionally, the Mexican and US governments' arrests, interrogations and threats against defenders assisting asylum seekers to access their rights in the immigration process demonstrate the criminalisation of all forms of immigration, including those which follow existing legal processes.

In addition to targeted persecution by the state in the form of arrests, interrogations and threats of up to 24 years in prison, Mexican and US immigration policies are exacerbating threats from organised criminal groups against HRDs. For example, HRDs working along the Mexico-US border report increased threats and intimidation from criminal groups – which view them

as disrupting trafficking revenues – as the defenders respond to the humanitarian emergency caused by the Trump administration's Migrant Protection Protocols, known as "Remain in Mexico".

FLD, PRAMI and Red TDT interviewed 21 woman human rights defenders (WHRDs) and human rights defenders in 10 cities on both sides of the Mexico-US border, along with an additional 10 defenders working with migrants along the routes in Mexico, Honduras, Guatemala and El Salvador. Many of the defenders who were interviewed self-identified as current migrants, refugees, asylum seekers or undocumented people.

This report presents the diversity of the work of migrant right defenders' and the wide range of risks that WHRDs and HRDs face in a regional context of criminalizing migrants. The interviews are presented according to the following to the type of aggression that they experienced: arrest and detention; deportation and risk of deportation; detention and trial; defamation and subsequent threats; surveillance, Intimidation and Attacks on Shelters, Offices, and Community Gathering Spaces; and Criminal Networks, Nationalist Militias, Non-state Armed Actors. Several HRDs' reported a range of abuses and appear in multiple sections.

Acronyms

Acronym	Name
BNHR	Border Network for Human Rights
CMS	Saltillo Migrant Shelter (Casa del Migrante Saltillo)
CAME	Exodus Centre for Migrant Care (Centro de Atención al Migrante Exodus)
CIESAS	Center for Research and Higher Education in Social Anthropology (Centro de Investigaciones y Estudios Superiores en Antropología Social)
COFAMIPRO	Committee of Families of Disappeared Migrants of El Progreso (Comité de Familiares de Migrantes Desaparecidos de El Progreso)
COMAR	Mexican Refugee Aid Commission (Comisión Mexicana de Ayuda a Refugiados)
CFI	Credible Fear Interview
CBP	Customs and Border Protection
DACA	Deferred Action for Childhood Arrival
DHS	Department of Homeland Security
DEA	Drug Enforcement Administration
FBI	Federal Bureau of Investigation
FGR	Mexican Attorney General's Office (Fiscalía General de la República)
GIDMT	Steering Committee Against Migrant Detention and Torture (Grupo Impulsor contra la Detención Migratoria y la Tortura)
FLD	Front Line Defenders
HSI	Homeland Security Investigations
HRDs	Human rights defenders
ICE	Immigration and Customs Enforcement
INM	Mexican National Migration Institute (Instituto Nacional de Migración)
IACHR	Inter-American Commission on Human Rights
LGBTI+	Lesbian, Gay, Bisexual, Transgender and Intersex
MPP	Migrant Protection Protocols
NPR	National Public Radio
PRAMI	Migratory Issues Program (Programa de Asuntos Migratorios)
PSF	Pueblo Sin Fronteras
Red TDT	"All Rights For Everyone" National Network of Civil Society Human Rights Organizations (Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos Para Todas y Todos")
REDODEM	Documentation Network of Migrant Defense Organizations (Red de Documentación de Organizaciones Defensoras de Migrantes)
SEGOB	Mexican Office for Domestic Affairs (Secretaría de Gobernación)
SEMAR	Mexican Navy Secretariat (Secretaría de Marina)
UN	United Nations
US	United States of America
WHRDs	Women human rights defenders

Context

In May 2019, 132,880 migrants were apprehended by US immigration authorities at the Mexico-US border, the highest number in a decade.¹ Many travelled thousands of miles under harsh conditions across Central America and Mexico to reach shelters near US ports of entry. Families and children have been arriving in record numbers: Border Patrol apprehended more than 36,000 families in February 2019, the highest number since family unit apprehensions tracking began in 2012.²

Governments along the Americas migration routes are violently and systematically violating the rights of migrants, refugees and asylum seekers³. Crossing through Central America and Mexico, migrants face rampant discrimination, extortion, physical and sexual assault, trafficking, kidnapping, theft, detention and disappearance by both government authorities and organised criminal groups. These assaults on migrants are in addition to the existing and often fatal risks faced by people fleeing violence and persecution in their

home countries, including months of homelessness, hunger, exhaustion, extreme weather conditions, and psychological trauma.

Migrant deaths in the desert along the Mexico-US border have radically spiked as a result of a series of US border policies since the 1990s, beginning with Operation Gatekeeper as the start of "prevention through deterrence" (outlined in the 1994 Border Strategic Plan). Operation Gatekeeper was designed to deter unauthorised migration via urban San Diego and became the model for subsequent policies which concentrated Customs and Border Patrol (CBP) enforcement in the areas surrounding ports of entry in urban centres, with easier access to ground transportation and other resources. Such policies intentionally pushed migrants into extreme desert and weather conditions, which has directly led to higher migrant death rates and greater reliance on smugglers.

Since 2001, Mexico's Plan Sur (Southern Plan) policies have also increasingly militarised borders and routes on

Photo Credit: Erin Kilbride



1. US Customs and Border Protection, Southwest Border Migration FY 2019. Available at: <https://www.cbp.gov/newsroom/stats/sw-border-migration>

2. Camilo Montoya Galvez, Apprehensions of migrant families rise dramatically along southern border. Available at: <https://www.cbsnews.com/news/apprehensions-of-migrant-families-rise-dramatically-along-southern-border/>

3. We recognise the different profiles and protection needs of people on the move: migrants, refugees, applicants of international protection, asylum seekers, stateless persons and applicants for the status of stateless person, but for the purposes of this report we will refer to the population as "migrants."

Increased Border Security and Militarisation

US Border Patrol was established in 1924, and the American Immigration Council estimates that \$263 billion have been spent on immigration enforcement since 1986.⁴ Militarisation of the Mexico-US border skyrocketed after 9/11, with funding for border enforcement now exceeding that of all other federal law-enforcement agencies including the Secret Service, Federal Bureau of Investigation

Mexican soil. In 2014, Mexico implemented Programa Integral Frontera Sur (Southern Border Programme), a similar prevention through deterrence strategy that increased border security infrastructure and operations in southern Mexico as well as immigration checkpoints throughout the country.⁵ Because of these policies, migrants are forced to take more dangerous routes north, and have experienced greater violence and more human rights violations, as well as an increase in deportations and repatriations.⁶

Migrants arriving at US ports of entry face physical violence and systematic denial of their right to seek asylum, including being physically assaulted, threatened with arrest, and subjected to inhumane and degrading treatment. At ports of entry, immigration officials in the US force asylum seekers back onto Mexican soil and threaten to call Mexican police. In early May 2019, a US federal appeals court ruled that the Trump administration's programme that sends asylum-seekers back to Mexico (Migrant Protection Protocols, hereinafter MPP) could continue pending a final decision on a lawsuit with the US Supreme Court that seeks to eliminate the programme entirely. According to a briefing document of the Department of Homeland Security, as of mid-August 2019, 35,000 Central American asylum seekers had already been sent back.⁷ There is no comprehensive plan for transport, provision of food and shelter, or legal aid for those who return, leaving a small group of volunteers and human rights defenders along the border to organise all emergency logistical support to cope with the humanitarian crisis.

(FBI), Drug Enforcement Administration (DEA), and US Marshals Service. For HRDs, the increasing militarisation of the border provides the context and requirement for their work – keeping migrants alive and helping them access their regularly denied right to seek asylum – and presents one of the greatest risks to their safety.

Additionally, the United States threatened to revoke aid to the governments of Guatemala and Honduras and to impose trade tariffs on Mexico if these governments did not stem the flow of migrants north. Under such pressure, the government of Guatemala accepted the deployment of American troops to its territory in order to control the movement of people at the border with Mexico, and later signed an agreement designating it a Safe Third Country (STC) to which migrants and asylum seekers could be returned from the United States.⁸ The Mexican government committed to reducing irregular migration and sent 15,000 National Guard troops to the border with the United States and 6,000 troops to the southern border with Guatemala. The National Guard is a military-police force recently created in Mexico and that has been given the authority to set up checkpoints and carry out immigration enforcement.

In addition, Mexico stepped up checkpoints along highway routes running from the southern states, mainly Chiapas and Tabasco, to the northern states and adopted other control measures such as prohibiting bus companies from providing services to undocumented individuals. In June 2019, the Mexican government detained 29,153 migrants⁹, representing a 353% increase in just six months over data from January 2019.

The Mexican government is replicating the containment policies imposed by the United States, thus reinforcing the idea of Mexico as a vertical border whose aim is to prevent the passage of migrants and asylum seekers.

4. American Immigration Council, The Cost of Immigration Enforcement and Border Security. Available at: https://www.americanimmigrationcouncil.org/sites/default/files/research/the_cost_of_immigration_enforcement_and_border_security.pdf
5. Observatorio de Legislación y Política Migratoria, ¿Qué es el Programa Frontera Sur? [What is the Southern Border Programme? Available at: <https://observatoriocolef.org/wp-content/uploads/2016/06/BOLET%C3%8DN-1-Alejandra-Casta%C3%B1eda.pdf>
6. Clay Boggs, Mexico's Southern Border Plan: More Deportations and Widespread Human Rights Violations. Available at: <https://www.wola.org/analysis/mexicos-southern-border-plan-more-deportations-and-widespread-human-rights-violations/>
7. Hamed Aleaziz, Trump Has Returned 35,000 Asylum-Seekers To Mexico. Now The Country Is Pushing Back. Available at: <https://www.buzzfeednews.com/article/hamedaleaziz/trump-mexico-returned-asylum-seekers-35000-policy>
8. Although the Guatemalan government does not call itself a "safe third country", the signed agreement stipulates that individuals with Salvadoran and Honduran nationality arriving as asylum seekers in the United States via Guatemala will be returned to Guatemala, from where they will need to process their asylum request. Comisión Interamericana de Derechos Humanos, CIDH expresa profunda preocupación por la situación de personas migrantes y refugiadas en Estados Unidos, México y Centroamérica. [IACHR expresses profound concern about the situation of migrants and refugees in the United States, Mexico and Central America. Available at: <https://www.oas.org/es/cidh/prensa/comunicados/2019/180.asp>
9. Secretaría de Gobernación. Extranjeros presentados y devueltos enero-junio 2019 [Foreigners presenting and returned January-June 2019]. Available at: http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Extranjeros_presentados_y_devueltos

Affirming the Human Rights of Migrants

As stated in Article 2 of United Nations Universal Declaration of Human Rights of 1948, everyone without distinction of any kind is entitled to all Human Rights. This means that any migrant has freedoms and rights regardless of their legal status, and governments have obligations to guarantee them.



Right to Seek Asylum

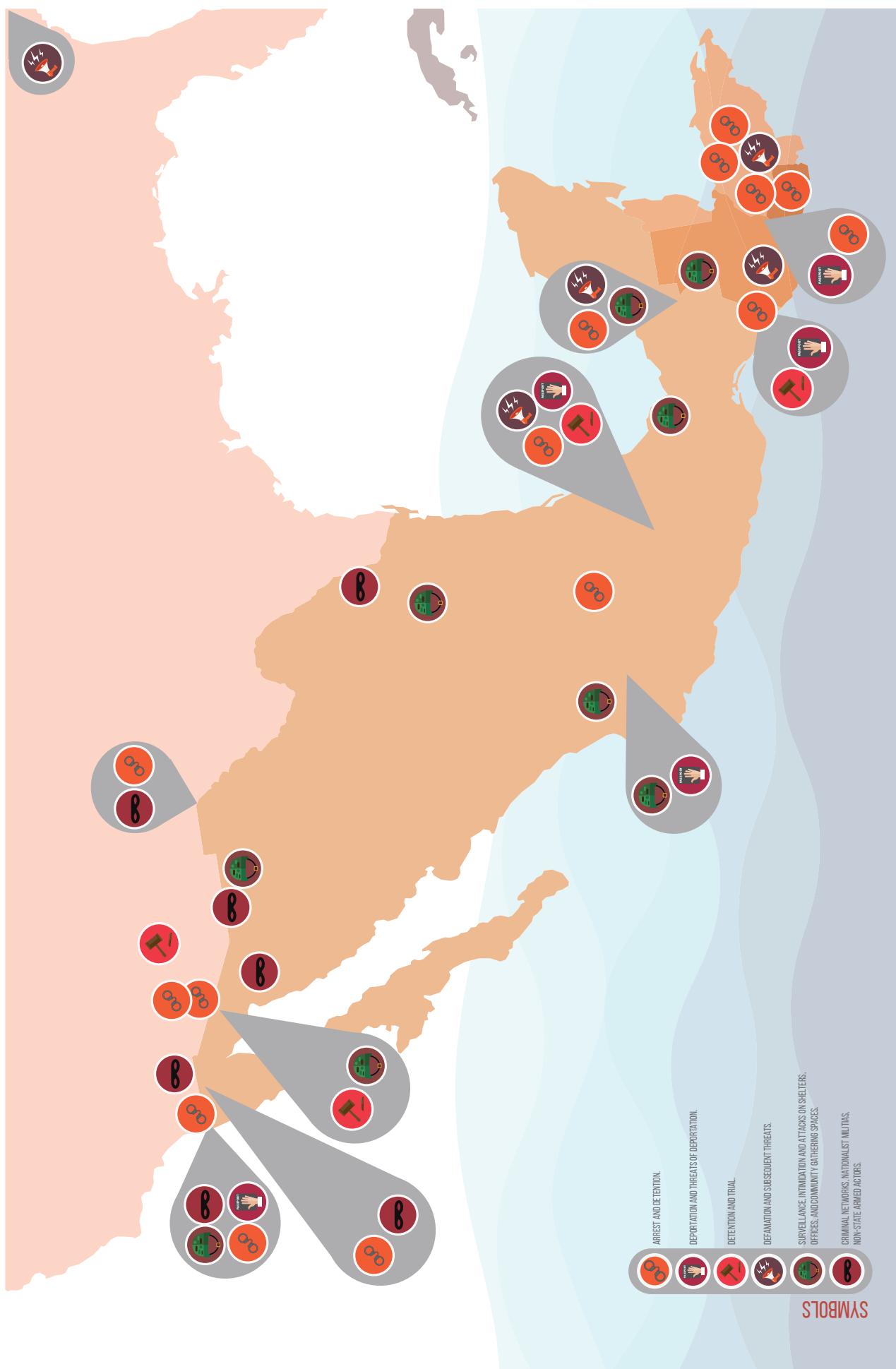
Article 14 of the United Nations Universal Declaration of Human Rights of 1948 states that "Everyone has the right to seek and to enjoy in other countries asylum from persecution." The right to seek asylum is further supported by the Convention Relating to the Status of Refugees (1951) and the Protocol Relating to the Status of Refugees (1967); both were signed and ratified by the United States and Mexico. A refugee, under these agreements, is a person who is unable to return to their home country and cannot obtain protection in that country. This can either be due to past persecution or a well-founded fear of future persecution, on the basis of "race, religion, nationality, membership in a particular social group, or political opinion."

UN Declaration on HRDs

The 1998 "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms," frequently shortened to the "Declaration on Human Rights Defenders," provides specific protections to HRDs, including the right to:

- Seek the protection of human rights at the national and international levels;
- Form associations and non-governmental organisations;
- Seek, obtain, receive and hold information relating to human rights;
- Develop and discuss new human rights ideas and principles and to advocate their acceptance;
- Submit to governmental bodies and agencies and organisations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realisation of human rights;
- Offer and provide professionally qualified legal assistance or other advice and assistance in defence of human rights;
- Effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights;
- Solicit, receive and utilise resources for the purpose of protecting human rights.¹⁰

10. UN General Assembly, Declaration on Human Rights Defenders. Available at: <https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx>





ARREST AND DETENTION

- AJO, ARIZONA
- CELAYA, GUANAJUATO
- CIUDAD DE MÉXICO
- CIUDAD HIDALGO, CHIAPAS
- CIUDAD HIDALGO, CHIAPAS
- MEXICALI, BAJA CALIFORNIA
- LUKEVILLE, ARIZONA, U.S.
- EL PASO, TEXAS, U.S.
- ESQUIPULAS, GUATEMALA
- FRONTERA HONDURAS-EL SALVADOR
- RETÉN MILITAR EL CENTINELA,
- AUTOPISTA MEXICALI-TIJUANA
- SAN PEDRO SULA, HONDURAS
- SAN SALVADOR, EL SALVADOR
- TEGUCIGALPA, HONDURAS
- TENOSIQUE, TABASCO
- TIJUANA, BAJA CALIFORNIA



DEPORTATION AND THREATS OF DEPORTATION

- CIUDAD DE MÉXICO
- SONDITA, SONORA
- TAPACHULA, CHIAPAS
- TUCSON, ARIZONA, U.S.
- WASHINGTON, D.C., U.S.



DETENTION AND TRIAL

- CIUDAD DE MÉXICO
- SONDITA, SONORA
- TAPACHULA, CHIAPAS
- TUCSON, ARIZONA, U.S.
- WASHINGTON, D.C., U.S.



DEFAMATION AND SUBSEQUENT THREATS

- CIUDAD DE GUATEMALA
- CIUDAD DE MÉXICO
- TEGUCIGALPA, HONDURAS
- TENOSIQUE, TABASCO
- AGUA PRIETA, SONORA
- CARRERETA GUADALAJARA-NAYARIT
- OLUTA, VERACRUZ
- AGUA PRIETA, SONORA
- MEXICALI, BAJA CALIFORNIA
- NUEVO LAREDO, TAMAULIPAS
- TIJUANA, BAJA CALIFORNIA
- EL PASO, TEXAS
- SALITILLO, COAHUILA
- SALTO DE AGUA, CHIAPAS
- SONDITA, SONORA
- TENOSIQUE, TABASCO
- TIJUANA, BAJA CALIFORNIA
- TLAQUEPAQUE, JALISCO



Criminal Networks, Nationalist Militias, Non-State Armed Actors

SURVEILLANCE, INTIMIDATION AND ATTACKS ON SHELTERS, OFFICES, AND COMMUNITY GATHERING SPACES

- AGUA PRIETA, SONORA
- CABORCA, SONORA
- CALEXICO, CALIFORNIA
- EL PASO, TEXAS
- MEXICALI, BAJA CALIFORNIA
- NUEVO LAREDO, TAMAULIPAS
- TIJUANA, BAJA CALIFORNIA

II. Migrant Rights Defenders' Work

Migrant rights defenders carry out a wide range of protection activities including offering humanitarian support on migration routes, such as the provision of water, food and emergency medical attention; documenting and giving visibility to human rights violations on migrant routes; providing accompaniment for migrants at ports of entry; coordinating shelters to provide cover, food and safety for migrants; and advocating with governments and international bodies for the formulation of legislation and public policies with a human rights perspective.

a. Accompaniment & Shelter Coordination

HRDs, lawyers and journalists – many of them migrants and asylum seekers themselves – travel with migrant communities, sometimes in organised caravans, along the migrant routes to protect and defend their rights via legal representation, media and visibility work, physical accompaniment through checkpoints, negotiation with non-state actors, and by walking in solidarity with those fleeing violence and persecution.

Migrant rights defenders accompany organised migrant communities in the following ways:

- Defenders who are migrants, refugees, and/or asylum seekers themselves fleeing persecution in Honduras, El Salvador, Guatemala and Mexico delay and jeopardise their own migration plans in order to: document violations or volunteer in pop-up shelters along the migrant routes; coordinate the emergency provision of food, shelter security, and advocacy with local authorities vis-à-vis the rights of migrants; and backtrack to accompany those in caravans traveling behind them.
- Defenders accompany and help provide visibility to caravans of mothers searching for their missing family members along the migration route, assisting with tasks related to the search for missing migrants along the way.
- Defenders provide humanitarian assistance such as food, water, clothing and medication for individuals travelling through Mexico.
- Defenders walk alongside migrants to document daily experiences of violence and human rights violations, the conditions in which individuals and families traverse migration routes, the ways in which governments act and fail to act, and the resulting consequences for the migrants.
- Individuals, organisations and communities provide shelter and safe refuge for migrants at various points along migration routes which, in addition to protecting them from aggression by organised crime and government agents, allows them to rest and gather strength to continue their journey.
- Mexican women, LGBTI+ and gender non-conforming HRDs walk alongside migrant women and queer communities from Honduras, Guatemala, and El Salvador to document the gendered risks of migration and advocate for better protection in shelters and at processing centres.
- US immigration attorneys and legal assistants, including those specialised in representing queer communities in US immigration courts, travel from the US to Mexico to meet with and accompany caravans and provide know-your-rights presentations and in some cases begin preparing files for migrants—including trans people—who plan to seek asylum in the US, with the aims of decreasing their chances of being unjustly deported and minimising the time they spend in Immigration and Customs Enforcement (ICE) detention in the US.
- While accompanying migrants, defenders and organisations conduct human rights trainings and consultations to raise awareness of individuals' rights to various immigration status regularisation processes as well as access to healthcare, education, justice, and safety, among others.



Margarita Núñez

Mexican WHRD Margarita Núñez is an anthropologist and social activist. She's a doctoral student at the Center of Investigations and Superior Studies in Social Anthropology (Centro de Investigaciones y Estudios Superiores en Antropología Social, CIESAS) and affiliated with the Justice in Movement Social Investigation Laboratory (Laboratorio de Investigación Social Justicia en Movimiento), an organisation dedicated to the development of research and social impact projects related to migration with a human rights and gender perspective. She collaborated in developing strategies to strengthen migrant shelters throughout Mexico to reduce the vulnerability of LGBTI+, woman, girl and child migrants, and has accompanied migrant women in caravans since 2016. *"I receive many messages from people I accompanied last year who are in the US today and who already have an asylum case in the US ... a possibility of life that they did not have, it means that their children can grow and not be recruited by gangs, it means the possibility of having a job, of not going hungry every day."*





Hector Ruiz



Hector Ruiz, a lawyer with the Santa Fe Dreamers Project who represents transgender people seeking asylum in the US, travelled from El Paso, Texas, to southern Mexico in November 2018 to accompany transwomen traveling the caravan route. *"Our primary goal was to minimise the time they would spend in detention in the US once they got here. We went to get a head start on researching their cases and preparing their files, as well as to accompany them on the route given the extreme risk of physical and sexual assault they face."*

b. Humanitarian Assistance

For over 30 years, thousands of people living in towns along migrant routes from Honduras to the United States have organised their own resources to provide humanitarian assistance to migrants in transit through their communities. Families, neighbourhood groups, church and school associations, or simply people who, on an individual basis, share a little of what they have with migrants: water, food, a bath, shoes, clothing and medicine, among other things. Many of these initiatives that began in an ad hoc manner have consolidated over the years into shelters, soup kitchens or safe houses where migrants can rest and continue with their journey.

These community initiatives have multiplied and in some cases come together, share experiences and organise to consolidate and integrate their work in a more structured manner. Currently in Guatemala, Mexico and the United States there are shelter networks that provide not only basic humanitarian assistance but also psychological care and legal aid. Additionally, they promote the inclusion of migrants in local communities, provide education and generate employment for refugees. The range of services offered by such networks helps guarantee respect for migrants' human rights in practical ways.

Dante¹¹ is a Salvadoran HRD who works as one of the coordinators of the Pueblo Sin Fronteras shelter in Sonoyta, Sonora, Mexico. He resisted gang recruitment in El Salvador from an early age, and as a result was been repeatedly threatened. He left El Salvador when he realised his life was in danger and started volunteering in migrant shelters, first in southern Mexico and then along the northern border. "I have changed the way I see life, I feel more human. Helping others is something beautiful, I like it. Seeing so many people who come makes you feel sadness and melancholy; there's so much suffering. There are people who come because of economic problems, maybe because of politics. There are many stories here."



11.

Names of defenders who are migrants, asylum seekers and/or refugees living in a country other than their country of origin have been changed to protect their safety.
Front Line Defenders. Case History, available at:

<https://www.frontlinedefenders.org/en/case/case-history-jos%C3%A9-enrique-morales-monta%C3%B1o>



c. Desert Aid & Rescue

Since the mid-1990s, the strategy of US border authorities has been to concentrate enforcement in urban areas where crossings have traditionally occurred, intentionally forcing migrants fleeing violence and persecution to cross remote, dangerous desert terrain, such as the Cabeza Prieta National Wildlife Refuge and the Organ Pipe Cactus National Monument. WHRDs and HRDs along the border, including in Arizona, California, New Mexico and Texas on the US side, provide humanitarian and life-saving relief to migrants in the desert. Many conceptualize of this work as part of their broader advocacy efforts for humane immigration policies. The work of HRDs doing desert aid and rescue missions includes:

- leaving water and food in areas where the most deaths occur;
- maintaining emergency search and rescue hotlines;
- conducting emergency phone-searches at detention centres to identify whether missing migrants have been detained or if desert searches are required;
- advocating for CBP, park services and other authorities to rescue migrants, thoroughly recover all remains of those who have died in the desert, and properly transfer remains to medical examiners;
- advocating with park services to allow access to restricted areas where bodies are not recovered, documented, or accounted for;
- holding vigils and moments of silence when a body in the desert is discovered, to respect the deceased, and out of recognition for the fact that the person's family will likely never know exactly where or how they died.

d. Human Rights Education & Community Mobilisation

Human rights education for both asylum seekers and undocumented communities is critical as governments threaten and abuse migrants and systematically deny their right to seek asylum.

In Tijuana, Baja California, Mexico, lawyers, advocates, and volunteers with Al Otro Lado conduct daily information sessions for migrants about their right to seek asylum, as well as socio-emotional and tactical preparation for the extremely harsh conditions they will endure in CBP custody, ICE detention and processing centres. In Phoenix, Arizona, US, LGBTI+ rights defenders with Trans Queer Pueblo run campaigns for queer ICE

detainees, organise queer undocumented communities around health justice and education, disrupt corporate and police cooptation of Pride marches, and operate media collectives to decolonise stories of transgender people of colour.

As mentioned above, networks of migrant shelters throughout Mexico also educate migrants about their rights, regardless of their legal status, and promote labour inclusion processes for migrants and refugees.

e. Asylum-Seeker Accompaniment at US Ports of Entry and Mexico's Immigration Regularisation Offices and Detention Centres

WRHDs and HRDs on the Mexican side of the border accompany asylum seekers to ports of entry along the border to document violations and advocate for their right to request a credible fear interview (CFI).¹³ This work was motivated by widespread reports that US and Mexican authorities were regularly arresting, threatening and assaulting asylum seekers at the Mexico-US border, incidents witnessed by Front Line Defenders. CBP agents physically push asylum seekers back onto Mexican soil when they legally approach a port of entry to request asylum, they verbally threaten that they will call Mexican police to arrest them, and they use violent, degrading language to intimidate them away from the port of entry.

For years, defenders have observed and documented rampant violations such as institutional violence, corruption and extortion by Mexican immigration authorities. In response, defenders in Mexico orient migrants and asylum seekers on migratory regularisation options, including asylum, and accompany them during administrative processes both at the Mexico-Guatemala border and throughout Mexico. The Mexican government complicates these processes in order to restrict the possibility of obtaining refugee or other legal statuses in the country. They also seek to prevent human rights organisations from accompanying migrants. During the increase in the flow of people arriving at the southern border between February and May 2019, they even closed the main offices for migratory regularisation in Tapachula, Chiapas, leaving thousands of families with no possibility of requesting documentation in Mexico.

In addition, various organisations constantly monitor Migrant Detention Centres (Estaciones Migratorias) for the purpose of documenting governmental practices that violate human rights, which the UN Committee Against Torture has qualified as systemic practices of torture.¹⁴ They also accompany migrants when filing complaints and reporting problems in order to guarantee their right to access justice.

13. Under US asylum law, a credible fear interview is the process by which a person demonstrates a "credible fear" of returning to their home country. If this is demonstrated, the person cannot be deported until the asylum case is resolved. Everyone who presents at a port of entry has a right to a credible fear interview.

14. Grupo Impulsor contra la Detención Migratoria y la Tortura (GIDMT). "Observaciones finales sobre el séptimo informe periódico de México, aprobadas por el Comité contra la Tortura de Naciones Unidas (CAT)" [Final observations on the seventh periodical report on Mexico, approved by the United Nations Committee against Torture (CAT)] Available at: http://cdhfraymatias.org/web/wp-content/uploads/2019/05/Boletin-prensa-CAT_Mx-CL.docx.pdf



f. Legal Representation

HRDs on both sides of the Mexico-US border arrange legal representation for asylum seekers navigating the complicated and increasingly contested US and Mexican asylum processes. Those working with asylum seekers in the US do so in the context of sharply increased denial rates since President Trump took office, and with the knowledge that asylum cases are significantly more likely to be won if the client is out of detention.¹⁵

The work of defenders therefore includes:

- offering orientation on the possibilities for migratory regularisation in both Mexico and the US in order to prepare people for meeting the requirements for processes, support them in completing the necessary forms and prepare them for initial asylum interviews;
- providing legal and psychosocial accompaniment as soon as people cross the border and during migratory regularisation processes;
- providing humanitarian assistance during migratory regularisation processes;
- representing asylum seekers in immigration court;
- tracking the location of asylum seekers who are transferred from ports of entry to CBP and ICE detention centres;
- filling out G-28 forms, used to demonstrate the eligibility and intent of a lawyer to represent someone in US immigration proceedings, for

asylum seekers prior to their arrival at a port of entry to decrease the likelihood that CBP officers will (illegally) turn the asylum seeker away;

- travelling to Mexico to accompany migrants and begin preparing case files for asylum seekers, including specialized support for transgender migrants and asylum seekers;
- providing pro-bono and emergency support to non-lawyer migrant rights defenders who accompany migrants at the border and on caravans, including serving as security contacts.

REDODEM is a network of 23 migrant shelters that defend migrant rights along the route. They systematically document attacks against migrants and violations of their rights during their transit through Mexico. For more information visit: <http://redodem.org/>

g. Research and Advocacy

HRDs, organisations and shelters systematise and publish the information they observe and experience on the ground in order to deepen understanding of the migratory phenomena. This understanding paves the way to improving strategies for migrant support and engaging in political advocacy with governmental actors and international organisations to strengthen migration-related laws and public policies for better protection of migrants' rights.

The Collective for Observation and Monitoring of Human Rights in Southeast Mexico (Colectivo de Observación y Monitoreo de Derechos Humanos en el Sureste Mexicano) is comprised of civil society organisations, human rights centres, and community organisations. Some, but not all, of these groups work directly with migrant populations. The collective was formed in response to the arrival of the October 2018 migrant caravan in order to monitor the critical situation people faced and continue to face in Mexico's southeastern border region, publish their observations and engage in collective advocacy efforts. For more information visit: <http://caravanamigrante.ibero.mx/frontera-sur>

15. Transactional Records Access Clearinghouse, Asylum Decisions and Denials Jump in 2018, Available at: <https://trac.syr.edu/whatsnew/email.181129.html>

III. Risks / Threats

HRDs defending the rights of migrants, asylum seekers and refugees reported a wide range of abuses perpetrated by both state and non-state actors, including arrest, detention, defamation, deportation, stigmatization, threats, physical attacks, surveillance and raids on shelters. WHRDs, undocumented defenders, and queer-identifying defenders experience persecution unique to their intersecting identities, including gendered, raced, sexed, and sexualized defamation, threats and abuse.

Period	Date	Incident	Location	Perpetrators	Case
Initial tensions between the US and Mexican governments rising from the caravans	January 17, 2018	Arrest	Ajo, Arizona, USA	Plainclothes Border Patrol agents	Scott Warren
	March 2018 to Present	Threats, Harassment	Social media, text messages and phone calls	Unidentified individuals and Mexican authorities	Pueblo Sin Fronteras
	May 2018	Defamation	US House of Representatives,, Washington D.C., USA	US Congressperson	Pueblo Sin Fronteras
	Between August & September 2018	Arrests, Incarceration	Tijuana, Baja California, Mexico	Tijuana Municipal Police	Pueblo Sin Fronteras
	September 2018	Defamation, Threats	Agua Prieta, Sonora, Mexico	Agua Prieta Municipal Police	"Exodus" Migrant Attention Center (CAME)
Caravans of the Central American Exodus in transit	October 2018	Physical Assault, Arrest	Ciudad Hidalgo, Chiapas, Mexico	National Migration Institute (Mexico)	Pueblo Sin Fronteras
	October 2018	Investigation, Threat of Arrest	Tegucigalpa, Honduras	Honduran Federal Government	Bartolo Fuentes
	October 2018	Defamation	Tegucigalpa, Honduras	Honduran National Electric Power Company	Bartolo Fuentes
	Between October 2018 and April 2019	Detention, Denial of Rights, Invasive Private Data Search	Mexico City International Airport	National Migration Institute (Mexico)	Bartolo Fuentes
	Between October 2018 and July 2019	Detention, Interrogation	San Salvador Airport	Interpol Agents	Bartolo Fuentes
	Between October 2018 and July 2019	Detention, Interrogation	Border crossing between Honduras and El Salvador	Interpol Agents	Bartolo Fuentes
	October 12, 2018	Defamation, Threat of Arrest	Tegucigalpa, Honduras	President of Honduras and Vice President of the Honduran Congress	Bartolo Fuentes
	October 16, 2018	Arrest, Interrogation, Deportation	Esquipulas, Guatemala	Guatemalan Migration Institute and unidentified US Government agents	Bartolo Fuentes
	October 16, 2018	Defamation	Mexico City	President of Guatemala	Bartolo Fuentes
	October 18, 2018	Defamation	Tegucigalpa, Honduras	Honduran Secretary of Foreign Relations	Bartolo Fuentes
	October 20, 2018	Interrogation, Harassment, Attempted Arrest	Tegucigalpa, Honduras	National Migration Institute of Honduras and Interpol	Bartolo Fuentes
	November 2018	Threat of Arrest, Threat of Deportation	Tijuana, Baja California, Mexico	National Migration Institute and Grupos Beta (Mexico)	Al Otro Lado
	November 2018 to Present	Detention, Harassment, Interrogation, Invasive Private Data Search, Denial of Entry	Various US ports of entry and airports	Customs and Border Protection agents and unidentified plainclothes officers	Pueblo Sin Fronteras
	December 2018	Detention, Interrogation, Invasive Personal Data Search	Bridge of the Americas, El Paso, Texas, USA	Customs and Border Protection agents and unidentified plainclothes officers	Hector Ruiz
	December 2018 to Present	Threats, Harassment	Caborca, Sonora, Mexico	Organized Crime	Manuel
	January 2019	Surveillance, Harassment	Estados Unidos y México	International Liaison Unit (ILU), Customs & Border Protection, joint US-Mexico intelligence operation	Pueblo Sin Fronteras / Bartolo Fuentes / Al Otro Lado
	January 2019	Defamation	National radio broadcast In Mexico	National Migration Institute (Mexico)	Pueblo Sin Fronteras
	January 2019	Detention, Isolation, Denial of Entry	US-Mexico international border at Tijuana—San Diego	National Migration Institute (Mexico)	Al Otro Lado
	January 2019	Detention, Denial of Rights, Deportation	Guadalajara Airport, Jalisco, Mexico	National Migration Institute (Mexico)	Al Otro Lado

Period	Date	Incident	Location	Perpetrators	Case
	Between January and April 2019	Harassment, Death Threats	Social Media and Email	Unidentified individuals	Gabriela Castañeda
	Between January and April 2019	Harassment, Threats	El Paso, Texas, USA	Immigration and Customs Enforcement (ICE)	Gabriela Castañeda
	Between January and July 2019	Surveillance, Harassment	Agua Prieta, Sonora, México	Unidentified Agents	Centro de Atención al Migrante Exodus (CAME), Agua Prieta, Sonora, México
	January 2019 to Present	Threats	Calexico, California, USA and Mexicali, Baja California, Mexico	Unidentified armed groups	María
	January 31, 2019	Arrest	Ciudad Hidalgo, Chiapas, México	National Migration Institute (Mexico)	Bryan
	January 31 to February 7, 2019	Physical Assault, Denial of Rights, Interrogation	"Siglo XXI" Migrant Detention Center, Tapachula, Chiapas, Mexico	National Migration Institute (Mexico)	Bryan
	February 2019	Attack, Arson Attempt Against House & Vehicle	Tijuana, Baja California, Mexico	Unidentified individual	Pueblo Sin Fronteras
	February 7, 2019	Deportation	"Siglo XXI" Migrant Detention Center, Tapachula, Chiapas, Mexico	National Migration Institute (Mexico)	Bryan
	February 12, 2019	Defamation	Washington, D. C., USA	Guatemalan Strategic Intelligence Secretary	Bartolo Fuentes
	February 13, 2019	Arrest	Magdalena Mixhuca Sports Center, Mexico City	Unidentified plainclothes agents (Presumably from the Mexican National Migration Institute)	Pablo
	February 14, 2019	Deportation	"Las Agujas" Migrant Detention Center, Iztapalapa, Mexico City	National Migration Institute (Mexico)	Pablo
	February 15, 2019	Physical Assault	Magdalena Mixhuca Sports Center, Mexico City	Mexico City Police	Cristóbal Sánchez, Margarita Núñez, Óscar, Josué
	February 15, 2019	Arrests, Incarceration	Magdalena Mixhuca Sports Center, Mexico City – Iztacalco Civil Court, Mexico City	Mexico City Police and National Migration Institute (Mexico)	Cristóbal Sánchez, Óscar, Josué, Danilo
	February 18, 2019	Detention, Threats	Temporary Shelter, Celaya, Guanajuato, Mexico	Marines (Mexico)	Irving Mondragón
	February 28, 2019	Defamation	Washington D.C., USA	Mexican Office of Domestic Affairs	Pueblo Sin Fronteras
	March 2019	Threat of Arrest, Threat of Deportation	Tijuana, Baja California, México	National Migration Institute and Grupos Beta (Mexico)	Al Otro Lado
	March 2019	Detention, Threats	Lukeville Port of Entry, Arizona, USA	Customs and Border Protection	Ana Adlerstein
	March 9, 2019	Threat	Shelter, Mexicali, Baja California, Mexico	Individual dressed as civilian	Irving Mondragón
	March 9, 2019	Detention, Threat	Military Checkpoint at El Centinela on Mexicali-Tijuana highway, Baja California, Mexico	Mexican Army	Irving Mondragón
	March 25, 2019	Interrogation, Harassment, Threats	Tlaquepaque, Jalisco, Mexico	Individual dressed as civilian who self-identified as from the Mexican Office of Domestic Affairs, Federal Civilian Protection and Federal Police (Mexico)	Sister Bertha López
	March 26, 2019	Harassment, Threats	Guadalajara-Nayarit Highway, Mexico	Individual dressed as civilian who self-identified as from the Mexican Office of Domestic Affairs, Federal Civilian Protection and Federal Police (Mexico)	Sister Bertha López
	March 28, 2019	Raid	Tijuana, Baja California, Mexico	Mexican Army	Pueblo Sin Fronteras / Óscar
	April 2019	Raid	Tijuana, Baja California, Mexico	Federal Police and Municipal Police (Mexico)	Irving Mondragón
	April 20, 2019	Detention, Interrogation, Harassment	San Pedro Sula Airport, Cortés, Honduras	Honduran airport authorities and Interpol agents	Bartolo Fuentes
	May, July and November of 2019	Trial	Tucson, Arizona, USA	Customs & Border Protection, US Department of Justice	Scott Warren
	May 5, 2019	Detention, Harassment, Threats	Lukeville Port of Entry, Arizona, USA	Customs and Border Protection	Ana Adlerstein

Caravans of the Central American Exodus in transit

Period	Date	Incident	Location	Perpetrators	Case
US-Mexico Agreement on Migration Reduction	June 2019	Defamation	Tenosique, Tabasco, Mexico	Local Media Outlets and Tabasco State Government	La 72 Migrant Shelter
	June and July 2019	Defamation	Nationally via Mass Media (Mexico)	Federal and State Fiscal Authorities and Office of Foreign Relations (Mexico)	Cristóbal Sánchez / Irineo Mujica / La 72 Migrant Shelter
	Between June and August 2019	Surveillance, Harassment	Tenosique, Tabasco, Mexico	Municipal Police and Local Authorities (Mexico)	La 72 Migrant Shelter
	June 5, 2019	Arrest, Incarceration	Ciudad de México	Mexican Federal Police	Cristóbal Sánchez
	June 5, 2019	Arrest, Incarceration	Sonoyta, Sonora, México	Mexican Federal Police	Irineo Mujica
	June 11, 2019	Trial	Tapachula, Chiapas, Mexico	Federal Prosecutor's Office in Chiapas (Mexico)	Cristóbal Sánchez,
	June 11 and July 25, 2019	Trial	Tapachula and Cintalapa, Chiapas, Mexico	Federal Prosecutor's Office in Chiapas (Mexico)	Irineo Mujica
	June 21, 2019	Raid, Harassment	Salto del Agua, Chiapas, Mexico	Municipal Police (Mexico)	Betania Santa Martha Migrant Shelter
	June 23, 2019	Attempted Raid, Interrogation, Harassment, Threats	Agua Prieta, Sonora, Mexico	National Guard (Mexico)	"Exodus" Migrant Attention Center (CAME)
	June 24 – 30, 2019	Surveillance, Harassment	Tijuana, Baja California, Mexico	Mexican Army and Mexican National Migration Institute	Espacio Migrante
	June 25, 2019	Detention, Interrogation, Threats	El Ceibo-Tenosique Highway, Tabasco, Mexico	Municipal Police (Mexico)	La 72 Migrant Shelter
	July 2019	Detention, Threat of Arrest, Threat of Deportation	Entrance to PedWest Port of Entry, Tijuana, Baja California, Mexico	Grupos Beta (Mexico)	Al Otro Lado
	July 2019 to Present	Surveillance, Harassment	Saltillo, Coahuila, Mexico	Unidentified Individuals	Saltillo Migrant Shelter
	July 3, 2019	Raid, Harassment, Interrogation, Threats	Salto del Agua, Chiapas, Mexico	Municipal Police and agents who self-identified as from the Mexican Office of Domestic Affairs	Betania Santa Martha Migrant Shelter
	July 20, 2019	Attempted Raid, Threat	Saltillo, Coahuila, México	Federal Police (Mexico)	Saltillo Migrant Shelter
	July 23, 2019	Harassment, Threats	Saltillo, Coahuila, México	National Guard and Coahuila State Police (Mexico)	Saltillo Migrant Shelter
	July 27, 2019	Attempted Raid, Interrogation	Oluta, Veracruz, Mexico	National Guard (Mexico)	Monseñor Guillermo Ranzahuer González Migrant Shelter
	August 3, 2019	Kidnapping	Nuevo Laredo, Tamaulipas, Mexico	Organized Crime	AMAR Migrant Shelter
	August 10, 2019	Surveillance, Threats	Sonoyta, Sonora, Mexico	Plainclothes officers who claimed to be "police"	Irineo Mujica

Photo Credit: Montserrat Narro



a. Arrest & Detention

Case Studies

Mexico City Detentions, February 2019

On 10 February 2019, a migrant caravan from Honduras arrived in Mexico City with approximately 1,500 people. Between 13 February and 18 February at least six HRDs were detained for assisting the group and a WHRD was beaten by police for attempting to prevent one of those detentions.

The migrants arrived at the Magdalena Mixhuca Sports Center in Mexico City, which was being used as a shelter, in the early hours of 11 February. According to the rules previously established by state and federal authorities managing the shelter, migrants were allowed to stay for up to ten days. Upon the arrival of this group, however, Mexico City Council authorities declared that they would only be allowed to stay for three days. The migrants requested sufficient time to complete their regularisation process—the Mexican government had offered to issue them documents known as a Visitor's Card for Humanitarian Reasons (Tarjeta de Visitante por Razones Humanitarias or TVRH) which provides legal status for one year—and to wait for family members further south to be able to catch up to the group. Authorities denied this request and on 14 February evicted them from the shelter, forcing migrants to spend the night sleeping on the streets surrounding the Sports Center.

The next morning, on 15 February, Mexico City police violently evicted migrants from the streets around the Magdalena Mixhuca Sports Center, physically assaulting and detaining several of them. HRDs Oscar and Josué documented the police activity by taking pictures and videos. Police subsequently detained them for six hours and beat them in detention. HRD Cristóbal Sánchez and WHRD Margarita Núñez went to shelter to accompany the remaining migrants to a safe place and witnessed more than ten police officers arresting HRD Danilo. They attempted to protect him by pointing out that there were no grounds for his detention. Police physically assaulted both of them, putting Sánchez in a chokehold and restraining Núñez and dragging her across the ground, and subsequently detained Sánchez.

The four detained human rights defenders were taken to the Iztacalco Civil Court where they were accused by the police of "disturbing public order." All were released after five hours due to lack of evidence. The Secretariat of the Mexico City Government declared that the incident had occurred because the individuals had been consuming drugs and alcohol, despite a lack of evidence and the fact that the case had not even been brought before a judge for the same reason. Media published the official version of the incidents without critical questioning, slandering the human rights defenders and helping to justify the police's violent and arbitrary actions.

Photo Credit: Montserrat Narro



Irving Mondragón, Transmigrando, Mexico

On 18 February 2019, Irving Mondragón, a human rights defender who assists LGBTI+ caravan members, was stopped by agents from the Mexican Navy Secretariat (Secretaría de Marina, SEMAR) at a migrant shelter managed by SEMAR in Celaya, Guanajuato. He reported that he was questioned about his work and presence at the shelter, searched and warned not to return.

On 9 March in Mexicali, Baja California, a woman drove directly up to Irving while he was standing in front of a migrant shelter. She told him that he had already been seen when he arrived and that it would be better for him to leave because he wasn't wanted there. That same day, on the bus trip from Mexicali to Tijuana, Baja California, Irving was singled out at the El Centinela military checkpoint, where all of his belongings were searched. Moreover, the soldiers intimidated him, calling him a "smuggler" for accompanying Central American migrants, writing down his name several times and warning him to watch out because they would be coming for him.

Ana Adlerstein, Lukeville, Arizona, US

Ana Adlerstein is a journalist and WHRD working for migrant rights. She is a member of Network on Humanitarian Action, an international association that promotes capacity building and fosters engagement in

humanitarian issues. She also reports on human rights and migration issues for the US-based National Public Radio (NPR) and The Guardian.

On 5 May 2019 at approximately 5pm, Ana was detained by a CPB officer at the Lukeville, Arizona port of entry while accompanying an individual who was seeking asylum. The reason the officer provided for her detention was that she was under investigation by ICE for being an "illegal human smuggler". During her detention she was denied access to legal representation and was subjected to an invasive body search, with CBP personnel taking her fingerprints and personal information. CBP officers confirmed that they were waiting for the Department of Homeland Security (DHS) to confirm if she would receive a court summons. When she was released they told her that Homeland Security Investigations (HSI) would call her "soon" for a "deferred interview" about the "ongoing investigation".

This was not the first time that Ana Adlerstein had been detained and harassed for defending the rights of Central American immigrants, refugees and asylum seekers on the Mexico-US border in Arizona. In March 2019 she was detained and interrogated for approximately 30 minutes along with another migrant rights defender. Both were harassed and accused of "aiding and abetting human smuggling."

Photo Credit: Erin Kilbride



Hector Ruiz, Santa Fe Dreamers Project, El Paso, Texas, US

Hector Ruiz is an attorney with the Santa Fe Dreamers Project, working to support ICE detainees at the Cibola County Correctional Facility in Santa Fe, New Mexico. Ruiz represents transwomen and other asylum seekers who are sent to El Paso, Texas following credible fear interviews in Santa Fe. In November 2018 he travelled to Mexico to accompany transwomen asylum seekers, begin preparing their asylum cases and minimise the time spent in detention.

In December 2018, Hector made a subsequent trip to Ciudad Juárez, Mexico. When he presented his passport to US CBP officers at the Bridge of the Americas port of entry to return to the US, he was escorted to secondary inspection for further questioning. He was held there for nearly five hours and forced to unlock his phone and allow plainclothes interrogators to review his WhatsApp conversations, contacts, and photos (including case documents from his clients). They also questioned him about his work with asylum seekers in the US and Mexico, other human rights defenders and organisations he worked with, whether asylum seekers were being 'coached' before interviews, and his motivations for his work.

Al Otro Lado, Tijuana, Baja California, Mexico

Volunteers who travel from the United States to Tijuana, Mexico, to support the legal services organisation Al Otro Lado (The Other Side) are frequently detained and threatened with deportation. On at least two occasions, in November 2018 and March 2019, agents from the Mexican National Migration Institute (Instituto Nacional de Migración, hereafter INM) and their humanitarian units known as Grupos Beta ("Beta Groups") made direct threats to criminally prosecute and/or deport legal observers.¹⁶ More recently, in July 2019, two volunteers were detained outside the El Chaparral port of entry by Grupos Beta agents, who told them that they were "in Mexico illegally and working without papers" and that they would be calling the police to arrest them, saying that they knew they were working with Al Otro Lado.

La 72, Tenosique, Tabasco, Mexico

The stretch between the towns of El Ceibo and Tenosique, in Tabasco, Mexico is one of the most dangerous journeys for migrants. Over a distance of just 59 km, migrants who almost always travel on foot suffer violent robberies, physical assault, sexual violence, disappearances and murders. The defenders of the migrant shelter in Tenosique known as La 72 (The 72 Refuge for Migrants) do outreach throughout the area to offer humanitarian assistance and inform migrants about the shelter. They also organise human rights activities with the communities along the route. For many years they have faced harassment, slander and criminalisation because of the humanitarian assistance they offer. In the current migratory context, these attacks have increased and worsened.

On 25 June 2019 at approximately 6:30pm, two WHRDs from La 72 were returning from their monitoring work in the field and were detained by municipal police five kilometres from the shelter. They were accused of human trafficking because they had provided humanitarian assistance to migrants. The police photographed the vehicle, interrogated the defenders and asked for their documents. They also called their superior and asked if the defenders should be detained. Eventually the defenders were released, but one officer threatened: "You'd better hope there isn't a next time."

The Tabasco state government has also attempted to publicly discredit La 72 with declarations from high-ranking civil servants that cast doubt on its work. These declarations have been accompanied by unfounded accusations in local newspapers, surveillance and patrolling activities, as well as irregular demands for information about the people housed in the shelter.

Due to the repeated threats and attacks against the organisation, La 72 was granted Precautionary Measures by the Inter-American Commission on Human Rights (IACHR) in April 2013. La 72 is also a beneficiary of the Mechanism for the Protection of Human Rights Defenders and Journalists, a program managed by the Mexican Office for Domestic Affairs, (SEGOB).

16.

Amnesty International, Saving Lives Is Not a Crime. Available at:
<https://www.amnesty.org/download/Documents/AMR5105832019ENGLISH.PDF>

b. Deportation & Threats of Deportation

HRDs in Mexico are arrested, detained and deported or threatened with deportation for protecting the rights of migrants. One HRD from Honduras was deported to Guatemala amidst a spate of attacks on migrants and HRDs at the Magdalena Mixhuca Sports Center shelter in Mexico City, and at least five have been arrested and deported due to their human rights work accompanying the migrant caravans since January 2019. Several HRDs with US citizenship who work on the Mexican side of the Mexico-US border, particularly those who accompany migrants at the Tijuana port of entry, are constantly threatened with deportation from Mexico. This is a clear attempt to intimidate organisations and reduce the number of volunteers assisting with humanitarian and advocacy efforts at increasingly militarised ports.

Case Studies

Bryan, Chiapas, Mexico

Honduran defender Bryan arrived in Mexico in the caravan of October 2018 and stayed to accompany the migrants who began to arrive in 2019. On 31 January 2019, Bryan was detained by agents of the INM in Ciudad Hidalgo, Chiapas after providing food and water to migrants. Bryan was in possession of documentation proving his legal status in Mexico, making his detention by INM illegal. Nonetheless, he was transferred to the Estación Migratoria Siglo XXI ("21st Century" Migrant Detention Centre) in Tapachula where he was placed in solitary confinement, denied food and access to a shower, subjected to interrogations about his humanitarian aid work, and eventually deported under the pretence that there was an arrest warrant for him in Honduras. When he arrived in Honduras, however, he went to a police station and confirmed that in fact there was no arrest warrant. Bryan returned to Mexico to file a formal complaint about his arbitrary detention and recover his Mexican documents but INM refused to process his request due to the fact that he now has a "migratory alert" on file, denying him access to any legal status processes.

Pedro, Mexico City

Honduran HRD Pedro arrived in Mexico with a caravan in October 2018 and remained there to assist fellow migrants by coordinating the provision of humanitarian aid. On 13 February 2019, Pablo was detained outside the Magdalena Mixhuca Sports Center. He was forced

into an unmarked car by three unidentified individuals in civilian clothes who drove away with Pedro inside the vehicle. The day before his detention Pedro had been at the stadium helping to organise a group of migrants who were travelling in a caravan. The HRD was subsequently deported to Guatemala. The unidentified individuals are believed to have been agents from the INM because he was taken to the Iztapalapa Migrant Detention Centre in Mexico City and immediately deported.

Al Otro Lado, Tijuana, Baja California, Mexico

The human rights organisation Al Otro Lado ("On The Other Side") provides human rights education and legal representation for migrants on both sides of the border and advocates for the due-process rights of asylum seekers, including by suing the Trump Administration. In January 2019, Mexican immigration authorities detained one of Al Otro Lado's co-directors, Nora Philips, for nine hours at the Guadalajara, Jalisco airport when she arrived with her husband and daughter. She was denied food and water while detained and then returned on a flight to the United States. Two days prior, a second co-director, Erika Pinheiro, was detained by INM for two hours when she attempted to enter Tijuana from San Diego. Pinheiro was refused entry into Mexico and denied access to attorneys trying to contact her during her detention. In the same month, Al Otro Lado's third co-director, Nicole Ramos, learned that her SENTRI pass, a clearance document issued by US CBP that allows expedited entry into the United States, was revoked without explanation.



Photo Credit: Erin Kilbride



Testimony: Bartolo Fuentes

Bartolo Fuentes is a Honduran HRD who has documented migration-related human rights abuses since 1999. Fuentes participated in the founding process of the Committee of Families of Disappeared Migrants of El Progreso (COFAMIPRO) in Honduras, where he assists mothers looking for disappeared migrants. He accompanied and provided media coverage to the 2018 October migrant caravan that left from San Pedro Sula, Honduras. He currently works in the national media outlet UNE TV.

"On 16 October 2018, I was detained by [Guatemalan] Border Police on the way out of Esquipulas heading towards Chiquimula. They took me to customs between Guatemala and Honduras, they took my car and they transported me to the capital. There were two police patrol cars and a truck where the National Migration Sub-director was riding, as well as two employees of the United States Embassy in Guatemala, according to the officer who was guarding me. The officer said that six employees had considered the possibility of requesting a helicopter for the transportation. Guatemalan human rights organisations filed various habeas corpus. A prosecutor visited me because they opened an investigation for violations of the rights of journalists. They had me in a migrant detention centre without telephone access until 19 October when I was taken by plane to Tegucigalpa, escorted by an immigration agent."



c. Detention & Trial

At least one HRD in the US (a US citizen) is currently on trial for his peaceful, legitimate work defending the rights of migrants, refugees and asylum seekers and providing them with life-saving humanitarian assistance. The Mexican government has also attempted to impose 24-year prison sentences on two HRDs for the alleged crime of human trafficking, based on false accusations.

Case Studies

Scott Warren, Arizona, US

Dr. Scott Warren is a human rights defender who works on migration issues in Ajo, Arizona. For over ten years he has provided humanitarian aid to migrants and asylum seekers who cross the Mexico-US border through the Sonoran desert. He helped establish the humanitarian aid group No More Deaths / No Más Muertes which provides water and medical aid on migration routes and documents the deaths of migrants in the desert. He is currently facing 20 years in prison for his human rights work. A retrial is set to begin in November 2019 following a hung jury in the original trial in July.

Scott Warren was detained on 17 January 2018, at a volunteer gathering point known as the "Barn", located in Ajo, by a convoy of U.S. Border Patrol agents from a specialised anti-smuggling unit. The agents were wearing plain clothes, did not present the human rights defender with a warrant and disregarded his request that they leave the property. Earlier that day, No More Deaths had published a report condemning Border Patrol officers' destruction of water jugs left by

volunteers for migrants crossing the desert.

Warren's trial began at the Evo A. DeConcini United States Courthouse in Tucson, Arizona on 29 May 2019. He was charged with two counts of "harbouring" migrants and one count of "conspiracy to transport and harbour" migrants. The judge rejected a motion by the defence to dismiss the indictment. Scott Warren's lawyers argued that the case against him "arose from selective enforcement of the laws by the Border Patrol" and that he was being targeted specifically for his work in defence of migrants' rights. Evidence of surveillance activities carried out against Warren by the U.S. Border Patrol were included in the lawyers' motion.

The trial ended in a hung jury after jurors were unable to reach a verdict. Following an eight-day trial and four days of deliberations, US District Judge Raner Collins declared a mistrial. US Attorney's Office prosecutors in Arizona announced on 2 July that they would seek a retrial on two counts of harbouring an undocumented immigrant. The office said the government would dismiss one count of conspiracy to transport or shield.

The criminalisation and prosecution of Scott Warren represents an escalation of existing patterns of



Photo Credit: Margarita Núñez

harassment against humanitarian volunteers and human rights defenders in Arizona. In 2018, Fish and Wildlife Services officers cited Scott Warren and other No More Deaths volunteers for entering the Cabeza Prieta National Wildlife Refuge, one of the deadliest migrant corridors along the Mexico-US border, to provide life-saving aid, including water, food and medical supplies, to migrants crossing the desert.

Cristóbal Sánchez, Cultura Migrante, Mexico

Cristóbal Sánchez is an anthropologist and migrant human rights defender. For over 15 years he has been accompanying, documenting and denouncing the constant violence experienced by people traveling from Central America along migrant routes in Mexico. Cristóbal founded the Colectivo Cultura Migrante (Migrant Culture Collective) where he carries out investigations and raises awareness about migration in Mexico and Central America, in addition to cultural projects with transit and host communities. He also accompanies arrested women migrants who have been unjustly accused of human trafficking crimes in Tapachula, Chiapas.

On 5 June 2019 Cristóbal was arbitrarily detained outside his house in Mexico City and falsely accused of human trafficking, for which Mexican authorities claimed he could face a 24-year prison sentence. He was transferred to Tapachula, where he was put in pre-trial detention for 144 hours until a hearing was held to determine whether or not the case would be heard in a full trial. The hearing took place on 11 June and the federal judge determined there was not sufficient evidence to merit a full trial, so he ordered Cristóbal's immediate release.

Cristóbal's detention took place within the context of the US President's call for Mexico to take drastic steps to curb migration, and his threat to raise tariffs on Mexican goods if it failed to do so. The Mexican Minister of Foreign Relations travelled to Washington for negotiations with the US Government, and after an agreement was reached, the Mexican government announced that it would take steps to diminish migrant trafficking. A joint declaration of both countries' ministries declared that: "Mexico is taking decisive action to dismantle human trafficking and smuggling organisations as well as their financing and illegal transport networks."¹⁷ In the days following this public announcement, however, rather than taking actions in line with this commitment, the Mexican government arrested human rights defenders such as Cristóbal. National and international human rights organisations, academic organisations and collectives expressed their concern for the arbitrary detention of Cristóbal.

Although Cristóbal is currently free at the time of the publication of this report, the case opened against him by the Fiscalía General de la República (Mexican Attorney General's Office, hereafter FGR) remains open and the FGR is authorised to continue its investigation. Moreover, it is deeply worrying that during Cristóbal's second hearing the prosecutor argued that the work he carries out as a defender could be interpreted as human trafficking because he accompanies migrants on-the-ground along migration routes. This affects not only Cristóbal's work, but also that of any other migrant defender in Mexico.

17.

Secretaría de Relaciones Exteriores, Declaración Conjunta México Estados Unidos [Joint Declaration Mexico-United States]. Available at: https://www.gob.mx/cms/uploads/attachment/file/467956/Declaracion_Conjunta_Mexico_Estados_ Unidos.pdf

Irineo Mujica, Pueblo Sin Fronteras, Mexico

Irineo Mujica has been a migrant rights defender for over 20 years. He decided to defend migrant rights after experiencing the injustices of discrimination first-hand: his father died due to a lack of access to healthcare in the United States because he was an indigenous immigrant of colour who spoke only Spanish. Irineo has established seven migrant shelters throughout Mexico and is the director of Pueblo Sin Fronteras (People Without Borders), a humanitarian aid organisation.

The detention of Irineo, like that of Cristóbal, took place within the context of the recent tariff negotiations between the United States and Mexico. Irineo was detained in Sonoyta, Sonora on 5 June 2019, almost at the same time as Cristóbal in Mexico City. He was also transferred to Tapachula where his first two hearings took place. He was falsely accused of human trafficking, specifically of transporting undocumented migrants through Mexican territory for financial gain. However, since the FGR was unable to provide evidence sustaining the accusation, a federal judge ordered Irineo's release on 12 June. The FGR appealed the initial judge's decision

to release Irineo, but the federal judge who heard the appeal in court found no reason to reverse the original determination and reaffirmed Irineo's release on 24 July.

Nevertheless, as with Cristóbal's case, the investigation file remains open and the FGR also argued that Irineo's human rights defence work was equivalent to human trafficking. Furthermore, Irineo and his work continue to be at risk as long as criminalisation campaigns persist and until all acts of intimidation and harassment cease. While Irineo was making his way to his appeals hearing, the INM, federal police and the National Guard attempted to detain him in order to delay or prevent his appearance before the judge. More recently, on 10 August 2019, Irineo arrived to his home in Sonoyta, Sonora and found two vehicles parked outside and two armed individuals in civilian clothes standing near the entrance to his apartment. When he reached for his phone to take pictures, one of them approached him and threatened him, claiming that they were police officers and telling Irineo that "this is Mexico, here we do things differently, you will see."



Photo Credit: Margarita Núñez

d. Defamation & Subsequent Threats

HRDs in Mexico and the US are regularly subjected to smear campaigns and defamation related to their work defending the rights of migrants. The most common accusations include human trafficking, smuggling, and aiding criminal groups. Such defamation campaigns put HRDs in danger, especially since many also face death threats from criminal groups for disrupting trafficking revenues by reducing migrants' reliance on smugglers through accompaniment and education about legal immigration. HRDs are thus forced to strike a delicate balance related to their visibility and how they portray their work. Several explained that if they do not explicitly identify themselves as defending human rights related to "legal" asylum processes¹⁸, they face defamation (as above), but if they do publicly discuss this work, they increase their risk of threats from criminal groups.

Defamatory messages about HRDs being traffickers, smugglers, or aiding illegal immigration in some form are spread via radio broadcasts, Facebook posts, conservative broadcast news outlets, government-aligned academics, and via criminal charges, the language of which seems intended to incite fear of and hatred against migrants and migrant rights defenders, even when regularly struck down in court.

Case Studies

Pueblo Sin Fronteras, Mexico and the US

Pueblo Sin Fronteras (PSF) is an organisation working in Mexico and the US to promote and protect migrants' rights. PSF is constantly targeted by various social and political actors with defamation campaigns. On 28 February 2019, the Mexican Minister of Interior Olga Sánchez Cordero declared during a public event at the Migration Policy Institute in Washington D.C. that "we have identified the leaders of non-governmental organisations that are recruiting these caravans, specifically there are some from Pueblo Sin Fronteras."¹⁹ She went on to insinuate that caravan leaders are human traffickers.

Members of the organisation have recently received a number of death threats by phone calls, messages and social media. Some threats were aimed at PSF's director, Irineo Mujica, who also suffered an attempted arson attack on his house and vehicle in Tijuana. In February 2018, Mexican Army officers raided a shelter coordinated by Pueblo Sin Fronteras in Sonora without a warrant under the justification of looking for criminals in an attempt to undermine the legitimacy of the group.

The existence of a defamation campaign and slander against Pueblo Sin Fronteras is not new. Members of

the human rights organisation have been publicly criminalised and harassed by the US and Mexican governments in the past, especially since early 2018. During the caravan of April/May 2018, US government agencies started issuing press releases and declarations criminalising the caravan. In May 2018, during a hearing held by a sub-committee of the US House of Representatives, a congresswoman claimed that Pueblo Sin Fronteras as an "extremist" organisation responsible for the caravans, while another congressman called them "lawless."²⁰ In January 2019, Tonatiuh Guillén, who was at that time the Commissioner of the Mexican National Migration Institute, publicly stated that Pueblo Sin Fronteras co-opted and tricked individuals into migrating to the United States, and therefore was engaging in human trafficking activities. When asked if he had any evidence, the Commissioner admitted that he had none.²¹

As a result of this criminalisation, those affiliated with Pueblo Sin Fronteras have been repeatedly subjected to arbitrary detentions while performing human rights work. This was the case during a campaign against police abuse in Tijuana and also during a solidarity protest in Mexico near the Guatemalan border in October 2018.

After November 2018, members of Pueblo Sin Fronteras who are United States citizens or legal permanent residents suffered increased harassment every time

18. It should be noted that "legal asylum processes" is a redundancy since, by definition, there are no "illegal" asylum processes, nor any other type of immigration regularisation process that are "illegal." As there are no "illegal" persons. In any case, they are people without documents / undocumented, since the irregularity lies in the action of emigrating without documents, not in the person itself. However, defenders have to constantly emphasize the word "legal," despite being redundant and meaningless, to counter smear and defamation campaigns.

19. Revista Proceso "Sánchez Cordero identifica a Pueblos sin Fronteras como reclutador de caravanas migrantes"
Available at: <https://www.proceso.com.mx/573535/sanchez-cordero-identifica-a-pueblos-sin-fronteras-como-reclutador-de-caravanas-migrantes>

20. Mother Jones, Key Arizona Republican Freaks Out Over Another Generation of DACA-like People.
Available at: <https://www.motherjones.com/politics/2018/05/key-arizona-republican-freaks-out-over-another-generation-of-daca-like-people/>

21. Radiofórmula, Viene otra caravana migrante de Honduras; se respetarán sus derechos: INM.
Available at: <https://www.radioformula.com.mx/noticias/20190115/viene-otra-caravana-migrante-de-honduras-se-respetaran-sus-derechos-inm/>

they attempted to return to their country. Elena Alderman, Jeff Valenzuela, Tristan Call, Alex Mensing, Irineo Mujica, David Abud and Roberto Corona were all flagged for additional inspection by CBP officers at US ports of entry, detained in cells and extensively interrogated by federal agents dressed as civilians, and some were even handcuffed on a number of occasions. Members who are Mexican citizens have been denied entry in the United States.

Evidence of policies to detain human rights defenders at borders has been revealed in instances such as the leaking of a secret database created jointly by US and Mexican authorities, entitled "San Diego Sector Foreign Operations Branch: Migrant Caravan FY-2019 Suspected Organizers, Coordinators, Instigators, and Media". The list was dated 9 January 2019 and included names and pictures of 59 journalists and human rights defenders, the majority of whom were US citizens, as individuals to be interrogated in what was described as a 'national security investigation'. The explanation provided by the US government for the watchlist was that all of the individuals on the list were present or involved in violent incidents on the Mexican side of the border on 25 November 2018. Included on the list were the names of nine members of Pueblo Sin Fronteras, representing a further step in the criminalisation of the organisation.

As part of this criminalisation campaign, members of Pueblo Sin Fronteras were portrayed as human traffickers during interrogations at borders. Human rights defenders stopped by US CBP officers as well as dozens of migrants detained by Border Patrol reported that they were shown pictures of members of Pueblo Sin Fronteras during their interrogations.

Bartolo Fuentes, Honduras, Guatemala, El Salvador, Mexico and US

Bartolo Fuentes has been facing reprisals and attacks

related to his human rights work with migrants. He accompanied and provided media coverage to the 2018 October migrant caravan that left from San Pedro Sula, Honduras.

On 12 October 2018, public smear campaigns pointed to Bartolo Fuentes as the organiser of the caravans and claimed that he was exploiting migrants. Honduran President Juan Orlando Hernández publicly claimed that he was the organiser of the caravans, and the Vice President of the Honduran Congress, Antonio Rivera, said he would ask the United States to investigate him. The Chief of Intelligence of Guatemala, Mario Duarte, declared at a conference in the US that the caravans were organised by an international criminal organisation and that Bartolo Fuentes had travelled to Guatemala to organise the logistics for their arrival in October. Bartolo was the target of public declarations by authorities in Guatemala and Honduras, including Honduran chancellor María Dolores Agüero, who claimed he was the organiser of the migrant Caravans as part of a criminal enterprise.²² On another occasion he was called a "professional coyote" (smuggler) by a public official.^{23 24 25}

Furthermore, the Honduran government approached the Prosecutor's Office with a report made up of news clips and statements from government officers



Photo Credit: Cristóbal Sánchez

Testimony: Nicole Ramos, Al Otro Lado, Tijuana, Baja California, Mexico

"Conservative radios that broadcast online target us, and we've identified individuals in both Mexico and the US who speak regularly to local press about how our work is 'illegal' – ironic because we're literally educating people about their rights in the existing US immigration system. A professor at a US university has made a name for herself spreading defamatory messages about us, calling us 'kidnappers' for assisting unaccompanied minors, and even co-writing an article in online news outlet with a former CBP commissioner. Her accusations against us are frequently quoted by CBP agents at the border when they're threatening our volunteers."

22. Casa Presidencial Honduras, Conferencia de Prensa de la Canciller María Dolores Agüero 18-10-2018. Available at: minute 3:03 <https://www.youtube.com/watch?v=PfBig4FSK2g>

23. Hondunews, EEUU debe investigar "coyotaje" de Bartolo. Available at: <http://www.hondunews.com/2018/10/31/eeuu-debe-investigara-coyotaje-de-bartolo/>

24. Casa Presidencial Honduras, Conferencia de Prensa de la Canciller María Dolores Agüero 18-10-2018. Available at: minute 3:03 <https://www.youtube.com/watch?v=PfBig4FSK2g>

and requested that Fuentes be subjected to a pretrial detention. The manager of Honduras' National Electric Power Company (Empresa Nacional de Energía Eléctrica) Jesús Mejía falsely stated on a television show that Bartolo Fuentes charged \$1,500 USD to smuggle each person on the caravans. A slander complaint was filed against Jesús Mejía in Honduras.²⁶

Bartolo Fuentes was detained for questioning on a number of occasions between 2018 and 2019 while crossing borders between Guatemala, El Salvador and Mexico, and was deported from Guatemala. The frequency of these detentions and the real time information that various countries' border agents could access about him have led local human rights defenders to believe that this is part of a coordinated effort between these countries to dismantle networks of information and assistance to migrants. On numerous occasions the human rights defender has been filmed and photographed in airports.

On 16 October 2018, Bartolo Fuentes was arrested in Esquipulas, Guatemala and transported, in the presence of the National Assistant Director of the Guatemalan Migration agency and two officers who he identified as employees of the United States Embassy, to Guatemala City where he was detained for a period of 4 days. Upon his return to Tegucigalpa, migration authorities tried to force Bartolo Fuentes to sign a blank document. Interpol agents were present. The Honduran border police tried to detain him at the airport but were prevented from doing so by a group of individuals who were present at the time.

Bartolo Fuentes was interrogated four times by Interpol agents at the San Salvador airport and detained three times in Mexico – two of which lasted for more than four hours. Between Honduras and El Salvador, he was subjected to extensive questionings and screenings on six occasions. The authorities in Honduras issued a document stating that they did not place an alert against the defender; however, Bartolo continued to face undue detentions and questionings from border officers in Central and North America.

On 20 April 2019, Bartolo Fuentes was questioned at the airport in San Pedro Sula, Honduras. The incident was observed by an Interpol agent. On 21 April, the human rights defender was detained upon arrival to Mexico and denied any communication for almost four hours at customs, where he had to provide written responses to questions in two documents about his personal and professional information. The migration officers searched his online profile and asked if he was the organiser of the migrant caravans.

Bartolo Fuentes is also one of the HRDs whose name appears in the leaked joint Mexico-US database, "San Diego Sector Foreign Operations Branch: Migrant Caravan FY-2019 Suspected Organizers, Coordinators, Instigators, and Media."²⁷

"They tried to capture me in Honduras. I had to go to El Salvador for several months to avoid being sent to jail where I might wait for up to two years for a judge to give an acquittal".

Testimony: Scott Warren, No More Deaths

"The felony charge is harbouring illegal aliens – this is the text of the law. The language is intended to cause fear and distrust of immigrants communities even before you know what we really did. If they just called it what it is, giving water and a bed to people, two people with names and faces and families, who nearly died in the desert, then I think it would be a lot harder to hate us."

25. Hondunews, EEUU debe investigar "coyotaje" de Bartolo. Available at: <http://www.hondunews.com/2018/10/31/eeuu-debe-investigara-coyotaje-de-bartolo/>

26. Tiempo Digital. Jesús Mejía se retracta y pide disculpas a Bartolo Fuentes por señalarlo de "coyote". Available at: <https://tiempo.hn/jesus-mejia-se-disculpa-bartolo-fuentes-1/>

27. NBC San Diego. Source: Leaked Documents Show the U.S. Government Tracking Journalists and Immigration Advocates Through a Secret Database. Available at : <https://www.nbcstandiego.com/investigations/Source-Leaked-Documents-Show-the-US-Government-Tracking-Journalists-and-Advocates-Through-a-Secret-Database-506783231.html>



Photo Credit: Margarita Núñez

In Mexico, federal and state authorities have publicly declared that they are taking action against human trafficking networks by surveilling and investigating funding and bank accounts of individuals and organisations allegedly related to human trafficking. However, on several occasions, such declarations have been used to discredit specific humanitarian organisations and migrant advocates in Mexico by alluding to them without providing any evidence.

e. Surveillance and Attacks on Shelters, Offices, and Community Gathering Spaces

With the increase in restrictive migration policies and the growing militarisation of borders and migrant routes for the purpose of detaining and deporting people to curb mass migration, HRDs in the US and Mexico have reported increased police surveillance at their offices, migrant shelters and community gathering spaces.

Case Studies

Óscar, Tijuana, Baja California, Mexico

Óscar is a Honduran HRD who arrived in Tijuana, Mexico with a caravan in November 2018, but returned to southern Mexico to assist subsequent groups instead of continuing his own journey north. He was detained and beaten by police for documenting violent raids on migrant shelters and during interrogation he was accused of trafficking and disturbing public order. In addition to threats from the police, on 28 March 2019 an armed and uniformed Marine entered the shelter he coordinates with Pueblo Sin Fronteras, pointed his weapon at refugees who were eating inside, including a mother and infant, and began shouting that migrants had no right to be there and needed to leave Mexico. No one was injured in the incident.

Sister Bertha López, Cristo Resucitado Missionaries, Mexico

On 25 March 2019, Sister Bertha López was handing out food with her congregation from Misioneras del Cristo Resucitado (Missionaries of Christ Resurrected) in a public park in Tlaquepaque, Jalisco to Central American migrants arriving in groups on foot. While she was there, a van with no license plates pulled up and an individual stepped out and approached the missionaries, identifying himself as working for the Office for Domestic Affairs and the Federal Civil Protection Agency (Protección Civil). Accompanied by federal police officers he began to interrogate the missionaries about their work and their organisation. The officers took pictures and videos of the missionaries without their permission instructed them to stop providing humanitarian assistance.

Sister Bertha and her congregation continued with their work. The next day, while they accompanied people towards the state of Nayarit, the same person called and threatened her, even though Sister Bertha had not given him her number, saying that orders had already been given for her to cease her work. He told her that if she continued, there would be consequences.

Misioneras del Cristo Resucitado is a religious order caring for at-risk individuals in humanitarian crises. When they saw boys, girls, teenagers and women walking in the migrant caravans of the Central American exodus, they formed a team of nurses, doctors and psychologists to accompany the migrants and provide humanitarian assistance and medical care.

Casa Betania Santa Martha, Salto de Agua, Chiapas, Mexico

On 21 June 2019, two municipal police officers entered the Casa Betanía Santa Martha shelter without authorisation and sat among the migrant population. When asked what they were doing there they said that the "Director of Security" needed information. When the shelter staff told them that they needed to request authorisation to enter, they changed their story, saying that they had only stopped to rest, later saying that they only wanted to verify the name of the shelter.

On 3 July, at approximately 11 in the morning, the shelter staff heard noises outside their offices. When they went outside, they observed that a small group of migrants was entering, followed by several heavily armed police officers, one of whom was recording with his cell phone. By the time one of the shelter staff got to the door, one of the officers had already entered, saying he was from the "Secretary of State" and that he was the chief of the border police. The group was accompanied by the Director of Public Safety for the Municipality of Salto de Agua, who claimed that the uniformed individuals were 'human rights personnel'.

They asked about the shelter's capacity, and when they were denied entry they went away. Minutes later, the Chiapas State Immigrants Prosecutor's Office for Immigrants (Fiscalía de Inmigrantes) called the Sister in charge of the shelter demanding that she let the uniformed men enter, to which the Sister replied that this was no way to pay a visit. The Prosecutor hung up on her. The shelter staff, as well as the migrants staying there, were left frightened and deeply impacted by the threatening manner in which the officers had entered the shelter.

Centro de Atención al Migrante Exodus (CAME), Agua Prieta, Sonora, Mexico

On 25 June the Red Zona Norte de Casas y Centros de Derechos Humanos de Migrantes (Northern Region Network of Shelters and Migrant Human Rights Centres) issued a communiqué condemning an attack carried out on the shelter in Agua Prieta, Sonora by officers of the National Guard.

On 23 June 2019, at around 7pm, a convoy of military-type vehicles, each carrying approximately six officers bearing National Guard insignias on their left arms, pulled up in front of the Centro de Atención al Migrante Exodus (Exodus Centre for Migrant Care, hereafter CAME) facilities under the pretence of responding to a report of an armed individual outside the building. The officers interrogated the municipal police who were protecting the entrance of the shelter. After patting down and questioning the municipal officers, one of the soldiers knocked on the door of CAME, identified himself as a National Guard officer and requested information on the people inside the centre.

Given that migrant shelters are protected by Article 76 of the Law on Migration, the shelter staff replied that in order to ensure the migrants' safety it was not possible to provide the requested information. The officer proceeded to interrogate the shelter staff in a threatening manner about the organisation's operations, revenue, donations, and tax contributions. He also insisted on being allowed to enter, arguing that he needed to investigate whether the individuals inside were there voluntarily, implying the possible presence of kidnapped and/or trafficked individuals inside the shelter. The officer insisted that he had to conduct an immigration status verification and call the INM, claiming that as a National Guard Officer he was authorised to detain undocumented migrants.

Other officers in the convoy took photographs of the shelter staff, who explained that their activities were always carried out in accordance with the Law and that they were unable to permit the officers to enter without a signed warrant.

Harassment towards the shelter has been increasing since 2018. Advocates as well as migrants and asylum seekers arriving in Agua Prieta faced a threatening environment, so in September 2018 the shelter went to the local police station to file a report and establish a precedent. The head of the agency responded that it was the shelter's responsibility to discuss the issue directly with the aggressors, saying explicitly that the shelter's work was human trafficking "even though you don't charge for it". Since that time, the intimidation, surveillance, harassment and threats have increased. From January to July 2019 the shelter has logged over 30 threatening incidents involving unknown officers, ranging from harassment, monitoring, surveillance, photographing and appearing at CAME shelter.

Espacio Migrante, Tijuana, Baja California, Mexico

During the week of 24 - 30 June, army troops patrolled the immediate vicinity of Espacio Migrante (Migrant Space) migrant shelter in Tijuana. On Friday 28 June, troops parked directly in front of the shelter along with an INM van for about an hour. During this time, several army troops and INM officials got out of the vehicles and approached the shelter. The next day, an INM vehicle parked in front of the shelter with its doors open for 10 minutes. Although they did not carry out immigration status verifications, their repeated visits constitute acts of intimidation and harassment that put at risk the humanitarian organisation's peaceful and legitimate work as well the wellbeing of the individuals sheltered there.



Casa del Migrante Saltillo, Coahuila, Mexico

The Casa del Migrante Saltillo (Saltillo Migrant Shelter, hereafter CMS) is a shelter in northern Mexico for migrants and refugees. Because of their 15+ years of work, team members have been threatened and the shelter has been attacked.

Around midday on Saturday 20 July, federal police attempted to enter CMS on the pretence of conducting immigration status verifications, which the CMS team refused on the grounds that it was illegal. The federal police threatened to call on the INM to intervene and cordon off the shelter, telling a staff member that they were "getting into a serious problem" by not allowing access.

Three days later, the National Guard, in coordination with the Saltillo police, staged an operation in the area outside the shelter in order to carry out immigration status verifications. The shelter staff challenged the National Guard that under Article 76 of the Law on Migration no authority was permitted to perform immigration status verifications in civilian shelters. They also informed the police that the CMS is a current beneficiary of precautionary measures from the Inter-American Commission on Human Rights. The

troops responded by taking pictures before eventually withdrawing. The CMS is also a beneficiary of the Mexican Office for Domestic Affairs' Mechanism for the Protection of Human Rights Defenders and Journalists.

Since these events, the Fray Juan de Larios Human Rights Center has documented the regular presence of individuals who permanently observe the shelter director's movements when he arrives at his home.

On July 31, days after experiencing this police and military harassment, CMS reported that a Salvadoran migrant who had just left the shelter had been chased and shot to death in front of his 8 year old daughter, just a kilometre and a half away from the shelter. The incident occurred when a group of migrants, among which were a 2-year-old boy, a 12-year-old girl, a 15-year-old girl, and the 8-year-old girl (who saw her father die in an extrajudicial execution), underwent an immigration verification conducted by officers of the Federal Police, the Prosecutor's Office of Coahuila and the National Migration Institute. Shortly after the verification, the police opened fire and shot at the group of migrants. Reports from local activists have since indicated that two of the officers from the Prosecutor's Office altered the crime scene in an attempt to criminalise the victim.

Testimony: Hugo Castro, Border Angels, Tijuana, Mexico

"These last few weeks we have been visited by soldiers accompanied by migration agents here at our shelter located in Playas de Tijuana, right in front of the wall. We have denounced these actions on social media and we have denied access to immigration status verifications. However, they still carry out raids in the area. What's more, since 2010 I've been sent to secondary inspection whenever I cross back into the United States, especially after any protest activities that we carry out both in Mexicali and in Tijuana."



Photo Credit: Margarita Núñez



Photo Credit: Erin Kilbride



Photo Credit: Margarita Núñez

Casa del Migrante Monseñor Guillermo Ranzahuer González, Oluta, Veracruz, Mexico

On Saturday, 27 July 2019, around 12 noon, a patrol car with six National Guard officers arrived at the Monseñor Guillermo Ranzahuer González shelter. Upon their arrival, the officers sought to enter the shelter to conduct an immigration status verification.

Three of the six officers approached the shelter and tried to enter without requesting permission. When they were asked the reason for their presence, they argued that they had been told that the shelter was a Migrant Detention Centre, however, they did not present any official documents or order issued by a judge.

When denied access, they withdrew. In a statement released on 31 July 2019, the shelter staff expressed concern for the safety of the people staying there as well as for those working there.



Testimony: Irving Mondragón, Transmigrando, Mexico

"We had a house set up as a shelter for the LGBTI+ migrant community in Tijuana and since then we have received constant threats. One day there were municipal police officers carrying out immigration status verifications in front of the house, something which only the INM has the authority to do. So I went out to report them and prevent them from harassing the community. The police responded with threats and attempted to arrest me, claiming that I was hindering their work. One week later the federal police broke into the shelter, but now the same police officer who had previously done the verifications was there as a federal police officer accompanied by three other policemen in federal uniforms. In the end they went away but they threatened to return whenever they wanted to."



f. Criminal Networks, Nationalist Militias, Non-state Armed Actors

HRDs defending the rights of migrants receive death threats from organised criminal networks, violent nationalist groups, and other armed non-state actors. Threats have been reported throughout Mexico and along both sides of the Mexico-US border.

Massive economic interests are tied to human migration, controlled in large part by organised criminal groups and transnational gangs. Very often, human smuggling occurs with the collaboration, corruption and consent of authorities at both the state and local level. HRDs conducting human rights defence activities are seen as disrupting human trafficking revenues, and therefore are potential targets for attacks by organised crime. Some HRDs publicly censor themselves when speaking about asylum so as not to incite violence against themselves, their offices, and the shelters in which they volunteer.

In the US, reports of armed “militias” patrolling the Mexico-US border in Arizona, New Mexico, and Texas are increasing. WHRDs, in particular, report receiving death threats from Facebook accounts known to be affiliated with violent, nationalist or neo-Nazi “militias.”

Case Studies

Manuel, Caborca, Sonora Mexico

Manuel is a Salvadoran HRD who migrated to Mexico hoping to seek asylum in the US in 2016. He altered his planned migration journey, did not present for asylum at a US port, and stayed to help coordinate a Pueblo Sin Fronteras migrant shelter in the Mexican border town of Caborca, Sonora. As a result of his public profile coordinating the humanitarian logistics of the shelter, Manuel has received threats from organised criminal groups for his refusal to assist in their recruitment of teenage boys.

“I have been living in Caborca for the past three years. We are helping our Central American brothers in their journey towards the American dream. We support them with a place to rest in this house. There are mafias here in Caborca, and we are constantly harassed because those people are looking for the heads of shelters, especially places like ours that have more than 200 people. The mafias and gangs look for the heads and coordinators of shelters, people like me, to try to get us to give them access to boys and young men who live in the shelter. They want to recruit them for the gangs to

make more money. So when they see that you do not give in to these requests they threaten you.”

Gabriela Castañeda, Border Network for Human Rights, El Paso, US

Gabriela Castañeda is the Communications Director for Border Network for Human Rights (BNHR), one of the oldest collectives of migrant rights defenders at the Mexico-US border. She began as a volunteer for BNHR in 2004, then served as BNHR East El Paso Office Director. She is a renowned advocate for undocumented communities in Texas, and oversees all communications for BNHR.

As a result of her public work defending immigrants, refugees, asylum seekers, undocumented peoples, and mixed families in Texas, Gabriela has received death threats via social media and email and has been subjected to years of state harassment and judicial proceedings related to her immigration status in the United States. In messages received in the first four months of 2019 on Facebook, both via the private Messenger application and public posts, men who openly identify themselves with a name and phone number have threatened Gabriela.

On 3 August 2019 various members of organised criminal networks in Nuevo Laredo, Mexico, kidnapped HRDs Aarón Méndez and Alfredo Castillo, both from AMAR shelter. Federal authorities were immediately contacted and are working on the case. Until the end of August, Aarón and Alfredo remain missing.



Photo Credit: Cristóbal Sánchez

Maria, Border Kindness, Mexicali, Baja California, Mexico

Maria is a volunteer at Border Kindness, a migrant rights and humanitarian aid organisation in Mexicali responding to the massive influx of returned asylum seekers being bussed back across the border to Mexico as a result of the Trump administration's Migrant Protection Protocols (MPP), also known as the "Remain in Mexico" policy. Under the policy, asylum seekers are forced back to Mexico while their claims are processed. Before being bussed back to ports of entry, migrants are detained in the US and held in conditions which violate international standards, denied adequate food, water, medical care, and often separated from their children. When they return to Mexico, there are no official services provided by either government, and asylum seekers are left without food, water, shelter, clothing, or medical care. Maria and a small core of other volunteers provide food, shelter, water, clothing, and medical assistance to asylum seekers, the vast majority of whom face severe threats to their life upon return to Mexico. Border Kindness has also worked with partner organisations along the border to create a transportation and tracking system to help thousands of migrants attend their court hearings in San Diego. The vast majority of migrants Front Line Defenders spoke to in Mexicali reported that without Border Kindness support, they would have had no way to navigate the complicated journey from Mexicali to Tijuana and across the border in San Diego for their first hearing.

In Mexico, Maria and her colleagues report increasing threats from the owners of migrant hotels and "shelters," many of which exploit migrants for financial gain. By providing free services to migrants, Maria and her colleagues are seen to be limiting the extent to which migrants can be exploited for financial gain, and members of Border Kindness have received indirect threats to cease visiting shelters and stop their work.

Local bus companies in Mexicali, which are profiting off of the Remain in Mexico policy by coercing returned migrants to go back to Guatemala and Honduras instead of waiting in Mexico for their court hearings, have also begun sending staff to the community kitchen, office, and shelters supported by Border Kindness.

Maria has also received violent threats related to her migrant rights work from social media accounts that appear to be based in the US.

"In Spring 2018, I had been involved in supporting detainees in ICE detention centres and got invited to give speeches about detention centres to high school students in my area. When photos of the event were posted on a local community Facebook page, comments started coming like, 'Where's that bitch, give us her address' and 'Tell us where that bitch is, I have an AK-47.' I also get messages on Facebook Messenger saying things like 'I know where you live.' On Instagram I got a message threatening they would 'kick your ass, you fucking bitch. I hope you have illegals at your home so we can hang them by their balls.' One time someone sent me a picture of my own house to prove they knew where I was."

Others said 'how can you be doing this,' 'how can you be helping illegals' and obviously 'why aren't you helping people here who are homeless who need help.' Sometimes when I got really annoyed I would reply asking what they were doing about the homelessness issue in California. Then they'd send another flurry of insults and racist comments, then block me. I was receiving most of these messages from 4 or 5 different accounts. They usually had a lot of pro-Trump posts on their walls but no identifying pictures or information. I deleted the messages really soon after receiving them because I didn't want my husband to see them and get even more nervous. He knows I won't stop working in Mexicali, but the stress would just create tension between us."

IV. Final Observations

The criminalisation of migration and of migrant rights defenders is not a new process. Many of the violations documented in this report have been taking place for several decades. However, organisations across the region and internationally, including the authors of this report, have documented a significant increase in attacks against migrant rights defenders since the end of 2018 and are observing with great concern that as of May 2019 the situation is progressively worsening, particularly with regard to criminalisation. The persecution of HRDs assisting migrants through existing legal immigration processes (for example, presenting for asylum at a US port of entry, or acquiring a humanitarian visa in Mexico) undermines the discursive binary that exists in both the US and Mexico which posits “legal” immigrants as desirable and acceptable, while condemning, stigmatizing, and criminalizing those who enter “illegally.” The attacks on defenders assisting migrants through existing legal processes demonstrates the erosion and criminalization of immigration itself throughout the region.

This intensification of criminalisation also coincides with the rise of new modalities of migration, namely caravans, into which migrants have organised in order to travel with greater safety. While this form of group migration has existed in Central and North America for over 10 years, the radical spike in media and state attention it garnered, with varying economic, political and electoral motives, has facilitated the accompanying rise in hate speech, defamation, threats, arbitrary detention, lack of access to justice and due process violations documented in this report.

Across the region, there exists a repeated refusal to protect and guarantee the right to defend human rights, provided for by the UN Declaration on Human Rights Defenders.

a) Intergovernmental Coordination

FLD, PRAMI and Red TDT's research on attacks against HRDs along the migrant routes points to coordination between multiple governments aimed at criminalising and preventing the legitimate and peaceful work of

migrant rights defenders throughout the Central and North America region. Deportations, arrests at ports of entry, and threats of arrest in one country issued by authorities in another demonstrate the collaborative targeting of HRDs. The circumstances of several HRD deportations from Mexico as well as numerous encounters between CBP agents and HRDs accompanying asylum seekers at ports of entry indicate collaboration and/or the threat of collaboration between Mexican and US security forces as a means of discouraging HRDs from continuing their work.

Similarities in the harassment, defamation, threats, arrests, deportations and criminal charges committed against HRDs in the United States, Mexico, Guatemala and Honduras reveal regional patterns, including governments increasingly seeking to associate the defence of migrant rights with human trafficking.

Likewise, since the beginning of 2019, there has been an increase in the use of the “migratory alert” as a coercive measure against defenders. These alerts offer governments the possibility of denying defenders entry to their countries with the excuse that the alert may have been expedited based on a criminal record, while also allowing them arbitrary access to the defenders’ private and work-related information through intimidating interrogations or invasive searches of personal devices such as mobile phone or laptops.

In all cases, on different levels and through various mechanisms, the objective is to intimidate defenders, implying that their work is against the law despite the fact that both human rights defence work and humanitarian assistance are protected by domestic and international law.

In a coordinated manner across the region, governments use fear to single out and stigmatize human rights defenders with the goals of discouraging people from joining the ranks of those defending the rights of migrants and keeping migrants from seeking their support and assistance. This all serves to remove even more protections from the region’s migrants, leaving them vulnerable to additional human rights violations.

28.

Migratory alerts are records placed in governments' migration databases in order to warn of possible irregularities with an individual when crossing borders. These are said to be issued when someone has an arrest warrant in any country, in order to prevent them from escaping. They are also related to Interpol surveillance activities because of alleged threats to national and international security. In practice, however their use is highly discretionary and there is no clear standard for when or how alerts are placed on people's passports or immigration records, nor even regarding which authority or government places them. In Mexico, according to Article 3 of the Law on Migration, an alert is a “warning generated because of a coincidence in names or registered document in migration control lists”. Secretaría de Gobernación, Article 3. Available at: https://www.dof.gob.mx/nota_detalle.php?codigo=5270615&fecha=28/09/2012



Photo Credit: Margarita Núñez

b) Criminalisation of HRDs Helping Migrants Through Legal Immigration Processes

Anti-immigrant rhetoric in the US has long posited a binary between those who immigrate “legally” and those who enter as “illegal aliens,” contrasting present-day undocumented communities and migrants crossing the desert or Rio Grande with an imagined, ahistoric, “good immigrant” narrative. Conservative, right-wing, populist politicians often refer to their own families’ stories of “legal” migration to the US, with little grounding in historical fact given the radical changes in US immigration policy and legal frameworks in recent decades, coupled with the spike in Mexico-US border militarisation since 2011.

Many human rights defenders supporting migrants are helping migrants through legal immigration processes. The right to seek asylum is recognised by all the governments concerned. Many of the actions of the police and other officials documented in this report are illegal and/or designed to block migrants from accessing their legal rights. The binary rhetoric is a deliberate falsehood. The arrests, detentions, interrogations, threats, intimidation, and criminalisation of HRDs working to assist migrants seeking asylum in the US—a right recognised even by domestic US law—undermines this binary rhetoric, however, and makes clear that the

US administration is criminalising immigration itself. This is evidenced in a range of cases, from Al Otro Lado’s staff and volunteers in Tijuana who have been detained and threatened with deportation, to HRDs accompanying asylum seekers at multiple US ports of entry receiving threats from armed CBP agents. HRDs helping migrants to understand, navigate, and prepare for immigration regularisation processes in the US are being criminalised and attacked.

Similarly, in Mexico, shelters, organisations and defenders who accompany migrants in migratory regularisation processes are threatened for helping migrants access their rights through a state-sanctioned system. Many government policies and actions create barriers to obtaining legal status in Mexico. These include increasing requirements arbitrarily, noncompliance with established deadlines (forcing people to wait for unsustainable lengths of time), requiring online procedures for people without Internet access, closures of INM regularisation offices and the reduction of operational budget for COMAR, the Mexican agency in charge of reviewing asylum applications. In spite of this, high-ranking officials in the Mexican government have justified their acts of repression and criminalisation by pointing to migrants’ illegal status, thus associating rights defence work with illicit activities.

c) Terrorism Rhetoric

FLD, PRAMI and Red TDT research highlights the increasing use of terrorism, anti-terrorism and state security rhetoric to defame, threaten and negatively profile WHRDs and HRDs defending the rights of migrants along the migration routes. Migrant rights activists are increasingly being labelled “terrorists” and a threat to state security in public and state-sponsored messaging, private death threats received by organisations and individual defenders, and interrogations at US ports of entry and Mexican police stations.

Regional government discourse uses language that discredits HRDs while claiming government actions are in “strict compliance with the Law,” or even, in the case of Mexico, “in favour of migrants and respecting their human rights.” Meanwhile, documentation by defenders who witness the daily reality of migration completely contradict these public declarations which legitimise the politics of criminalisation. The effect of government misinformation is to manipulate public opinion from what is truly happening to migrants and those who defend them.

d) Risks of Militarisation and Increasing Border Security

The current regional trend towards the militarisation of borders to contain and reduce migration has increased the risk of a wide range of human rights violations for migrants and refugees. PRAMI and Red TDT as well as many other NGOs in the region have long documented how in countries such as Mexico, Guatemala, Nicaragua, and Honduras, the deployment of military forces to address civilian issues increases instances of forced disappearance, torture and extrajudicial killings.

On the other hand, the presence of soldiers is not a sufficient reason for criminal organisations to reduce their activities. On the contrary, this forces the organisations to adapt, which can pose new risks to migrants whose undocumented status inhibits their capacity to take actions to protect themselves. Finally, stepping up security for borders and migrant routes will lead migrants and refugees to seek new ways to traverse Mexico increasing the likelihood of hiring smugglers and exposing themselves to greater risks of crimes and human rights violations.

The militarisation of borders and migrant routes does not reduce the flow of people in transit through Central America and Mexico seeking to reach the United States. Rather, it diversifies the flow and makes it more complex, resulting in negative implications for nearly all actors but especially for the migrant population and their allies. The only actors who benefit from these policies are politicians who rely on fear-mongering for political gain, military-security corporations that continue to develop

technology and other products aimed at the ‘border security marketplace’, and organised criminal groups who capitalise on the vulnerability and desperation of migrants.

e) Identities

In addition to the risks faced by HRDs with citizenship or another legal immigration status in the countries in which they work, undocumented HRDs, queer and LGBTI+-identifying HRDs, and HRDs who are migrants, refugees and asylum seekers living in shelters face life-threatening risks associated with their legal, personal, and sexual identities that intersect with those associated with their defence work.

HRDs who are migrants, refugees and asylum seekers have made a profound and potentially lethal choice to delay their own migration journeys and asylum claims in order to return south and accompany future caravans, or to stay in one city along the route and organise shelters for fellow migrants. Repeatedly Walking the caravan routes not only exposes them to the same physical and environmental risks, but increases the likelihood that they will be recognised by state authorities. Similarly, those who choose to remain in one place along the route in order to organise food and shelter for fellow migrants expose themselves to dangerous levels of visibility as local authorities learn their names and faces. This presents physical risks in the short term, and could impact future asylum claims should they be targeted, arrested and detained before reaching the US.

In addition to the risks related to their visibility and activism, HRDs living and working in shelters or “tent cities” endure an enormous range of additional physical, psychological, and legal threats faced by people fleeing



violence and persecution across borders. These include homelessness, hunger, sickness, lack of access to medical treatment for infectious diseases, separation from their families, discrimination on the basis of their (perceived) national identity, arbitrary and mass arrests of migrant communities and military raids on shelters.

Undocumented HRDs in the US who have Deferred Action for Childhood Arrival (DACA) status have had that status revoked. Other undocumented HRDs have faced deportation hearings and threats to other legal status proceedings. Asylum seekers have faced threats of consequences for their cases. On a daily basis, the risks, threats and persecution faced by all undocumented people in the US intersect with and exacerbate the risks faced by defenders. Such risks include the constant fear of deportation, family separation, financial insecurity and pervasive discrimination and exploitation in employment, education, hospitals, and the vast majority of social and state institutions.

HRDs who identify as members of queer and LGBTI+ communities, such as those organising with Trans Queer Pueblo in Phoenix, Arizona, face risks to their legal status, personal relationships and socio-emotional well-being which intersect with, and often occur as a result of, the dangers associated with activists' increased visibility. In their families, the risk of being "outed" as queer, non-heterosexual, or gender nonconforming can radically increase as HRDs become well-known LGBTI+ advocates in their undocumented migrant communities. Trans HRDs have reported that even

for parents who do not hold expressly homophobic views, many rightly fear their undocumented children will face disproportionate risk of ICE targeting and deportation as a result of their gender expression or perceived sexuality. Undocumented queer and trans people who are separated from their families often lack visibility, campaigns and community protests when held incommunicado in ICE detention facilities; HRDs report that targeted campaigns calling for the release of specific detainees have been successful in the past. Trans Queer Pueblo organises targeted campaigns calling for the freedom of individual trans detainees, as many trans detainees do not have biological families networks to publicly organise calls for their release.

Transgender HRDs, as members of the trans community more broadly, face disproportionate application of Arizona's manifestation law, an anti-sex work law which criminalises the perceived solicitation of sex. For undocumented HRDs, an arrest related to alleged manifestation could result in indefinite detention in an ICE facility and deportation. In recognition of the ways in which manifestation laws disproportionately affect trans-presenting people, and in particular the life-threatening risk of deportation that this poses to undocumented trans people, HRDs with Trans Queer Pueblo dedicated their 2019 Stonewall anniversary campaign to fighting for the repeal of Arizona's manifestation law.



Photo Credit: Cristóbal Sánchez

V. Recommendations

Migration is intrinsic to the history of humanity, and will continue to occur in the Americas until many of its root causes—systematic violence, political, religious, gender-based and race-based persecution, poverty, lack of employment, scarce opportunities for education, mega development projects, climate change and overall lack of alternatives to guarantee a dignified way to live—are addressed. Instead of coordinating to criminalise migration, migrants, and migrant rights defenders, we urge the governments named in this report to jointly guarantee the human rights of all individuals irrespective of nationality or immigration status.

The governments of the United States, Mexico, Honduras, Guatemala and El Salvador are urged to:

- Separate migration policies from national security policies and adopt a human rights framework focused on protecting individuals in the context of migration, such that migrant rights defenders are not stigmatised as a threat to states but rather that their work is recognised as fundamentally legal and legitimate.
- Immediately cease persecution, harassment, surveillance, physical aggression, criminalisation and prosecution of the humanitarian actions of individuals who provide accompaniment, documentation and humanitarian assistance to migrants throughout the entire Central and North American region.
- Recognise the important work historically carried out by shelters, human rights organisations, activists and civil society in the entire region, which has not only fulfilled obligations towards migrants properly corresponding to the state, but has also generated and promoted the creation of community support networks that strengthen diverse and inclusive democratic societies.
- Recognise, protect and guarantee the right of all individuals, regardless of race, gender, nationality, age or migrant status to defend human rights.
- Put a stop to fake news campaigns, generated by both state and non-state actors and spread by media outlets that stigmatise, criminalise and legitimise actions that place migrant human rights defenders at risk.
- Put an end to migratory alerts and to the sharing of private information that is protected by personal data laws between governments in order to surveil and harass human right defenders.
- End the stigmatization and criminalization of defenders who speak openly and honestly about their work in defence of migrant rights, and publicly acknowledge this work as wholly distinct from the crime of human trafficking.
- Focus all security efforts in the effective protection of migrants and defenders. This includes dismantling human trafficking networks, guaranteeing the principle of non-refoulement of victims and stopping the discretionary use of justice systems.
- We call for a dialogue between governments and civil society, in order to promote substantive solutions to the problems that afflict the region on human mobility issues, in order to foster tolerant and diverse societies in which human rights are respected humans for all people without distinction.

The government of Mexico is urged to:

- Separate Stop the criminalisation of forced migrants who organise during their journey to defend human rights. The right to free association of people must be respected.
- Oversee and limit the actions taken by the National Guard with respect to shelters and to detaining migrants to maintain the scope of their operations within the confines of the terms established by the law.
- Provide precautionary measures to migrant shelters and HRDs, and carry out all needed actions to guarantee physical and emotional integrity in case of attacks or human rights violations of defenders, in order to avoid irreparable damage.

The governments of Guatemala, Honduras and El Salvador are urged to:

- Refrain from signing agreements relating to establishing itself as a Safe Third Country, as this represents a threat to the guarantee of the human rights of migrants seeking asylum in the United States.

The United States Department of Homeland Security is urged to:

- Immediately cease the harassment, arbitrary detention, arrest and interrogation of migrant rights defenders, including at US ports of entry, along the border and those providing humanitarian aid in the desert.
- Refrain from collaborating with Mexican law enforcement on surveillance operations against migrant rights defenders, and from threatening to do so during interactions with activists, volunteers, lawyers, journalists and other HRDs along the border.
- Fully collaborate with and make public the results of any investigations by DHS oversight mechanisms, including those investigating DHS actions, operations, and surveillance against migrant rights defenders.
- Immediately cease the sexualized, sexist, homophobic, transphobic, and gendered verbal abuse of WHRDs, LGBTI rights defenders and queer-identifying migrant rights defenders by DHS personnel, including during customs inspections, interrogations, and secondary questioning at US ports of entry.

The United States Department of State is urged to:

- In line with the US Department of State's fact sheet, "US Support for Human Rights Defenders," which states that "Protecting and supporting human rights defenders is a key priority of US foreign policy," provide direct support to migrant rights defenders of all nationalities working in Mexico. In consultation with HRDs, offer to: provide emergency assistance; visit detained and imprisoned defenders; maintain regular contact with HRD, including at the ambassadorial level; ensure a designated human rights officer oversees HRD support; document and publicly report on the situation of migrant rights defenders, including in the annual US Department of State Country Reports on Human Rights Practices.³⁰
- Invite the UN Special Rapporteur on the Situation of Human Rights Defenders to conduct a country visit to the US.
- Publicly affirm that migrant rights defenders who are foreign nationals will not be denied access into the US as a result of their human rights or humanitarian work.

³⁰. U.S. Support for Human Rights Defenders, Fact Sheet. US Department of State. <https://www.state.gov/u-s-support-for-human-rights-defenders/>

The United States Congress is urged to:

- Increase oversight of DHS and DOJ in order to prevent them from misusing the US criminal justice system and ensure an end to surveillance of migrant rights defenders, organisations, collectives, and activist networks.
- Strengthen DHS and DOJ accountability mechanisms, including the Office of the Inspector General, to hold responsible any law enforcement personnel who harass, intimidate, threaten, verbally abuse or physically assault migrant rights defenders.
- Hold public hearings on harassment, surveillance, detentions, arrests, intimidation, and investigations against migrant rights defenders.
- In line with the UN Declaration on Human Rights Defenders, publicly affirm the right of individuals, collectives, organisations, and networks to defend and promote human rights; condemn in particular the gendered and sexualized abuse experienced by WHRDs and LGBTI or queer-identifying defenders in the border region.

*Photo Credit: Erin Kilbride*



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