



## FINAL REPORT

# INTERNATIONAL VERIFICATION MISSION ON THE HUMAN RIGHTS SITUATION OF THE HONDURAN MIGRANT POPULATION AND THEIR RIGHT TO INTERNATIONAL PROTECTION

September 2015



PROJECT COUNSELLING SERVICE  
CONSEJERÍA EN PROYECTOS



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September 2015

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The Project Counselling Service would like to express special gratitude to Sister Lidia Mara Silva de Souza, Scalabrinian Missionary and Executive Secretary of the Human Mobility Pastoral of the Bishops' Conference of Honduras, for accompanying the International Verification Mission.

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## Preamble

The Project Counselling Service -PCS- is a Latin American organization for cooperation and solidarity that helps build non-violent, fair, inclusive and equitable societies in partnership with people and communities in Latin America. Coming out of the work in Mexico and Central America, an International Verification Mission (IVM) was organized to assess the human rights situation of the migrant population and their right to international protection, as a contribution to advocacy on alternatives for addressing the grave situation faced by Honduran men and women migrants transiting through Central America and Mexico and on the risks faced by those who defend their rights.

PCS carried out the IVM as an international advocacy initiative with the support of the CAMMINA program, which aims to strengthen the protection of migrant rights in Mexico and Central America, seeking to position the issue of migration and protection of migrant human rights defenders in public debate. PCS conceived the IVM with two objects in mind: to observe the existing human rights situation and state of international protection on the one hand, and on the other to establish coordinated advocacy on policy with a view to proposing and incorporating national and international protection mechanisms based on needs detected in the field.

Methodologically, the IVM was conceived as a process that linked up multiple key actors and engaged them in advocacy at three junctures; before, during and after the Mission.

In the preparatory phase, linkages and partnerships were established with civil society organizations in Central America, Mexico and the US. The highlight was a regional consultative meeting held in San Salvador in March 2015 which garnered Mesoamerican support for the IVM. The Project Counselling Service made a preparatory trip to Honduras in June 2015 during which contact was made with high-level government authorities, civil society organizations, Embassies and international organizations in order to organise the IVM agenda.

The IVM itself was carried out in July 2015, with activities in Honduras which included field visits, meetings in San Pedro Sula and Tegucigalpa with authorities, key actors, representative civil society organizations, as well as meetings with migrants themselves and their families. A preliminary report with initial conclusions and recommendations was presented publicly.

The third phase focused on advocacy actions at the international level in relevant arenas for the analysis of migration issues and strategic decision-making. This phase concludes with presentation of the Final Report of the IVM to the UN Human Rights Council in Geneva, to a meeting of the House of Representatives of the US Congress, meetings with Mexican government institutions in charge of migration management, and presentation of the Report to the session of the OAS Inter-American Commission on Human Rights in Washington, as well as presentation of the Final Report in Honduras.

On behalf of the Project Counselling Service we should like to thank all the individuals and organizations who, in many different ways, contributed to the International Verification Mission and made it possible.

Mayra Alarcón Alba  
Project Counselling Service Representative  
Central America and Mexico.



Migrants waiting for *The Beast*, trains heading to the border with USA.



Corinto border, Honduras.

## Executive Summary

The International Verification Mission (IVM) was conducted with three objectives:

To understand the current causes of forced migration in Honduras and to carry out the necessary assessments to ensure that they are addressed within the framework of international law on refuge/ exile and other international human rights protection standards.

To identify typologies and presumed responsibilities for the violations of migrant's human rights during departure, transit, and the repatriation processes, and which provide evidence for the need to adopt international protection mechanisms.

To provide recommendations to the Government of Honduras, to the governments of the region, to the international community, as well as to civil society with the aim of proposing solutions to the problems identified by the IVM.

### 1. Causes of Displacement and Forced Migration in Honduras

**Violence and impunity.** Violence is one of the leading causes that operates a push factor in Honduras. Currently Honduras the country with the highest homicide rate in the world; the situation of generalized violence forces tens of thousands people to leave the country. Violence is primarily caused by gangs as well as by organized crime. Internal displacement, a problem that the government of Honduras has acknowledged, is one of the most disturbing consequences.

Violence is closely linked to the current high levels of impunity in Honduras. It is estimated that no formal complaint is lodged in 80% of the crimes committed. The problem of impunity is particularly related to the current political and human rights situation in the country. Social mobilizations are criminalized and strongly repressed. There are 14 cases of human rights defenders who have been assassinated despite precautionary measures by the Inter-American Human Rights Commission. Militarization in the country and the Armed Forces taking on the functions of citizen security bodies are also problems.

**Lack of employment and work opportunities** is the primary motive that forces Hondurans to emigrate. Lack of employment is added to the absence of the right to dignified working conditions, which entails meager wages, low levels of security and social benefits, and a high rate of under-employment.

#### Migration by children and adolescents

**Violence** is the main reason that forces children and adolescents to emigrate. In only the first half of 2014, there were 454 violent deaths of children and adolescents in the country. Many emigrate to avoid gang recruitment. The situation of young people in the country is also marked by domestic violence, which is heightened for girls and female adolescents who also suffer sexual abuse and are sexually coerced by gang members or even within the family.

**Family reunification** is the other major cause of child and adolescent migration. This is related to parents who are already in the destination country deciding to bring their children or even parents who are in Honduras deciding to send their children to other family members outside the country to avoid having them become victims to violence.



**Lack of educational opportunities and labor exploitation.** The limited access to education results in a million children not attending school. There are 1.5 million children, victims to labor exploitation, who are engaged in adult work. A total of 24% of adolescent girls are pregnant, which makes it difficult for them to continue their education and they experience discrimination when seeking work.

## **Measures by the Honduran state to address the situation**

**Institutional and legal measures.** The state has implemented some laws and institutional mechanisms that establish the country's legal framework on migration, but by themselves these do not constitute a public policy and gaps also exist:

The Law for the Protection of Honduran Migrants and their Family Members created the Honduran Migrant Solidarity Fund (FOSMIH), but there are no legal regulations to govern the use of resources.

The July 2014 Executive Decree 33-2014 declaring a state of emergency was the Honduran government's legal reaction to the so-called "child migrant crisis". A previous decree had created the Joint Task Force on Child Migrants, led by the Honduran First Lady and composed of several ministries from the Honduran government. The decree that created this task force did not allocate more human or financial resources to the member institutions.

The Executive Decree that created that Inter-institutional Commission for the Protection of People Displaced by the Violence indicates positive progress as it recognizes the existence of the problem of displacement. However, the Inter-institutional Commission lacks legal regulations to enable it to operate and does not implement actions, but rather only focuses on the design of public policies.

The Law against Human Trafficking in Honduras also lacks legal regulations, which hinders its full development. There are also budget problems in the allocation of resources for the law's implementation.

**The Plan of the Alliance for Prosperity of the Northern Triangle** represents the main economic measure that the government of Honduras would like to implement to generate development and employment opportunities. The plan aims to boost the productive sector with active policies to attract private investment and benefit selected economic sectors such as textiles, agro-industry, light industry, and tourism. The Alliance for Prosperity Plan will intensify the economic model that is forcing people to emigrate, thus creating the risk of increased displacement if the aspiration is to implement megaprojects, for example in tourism or agro-industry

## **2. The need for international protection on the migration route**

**Human rights violations and crimes against migrants.** On the migration route, migrants are persistently subjected to theft and paying fees for travel on the train known as "La Bestia" ("The Beast"). They also endure assaults, kidnappings, physical aggression and they are victims to smuggling, trafficking, as well as assassinations, massacres, and forced disappearances. Women are also victim to rape and sexual assault. Migrants also suffer from mutilations and spinal injuries when common criminals or members of organized criminal groups throw them from the train.

Organized crime members, gangs, coyotes and common criminals are the main figures responsible for abuses and violations of migrants' human rights. State actors, such as authorities and politicians, migration officers, various police units, public servants in charge of detention centers for migrants in Mexico and the United States, and health personnel who do not adequately care for migrants who have been maimed or suffered from accidents on the migration route also commit abuses and engage in mistreatment of migrants.

**The Southern Border Program**, the current policy governing migratory transit in Mexico, is causing a negative impact on respect for migrants' human rights as it has accelerated deportations without increasing protections. According to data from the Center for Attention to the Returned Migrant in Honduras, in the first semester of 2015, 24,030 people were deported from Mexico to Honduras, while only 7,740 people were deported from the United States to Honduras. The Southern Border Program has received direct support through Pillar 3 of the Merida Initiative. The Mexican Army and Marines, in addition to various police units, currently question and interrogate people because of their migratory status, despite lacking authorization to do so and thus violating Mexico's own migration law. Border militarization and strong migratory controls are forcing migrants to opt for other lesser-known routes, which increases their risks and vulnerabilities.

**Access to international protection in transit and in the destination country.** The right to international protection means more than the mere granting of asylum or refuge. Any person in a situation of forced displacement and in transit, not only those who are formally granted refugee status, is subject to international protection. In any case, the current asylum mechanisms in the transit and destination countries do not guarantee the right to international protection or appropriately respond to the situation of forced displacement due to violence faced by Hondurans. A policy to deter applications for refugee status has been detected. The clearest case of this is Mexico where there appears to be a pattern of hindering and making arbitrary decisions when applying international protection mechanisms. There are also serious deficiencies and shortcomings in the consular protection provided by the Honduran state to its citizens on the migration route.

The US asylum system, as the primary destination country, presents a series of procedural obstacles that make it difficult to obtain refugee status, with public servants given a high level of discretion to assess whether fear is well founded and a large number of filters that applicants have to pass through before they gain access to international protection. International protection mechanisms at the regional level currently are inadequate to the challenges presented by the situation in Honduras, which is why it is urgent to continue to move towards the application of a wide-ranging regional definition of refugee and thereby respond to the new needs for international protection needs caused mainly by the violence from transnational organized crime, gangs, and state weakness to protect its citizens.

## **Return/ deportation**

**Deportation from the United States.** Migrants arrive by air in Honduras. The Attention Center for the Returned Migrant has a reception protocol and provides one-time attention, distributing clothes, a personal hygiene kit, medical service, and facilitating a bus ticket so these people can return to their place of origin.

**Deportation from Mexico.** Migrants are deported by non-stop bus that, depending on the point of departure, normally entails more than 12 hours and at times up to 36 hours of travel. The bathrooms on the buses are generally in poor condition and migrants avoid eating so they do not have to use them. Upon arrival in Honduras, there is a complete absence of reception mechanisms on behalf of the Honduran state. The only humanitarian assistance is provided by a Red Cross module to which migrants have access, if they so desire. They are provided with a personal hygiene kit and water, can make a telephone call, and basic medical care is offered. Subsequently, migrants have to return on their own to their places of origin. Currently there is a lack of compliance with the *Memorandum of Understanding for dignified, orderly, prompt, and safe repatriation of Central American migrants by land*.

**Deportation of children and adolescents.** Children and adolescents and family units who are deported from the United States arrive by air to the US military base in Palmerola. Children and adolescents deported from Mexico are deported via a non-stop bus and arrive at El Edén Migrant Reception Center in the city of San Pedro Sula. These children and adolescents are not accompanied by protection officers from the Mexican National Migration Institute. Babies and pregnant women also travel in these conditions. Upon arriving in El Edén, a reception protocol is employed and they are given shelter for 24 hours until a family member arrives to pick up the children and adolescents. It has been noted that comprehensive care for the differentiated needs faced by children and adolescents and families for their reintegration into society and their communities of origin does not exist.

**Risks of return and circular migration.** The current major risk in migrants' return is the absence of actions and programs in Honduras that enable full reintegration in their towns and communities of origin. Deported migrants who should qualify for refugee status face the same factors of violence that forced their departure when they return to Honduras, which generates a situation characterized by high risk and lack of protection. There is an absence of care services, protection, follow-up, and reinsertion protocols for the returned population, as well as the non-existence of continued and comprehensive accompaniment for all people who have been victims of some crime or who return with any disability. This entire situation increases the probability of circular migration.

## Special protection measures

**Child migrants.** Child migrants require special protection measures that currently are not implemented because policies that focus on migration controls are given more importance than those focused on children's rights.

**Women migrants.** For many women, sexual violence against women has become a part of the migration journey. It is estimated that six out of ten women and girl migrants suffer from sexual violence on the migration route. Measures such as non-deportation, immediate protection, and access to justice should be applied.

**Maimed migrants and victims of violence along the route.** Migrants who have suffer from injuries or who have been victims of violence while in transit require protection appropriate to their situation of vulnerability. Actions to be taken should focus on care and compensation for the damage, avoiding re-victimization, and granting the respective international or complementary protection measures.

**Family members of disappeared and/or assassinated migrants along the route.** Committees of family members have raised awareness of the problem of disappeared migrants and have documented more than 400 of these cases. This issue should be addressed based on the right to truth and compensation for the harm done, as well as being an obligation of states to provide responses to the family members. A transnational search mechanism for disappeared migrants that operates at a regional level needs to be created.

**Repatriated and deported migrants.** The international instruments on refugees and displaced people prohibit the return to their country of origin, expulsion, or rejection at the border, as well as the deprivation of freedom, even in the absence of legal refugee status. This is justified since the Honduran migrant population has been forced to leave the country due to generalized violence, human rights violations, disturbances of public order, and due to discrimination, sexual violence, and gender-based violence.

### 3. Conclusions

–The Honduran government continues to view the problem of forced displacement and migration as an issue of humanitarian aid rather than from a rights-based perspective that views migrants as rights bearers and institutionalizes a public policy that addresses the problem as a structural issue.

–Violence is a central element in the reality of the country and it also accompanies Honduran migrants on their migration journey.

–There is an absence of effective international protection mechanisms in Central America, Mexico and the United States that adapt to the current challenges and needs of Honduran migrants.

–States' responses to forced displacement and migration are security-focused policies that are not based on respecting human rights.



Members of the International Verification Mission. From left to right Lisa Haugaard, Amalia García, Sister Leticia Gutiérrez, Father Juan Luis Carbajal, Patricia Montes and Pilar Trujillo Uribe.

## Introduction

### 1. International Mission Participants

The International Verification Mission (IVM) was comprised of individuals from Latin America and the United States, members of human rights organizations, religious institutions, and a legislative body. The profiles of the IVM members indicate a group of people with widespread international recognition for their legitimacy and track record in the field of human rights and who are knowledgeable about migratory phenomena and forced displacement:

**Father Juan Luis Carbajal:** Scalabrinian missionary of Saint Charles and Executive Secretary of the Pastoral Group on Human Mobility of the Bishops' Conference of Guatemala. Since 2014, he has been Director of the House of the Migrant in Guatemala City. He has a long international track record in the field of promotion of migrants' human rights.

**Amalia Dolores García Medina:** Secretary of Labor and Employment Promotion of the Federal District of Mexico. Former federal representative of the Mexican Chamber of Representatives for the Democratic Revolution Party (PRD), where she was president of the commission on migratory issues, former governor of the state of Zacatecas, and member of feminist and civil society organizations.

**Sister Leticia Gutiérrez Valderrama:** Scalabrinian missionary. Between 2007 and 2014, served as the Executive Secretary of the Pastor Group for Human Mobility of the Bishops' Conference of Mexico. She is currently the Technical Secretary of the Collective of Defenders of Migrants and Refugees (CODEMIRE), which is comprised of the different homes for migrants and defenders of migrants' human rights.

**Lisa Haugaard:** Executive Director of Latin America Working Group (LAWG). She has experience in human rights in Latin America with a special focus on monitoring US foreign policy and cooperation in the region. She has participated in international human rights and migration verification missions in Colombia, Mexico, and Central America.

**Patricia Montes:** Executive Director of *Centro Presente*, an organization that defends immigrants' rights in Massachusetts in the United States. She worked in the field of communication and public relations prior to immigrating to the United States. She is member of the Board of Directors of the National Alliance of Latin American and Caribbean Communities (NALACC).

**Pilar Trujillo Uribe:** Executive Director of the Project Counselling Service, educator, sociologist, and environmentalist. For more than 25 years, she has been linked to women's, environmental, and human rights movements in Colombia and several countries in Latin America and Africa, where she has promoted and participated in national and international initiatives and processes that defend human rights and territories in relation to forced displacement and migration.

### 2. Report scope and objectives

This report details the actions undertaken by the International Verification Mission (IVM) members during their visit to Honduras from July 13 - 17, 2015, their assessment of the findings, and puts forward their proposed recommendations regarding the human rights situation of the migrant population in Honduras, their defenders, and their right to international protection. The IVM was conducted with three objectives:

- To understand the current causes of forced migration in Honduras and to carry out the necessary assessments to ensure that they are addressed within the framework of international law on refuge/ exile and other international human rights protection standards.
- To identify typologies and presumed responsibilities for the violations of migrant's human rights during departure, transit, and the repatriation processes, and which provide evidence for the need to adopt international protection mechanisms.
- To provide recommendations to the Government of Honduras, to the governments of the region, to the international community, as well as to civil society with the aim of proposing solutions to the problems identified by the IVM.

The report will also present the findings and observations of the visits to the border point of Corinto, the Attention Center for the Returned Migrant of San Pedro Sula, and the El Edén Migrant Reception Center, as well as information verified in meetings with various civil society organizations, human rights groups, government institutions, the Honduras state, and the international community present in the country.

This report is the fully developed version of the preliminary report presented to civil society representatives and the Honduran state at the July 17, 2015 press conference in Tegucigalpa. It maintains the same structure regarding the progress and challenges of the Honduran legal framework on migration, the structural aspects, and the context of displacement and forced migration, as well as the findings on human rights violations on the migration route, concluding with specific recommendations on each of the aspects addressed, vis-à-vis the different governments in the region.

This report also aims to analyze the situation identified by the IVM, based on an understanding of the phenomenon of forced displacement in Honduras with a holistic and comprehensive perspective. In other words, it aims to address its causes and link these to structural, political, or legal issues and situate them in connection to current pertinent issues that have an impact on the agenda on migration and displacement. It concurrently promotes a regional perspective by undertaking verification in one country in the region, in this case Honduras, but at the same time transcends its borders since the problem is a regional, and even transnational, issue.

### **3. Route and meetings of the International Mission**

The International Verification Mission was in Honduras from July 13 to 17, 2015. On July 13, it conducted an observation visit to the border point in Corinto, the entry point for Honduran migrants who are deported by land from Mexico. At this location, the IVM met with Red Cross personnel who work in the module that provides care to the deported migrants. The IVM also visited the facilities, and met with the senior public servant of the National Migration Institute immigration post. During this visit the IVM members interviewed several deported migrants at the Corinto border point.

That same day, July 13, 2015, the IVM visited the Attention Center for the Returned Migrant in San Pedro Sula (CAMR), which receives migrants deported by air from the United States. The IVM observed the reception process of deported migrants, interviewed some of these people, and met with the head of CAMR and a few of the staff working in the center.

Additionally, on July 13, the IVM also visited the El Edén Migration Reception Center in San Pedro Sula, which provides care to children, adolescents and family units who have been deported to Honduras from Mexico. In this visit, the IVM visited the El Edén facilities and had the opportunity to speak with its director and several people sheltered in the center.

In the afternoon, the IVM members met in the El Edén center with the Deputy Foreign Minister of Foreign Relations and International Cooperation from the Honduran government, the director of the center, representatives from different ministries that are members of the Joint Task Force on Child Migrants, as well as civil society organizations that work in the El Edén center: Covenant House (*Casa Alianza*), Red Cross, and the Mennonite Social Action Committee (CASM).

On July 14, the IVM had a meeting in San Pedro Sula with several Afro-Honduran organizations, namely the Organization for Community Ethnic Development (ODECO), ECOSALUD, the Organization of the Bay Islands (BIDO), as well as representatives from the Directorate of Indigenous and Afro-Honduran Peoples (DINAFROH), and with a returned Afro-Honduran migrant. In the afternoon, the IVM met with organizations that defend and promote the human rights of migrants, such as the Reflection, Research, and Communication Team (ERIC), Covenant House, the Mennonite Social Action Committee (CASM), and the Foundation for Justice and the Democratic Rule of Law (*Fundación para la Justicia y el Estado Democrático de Derecho*).

The IVM traveled to Tegucigalpa on July 15 and met with the National Commission to Support Returned Migrants with Disabilities (CONAMIREDIS) and with the following committees of family members of migrants: Committee of Family Members of Migrants from El Progreso (COFAMIPRO); Committee of Family Members of Migrants from the Center of Honduras (COFAMICENH); Committee of Family Members of Migrants from Cedros; Committee of Family Members of Migrants from Las Ánimas; Committee of Family Members of Migrants from Goascorán; Committee of Family Members of Migrants from Tegucigalpa (Red COMIFA); Committee of Family Members of Migrants from Namacigüe; Committee of Family Members of Migrants from La Guadalupe; Committee of Family Members of Migrants from Nacaome; and the Human Mobility Pastoral of Comayagua. In the afternoon, the IVM met with the organizations that defend and promote human rights and are part of the Universal Periodic Review (UPR) Platform 2015, namely the Committee of Family Members of the Detained-Disappeared in Honduras (COFADEH) and the Center for the Prevention, Treatment, and Rehabilitation of Victims of Torture and their Family Members (CPTRT).

On July 16, the IVM met with the US Ambassador, the European Union Ambassador, the Spanish Ambassador, the Mexican Ambassador, the Canadian Embassy's Counsellor for Development and Central America Program Director, a representative of the German Embassy, and personnel from the United Nations High Commissioner for Refugees (UNHCR), as well as an analyst from the United Nations High Commissioner for Human Rights (OHCHR). Following this, the IVM ended its round of meetings with the Honduran National Human Rights Commission (CONADEH).

To conclude, on Friday, July 17, the IVM members held a public presentation of the preliminary report and distributed this to representatives from the following civil society organizations: National Commission to Support Returned Migrants with Disabilities (CONAMIREDIS); Covenant House; Committee of Family Members of Detained Disappeared in Honduras (COFADEH); Organization for Community Ethnic Development (ODECO); as well as the Scalabrian Sisters. The preliminary report was also presented in person to the Honduran National Human Rights Commission (CONADEH).



## **4. Methodology**

The methodology used in this report is based on a combination of qualitative and quantitative approaches to obtain a better understanding of the situation. Consequently, the IMV based its work on primary and secondary sources.

The qualitative approach, based on primary sources, included testimonies gathered through interviews with the IVM during their meetings with different members of civil society organizations, Honduran government and state institutions, as well as diplomatic representatives and international organizations. Visits to pertinent locations for observation and verification in the field also served as additional primary sources.

With regards to the secondary sources used in the qualitative approach, the team consulted with a range of reports, laws, documents analyzing the situation of migration in the region and in Honduras, with the aim of complementing findings from interviews and testimonies.

Only secondary sources were employed for the quantitative information. The data collection that supports and forms the basis of the qualitative research component was conducted using reputable sources. Depending on the report's thematic areas, statistical data was compiled from registries of deported migrants, statistics on the number of requests for refugee status, homicide rates that reflect the level of violence in Honduras, the number of police officers per inhabitant and the number of private security agents per inhabitant in Honduras, among other relevant data.

## CHAPTER I

### Causes of Displacement and Forced Migration in Honduras

The first objective of the International Verification Mission (IVM) was to understand the current causes of Honduran migration. In order to do so, this question was constantly posed throughout the interviews with deported migrants and in meetings with different organizations. Determining the motives that push tens of thousands of people to emigrate is fundamental to be able to contribute to solutions and alternatives to the problems that have an impact in the country.<sup>1</sup> The IVM aimed to avoid a biased perspective that links migration only to violence, marginalizing other structural causes that entail state responsibilities and obligations, such as the lack of employment opportunities or poverty. It is thus necessary to consider migration as having multiple causes, which enables increased objectivity and the consideration of holistic proposals.

The IVM found that several of the central causes were often interconnected. There is a causal pattern that leads to forced departure from Honduras. In adults, this includes the lack of employment opportunities, poverty, and violence whereas in children and adolescents, this includes social and domestic violence, family reunification, and lack of educational and future employment opportunities. Consequently, the IVM understands that for the majority of people who migrate, various factors came into play, which does not diminish the forced aspect of this migration, which is a crosscutting condition.

#### 1. Human Rights Violations

##### a. Violence and impunity

**Violence.** Violence in its different forms and expressions is one of the leading factors that push people to leave and in forced displacement in Honduras. In this sense, the IVM had the opportunity to receive different testimonies and cases of people who had abandoned their places of origin due to violent actions, whether these were of a domestic nature, provoked by gangs, organized criminal groups and drug trafficking, or by other types of actors such as state security agents. The rates of violence experienced express an unsustainable situation for tens of thousands of families and people who have to survive in the country with the highest homicide rate in the world.<sup>2</sup>

Analyzing the data from the Observatory on Violence, which is based on registries of the National Police Center for Police Operations and Strategy, the IVM considers it extremely significant that a total of 5,936 homicides were

1. According to estimates reported by the Attention Center for the Returned Migrant, it is calculated that 75,000 to 100,000 people annually depart from Honduras. The thousands of unaccompanied children and adolescents who travel alone should be added this normal flow of 75,000 adult men and women.
2. The homicide rate reported by the World Health Organization in its 2014 Report on the Global Situation on Violence Prevention is 90.4 homicides for every 100,000 inhabitants, which is currently the highest in the world. See: <https://extranet.who.int/iris/restricted/handle/10665/145086>  
The Observatory on Violence the Autonomous National University of Honduras registered 68 homicides for every 100,000 inhabitants in 2014. According to the United Nations Office on Drugs and Crime (UNODC), the global average rate is 6.2 homicides for every 100,000 inhabitants. See: <http://www.iudpas.org/pdf/Boletines/Nacional/NEd36EneDic2014.pdf>

committed in 2014, of which 77.9% involved a firearm.<sup>3</sup> Homicides more frequently affect men who account for 90.9% (5,398) of the victims versus women who account for 8.9% (526). The social group of young men and women between 20 and 23 years of age are at the highest risk of being killed.<sup>4</sup> The majority of homicides are concentrated in the departments of Cortés, Francisco Morazán, Yoro, Atlántida, and Colón.<sup>5</sup> Within the high levels of violence, homicides are concentrated in department capitals and are lower in the other towns located in the same department. The IVM is concerned about the increase of cases of “bag” murders in which people are quartered, chopped into pieces, and placed in large bags.

The existence of internal displacement due to violence is one of the most alarming consequences that the IVM identified. This situation demonstrates the magnitude of the problem, which even has been acknowledged by the state of Honduras. This is the only Central American country that has issued legislation on forced displacement due to violence.<sup>6</sup>

Some international organizations and entities calculate that there are around 174,000 internally displaced people in the country, primarily due to gang violence and in lesser measure due to organized crime. Given its geographic position, Honduras is a corridor of human smuggling, migrant trafficking, arms trafficking, and drugs trafficking. Organized crime has learned how conspire inside Honduran territory, leading to territorial wars and struggles to control strategic areas for its trade and resulting in the increase of violence and death rates in the country. The IMV also received testimonies and learned of cases of communities, for example Afro-Honduran communities, and people who have been displaced by the violence caused by the advance of agro-industrial, tourism, and energy megaprojects.

According to civil society human rights organizations working on this issue, displacement is higher when a family member is murdered and/or receives death threats. Displacement occurs most violent municipalities and departments in Honduras mentioned above.

People at risk leave the country after having exhausted all avenues with state agencies without receiving any response or they leave without having lodged a formal complaint due to their mistrust of the institutional apparatus. The Honduran National Human Rights Commission (CONADEH) mentioned that the institution receives around three to four people daily requesting protection and security measures and the majority of the people placing these requests have had a family member assassinated. In these cases, CONADEH provides guidance to these people, but the Honduran state has limited available resources and effective programs to which they can refer victims of internal displacement for their relocation and protection. Since no shelter exists for people at risk, at times CONADEH recommends that these people travel to other Central American countries, for example to Costa Rica. Due to mistrust, many of the people who arrive at CONADEH have not reported their cases to the Police or the Public Prosecutor, which makes their possibilities of obtaining asylum difficult, although CONADEH does provide a formal statement to people at risk.

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3. Although according to the ACAPS report from May 2014, *Otras situaciones de Violencia en el Triángulo del Norte Centroamericano* (Other situations of violence in the Central American Northern Triangle), the number of violent deaths where a formal complaint is not lodged or not reported and when the disappeared are eventually located in clandestine cemeteries or graves should be added.

4. Autonomous National University of Honduras, *Observatorio de la Violencia* (Observatory on Violence), Newsletter No. 36, February 2015. See: <http://www.iudpas.org/pdf/Boletines/Nacional/NEd36EneDic2014.pdf>

5. Ibid.

6. The acknowledgement of this situation resulted in the state Ministries of Human Rights, Justice, Interior, and Decentralization, in coordination with civil society organizations and other state bodies preparing and pushing through approval of Executive Decree number PCM-053-2013 (November 5, 2013), which created the Inter-institutional Commission for the Protection of People Displaced by Violence.

Due to the shortage of personnel and resources, CONADEH even requests assistance from UNHCR and civil society organizations.

The IVM had the opportunity to hear cases of people who suffer from persecution, harassment, and threats from gangs. Some people stated that these groups manage to exercise strong social control over the population in the neighborhoods and communities where they are present to such a point that they impose their own “laws”. For example, in some locations, women are prohibited from dyeing their hair certain colors under threat of death or physical assault and young people are forced not to wear certain clothing or certain brand names of sport shoes. Similarly, gangs grow and become stronger by forcibly recruiting and threatening young people and minors to join their ranks. Some people reported that gangs are also the operational “arms” of drug trafficking organizations and they are engaged in drug dealing. The main activities that provide gang funds are extortion of small businesses, threats, robbery, and even usurpation of homes that they consider in their interest to use, for example, as “crazy houses”.<sup>7</sup>

Afro-Honduran organizations stated that lack of safety in local communities in the Atlántida department has increased, although not at the same level as in urban areas. These organizations also noted that their young people are being recruited by gangs and for drug trafficking and that this involvement is due to the lack of opportunities. Without sources for employment, some youth are “hired” and work to obtain some manner of sustenance. The geographic location of these communities is key since they are situated along drug trafficking routes, which affects the population because drug traffickers use some youth to load and unload drug shipments. These organizations did note, however, that they have not detected that any youth organization is itself engaged in drug trafficking or drug dealing.

**Impunity.** Violence is closely linked to the current high levels of impunity in the country. The IVM was disturbed to learn that the possible motive of perpetrators was unknown in 49.2% (2,923) of the homicide cases, which reflects the lack of criminal investigation in the country.<sup>8</sup> It is also estimated that 80% of the crimes committed are not reported, which is a clear demonstration of the reigning impunity.<sup>9</sup>

This problem is closely related to the current political scenario and human rights situation in Honduras, which in the IVM’s view sheds light on why tens of thousands of Hondurans leave their country. In this sense, the IVM identified a series of notable findings relating to the issue of migration and forced displacement and the needs for international protection for Honduran migrants.

A first point to note is that the visit of the IVM coincided with citizen mobilizations and a hunger strike undertaken by several social leaders in front of the presidential residence to protest corruption and impunity, as well as to press for a process for a new constitution, and the establishment of an international commission against impunity.<sup>1011</sup> A few weeks ago, a serious case of corruption in which \$350 million dollars was embezzled

7. So-called “crazy houses” are houses where people are taken to be tortured and murdered.

8. According to figures from the Observatory on Violence of the University Institute on Democracy, Peace, and Security of the Autonomous National University of Honduras, Newsletter, January-December 2014, edition number 36, February 2015. See: <http://iudpas.org/pdf/Boletines/Nacional/NEd36EneDic2014.pdf>

9. The population does not trust the transparency of justice operators, particularly the National Police and the Public Prosecutor. A total of 80% of crime victims do not lodge formal complaints with the authorities since they see it as a waste of time, lack evidence, consider the procedures are long and difficult, mistrust the authorities, fear the assailant, or fear of being a victim of extortion. See: <http://www.elheraldo.hn/csp/mediapool/sites/ElHeraldo/AlFrente/story.csp?cid=566375&sid=300&fid=209>

10. On the issue of impunity, one of the testimonies to the IVM underlined that the Public Prosecutor’s Office in Honduras does not perform its duties and that 80% of the cases were not investigated and remained unpunished.

11. On the hunger strike, see: <http://www.ciprodeh.org.hn/Noticias/ArtMID/3057/ArticleID/2228/EN-HUELGA-DE-HAMBRE-INDIGNACI211N-FUERA-CORRUPTOS-JUSTICIA-Y-ASAMBLEA-NACIONAL-CONSTITUYENTE>  
See: <https://www.fidh.org/es/americas/honduras/no-mas-impunidad-corrupcion-en-honduras-violenta-derecho-a-la-salud>

from the Honduran Social Security Institute was made public.<sup>12</sup> The IVM was concerned to learn the news of the aggression by soldiers and police officers against the strikers and the people supporting them, who besides being severely repressed were surrounded by security and defense forces to block and hinder other people who wanted to support them or express their solidarity with the hunger strike. Consequently, the IVM became aware of the criminalization of social protest that stigmatizes social and political opposition, linking them to the destabilization of the country and other accusations, thus justifying future reprisals against them, even with the presence of defenders who are protected by precautionary measures. Human rights organizations also stressed the current emergency situation and context of acute social unrest.

The IVM also experienced the climate proceeding the start of the election process for the Honduran Supreme Court. The IVM noted the demands of several organizations in favor of a transparent election process without political interference and open to participation of civil society organizations that support the election of a nominating committee, in charge of electing candidates for the Supreme Court judges.<sup>13</sup> The IVM received testimonies from human rights defenders who indicated that in Honduras there is serious corruption and co-optation of the justice system on the part of the Executive Branch and some of them asserted that power is currently being centralized. Organizations stated that 157 judges and justice operators have been removed from their positions without cause or due process, frequently because they have not fulfilled the particular interests of the spheres of power.

## b. Militarization

One of the most strongly expressed concerns by civil society organizations to the IVM was the problem of the militarization of the country, with the Army taking the role of citizens' security away from the state bodies with this responsibility, particularly the use of the Military Police for Public Order.<sup>14</sup> These organizations stated that this strategy did not entail a true defense of population since the soldiers only patrolled neighborhoods, but they did not really protect them. In other words, "*delinquency is permanent in the shanty towns and the soldiers come and go.*"<sup>15</sup> Furthermore, the Military Police does not have training to investigate cases. The IVM thus determined that the security strategy in effect is reactive and not preventative.

Additionally, human rights organizations stressed that security is identified with repression, which they understand as a manifestation of the culture of militarization in the country. In recent years, human rights organizations have denounced a series of serious human rights violations by the Military Police, as well as by members of other police and military forces, the majority of which have gone unpunished.<sup>16</sup> Organizations indicated that there is a special law that does not allow regular public prosecutors to investigate and legally indict soldiers from the Military Police for Public Order. Instead it is National Defense and Security Council that

12. See: <https://www.fidh.org/es/americas/honduras/no-mas-impunidad-corrupcion-en-honduras-violenta-derecho-a-la-salud>

13. See: <http://www.web.ellibertador.hn/index.php/noticias/nacionales/321-inicia-proceso-de-seleccion-de-nueva-corte-suprema-de-justicia-en-honduras>

14. One of the most significant expressions has been the creation of the Military Police for Public Order with the deployment of around 3,000 soldiers. Latin America Working Group and Center for International Policy, *Honduras: un gobierno que incumple con proteger a su pueblo*, marzo 2015. See: [http://www.lawg.org/storage/documents/Honduras\\_Spanish\\_CIPLAWG.pdf](http://www.lawg.org/storage/documents/Honduras_Spanish_CIPLAWG.pdf)

15. This is a direct quote from one of the people who met with the International Verification Mission.

16. This is according to Security Assistance Monitor, "Human Rights Abuses Allegedly Committed by Military Police and other Forces in Honduras". See: [https://docs.google.com/document/d/1755atRHmmM86KuwYC\\_hG842Ye1SPWsNfNHtagRVCqxM/edit](https://docs.google.com/document/d/1755atRHmmM86KuwYC_hG842Ye1SPWsNfNHtagRVCqxM/edit)

is the body entrusted to appoint the prosecutors and judges who work with this military police body.<sup>17</sup> In turn, the presence of armed forces also extends to prisons, some of which are under military control and not civilian public servants or the national police.

Furthermore, organizations indicated that “*militarization and security are big business for the State and for private interests,*” which in the opinion of the IVM is demonstrated by the contingent of around 70,000 guards from private security companies, whose owners are mostly active or retired members of the military or police forces.<sup>18</sup> Of this number, only a minority work for the 709 companies registered with the government. The bulk of these operates without governmental control and of these 307 are registered as tax-exempt non-profit organizations. According to the Security Secretariat Census, there are 7,702 police officers in the country, which means that for every Honduran citizen there are 1,000 private security guards versus 113 state police officers.<sup>19</sup>

This situation has led the IVM to note the privatization of security issues and the state abdication of its responsibility to guarantee the Honduran population’s security, leaving this in the hands of private companies. This indicates the de facto break down of the state’s monopoly over violence.

### c. Violence against defenders, journalists, and vulnerable population

The IVM learned about serious human rights violations against human rights defenders and journalists that occur in the country. According to the press freedom organization C-Libre, since the June 2009 coup until the end of 2014, 47 journalists have been assassinated.<sup>20</sup> According to information gathered by the Inter-American Commission on Human Rights, 86 justice operators have been assassinated since 2010.<sup>21</sup> According to the AFL-CIO, at least 31 unionists have been assassinated since June 2009 and there is a serious context of threats and persecution against trade unionists, and even their family members.<sup>22</sup> According to the documentation that the Committee of Family Members of the Detained Disappeared in Honduras (COFADEH) presented to the Inter-American Commission for Human Rights, 22 human rights defenders have been assassinated since 2010.<sup>23</sup> The IVM also learned about the recent disappearance of student leaders linked to the current mobilizations, as well as violent evictions of students from the National Autonomous University of Honduras. The IVM also heard about the cases of two doctors who were murdered, one who was known as the “doctor to the poor” because he provided medical care in marginal areas.

The COFADEH denunciation of 14 assassinated human rights defenders who had precautionary measures from the Inter-American Commission for Human Rights, which was also received by the IVM, is a clear example of the lack of response of the Honduran state to the extremely vulnerable situation of defenders and journalists.

17. There is a de facto military jurisdiction in the context of an increased number of cases of members of the military police implicated in murder, torture, and extortion.

18. This is a direct quote from one of the testimonies given to the IVM.

19. Data from the report of the Multinational Commission of the Alliance for Peace and Justice “La reforma al sector justicia y seguridad en Honduras desde la perspectiva de la Comisión Multinacional de la Alianza por la Paz y la Justicia” En MEJÍA RIVERA, Joaquín A., BALLESTEROS DE LEÓN, Gerardo y MURILLO, Josué (Coord.). *Violencia, derechos humanos y seguridad ciudadana*. Editorial San Ignacio/ Editorial Guaymas. Tegucigalpa. Noviembre de 2014, pp. 221-222.

20. This data is taken from the *Comité por la Libre Expresión, C-Libre* 2014 report on freedom of expression. See: <https://www.dropbox.com/s/shg7mrb6amjc1lv/informe%20Libertad%20de%20expresi%C3%B3n%202014.pdf?dl=0>

21. This data is taken from the *Observaciones Preliminares sobre la situación de los derechos humanos en Honduras*, December 2014. See: <http://www.oas.org/es/cidh/prensa/Comunicados/2014/146A.asp>

22. According to the AFL-CIO report, *Trade Violence and Migration: The Broken Promises to Honduran Workers*. See: <http://www.aflcio.org/content/download/147761/3770791/file/Honduras.PDF>

23. See: <http://www.oas.org/es/cidh/prensa/Comunicados/2014/146A.asp>

The most recent victim was assassinated only a few weeks ago. According to this information, this situation has meant that some of the people under threat no longer want these precautionary measures. Furthermore, organizations stressed the lack of serious investigation into the majority of these cases and denounced the existence of criminalization through the improper use of legal procedures against defenders, together with an increase in death threats against defenders and activists, mainly land-rights defenders and activists, members of the political opposition, and journalists. Although the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators was recently passed, organizations mentioned that there are gaps and shortcomings in the law.

The lack of protection for defenders and journalists is linked to the situation of forced displacement in two ways. Firstly, some defenders and journalists have had to be internally displaced or leave the country. Secondly, others have had to resign from their positions or engage in self-censorship to avoid exposure to this risk.

The LGBTTI population in Honduras not only faces discrimination, but also violence. According to a report presented to the Inter-American Commission on Human Rights, 174 LGBTTI people were murdered between 2009 to December 1, 2014.<sup>24</sup> LGBTTI defenders have been assassinated and threatened. Despite the establishment of a special section of the Public Prosecutor's Office to investigate crimes against the LGBTTI population, many of these cases - including several of extremely high profile - have still not been prosecuted. According to the Cattrachas Lesbian Network, hate crimes and labor discrimination against the LGBTTI population is a factor in migration or external displacement of the Honduran LGBTTI population.<sup>25</sup>

The Afro-Honduran population, another group particularly affected by discrimination and infringement of their human rights, reported to the IVM that the state response to addressing problems of social exclusion and land grabbing has not been the most appropriate, since the Ministry for Indigenous and Afro-Honduran People was eliminated and its functions were downgraded to a lower institutional level, becoming Directorate for Indigenous and Afro-Honduran People, which is a secondary body with a smaller budget.

#### **d. Migration of children and adolescents**

The factors that lead to the migration of children and adolescents vary since, given their age, the lack of employment opportunities is less of a determining factor than it is for adults. The IVM considers the situation of children and adolescents as an issue of extreme concern since between October 2013 and July 2015, a total of 17,582 Hondurans under 18 years of age were detained on the US border, indicating that Honduras had the highest percentage of detention of unaccompanied minors during the "child migrant crisis".<sup>26</sup> Although the numbers of Honduran children and adolescents reaching the US border have decreased, they continue to be deported from Mexico. Based on what the IVM was able to verify, the following are the principal causes that lead children and adolescents to emigrate from Honduras:

24. See: <http://www.oas.org/es/cidh/prensa/Comunicados/2014/146A.asp>

25. Indyra Mendoza, Red Lésbica Cattracha, "Crímenes de Odio por Orientación Sexual e Identidad de Género y su Nexa con la Migración LGBTTI en la Region Centroamericana," July, 1, 2013, and Indyra Mendoza, Red Lésbica Cattrachas, "Discriminación Laboral de las Lesbianas y su Nexa con la Migración," 2014.

26. According to 2014 data from the US Customs and Border Protection (CBP).

**Violence.** A climate of violence against minors exists in Honduras. From January to June 2014, there were 454 reported violent deaths of children and adolescents.<sup>27</sup> Added to this, some organizations told the IVM that gangs engage in forced recruitment of children and adolescents to work as “flags”.<sup>28</sup> The situation of children and adolescents in the country is also marked by the element of domestic violence, which is heightened for girls and female adolescents who also suffer sexual abuse and are sexually coerced by gang members or even within the family. Thus, violence emerges as the main reason behind the migration of unaccompanied children and adolescents from Honduras.<sup>29</sup>

**Family reunification.** This is the other major cause of child and adolescent migration. This factor is related to a family context in which family members in the United States urge their family members to emigrate and they fund their travel costs. It is natural that after long periods of separation, parents want to reunite their family and have their children together. Testimonies provided to the IVM indicate that the cause of family reunification also responds to a rational calculation by families. In other words, if the parents are in the US and they continually send remittances to their children, there is an understanding that it is less expensive to reunite their family and pay a coyote for the passage of their children and no longer have to send remittances to Honduras. Furthermore, many children and adolescents travel alone on the migration route since their parents or families in the US pay a coyote to take them out of the country due to the prevailing violence. Some of them have already been deported more than once and have suffered human rights violations on the migration route, yet they feel obliged to make the three attempts covered by the payment to the coyote.

**Lack of study opportunities and labor exploitation.** This is also one of the motives that forces children and adolescents to leave the country. Related to this, some organizations emphasized that there are a million children in Honduras who are not in school.<sup>30</sup> Added to this number are the 1.5 million children, victims to labor exploitation, who are engaged in adult work. One in four adolescent girls is pregnant, which makes it difficult for them to continue their education or when seeking work, they experience discrimination.<sup>31</sup>

## 2. Socio-economic situation

### a. Development model

The prevailing economic model in the country has led to a scenario of underdevelopment, ranking Honduras at 120 out of 187 countries globally according to the Human Development Index and 30 out of the 33 countries in

27. This is according to data gathered by the Inter-American Commission on Human Rights in their Preliminary Considerations on the human rights situation in Honduras, December 5, 2014. Available at: <http://www.oas.org/es/cidh/prensa/comunicados/2014/146A.asp>

28. “Flags” are children or youth who are recruited by gangs to serve as lookouts on a block or corner and via a mobile phone inform the gangs about people are in the area or if the police arrive.

29. This is according to the UNHCR 2014 report *Children on the Run*, and conclusions of the study *Niñez y migración en Centro y Norte América: causas, políticas, prácticas y desafíos*, conducted by the University of California- Hastings (US) and the Universidad Nacional de Lanús (Argentina).

See: [http://cgrs.uchastings.edu/sites/default/files/Ninez-Migracion-DerechosHumanos\\_Espa%C3%B1ol\\_1.pdf](http://cgrs.uchastings.edu/sites/default/files/Ninez-Migracion-DerechosHumanos_Espa%C3%B1ol_1.pdf)

See: [http://observatoriocolef.org/admin/documentos/UAC\\_UNHCR\\_Children%20on%20the%20Run\\_Full%20Report.pdf](http://observatoriocolef.org/admin/documentos/UAC_UNHCR_Children%20on%20the%20Run_Full%20Report.pdf)

30. According to the study, *Niñez y migración en Centro y Norte América: causas, políticas, prácticas y desafíos*, in 2013 it was estimated that 1,680,006 children between 3 and 17 years of age attended school in Honduras, which is 55% of the population in this age group.

See: [http://cgrs.uchastings.edu/sites/default/files/Ninez-Migracion\\_DerechosHumanos\\_Espa%C3%B1ol\\_1.pdf](http://cgrs.uchastings.edu/sites/default/files/Ninez-Migracion_DerechosHumanos_Espa%C3%B1ol_1.pdf)

31. See: <https://honduprensa.wordpress.com/tag/embarazos-adolescentes/>



Latin America.<sup>32</sup> The most negative consequence of the economic model is the high level of inequity linked to the alarming level of poverty that unsettles the country. Around 66% of the population lives below the poverty line while 45% live in conditions of extreme poverty, as mentioned in several testimonies provided to the IVM.<sup>33</sup>

On the issue of economic inequality, for the IVM it is striking that this economic model is marked by a huge concentration of wealth. Honduras ranks third in terms of inequality of income among the countries in Latin America.<sup>34</sup> The wealthiest 30% possess 70% of the country's income. Consequently, the IVM believes that the cause of migration due to the lack of employment or poor labor conditions, such as low wages, is closely linked to these indicators. A total of 81.9% of household earnings in Honduras correspond to income received from employment. Households are extremely dependent on employment opportunities and wages and if these are exceedingly low or work is unavailable, people are forced to emigrate.

The concentration of land ownership is also closely linked to another type of inequality. Extreme inequality in the country has led to some 161,000 families not having any land and some 116,000 families possessing less than one hectare.<sup>35</sup> This reflects the historic tendency towards land concentration, which has increased in the past two decades. This situation has favored the implementation of agro-industrial megaprojects such as African palm plantations, which has unleashed conflicts and land grabbing in some regions such as Bajo Aguán.<sup>36</sup>

Furthermore, analysts have noted the impact of the Central American Free Trade Agreement (CAFTA) on Honduran agriculture. The import of agricultural products from the US into Honduras has doubled since the start of CAFTA.<sup>37</sup>

This economic model has been further consolidated through the Law on Employment and Economic Development Zones (ZEDE) or “model cities” that entail the creation of economic enclaves with special tax and finance regimes and associated with megaprojects for agro-industry, financial centers, logistics centers, energy districts, special tourist zones, or special mining areas.<sup>38</sup> This model has led to a higher concentration of resources in the hands of a few.

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32. According to UNDP data from 2012, the HDI of Honduras is 0.632, which is only higher than Nicaragua, Guatemala, and Haiti in Latin America and the Caribbean.  
See: <http://www.hn.undp.org/content/honduras/es/home/presscenter/articles/2013/03/14/informe-sobre-desarrollo-humano-2013.html>
33. Central American Bank for Economic Integration (CABEL).  
See: <http://www.bcie.org/uploaded/content/article/1944368211.pdf>
34. The inequality of income distribution is measured by the Gini coefficient, which is expressed as a number between 0 and 1, with 0 representing perfect equality (all a country's population has the same income) and 1 which represents complete inequality (one person has all the income and the rest do not have anything). According to the 2011 UNDP Human Development Report for Honduras, the Gini coefficient for Honduras in 2011 was 0.577, which was the third highest in Latin America only surpassed by Haiti and Colombia. The United Nations Development Programme, *Informe sobre Desarrollo Humano de Honduras, 2011*.  
See: [http://www.hn.undp.org/content/dam/honduras/docs/publicaciones/INDH\\_2011\\_completo.pdf](http://www.hn.undp.org/content/dam/honduras/docs/publicaciones/INDH_2011_completo.pdf)
35. According to the UNDP in its *Informe sobre Desarrollo Humano*, Honduras 2011.
36. The Inter-American Commission for Human Rights noted this problem in its *Observaciones Preliminares sobre la situación de los derechos humanos en Honduras*, December 5, 2014.  
See: <http://www.oas.org/es/cidh/prensa/comunicados/2014/146A.asp>
37. According to data from the U.S. Department of Agriculture, Foreign Agricultural Service.  
See: <http://apps.fas.usda.gov/GATS/>
38. The September 2013 Law on Employment and Economic Development Zones (ZEDE) creates employment and economic development zones with autonomous and independent courts that can adopt legal systems or traditions from other countries and have a special fiscal regime, tax autonomy, permission to publish their own internal framework, and allows foreigners to land use and ownership without discrimination due to nationality. ZEDE aims to facilitate conditions that allow the country's insertion into global markets with highly competitive and stable rules.  
See: <https://cambiogeneracional.files.wordpress.com/2012/08/ley-orgc3a1nica-de-las-zonas-de-empleo-y-desarrollo-econoc3b3mico-zede-decreto-no-120-312.pdf>

On this issue, the IVM heard declarations from Afro-Honduran organizations who denounced the forced displacement of their communities due to the advance of tourism and hotel projects, land sales under pressure, and forced eviction from lands due to drug trafficking or land-grabbing in collusion with political authorities through re-titling of communal lands and illegal acquisitions. Organizations mentioned the emblematic case of Barra Vieja in the Tela municipality, in which an entire Garifuna community was expelled from their territory by a public-private consortium that took their lands in a peculiar way and built a hotel complex. This consortium even lodged a formal complaint against the inhabitants of Barra Vieja for the usurpation of state land and criminalized their protests.<sup>39</sup> Tourism mega-projects have been expanding and have been leading to the eviction of more people from their homes, demonstrating a clear violation of ILO Convention 169, ratified by Honduras.<sup>40</sup>

## b. Lack of employment and work opportunities

The lack of employment opportunities is the main factor that causes Hondurans to emigrate. The IVM ascertained that this was the main motive for adults, as well as for those from Afro-Honduran communities. According to data gathered by the IVM, the economically active population represents 42.1% of the national total, with more men active (71.0%) than women (37.4%). The unemployment rate, estimated at 6.4%, is relatively low, but under-employment reaches extremely high levels. In this sense, estimates indicate that under-employment in the informal sector is around 60%.<sup>41</sup>

Added to the lack of employment, the IVM noted the absence of the right to dignified working conditions since many of the testimonies emphasized the generalized instability of working conditions for a large part of the Honduran population. Linked to this are the low levels of security and social provisions, the high rate of under-employment even in formal businesses, piecework, or disguised employment.<sup>42</sup> All of this prevents families and individuals from being able to purchase monthly staple food products, the price of which has increased.<sup>43</sup> The minimum wage of 7,292.63 Honduran Lempiras only covers 94% of the cost.<sup>44,45</sup>

The lack of employment opportunities and precarious working conditions are directly related to poverty and even famine, which some of the people and organizations with whom the IVM met posited were additional causes of migration and linked to the dominant neoliberal economic model in the country. In any case, these factors that forcibly lead to displacement and migration are critical since the lack of decent employment, hunger, or living in poverty are fundamental barriers to the fulfillment of other rights. As one of the people who met with the IVM rightfully expressed, *“Honduras is a factory that exports manual labor.”*

39. See: <https://proah.wordpress.com/2015/06/02/la-comunidad-garifuna-de-barra-vieja-a-juicio-por-defender-su-territorio-ancestral/>

40. See: <http://www.ilo.org/indigenous/Conventions/no169/lang-es/index.htm>

41. According to data from the Central American Bank for Economic Integration statistics on Honduras. At the same time, the primary sector of the economy concentrates close to 37.8% of the total of the active population. The secondary sector covers 18.2% while the tertiary sector covers the remaining 44.0%. Available at: <http://www.bcie.org/uploaded/content/article/1944368211.pdf>

42. According to the UNDP 2011 Human Development Report for Honduras, the visible sub-employment level is 69.10% for small-sized enterprise and 9.10% in medium-sized enterprise and 21.80% in large-sized enterprise. The invisible sub-employment levels are larger in small-sized enterprise reaching 75.3%, in medium-sized enterprise this rate is 9.70% and in large-sized enterprise it is 15%. Available at: [http://www.hn.undp.org/content/dam/honduras/docs/publicaciones/INDH\\_2011\\_completo.pdf](http://www.hn.undp.org/content/dam/honduras/docs/publicaciones/INDH_2011_completo.pdf)

43. Ver: <http://www.latribuna.hn/2015/04/23/42-productos-de-canasta-basica-registran-alzas/>

44. About 335 dollars.

45. See: <http://www.elheraldo.hn/economia/837145-213/honduras-canasta-b%C3%A1sica-sube-a-775529-lempiras>

### 3. The Honduran State's Legal and Institutional Measures to address the Situation

The first finding by the IVM is that the Honduran state lacks an appropriate migration policy, which one of the most important government challenges. The Honduran state has recognized the serious situation of migration and forced displacement, which is important. However, a sufficiently broad legal framework does not exist. Furthermore, programs for the reception of deported and repatriated migrants are insufficient. There are programs for the reception of migrants deported from the United States but these are minimal and their resources mainly derive from civil society. The programs for the reception of adult migrants deported from Mexico are simply nonexistent. Even though there is an attention center for repatriated children and adolescents, its services are minimal and there are almost no resources or programs for children and adolescents who cannot return to their homes and communities due to violence. If the reception services for migrants are minimal, the services for their reintegration and employment are even more conspicuous by their absence.

Lastly, development and security models are not focused on reducing the main causes of migration: poverty and violence. Instead, to some extent they contribute to forced displacement and migration. Although the focus of this section is Honduran migration policy, it should be noted that the international community needs to bear its share of the responsibility. The international community, including the countries that are deporting to Honduras, mainly the United States and Mexico, until now have not sufficiently contributed by providing asylum to Hondurans requiring this status, nor contributing to improve or assist in building reception and reintegration programs, or programs aimed at reducing the structural causes of mass migration from the Northern Triangle.

#### a. Institutional and legal measures

To date, the law for the protection of Honduran migrants and their families is the only legal framework that governs the issues in the country, although by itself it is not a public policy.<sup>46</sup> According to the Deputy Minister for Foreign Affairs, “*the law is one of the main strides taken by the government*”. Nevertheless, the IVM identified shortcomings and challenges in the law that need to be addressed.

The July 2014 Executive Decree 33-2014 declaring a state of emergency was the Honduran government's legal reaction the so-called “child migrant crisis”. By this means the government declared a humanitarian emergency in anticipation of the supposedly large number of deportations that were to occur and the scale of humanitarian care and assistance measures that this would imply for the state of Honduras. Prior to this, it had created the Joint Task Force on Child Migrants, led by the First Lady of Honduras, which replaced the Institutional and Inter-sectorial Coordinating body on Child Migrants. The Joint Task Force is composed of the Ministry of Foreign Affairs, the Ministry of Health and the Ministry of Human Rights, and by the Permanent Contingency Commission, the Directorate on Children, Adolescents and the Family (DINAF), the Public Prosecutor's Office for Children and the civil society organization in charge of the Attention Center for the Returned Migrant.

In its dialogue with the Joint Task Force, the IVM learned that while the work undertaken is necessary, the decree that created this task force did not allocate more human and financial resources to the member institutions. Thus, the work undertaken is an extra burden on the staff of the Task Force member institutions.

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46. The law for the protection of Honduran migrants and their family members created the Honduran Migrant Solidarity Fund (FOSMIH). See: <http://www.sre.gob.hn/inicio/2014/marzo/leyes/LEY%20DEL%20MIGRANTE%2020140001.pdf>

Furthermore, not even a draft has been drawn up for the legal regulations to implement the Honduran Migrant Solidarity Fund (FOSMIH), which has been allocated USD 5 million to address this issue.<sup>47</sup> The fund's budget is currently being disbursed using the regulations for the previous fund that did not cover all of the needs of migrants and their family members. The government only uses the FOSMIH for migrants deported from the United States, uses it insufficiently for migrant children, and it is still not used for migrants deported by land.

The Executive Decree for the creation of the Inter-institutional Commission for the Protection of People Displaced by the Violence is another legal instrument that governs the issue, in this case for forced internal displacement.<sup>48</sup> The IVM considers that the Honduras government has made positive progress in acknowledging the existence of the problem of displacement, which differs from other States in the region who have not done so.

CONADEH reported that the Inter-institutional Commission is not implementing actions, but only focuses on the design of public policies. The IVM also detected that there are currently no legal regulations to govern the Inter-institutional Commission so there it is still necessary to make progress on the legal level. At the same time, it is indispensable to implement a policy of public protection that develops and implements internal protection mechanisms for displaced people. To this end it is necessary to build institutional capacity to provide services and create public policy with well-defined responsibilities for each of the institutional bodies that are involved and are responsible for addressing the problem. Furthermore, there is a need to improve identification, registry, and reference mechanisms, as well as provide training to public servants who work on the issues of displacement and people displaced due to violence.

The IVM considers that the Law against Human Trafficking in Honduras, passed in 2012, constitutes important progress since it criminalizes the forced recruitment of children and adolescents under the age of 18 for organized crime.<sup>49</sup> The flaw is that the law has not been implemented in its totality because it still lacks legal regulations. There are currently three proposals under discussion for the legal regulations, but none has yet been adopted. There are also budget problems related to the provision of resources for the implementation and enforcement of the law.

## **b. Plan of the Alliance for Prosperity in the Northern Triangle**

The Plan of the Alliance for Prosperity represents the main economic measure that the government of Honduras would like to implement to generate development and employment opportunities. Due to its importance, it was a recurring topic in the different IVM meetings. This was demonstrated in the manner in which the government defended the plan, indicating that it would be the solution to the serious economic problems that afflict the country, while civil society organizations brandished a critical stance. Officially, the Plan of the Alliance for Prosperity aims to address the structural causes that force tens of thousands of people in the Northern Triangle to search for opportunities and protection in other countries. The problem is that, as currently framed, it aims

47. Created by the law to partially or completely cover aid to Hondurans in situation of need, so they can repatriate voluntarily to Honduras, and to cover the needs of minors, disabled people, elderly, or people with limited capacities, whose repatriation is requested by Honduran consulates.

48. Executive Decree Number PCM-053-2013 (November 5, 2013) that created the Inter-institutional Commission for the Protection of People Displaced by the Violence. The commission has the duty to undertake research, studies, and assessments on displacement trends; create proposals for domestic legislation; promote measures to prevent forced displacement, as well as programs to raise awareness of the issue; provide training to public servants; and manage resources to provide services to people displaced by violence. See: <http://faolex.fao.org/docs/pdf/hon132079.pdf>

49. Decree 59-2012, Ley Against Human Trafficking. See: <http://chfhonduras.org/wp-content/uploads/downloads/2013/08/Ley%20Trata%20de%20Personas%20Honduras%202013.pdf>

to boost the productive sector through foreign investment and concentrate on activities in strategic geographic areas. In other words, it aims to reinforce or consolidate the current economic model.<sup>50</sup>

The IVM listened to the Deputy Foreign Minister who emphasized that the Government of Honduras has the will and intends to implement the Plan of the Alliance for Prosperity despite lacking the funds to do so. The funding issue is a weak point in the implementation of the plan since the States of the Northern Triangle, of which Honduras is one, do not have the necessary resources and await initial financial support for the plan from the United States, which is currently debating if it will provide resources and in what manner.<sup>51</sup>

Although the Honduran government maintains that the plan aims to mitigate the causes of emigration, the IVM believes that the plan does not have this as its main focus. The main focus of the Plan of the Alliance for Prosperity is to boost the productive sector with active policies to attract private investment and to benefit particular economic sectors such as textiles, agro-industry, light industry, and tourism.<sup>52</sup> The implementation of policies to obtain funding and the promotion of technological improvements are the chosen strategies to boost these sectors.

In this regard, the IVM learned about organizations' concerns that the plan is going to intensify the economic model that is forcing people to emigrate, thus creating a risk of increased displacement if the aspiration is to implement megaprojects, for example in tourism or agro-industry. The willingness to create special economic zones in depressed geographic areas— zones that will offer differential treatment for new investments and be supported by state-provided infrastructure and public services – is another relevant issue. In the view of the IVM, this plan is consistent with the Zone for Employment and Economic Development (ZEDE) or “model cities”. Regarding this, some of the people interviewed stated that the Plan of the Alliance for Prosperity would have the consequences of an increased concentration of resources in few hands and an absence of labor or environmental protection, and would also be linked to the security component—established in the third strategic pillar – promoting increased control over borders and implementing a security model aimed at protecting foreign investments and megaprojects.

In an extremely relevant manner, the Afro-Honduran organizations repeated the words of a representative of the Inter-American Development Bank, who upon considering one of the hotel complexes in an area of Garifuna communities on the Honduran Atlantic coast, strongly affirmed that it was “development”.<sup>53</sup> Meanwhile these organizations stressed the need for more inclusive economic projects. In any case, in the view of the IVM, the Plan of the Alliance for Prosperity lacks a human rights focus and does not pay sufficient heed to the serious infringements of migrants' human rights, and in the same manner it does not offer solutions to the violence that migrants endure on the migration route or in the forced return to their countries of origin. In this sense, the Plan of the Alliance for Prosperity has the perspective of human mobility and migration as being instrumental, as demonstrated by the exclusion of civil society organizations, academia, churches, and migrants' organizations in the creation of the plan itself, making it a corporative and business matter with the end goal of boosting and consolidating large-scale private investment with state participation.

50. The strategic pillars of the Plan of the Alliance for Prosperity are established in the document, *Lineamientos del Plan de la Alianza para la Prosperidad del Triángulo Norte*. See: <http://www.presidencia.gob.hn/crisismigrante/wp-content/uploads/2014/09/Plan-Triangulo-Norte-210914-Version-Final-Imprinta-PDF-2.pdf>

51. Initial US funding to the Plan of the Alliance for Prosperity is USD 1,000 million dollars. In February 2015 President Obama asked Congress to include the amount in the budget but the matter is still under discussion.

52. According to *Lineamientos del Plan de la Alianza para la Prosperidad del Triángulo Norte*. See: <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=39224313>

53. It is necessary to mention that the Inter-American Development Bank (IDB) serves as the technical secretary for the Plan of the Alliance for Prosperity and alongside the United States has been one of its promoters.

### c. Mandatory Application of International Law

There are a series of international instruments that belong to the universal and regional systems making up the international legal framework on migrants' rights, the right to international protection, and the rights of children and women. As the state of Honduras has ratified these instruments, they are part of its legal system and are legally binding:<sup>54</sup>

- 1951 Convention relating to the Status of Refugees and its 1967 Protocol
- Vienna Convention on Consular Relations (1963)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- Convention on the Rights of the Child (1989)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- International Convention on the Elimination of All Forms of Racial Discrimination (1966)
- United Nations Convention against Transnational Organized Crime (2000) and the Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and against the Smuggling of Migrants by Land, Sea and Air

The following are the related regional instruments:<sup>55</sup>

- American Convention on Human Rights (1969) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994)
- Inter-American Convention to Prevent and Punish Torture (1985), which has been signed by Honduras with ratification pending
- Inter-American Convention on Traffic in Minors (1994)

In order for these international instruments, incorporated into the Honduran legal system by ratification, to be effective, institutions must have resources, trained personnel, and oversight mechanisms to implement them, and civil society must actively participate, acting as a social watchdog and following up on the actual implementation of these instruments. The IVM found that there is still much to be done in order to make the different government institutions aware of these international instruments and have them acknowledged and applied in a policy of care and protection of human rights.

54. Centro Internacional para los Derechos Humanos de los Migrantes-CIDEHUM and the United Nations High Commissioner for Refugees (UNHCR): <http://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>

55. Centro Internacional para los Derechos Humanos de los Migrantes-CIDEHUM.

Deprivation of liberty, kidnapping and disappearances as control mechanisms.

Abuse and human rights violations criminalization to the migrant population



Migrant resting in shelter in Guatemala City.

## CHAPTER II

### The Need for International Protection on the Migration Route

#### 1. Passage

##### a. Human Rights Violations and Crimes against Migrants

Through the testimonies of deported migrants, the families of migrants, and organizations working with migrants, the International Verification Mission (IVM) was able to confirm the existence of diverse violations of human rights on the migration route, principally the route through Mexico. This was emphasized by a UN expert in human rights who pointed out that “this work has detected violations throughout the migratory process, from the departure from the country of origin to the return”. The IVM is most concerned because the situation of violence and discrimination faced by migrants during the journey is not new, and there has been an upsurge of some violations, principally in Mexico, where migrants have become ever more vulnerable to diverse violations of their rights.<sup>56</sup> In this regard, some of the cases heard by the IVM were truly alarming.

The IVM demonstrated that irregular migration is not only dangerous, but also big business, and a great deal of money travels throughout the migration route due to the trafficking of arms, drugs or people; but migrants are vulnerable to other forms of business. Migrants are constantly forced to pay quotas to travel on the train known as “La Bestia” while organized crime also charges them for “user’s rights” when they pass through areas under their control.<sup>57</sup> Theft is also very common: migrants are often assaulted when they travel on the train or walk along the migration routes. All of this demonstrates the lack of effective protection for the property rights of migrants during passage.

Another very common means to obtain money from migrants is through kidnapping for ransom, in which families in the United States or in Honduras are demanded ransom under threat of death to the migrants. The IVM is very concerned about this issue due to the evidence of massive and systematic kidnapping of migrants during passage, principally in Mexico, entailing acts of physical, psychological and sexual violence, human trafficking, assassinations, torture, and even disappearance.<sup>58</sup>

The most serious incidents told to and identified by the IVM were the cases of assassination and massacres. One Afro-Honduran man explained that during his stay in Mexico he witnessed the assassination and decapitation of a fellow migrant who did not have the code required by some organized crimes groups that allowed migrants

56. Inter-American Commission on Human Rights, *Derechos Humanos de los migrantes y otras personas en el contexto de la movilidad humana en México*, December 2013.

See: <http://www.oas.org/es/cidh/migrantes/docs/pdf/informe-Migrantes-Mexico-2013.pdf>

57. The train popularly called *la bestia* is one of the principal means of transport for migrants crossing Mexico in their attempt to reach the United States.

58. According to information gathered by the Inter-American Commission on Human Rights in the report *Derechos Humanos de los migrantes y otras personas en el contexto de la movilidad humana en México*.



to pass through some areas.<sup>59</sup> The extreme violence suffered by migrants and the complete violation of their right to life and physical integrity is alarming. The IVM heard the testimony of a family member of one of the people assassinated in the Cadereyta massacre in Mexico, where in May, 2012, forty-nine torsos were found, all belonging to migrants. This was the third large-scale massacre of migrants since the kidnapping, torture and assassination of 72 migrants in 2010, and the uncovering of clandestine graves with the bodies of 193 people in 2011. The IVM also heard testimony of the violation of the right to life, in the case of migrants who died in their attempts to cross the river and whose bodies were abandoned. On this issue, the Committees of Family Members of Migrants told the IVM that they have documented more than 400 cases of migrants who have disappeared along the migration route.

Simply because they are women, female Honduran migrants face greater risk than their male counterparts do during the migratory passage. IVM was told about a female adolescent who was sexually abused in the Siglo XXI migratory station in Tapachula. Commonly, women do not denounce the abuses suffered because they are unaware of their rights or because they fear detention. The irregular migration status of these women condemns them to staying invisible to authorities due to their constant fear of detention and deportation. For those reasons, they have very limited access, if any, to justice in the countries of passage. Migration authorities and the police abuse this vulnerability, and organized crime involved in human trafficking uses the opportunity to recruit and traffic women.<sup>60</sup> At the same time, girls and female adolescents are most vulnerable to becoming victims of human trafficking for the purpose of sexual exploitation or prostitution or to work as servants.

The IVM confirmed the violation of the right to physical integrity and health that Honduran migrants suffer during passage. The IVM particularly stresses the testimony of a woman who was mutilated by the train, who explained that after accidents, these people face other difficulties, such as poor access to health, deficient medical practices, and medical negligence that creates difficulties for future use of prostheses.<sup>61</sup> The IVM verified that the accidents suffered by migrants traveling on the train, cause irreversible injuries such as mutilation, spinal injury and psychological damage. Through a partner organization working on migrant health issues, the IVM verified the lack of access to medicine and medical and psychological assistance for the migrants who have sexually transmitted diseases and HIV.

Lastly, IVM identified higher levels of vulnerability for the Afro-Honduran population during passage, since the color of their skin facilitates their identification as migrants, putting them at greater risk of robbery and extortion. The IVM was told about some Afro-Honduran youths who stayed on the route as coyotes to mobilize

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59. While crossing through certain areas, organized crime groups require migrants to provide a password that they obtained from their coyote following the payment of a fee. This password means that the coyote has also paid the organized crime group and is authorized to bring people through the areas controlled by these groups. If migrants travel without the password, these organized crime groups can kill them.

60. Regarding this issue, a study by the ECLAC project, International Migration in Latin America, warns that approximately 60% of female migrants passing through Central America and Mexico report that they had been victims of sexual crimes.  
See: <http://www.avina.net/esp/13218/incontext-63/>

61. In recent years and principally after implementing the Southern Border program, Mexican authorities placed vertical concrete sleepers alongside the tracks, leaving two to three meters between them, to block access to the train. Thus in addition to supporting the rails, these sleepers form a type of fence many kilometers long that impedes people from getting on and off the train's wagons. Similarly, concrete coverings with barbed wire were installed to close off the train entirely along some sections of the railway. All of these actions have increased the risks and the accidents suffered by migrants.  
See: <http://www.simmexico.org.mx/wp-content/uploads/2015/07/informe-migrantes-2014.pdf>

those who were not yet aware of how to travel, thereby endangering their lives by competing with the other existing coyotes.

In this manner, IVM confirmed the existence of a rising trend of abuse and violence against the migrant population throughout the migratory passage, particularly in Mexico, although violations and abuses of human rights against Honduran migrants also occur during passage through Guatemala.<sup>62</sup> Data from one of the main shelters for migrants in Mexico shows that human rights abuses against migrants are constant, and that Honduran migrants suffer the worst of these violations.<sup>63</sup> The areas of greater risk for migrants in Mexico are the states of Tamaulipas, Nuevo León, Veracruz and the southern Border States such as Chiapas, Tabasco and Oaxaca. Although recent legislation, such as the 2011 Migration Law and its 2012<sup>64</sup> legal regulations, introduces some beneficial norms such as the de-criminalization of irregular migratory status, considering it an administrative misdemeanor, these measures have not protected migrants. To the contrary, these norms are instruments of a security-centered, restrictive migratory policy that consolidates a model of persecution and detention of transit-migrants, without persecuting those responsible for these migratory actions, all of which leads to high levels of impunity throughout the migration route.

### b. The Southern Border Program

The IVM showed that the Mexican government has currently reduced its migratory policy to enforcement of the Southern Border Program, affecting Central America as well.<sup>65</sup> Clear evidence of this is seen with the Mexican National Institute of Migration's lists, shown by a Honduran Migratory official in Corinto, which reported the people deported to Honduras, naming the places where people were detained in Mexico. Most of these detentions had taken place in the municipalities along Mexico's southern border. This reality should be contrasted with the number of Honduran migrants who were deported from Mexico in just the first semester of 2015, which reached 24,030, while only 7,740 people were deported by air from the United States.<sup>66</sup> This demonstrates the magnitude of the impact the Southern Border Program is having on the detention and deportation of migrants, which is causing Mexico to increase the rate of detention and deportation to three times the rate in the United States.

This same trend was detected months earlier, when Mexican authorities detained 92,889 Central American migrants, in contrast to the 70,448 Central American migrants detained by the United States.<sup>67</sup> The trend, then, has reversed: between October 2013 and April 2014, the United States detained 162,751 migrants while Mexico

62. This trend was also proven and demonstrated in the report *Migrantes invisibles, violencia tangible*, by the Documentation Network of Migrant Defense Organizations-REDODEM.

See: <http://www.sjmmexico.org.mx/wp-content/uploads/2015/07/informe-migrantes-2014.pdf>

63. According to 2013 and 2014 data from the home/shelter for migrant persons, *La 72*, in Tenosique, Tabasco.

64. Mexico Migration Law May 25, 2011, reformed text October 2014.

See: [http://www.diputados.gob.mx/LeyesBiblio/pdf/LMigra\\_301014.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/LMigra_301014.pdf)

65. The Southern Border Program, announced publicly by President Peña Nieto on July 7, 2014, officially seeks to ensure protection and security for migrants and control the migratory flow. The program ties into the issue of migrations through a legal mechanism established in a July 8, 2014 legal decree establishing the Coordination Office for Comprehensive Attention to Migration across the Southern Border and the Comprehensive Border Crossing Attention Centers. This decree dictates the need for institutional coordination between public servants at the three levels of government, as well as in the state entities that comprise the Southern Border of Mexico, which comes under the Minister of the Interior, who appoints the Coordinator for Comprehensive Attention to Migration across the Southern Border. Interior Minister Miguel Ángel Osorio Chong designated Senator Humberto Mayans Canabal as the head of the Coordination Office for the Comprehensive Attention to Migrants across the Southern Border, who until that time had served as President of the Senate's Commission on Border Affairs.

66. According to data from the Center of Attention to Returned Migrants (CAMR) in Honduras.

67. According to data collected by the Washington Office on Latin America-WOLA.

See: [http://www.wola.org/es/noticias/mexico\\_ahora\\_detiene\\_mas\\_migrantes\\_centroamericanos\\_que\\_los\\_estado\\_unidos](http://www.wola.org/es/noticias/mexico_ahora_detiene_mas_migrantes_centroamericanos_que_los_estado_unidos)

detained 49,893.<sup>68</sup> For that reason, the IVM understands this to be evidence of a positive correlation between the implementation of the Southern Border Program and the increased number of migrants detained in Mexico, which constitutes one of its clear expressions.

The IVM believes that a key aspect of the Southern Border Program is the policy of migratory control it entails and which directly impacts the migratory flow through Mexico. One of its most important manifestations is the establishment of increased Mexican control by the army and the different security forces over the national territory and roads leading from the border region. This is clear through the “control belts” strategy implemented by means of permanent or mobile checkpoints, patrols, and frontier posts.<sup>69</sup> Another key aspect is the participation of the Mexican Armed Forces, particularly the Marines, in public security tasks on the southern border. Although the Mexican Army is not responsible for enforcing migration laws, troops question and interrogate people about their migratory status, as do the different police forces, even though they are not authorized to do so, thus violating Mexico’s migration law.

Another relevant issue for the IVM is that the Southern Border Program has received direct assistance from the United States in accordance with the third pillar of the Mérida Initiative. Through this mechanism, between 2008 and 2015 the U.S. State Department provided equipment for inspections, as well as equipment and training for border security as part of the assistance packet of approximately 2.5 billion dollars. The U.S. Department of Defense provided training for troops patrolling the Mexican border and communications equipment and aid to develop Mexico’s aerial mobilization and patrolling systems.<sup>70</sup> The Assistant Secretary of International Affairs of the U.S. Department of Homeland Security, Alan Bersin, confirmed this when stating, “now our southern border is with Guatemala.”<sup>71</sup> These words reflect a reality: during 2014, the U.S. and Mexico deported 80,996 Hondurans, which constitutes a 10.3% increase over the 2013 deportation rate.

The IVM is concerned that the Southern Border Program introduces an externalization of Mexican’s southern border by providing financial assistance and political support, improving the border forces’ capacities to control, building migratory control infrastructure, and reaching multilateral agreements that promote policies of interception, but without ensuring that detained migrants are examined to ensure they have the international protection they require.

The IVM understands that the Southern Border Program is generating negative effects because it creates a series of conditions and circumstances that intensify the violation of human rights. The main characteristic of this new context is that the increased presence and proliferation of security forces and soldiers is not accompanied by a corresponding increase in mechanisms of control—which continue to be scarce and ineffective—to ensure the safeguarding of human rights. When the army carries out civilian tasks of public security it can lead to serious

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68. Ibid.

69. See: <http://www.wola.org/sites/default/files/La%20otra%20frontera.pdf>

70. According to the data collected by the Latin American Working Group in the document *Una Coyuntura Desafiante para la Protección de los Derechos de los Migrantes y los Derechos Humanos en el Triángulo Norte de América Central y a lo largo de la ruta de los migrantes*, July 2015. See: [http://lawg.org/storage/documents/LAWG\\_Guia\\_de\\_IncidenciaProteccion\\_de\\_Derechos\\_de\\_Migrantes\\_y\\_Derechos\\_Humanos\\_FINAL.pdf](http://lawg.org/storage/documents/LAWG_Guia_de_IncidenciaProteccion_de_Derechos_de_Migrantes_y_Derechos_Humanos_FINAL.pdf)

71. See: <http://latinalista.com/2012/09/historic-partnership-agreements-signed>

risks, increasing the possibility of abuses and human rights violations.<sup>72</sup> Tied to this is another negative impact reported to the IVM: the militarized border and the strong military controls are forcing migrants to opt for less known routes, thereby increasing their risks and vulnerability, taking them further away from the migrant shelters and houses that are spaces of refuge and protection during passage.

### c. Responsibilities for the Perpetration of Violations, Abuses of Authority, and Crimes

The IVM verified the existence of distinct actors who are responsible for the violation of the rights of migrants, and who can be classified in two main groups: state actors and non-state actors.

#### State Actors

**Politicians and Authorities.** The IVM found cases in which these actors re-victimize victims, for example after the assassinations and massacres of migrants, which occurred in Cadereyta in Mexico. In this case, authorities linked the victims to organized crime, accusing them of being involved in illicit activities. The IVM believes that this act was extremely dangerous, because political authorities are the ones responsible for ensuring a person's safety and for promoting the investigation of murders and crimes, and they have the obligation to safeguard effective compliance with the law. They also have the responsibility and obligation to emit legislation that complies with the international human rights and international protection standards ratified by their states.

**Migration Officers.** The IVM learned of cases in which Mexican migration agents were responsible for committing acts of mistreatment and abuse, as well as asking for bribes from migrants in order to let them continue on their journey. Additionally, migration agents decide to deport migrants who have witnessed crimes and violations of the human rights of other migrants and denounced them, but not even those attenuating circumstances lead agents to decide to stop the expulsion process.

**Migration Authorities in Migrant Detention Centers.** Authorities from the migration stations in Mexico are responsible for keeping migrants with open amputations in detention and without access to adequate medical attention, which can lead to infections.<sup>73</sup> Similarly, organizations stated the authorities from the migration station *Siglo XXI* in Tapachula were responsible for sexually abusing a female adolescent. Recently a Honduran migrant died in the Tenosique migration station after a violent operative against migrants.<sup>74</sup> These centers have also been denounced for mistreatment and unsanitary and unhealthy conditions.<sup>75</sup>

**Migrant Detention Centers in the United States.** Organizations denounced the constant mistreatment of migrants in the United States, who are subjected to extreme cold (including boys, girls, women and pregnant

72. The UN Special Rapporteur on Torture also emphasized this problem, and solicited the permanent separation of military forces from public security activities. This problem was also highlighted by the UN Special Rapporteur on Torture, who requested the definitive removal of military forces from labors related to public security. See: [http://www.hchr.org.mx/images/doc\\_pub/G1425291.pdf](http://www.hchr.org.mx/images/doc_pub/G1425291.pdf)

73. Migration stations are detention centers for foreigners or migrants without a registered migratory status in Mexico. These stations are dependencies of the National Institute of Migration, which is an administrative authority that cannot detain a person for more than 36 hours. However, in practical terms, migration stations function in a discretionary manner and can detain migrants for months at a time.

74. Information gathered by the shelter for migrants, *La 72*. See: <http://www.la72.org/?p=585>

75. This was confirmed by the *Informe del Relator Especial sobre la tortura y otros tratos o penas crueles, inhumanos o degradantes, sobre su Misión a México (21 de abril a 2 de mayo de 2014)*. December 2014. See: [http://www.hchr.org.mx/images/doc\\_pub/G1425291.pdf](http://www.hchr.org.mx/images/doc_pub/G1425291.pdf)

women) and given aluminum foil to cover themselves as blankets when they sleep on the floor. These detention conditions are used with families, including children, and can last for several weeks, which is an important cause of concern.

**The Police.** The IVM received information about cases in which the Mexican Federal Police assaulted adolescent migrants, stealing their money and mistreating them. Similarly, an organization of migrants with disabilities denounced that they had received a person in Honduras with bullet wounds, having been shot by the Mexican Federal Police. Another recent case is that of a Honduran migrant who drowned after being chased by migration agents and the Federal Police did not save him, nor did they allow others to save him.<sup>76</sup> There are cases of the kidnapping of migrants in which the police force is considered to be responsible by omission or be in collusion with organized crime groups. The IVM also received information about an Afro-Honduran fisherman who emigrated to the United States and was assassinated by the police.

**The Judiciary.** The IVM heard cases in which judicial authorities and members of the judiciary are responsible for violating the migrants' right to due process. One testimony reported the case of a Honduran migrant woman, travelling with her two-year-old son, who was detained in Comalapa, Chiapas, accused of attempted homicide without any evidence. The woman is in prison, awaiting trial, and was separated from her child, demonstrating the levels of discrimination that exist and the lack of access to justice. The most paradigmatic case is that of Ángel Amílcar Colón, a Honduran migrant detained in Mexico, tortured, accused of membership in an organized crime group, denied consular protection by Mexico, and, after almost six years in prison for a crime he never committed, released in December 2014.<sup>77</sup>

**Doctors and Health Personnel.** The IVM received information about cases of doctors and health personnel responsible for malpractice in surgery due to omission of the obligation to provide adequate medical attention in Mexico, as well as upon return in Honduras. This has occurred when they have to treat people who have sustained severe injuries from train accidents and they do operate properly so that later a prosthesis cannot be used.

**Consular Officers.** Several testimonies to the IVM indicated that the Honduran consulates do not provide adequate protection to migrants in passage, relinquishing their obligations and responsibilities. For example, they do not visit Hondurans who are incarcerated or detained in the migration stations, and they do not have the mechanisms or protocols to identify the cases of Hondurans who might be eligible to apply for refugee status.

### Non-state Actors

**Organized Crime Groups.** According to the information given to the IVM, these groups are mostly responsible for the violence and criminality that affects migrants with assassinations, massacres, extortion, kidnappings, human trafficking, and smuggling of migrants. At the same time, they also force migrants to carry drugs to the United States or forcibly recruit them to work with them. Moreover, these groups act with the most violence against migrants, and at times, in collusion with local authorities. Migrants are under the greatest pressure from these groups in the Mexican states of Veracruz, Tamaulipas, Nuevo León and Coahuila, that is, throughout the shortest route to get to the United States. The IVM noted with concern that according to other corroborations<sup>78</sup>,

76. See: <http://www.la72.org/?p=566>

77. See: <https://honduprensa.wordpress.com/tag/angel-amilcar-colon-quevedo/>

78. According to Inter-American Commission on Human Rights, *Derechos Humanos de los migrantes y otras personas en el contexto de la movilidad humana en México*, December 2013.

in recent years these groups, particularly the drug-trafficking cartels, have been increasingly involved in activities such as kidnapping migrants, human trafficking, smuggling of migrants, as well as other crimes and human rights violations.<sup>79</sup> Moreover, the migration route is the route of illicit activities; therefore, organized crime maintains control over and/or disputes the territories through which migrants travel.

**Maras and Other Gangs.** According to information received by the IVM, these groups have progressively increased their capacity to act in recent years and are responsible for criminal acts and violence against migrants. Their main area of action is in the countries of the Northern Triangle of Central America, where the violence they exert is one of the causes of migration. However, their activities have extended throughout the migration route, where they are also responsible for robberies, extortion, human trafficking, and smuggling of migrants.

**Coyotes.** The IVM received several testimonies about the role of coyotes throughout the migration route. There were testimonies that signaled their responsibility for abandoning migrants in route, or for subjecting them to robbery, abuses, or scams in order to get more money out of them. Along this line, other testimonies also viewed coyotes as dealers and human traffickers or as responsible for the trafficking of women to force them to become prostitutes, acting in collusion with other organized crime groups. On the other hand, the IVM also heard a version in which coyotes were regarded as members of the community who knew the roads, and acted as guides for people who wanted to immigrate to the United States. In any event, governments need to make greater efforts to investigate the serious human rights violations attributed to coyotes.

**Common Crime.** There are people who, on their own accord assault and rob migrants, threatening them with violence, and occasionally killing or wounding them when they resist. Some operate on the train, the highways, or the major roadways along the migration route. In recent years, the impact of so-called common crime on migrants has decreased due to the growing capacity of organized crime.

**Train Companies.** These private companies that are granted the right to operate the trains do not take responsibility for accidents that take place on their trains or for crimes committed against migrants on top of the wagons. The IVM believes that the companies operating the train system should also safeguard the security of migrants.

#### d. Access to International Protection during Passage

The IVM understands the right to international protection to mean more than just seeking asylum or refuge; it entails consequences, such as the fact that migrants should be seen as subjects of rights and as human beings. As such, all people who are in a situation of forced displacement and are in movement are subjects of international protection, and not just those who are formally granted refugee status. International protection is also effective even when migrants die, by providing, for example, assistance to the families, repatriation of the bodies, or legal assistance to the families in the subsequent judicial procedures.

The IVM believes that the right to international protection is the principal mechanism for providing refuge to people who are forced to leave Honduras due to violence. For that reason, the human rights crisis in the country and the context of generalized violence affecting society must unavoidably be considered. The IVM sees

79. According to the information gathered by the Inter American Commission on Human Rights in their December 2013 report, *Derechos Humanos de los migrantes y otras personas en el contexto de la movilidad humana en México*. The main groups that commit crimes, kidnappings, and acts of extortion against migrants are the Zetas cartel and the El Golfo cartel, which operate in the eastern and south-eastern parts of Mexico, precisely on the shortest route to reach the United States. See: <http://www.mientrastantoenmexico.mx/11528/2015/02/12/el-mapa-de-los-carteles-de-la-droga-en-2015/>

a positive correlation between this context of violence and the important increase in requests for refugee status observed between 2013 and 2014, when the number increased from 3,375 to 10,461.<sup>80</sup> By the end of 2013, there were 3,289 refugees from Honduras. This statistic demonstrates the humanitarian crisis in Honduras and the need for protection of its citizens. This fact is reflected in the Honduran state's acknowledgement of the existence of forced internal displacement and its decision in 2013 to create an Inter-institutional Commission for the Protection of Persons Displaced by Violence. However, the IVM verified that this mechanism is not capable of providing protection within the country; thus, thousands of people decide to leave the country seeking refuge in other countries in the region or in the United States.<sup>81</sup>

According to the findings of the IVM, the problem lies largely in the refugee policies of the countries of passage. The lack of effective international protection in the region, along with a policy that discourages application for refugee status, is the trend. This is clearest in Mexico, where there is an observable pattern of obstruction and arbitrariness in implementing international protection mechanisms, exacerbated by some characteristics of Mexican refugee law itself, since migrants can only apply for asylum within their first 30 days in the country.<sup>82</sup>

Some organizations warned that the Mexican state was implementing an informal policy through the Commission to Assist Refugees (COMAR), to discourage asylum seekers from applying for international protection.<sup>83</sup>

The first impediment to the right to request asylum is that when migrants are brought to the migration station, they are not informed of their right to do so. If the migrant requests asylum, several mechanisms of persuasion are used to prevent application or to dissuade the migrant from applying.

Another obstacle is that once migrants are in detention, it is more difficult to obtain access to a lawyer and be able to gather the evidence to prove their need for refuge.

When the National Migration Institution detects asylum seekers, they are maintained in detention in the migration stations for the duration of the procedure to decide their request for refugee status. There are also procedural impediments since in many cases the statements registered in the resolutions do not correspond with those made by asylum seekers in their interviews. There are no guarantees that they will be able to bring evidence or that it will be considered in the proceedings. On top of that, migrants are unaware that they can request asylum from a home or a migrant shelter instead of doing it at the migration stations. According to various sources, including a study carried out by the Human Rights Institute of Georgetown University Law School, many children and adolescents do not request asylum for fear of imprisonment in detention centers.<sup>84</sup>

80. Information from the Regional Office for Central America, Cuba and Mexico of the UN High Commissioner for Refugees (UNHCR).

81. Although the existence of this Inter-institutional Commission is positive, it is presently in a preliminary phase of functioning and lacks legal regulatory mechanisms. A public policy that can provide attention and assistance to persons displaced by violence is still lacking.

82. According to Article 18 of the January 27, 2011 Law on Refugees, Complementary Protection, and Political Asylum.  
See: [http://www.diputados.gob.mx/LeyesBiblio/pdf/LRPCAP\\_301014.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/LRPCAP_301014.pdf)

83. These obstacles have been challenged by the Inter American Commission on Human Rights in their December 2013 report *Derechos Humanos de los migrantes y otras personas en el contexto de la movilidad humana en México*.  
See: <http://www.oas.org/es/cidh/migrantes/docs/pdf/informe-Migrantes-Mexico-2013.pdf>

84. Georgetown Law Human Rights Institute, *The Cost of Stemming the Tide*, April 2015.  
See: <https://www.law.georgetown.edu/news/press-releases/the-cost-of-stemming-the-tide.cfm>

This is compounded by the fact that for asylum seekers who do not desist from their request and wait until its resolution, most requests are denied.<sup>85</sup> And if they want to appeal, COMAR acts both as the deciding authority and in its own interests in the appeals procedure, and thus it simply defends its resolutions. As a result, this has a negative effect on the safeguards for international protection. The IVM has observed with great concern the lack of safeguards that Mexico offers to people requiring international protection, since the treaties signed and ratified by Mexico oblige it to have effective mechanisms in place for asylum.<sup>86</sup> Additionally, in accordance with existing legislation, Mexico also has the obligation to inform migrants of their right to request asylum.<sup>87</sup> In 2014, COMAR received almost twice as many requests for asylum as it had in 2013.<sup>88</sup> Yet, its budget only increased 4% between 2014 and 2015, which does not adjust to existing needs, to the detriment of safeguarding the right to international protection.<sup>89</sup>

The IVM understands that, for Hondurans, Mexico occupies a central location as a country of refuge. Honduran nationals ranked first in the number of people requesting refuge in 2014 with 1,035 requests, which were practically half of the 2,137 total requests. This trend even increased for unaccompanied children and adolescents requesting asylum, of which 42 of the 72 corresponded to Hondurans under the age of 18.<sup>90</sup>

Associated with the aforementioned problem are the deficiencies in terms of consular protection for Honduran migrants. The Deputy Foreign Minister of Foreign Relations of Honduras informed the IVM of some of the advances in consular attention to migrants, for example, that *“more consulates are opening, and consular authorities are being trained in consular protection to strengthen protection by the consulate. Their work is also being monitored to ensure the efficacy and transparency of the services provided, as well as the implementation of phone call services for Honduran migrants from the consulates, which will facilitate the detection of human rights violations during passage.”* The IVM values the recognition of the need to improve consular services and the plans to strengthen them. Despite these plans, the organizations that defend migrants’ human rights and the committees of family members stressed that *“Honduran consulates provide insufficient assistance to their fellow citizens throughout the migration route and these consulates lack the necessary resources to offer attention in accordance with the needs of migrants during passage.”* The IVM hopes that consulates will receive clear training and guidance to improve the services they provide to migrants in situations of risk, including those who request asylum, those who have suffered violations of their rights, those mutilated in the migration route, and family members searching for missing migrants.

Furthermore, access to the right to international protection also implies the concurrence of international organizations; therefore, the Office of the United Nations High Commissioner on Refugees (UNHCR) plays a fundamental role. On this issue, the IVM has identified a series of requirements for protection linked to the

85. According to information from COMAR, between 2013 and 2014 only 20% of the asylum requests were approved. See: [http://www.comar.gob.mx/es/COMAR/Estadisticas\\_COMAR](http://www.comar.gob.mx/es/COMAR/Estadisticas_COMAR)

86. With respect to this issue, Mexico ratified the 1951 Convention on Refugees and its Protocol from 1967, the 1984 Convention against Torture and Other Cruel Inhuman or Degrading Treatment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the American Convention on Human Rights.

87. According to Article 109 of Mexico’s National Migration Law.

88. In 2013, COMAR received 1,296 requests for asylum, and in 2014, there were 2,137 requests.

89. According to information from the Latin American Working Group-LAWG.

See: [http://lawg.org/storage/documents/LAWG\\_Guia\\_de\\_IncidenciaProteccion\\_de\\_Derechos\\_de\\_Migrantes\\_y\\_Derechos\\_Humanos\\_FINAL.pdf](http://lawg.org/storage/documents/LAWG_Guia_de_IncidenciaProteccion_de_Derechos_de_Migrantes_y_Derechos_Humanos_FINAL.pdf)

90. In 2014 COMAR recognized the refugee status of 233 Honduran citizens and gave complementary protection to 39 out of 1,035 requests. With regard to Honduran unaccompanied minors, they gave refugee status to 11 and complementary protection to 2 of the 42 requests received. See: [http://www.comar.gob.mx/es/COMAR/Estadisticas\\_COMAR](http://www.comar.gob.mx/es/COMAR/Estadisticas_COMAR)



aspects signaled by the Brazil Declaration and Plan of Action.<sup>91</sup> One issue is that the problem is regional, which entails that the countries of origin, passage, and destination share the responsibility of responding to the needs of displaced persons in accordance with their levels of vulnerability. At the same time, the IVM detected difficulties in accessing asylum systems and a lack of effective protection mechanisms in the countries of passage, in addition to serious deficiencies in the mechanisms of reception, registry, and identification of the cases of individuals requiring international protection.

The IVM considers that all of the aforementioned elements constitute a scenario in which the right to request refugee status is not guaranteed by any of the countries of origin, passage, and destination, as discussed in detail later in this report. The context of violence and human rights violation that exists in Honduras requires a greater commitment on behalf of the states. Presently, the international protection mechanisms on a regional level are inadequate for facing the challenges of the situation in Honduras. Therefore, continued progress is still urgently needed on application of a broad regional definition of the concept of refuge, thus responding to the new needs for international protection caused mostly by the violence of transnational organized crime, gangs and *maras*, and the state's incapacity to protect its citizens.

## 2. Destination Country

### a. Request for Asylum in the Destination Country: Situation of Detentions and Deportations

Although access to international protection during passage is very limited, this reality does not vary greatly in the destination country. The United States is the principal destination country, whose international obligations are circumscribed only by its ratification of the 1967 Protocol relating to the Status of Refugees. The IVM observed that presently the issue of access to international protection in the United States as a destination country is very much linked to the internal context of the debate on migration reform and the arrival of approximately 65,000 minors from Mexico and Central America in the so-called "unaccompanied child migrant crisis".

In November 2014, President Obama formulated executive actions so that several million undocumented immigrants could benefit from protection measures against deportation. These steps are extremely important, and if they are implemented in their entirety they can help millions of immigrants and their families. However, it should be noted that these actions by the Executive Branch do not replace the need for a comprehensive immigration reform, and the minors and adults who arrived after January 2014 are excluded from its protection. In addition, the action was accompanied by pressure on Mexico to increase their deportations. The IVM understands this as just another example of the lack of effective mechanisms to safeguard the right to international protection.<sup>92</sup>

The IVM is concerned about the procedural hurdles of the U.S. asylum system which make it difficult to obtain refugee status. If a migrant enters the United States without documents and is detained by Customs and Border Protection (CBP) agents within 100 miles of the border, the process of expulsion will begin immediately through two mechanisms: "*expedited removal*" or "*reinstatement of removal*" if the person has been previously deported from the United States. These are accelerated expulsion procedures, in detriment to the identification of asylum

91. The Brazil Declaration and Plan of Action constitutes the roadmap that expresses the Cartagena+30 process in which the countries of Latin America and the Caribbean designed a new regional framework to respond to the new challenges of international protection and to identify solutions for refugee, displaced, and stateless populations.

See: <http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/BDL/2014/9867>

92. According to information from the Latin America Working Group (LAWG).

See: [http://lawg.org/storage/documents/LAWG\\_Guia\\_de\\_IncidenciaProteccion\\_de\\_Derechos\\_de\\_Migrantes\\_y\\_Derechos\\_Humanos\\_FINAL.pdf](http://lawg.org/storage/documents/LAWG_Guia_de_IncidenciaProteccion_de_Derechos_de_Migrantes_y_Derechos_Humanos_FINAL.pdf)

applicants and of the legal measures supporting the principle of non-refoulement. During these procedures, migrants are not informed of their right to request international protection and they are often dissuaded from doing so under threat. If the migrant expresses fear and reports to the agents that returning to his or her country of origin would put his or her life in danger, a special request process is initiated. At the discretion of the agents, the migrant will be referred for an additional evaluation called “the evaluation of credible fear”, implemented by the CBP or the Immigrations and Customs Enforcement (ICE), which will determine if the fears are well-founded and the person needs to gain access to the asylum mechanism. In the event the person goes through the evaluation process, he or she will be referred to the US Citizen and Immigration Services who will interview the migrant again in order to determine if the level of fear qualifies him or her to request asylum or another type of protection. If the authorities determine that the person has a well-founded fear, they will authorize the migrant to apply for asylum at the immigration court, putting a stop to the deportation process while the court studies the request and resolves if they will grant refugee status or other types of protection to the person.

The problems with this protection mechanism is found in the number of filters one needs to pass in order to file for asylum before the competent court, which exposes their situation to a high degree of discretion on the part of several immigration authorities and, later, the USCIS. Therefore, if the CBP detains a migrant at the border, it lacks protocols and mechanisms to receive and identify cases.<sup>93</sup> The IVM is concerned that the interviews that are first conducted by the CBP or the ICE do not offer due protection to those requiring asylum. The interviews by the CBP offer few measures of protection because these are short interviews carried out shortly after detention, in a patrol station on the border. The interviews by uniformed migrations agents take place in crowded rooms, where there is no privacy, which often inhibits asylum seekers from explaining their problems in depth. Additionally, the migrations agents are intimidating and even threatening in their attitudes during the interview, thus affecting how trustful migrants will be in revealing their fears. The interviews carried out by the ICE for the “evaluation of well-founded fear” last more than 45 minutes and occur at least 48 hours after the migrant is under the ICE’s custody.

Another aspect that further obstructs the process is the February 2014 “Lesson Plan” which is a guideline for migration authorities that entails an increased burden of proof required to demonstrate well-founded fear.<sup>94</sup> Lastly, in the event that an asylum request is submitted to a court, the probability that a judge will give refugee status to a Honduran citizen is extremely low. Immigration judges apply traditional or classic criteria when granting asylum. Although a situation of generalized violence exists in Honduras, with the highest homicide rate in the world, there is no declared internal armed conflict with recognized actors, nor are there specific social sectors facing persecution. For that reason, judges commonly think that people leave the country due to common crime, and that they lack the conditions to be considered refugees.<sup>95</sup> If the request is not accepted, the deportation process to the country of origin will begin once again.

93. According to information in the Human Rights Watch’s “*You Don’t Have Rights Here*”. *US Border Screening and Returns of Central Americans to Risk of Serious Harm*, 2014. See: [https://www.hrw.org/sites/default/files/reports/us1014\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/reports/us1014_web_0.pdf)

94. Ibid.

95. To this respect, it is important to note “U.S. law has not been adapted to acknowledge the forms of persecution that come from powerful non-state actors, or that result from a combination of political and economic factors, despite the fact that these actions generate the violence and displacement in countries like Honduras.” The Jesuit Conference in the U.S. reaches this conclusion in their report *Consideraciones para los Hondureños y Hondureñas en el Proceso de Asilo en EEUU: Legislación Relevante e Información sobre el País de Origen*, 2014. See: [http://jesuits.org/Assets/Publications/File/Honduras\\_asilo\\_reporte\\_FINAL.pdf](http://jesuits.org/Assets/Publications/File/Honduras_asilo_reporte_FINAL.pdf)

Lastly, in November 2014 the Obama Administration created an “in-country processing program”, the Refugee Program/Conditional Freedom for Central American Migrants (CAM), which allows parents with legal status in the United States to support the asylum process of their children at risk of violence by applying for it in the U.S. embassies in their countries of origin. Parents can request that their children be taken to the United States to evaluate their asylum requests, as a means to impede their children from taking on the dangerous journey north. Although this program is a small step forward and it acknowledges that some minors are displaced by violence, it will have small-scale benefit and limited impact. The IVM is also aware that there is limited knowledge that this process exists, so even fewer people than expected will apply in this manner.

### 3. Return/ Deportation

#### a. Situation of Deportation and Return to Honduras from the United States and Mexico

**Deportation from the U.S.** This process begins when detained migrants are subject to expulsion procedures while in prison, which can last for months since the lack of regular migratory status constitutes a crime under the migration laws of the United States. Adult Honduran migrants are deported collectively from the United States by air and arrive in the Center for Assistance to Returning Migrants (CAMR) in the San Pedro Sula airport.

The IVM observed the process of reception in the CAMR by the Scalabrinian Sisters, with the help of volunteers. Once deported migrants arrive, they are treated in a timely and respectful manner, and are given clothing and personal items. They are also given a personal hygiene kit, and later they are given a survey on their age, gender, and reasons for leaving Honduras. If they lost identification documents in route, they may acquire a copy of their birth certificate in the CAMR so they can start the paperwork to get their identity documents at a later date. If the deported migrants require medical attention, there is a module staffed with volunteers who provide basic assistance. In the case of more urgent needs, they can be transferred to a hospital. They are offered the service of a phone call to inform their families of their arrival. They are also given a bus ticket so they can return and a vehicle awaits them outside the CAMR to bring them to the bus station. The IVM verified that the attention provided is humane, considering the fact that deported migrants arrive with the frustrations of the deportation process, and that their welcome to Honduras is warm and friendly. The person in charge of CAMR alerted that there were, “*cases of migrants coming from the United States who could have qualified as refugees but who were nonetheless returned to Honduras.*”

**Deportation from Mexico.** The situation is very different for adult migrants who arrive deported from Mexico. Here migrants are detained and locked up in migratory stations for the duration of the expulsion procedures. Once that finalizes, migrants are deported collectively by bus, normally from Tapachula to Honduras, in a journey of more than 12 hours. During the trip, the bus does not stop and testimonies report that the bathrooms on the buses are not functional. To avoid using the bathroom, migrants do not eat during the journey, and the food given is not always in good condition. The IVM was alarmed by the fact that sometimes migrants are taken to Honduras from Acayucan, Veracruz, which means a 36-hour journey.

Once they arrive in Honduras, the buses cross the border at Corinto, where the IVM observed with concern the absence of reception on behalf of the Honduran state in a place where 37,525 deportees were delivered during 2014, and 24,030 during the first six months of 2015. Although there is state presence, through the

border police, the National Institute of Migration and the Army, the only humanitarian attention offered is that given by the Red Cross, which migrants may receive optionally.<sup>96</sup> There is no protocol established to attend to their needs. If those deported want to enter the Red Cross module, they stand in line to get in, their age and gender is registered and they are given water and a personal hygiene kit depending on gender. They are allowed to make a 3-minute phone call to report their situation to family members or people close to them in Honduras or abroad. If necessary, they are also given medical attention.<sup>97</sup> The IVM was surprised to see that there is no bathroom in the Red Cross module, nor one available in the near proximity, so migrants need to walk approximately 500 meters to the offices of the National Institute of Migration to find the nearest facilities, although they are insufficient for the number of migrants who arrive. Once they leave the Red Cross module, they receive no more assistance, and they need to travel to their destinations in Honduras by their own means.

When the IVM went to observe, several deported persons were sleeping in the open while waiting for the Red Cross module to open. The Border Police informed that the Red Cross only attends during the hours the buses with migrants arrive, but that on occasion, due to lack of coordination, the migrants arrive before the module opens and they have to wait. The Red Cross volunteers report that the module has been functioning since 2012, although implemented with fewer resources than those it has at present, since the Red Cross has improved attention over time as different needs have been identified.

These volunteers reported that *“the majority of deported migrants do not want to return to their country, and there are people who fear returning to their communities of origin because of violence”*. On this issue, the Red Cross informed the IVM that *“deported migrants are afraid to talk about their ailments and the traumas of the trip, as well as the treatment received by migration agents”*. Nevertheless, no psychosocial attention or accompaniment is offered to them upon arrival, nor do any mechanisms of this type exist, although they are indispensable, since these arriving migrants have been emotionally affected by their experiences. Another of the shortcomings identified is that no shelters exist to house people returning to Corinto. Migrants who suffered an accident in route and have disabilities are deported by plane and are received in the CAMR of San Pedro Sula, although some cases do arrive by land.

The IVM detected an institutional vacuum in the deportation trajectory between Mexico and Honduras because the Mexican National Institute of Migration hires private bus companies, and no migration authorities from Mexico, Honduras or Guatemala accompany migrants on the journey despite passage through Guatemalan territory. In this manner, the bus drivers become de facto migration officers, carrying official migration documentation, and being directly responsible for the deported migrants while driving long hours under stressful conditions.

One official from the Honduran National Institute of Migration explained that when checking the buses that arrive in Honduras, they only ensure that the number of people travelling coincides with the number in the migration papers, and they do not verify the names. This person also explained the personnel shortages that exist with only three migrations officials there, which is why they request assistance from the members of the military that are present at the border, who are not trained in issues related to migration, the rights of migrants or refugees or human rights in general.<sup>98</sup>

96. This module is attended by four Red Cross volunteers, and is located on private property that belongs to a hotel next door.

97. Normally, the medical attention provided is for diarrhea, headaches, and general malaise.

98. Organizations report that the presence of military personnel on the border is very recent and their functions on the border are not very clear.

Along this same line, the IVM also noted the failure to comply with the *Memorandum of Understanding on the Dignified, Orderly, Prompt and Safe Repatriation by Land of Central American Nationals* signed by the governments of Mexico, Guatemala, Honduras, El Salvador and Nicaragua in 2006.<sup>99</sup> Additionally, the IVM observed a worrisome lack of coordination between the institutions that are present at the border in Corinto: Migration, the border police, military personnel, and the Red Cross. There was also a lack of communication between Honduran institutions at the border with Guatemalan authorities, demonstrating the absence of institutional coordination on the border.

The Honduran Deputy Foreign Minister told the IVM that “*the government is working to find a solution to the situation in Corinto*”. Thus in September 2015, they plan to open a migrant reception center in the municipality of Omoa, close to Corinto, making use of properties confiscated from drug-traffickers and using resources from the Honduran Migrant Solidarity Fund (FOSMIH). Moreover, the Honduran Deputy Foreign Minister also told IVM that, “*the government also plans to change the repatriation route, which normally begins in Tapachula, proposing that it initiate in Tenosique so that the route is shorter and does not exceed ten hours.*”

**Deportation of Children, Adolescents, and Family Units.** Migrant children and adolescents and the family units deported from the United States arrive by air to the military base in Palmerola. The government reported to the IVM that the United States is presently exerting pressure to send combined flights with deported adults together with children and adolescents, a proposal Guatemala has accepted but the Honduran government has refused to accept, under the interpretation that it is not in the children’s best interest.

Unaccompanied migrants who are minors and family units deported from Mexico travel by land, arriving at the El Edén Migrant Reception Center in the city of San Pedro Sula, which is directed by the Bureau of Children, Adolescents and Family (DINAF). The deported children and adolescents travel in similar conditions as adults; they normally leave from Tapachula with no stops on the way. The buses are under the sole responsibility of the bus drivers and minors are not accompanied by Child Protection Authorities (OPIS) from the Mexican National Institution of Migrations, which goes against one of their roles and responsibilities.<sup>100</sup> When they pass through Corinto, minors and family units are not allowed to get out of the buses, but if they need the assistance of the Red Cross, the volunteers bring water and hygiene kits to the bus, including special kits for babies and small children. The IVM noticed that babies and pregnant women also travel in these buses, deported in the same conditions as adults, despite the increased vulnerability of their situation.

The IVM observed the reception process in El Edén center, where children and adolescents stay for 24 hours, until a family member arrives to get them.<sup>101</sup> When deported children and adolescents and family units arrive, the center activates the reception protocol implemented by professionals from the Joint Task Force on Migrant Children.

99. *Memorandum de Entendimiento entre los gobiernos de los Estados Unidos Mexicanos, de la República de El Salvador, de la República de Guatemala, de la República de Honduras y de la República de Nicaragua, para la repatriación digna, ordenada, ágil y segura de nacionales centroamericanos migrantes vía terrestre*, signed in San Salvador on July 7, 2006.  
See: <http://www.estudiosdemigracion.org/inedim2013/documentosypub/basededatos/legislacionnacional/acuerdosbilaterales/memorandumrepatriacion.pdf>

100. According to the web page of Mexico’s National Institute of Migration, the role of OPIS is to accompany minors during the repatriation process.  
See: [http://www.inm.gob.mx/index.php/page/OPIS\\_5\\_funciones](http://www.inm.gob.mx/index.php/page/OPIS_5_funciones)

101. The creation of the Task Force in June 2014, under the direction of the First Lady, replaced the Institutional and Inter-Sectoral Coordination of Migrant Children and was the key measure the government took to deal with what was considered a mass deportation of minors after the “migrant child crisis”.

The reception protocol was designed with the help of the Covenant House and is focused on providing attention and follow-up to the emotional and psychological situation of minors and families who return to their homes. This protocol defines a comprehensive strategy and guidelines on protection that allow for identification of situations of risk requiring special attention. The protocol establishes a one-time interview to gather information in order to determine if the child or adolescent has specific care needs in order to ensure their general protection and the child's best interest. To this end, organizations such as IOM, UNHR, and UNICEF have provided assistance and training to the Task Force.

The IVM learned of successful experiences, which demonstrate improvements in the provision of assistance to returning children. The IVM recognizes the efforts made, despite the difficulties inherent to the recent establishment of the institution. The authorities involved in the Task Force have an important commitment to the children and adolescents they assist and are supported by their government. In any event, the IVM verified that the inter-institutional effort conducted by the Joint Task Force to receive returned migrant children is a pilot program to receive children and adolescents as well as family units deported from Mexico by land.

The IVM confirmed that El Edén's capacities to assist minors and family units are insufficient. Although civil society organizations are carrying out the role of the state within the establishment, government institutions do not maintain permanent dialogue with these organizations and state institutions centralize decision-making power. In this sense, the IVM did not observe governmental recognition of the work and the commitment of these civil society organizations, even though they bear the burden of the reception work in El Edén. The IVM also verified the exhaustion and shortage of resources of the civil society organizations providing services to the center. Similarly, this is also seen with the civil society organizations and religious organizations that work in the country with deported migrants and with the children and adolescents at risk, since although they have a great deal of willpower they have few resources and means.

Some organizations reported to the IVM that El Edén is not adequately located in accordance with its objective of providing protection, since the San Pedro Sula area in which it is located, does not guarantee the required security conditions for the children, adolescents, and families. In this regard, the organizations mentioned the harassment of *maras* and gangs outside the institution. They therefore suggested that it would be more convenient move the center to a more secure place instead of restructuring it and leaving it in the same place.

After observation, the IVM feels that the El Edén Centro is presently a place to receive and hand migrant children over to their families. It is evident that there is an effort being made to improve the reception process. It should also be noted that the government ordered the restructuring of the center to ensure the installations are adequate for its needs. The strategy of dealing with the problem through an inter-institutional effort is also note worthy. Nevertheless, the center does not offer comprehensive treatment for deported migrant children. The measures implemented are merely palliatives for the existing urgencies upon return and do not constitute comprehensive assistance to deal with the distinct challenges that children and adolescents face for their reintegration into society and their communities of origin. As the Deputy Foreign Minister acknowledged, *"much more needs to be done to provide truly comprehensive protection to returned children, and in the cases of those who left due to violence, there are currently many deficiencies for their effective protection."*

## **b. Risks of Return and Circular Migration**

The IVM confirmed that the biggest existing risk with returning migrants is the dearth of actions and programs for their full reintegration into their towns and communities of origin in Honduras. It views this institutional

shortfall with concern, since it was found that some migrants are deported who would qualify as refugees, and upon their return to their country they are met with the same factors of violence that forced them to leave in the first place, creating a situation of high risk and lack of protection. The UNHCR has pointed out cases it has identified where people are assassinated upon their return, evidence of an inability to guarantee protection for deportees.

Upon their return to Honduras, migrants still lack job opportunities and institutional support for overcoming this problem. After migrants are received in the CAMR or enter Corinto there are no existing programs that provide follow-up on their social reintegration. To this respect, the IVM confirmed an absence of attention, protection, follow-up and reinsertion protocols for the returned population, as well as a lack of continued and comprehensive accompaniment for those who have been victims of crime or who return with disabilities. After visiting 17 towns to evaluate programs for reintegrating returned children and adolescents, the CONADEH found that *“municipal governments lack any plan, program, or project that includes objectives for the insertion of returned migrant children and family units,”* although a UNICEF/CONVIDA program operates in Yoro and Choluteca.<sup>102</sup> It is also worth pointing out that many migrants have lost the little they had – selling their houses or microenterprises, for instance, to pay the coyote. What is happening, then, is that the likelihood of circular migration is increasing – something the IVM was able to confirm in its visit to the frontier post of Corinto.

This is especially worrisome in the case of returning children and adolescents, although the IVM recognizes that there have also been some positive actions. For instance, when the Honduran government confronted the “child migrant crisis” it decreed a humanitarian emergency<sup>103</sup> and through the United Nations activated two clusters:<sup>104</sup> one for early attention, led by the UNDP, and the other for international protection, managed by UNICEF. Six months after the clusters had been activated the situation was reevaluated, and as there was no mass return of thousands of children and adolescents from the U.S., both clusters were deactivated.

At any rate, one of the consequences of the clusters’ activation was the preparation of an attention protocol for child migrants, implemented in El Edén. In addition, a protection group, chaired by the UN Office for the Coordination of Humanitarian Affairs (OCHA) with the participation of other UN agencies such as the UNHCR, UNFPA, and UNICEF, and several NGOs such as Save the Children, Caritas, Oxfam, Grupo Esfera, the Norwegian Refugee Council, and the International Committee of the Red Cross, is currently in operation. The group is setting up a work plan with the idea that the problem of internal displacement will be taken into account as one of the problems to address.

Another positive consequence of the humanitarian crisis declaration was that the UNDP began a pilot project in three Honduran towns for working with family reintegration in the communities of origin of the unaccompanied, deported children and adolescents. Nevertheless, various organizations have noted that this family reintegration program has shortfalls. It is important here to pay more attention to reintegrating children and adolescents into school and training programs to provide them with study opportunities appropriate to their needs.

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102. Honduran National Human Rights Commission (CONADEH) and United Nations Development Programme, Informe final de Hallazgos y Recomendaciones del Proyecto “Reintegración Migrantes Retornados” y “Recuperación Temprana Tras la Emergencia por Sequía,” July 2015. See:<http://conadeh.hn/wp-content/uploads/2015/07/INFORME-HALLAZGO-Y-RECOMENDACIONES-CONADEH1.pdf>

103. By means of Executive Decree PCM 33-2014, Declaration of Emergency. See:<http://www.presidencia.gob.hn/transparencia/wp-content/uploads/2014/04/Decreto-Ejecutivo-PCM-033-2014.pdf>

104. Clusters are humanitarian aid mechanisms for natural disaster or other types of emergencies that require the intervention of international organizations in conjunction with the national government in order to deal with the crisis.

Civil society organizations claim that the issue of returned children and adolescents and the “child migrant crisis” has been exploited by the Office of the First Lady – who heads the Joint Task Force on Child Migrants – for receiving funds and international cooperation aid and that the Honduran state has not faced up to its responsibilities, delegating them instead to international organizations and even those same Honduran civil society organizations. A clear example of this is that the European Union and the Spanish Embassy are allocating 2.2 million dollars for labor reinsertion, psychosocial care, and training for returned migrants, primarily young people.<sup>105</sup> It is essential for the Honduran state to assume its responsibilities and obligations, but the international community – especially the U.S. and Mexico, as the main deporting countries – should also support the Honduran government, together with the participation and contribution of civil society. In addition, the creation of the Joint Task Force and the emergency crisis declaration show that the child migrant problem has never really been fully confronted, but that the manner in which it has been addressed is circumstantial rather than constituting a state response in the form of public policy.

Finally, along with this scenario of institutional shortfalls, the IVM found that circular migration also exists because of the same dynamics of how migratory flows and the relations between migrants and coyotes are organized. Payment to a coyote includes three attempts to reach the U.S., so there are migrants who upon being deported immediately start out again on the route because they still have the opportunity of going with the coyote.

## 4. Special Protection Measures

### a. Child Migrants

Children and adolescents are one of the groups that the IVM has identified as vulnerable and in need of special protection measures. Here it is important to bear in mind that the so-called “child migrant crisis” is still latent and even though there have not been mass deportations from the US, there is a mass deportation of children and adolescents from Mexico, which during the first half of 2015 alone deported more than 3,358 minors<sup>106</sup>. Furthermore, 35% of deported minors, between 12 and 17 years of age, traveled unaccompanied. These are the most vulnerable and are most repeatedly seen by protection institutions<sup>107</sup>.

The Deputy Foreign Minister of the Government of Honduras also expressed her concern about migrant children and that the best interest of the child should be guaranteed. In the opinion of the IVM, this should be the overall guiding principle that all programs, actions and measures should adopt with regard to children and adolescents. At the same time, the best interest of children and adolescents should be considered as a right to which priority is given when weighing up different interests in any matter that affects them, as established under Article 3 of the 1989 Convention on the Rights of the Child. Thus it is a question of rights, which implies obligations on the part of the State when adopting the necessary measures to give effect to all those rights recognized under the Convention as expressed in Article 4.<sup>108</sup>

Therefore the State is under obligation to adopt protection measures for children and adolescents under their jurisdiction. Such measures need to both incorporate the notion of children and adolescents as bearers of rights and be sufficiently specialized to deal with the particular situation of vulnerability that they face. As part of the

105. According to information given to the IVM by the European Union Ambassador to Honduras.

106. According to statistics from the Center for Assistance to Returning Migrants provided by the Scalabrinian Sisters.

107. Data supplied by the Honduras Pastoral Group for Human Mobility.

108. Convention on the Rights of the Child, 1989.

See: [https://www.unicef.es/sites/www.unicef.es/files/CDN\\_06.pdf](https://www.unicef.es/sites/www.unicef.es/files/CDN_06.pdf)



Convention, Honduras and other States in the region, in particular Mexico as the main country of transit and also as a destination for Honduran children and adolescents, have obligations to protect them. In the case of the U.S., effectively guaranteeing the best interests of the child is not governed by its obligations as a signatory to the Convention since it has signed but not ratified it.<sup>109</sup>

Testimonies and information gathered by the IVM confirm that Honduran child migrants are extremely vulnerable, complemented by the fact that 47% of child and adolescent migrants of Central American origin report having experienced some kind of abuse between leaving home and being repatriated.<sup>110</sup> In this sense, Honduran children and adolescents are subjected to robbery, extortion, and intimidation and also to risky situations during arrest and detention on the part of migration authorities. All of this is exacerbated by high levels of violence against minors in Honduras, with the consequence that 57% of unaccompanied Honduran child and adolescent migrants are in need of protection, according to the UNHCR.<sup>111</sup>

Thus the IVM understands that children and adolescents require special protection measures that are currently not in place because policies focusing on migratory controls are prioritized over the best interests and rights of children, especially in the U.S. and Mexico, where the state needs to find alternatives to the detention of children and adolescents. Protection measures therefore need to be in place throughout all stages of migration:

- At the place of origin, since violence suffered by Honduran children and adolescents is the primary root cause that forces them to migrate.
- In transit, where Honduran children and adolescents do not have recourse to necessary protection through their consulates, since the latter merely carry out the function of providing travel and identity documents for unaccompanied children and adolescents but do not analyze whether repatriation is a safe option and in the best interests of the child.
- At the destination, where effective mechanisms do not exist for identification, reception and registration, nor for the identification of requests for asylum by children and adolescents.
- On return, the Honduran state lacks the capacity to guarantee the protection of deported children and adolescents and programs to facilitate their full reintegration into their places of origin are also lacking.

## **b. Women Migrants**

According to what the IVM observed, women are another group that needs special protection measures. Honduran women have become a notable subject of migration, although they have tended to be invisible because their involvement in migration flows has been hidden or overshadowed by male migration. Given the particular discrimination which women and girl migrants are subjected to because of their gender, the probability of them being victimized during transit is far greater, often being forced by police and migration officials to offer sexual services in exchange for permission to cross the border. They are also susceptible to becoming victims of human trafficking, falling into sexual exploitation networks and other forms of forced labor.

109. The U.S. signed the Convention on the Rights of the Child on February 17, 1995.

110. As reported by the IACHR in their report *Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico*, December 2013.

111. Figure cited in UNHCR report, *Children on the Run*, 2014.

See: [http://observatoriocolof.org/\\_admin/documentos/UAC\\_UNHCR\\_Children%20on%20the%20Run\\_Full%20Report.pdf](http://observatoriocolof.org/_admin/documentos/UAC_UNHCR_Children%20on%20the%20Run_Full%20Report.pdf)

In this regard, sexual violence against women merits special attention because it has become part of the journey of many women as they travel to the US through Mexico.<sup>112</sup> It is estimated that up to six out of every ten women and girls suffer sexual violence on their migration journey.<sup>113</sup> The fact is that in Honduras violence itself is one of the main reasons for migration among women and forces thousands of them to leave the country. Honduras is one of the countries with the highest rates of femicide in the world, with 1,464 victims of femicide between 2003 and 2010 and more than 300 cases<sup>114</sup> recorded in 2010 alone. These alarming figures for violence against women have increased in recent years, as 2,592 women were murdered between 2010 and November 2014 and 453 violent deaths of women just between January and November 2014.<sup>115</sup>

The current lack of protection that Honduran women migrants face makes it easier for trafficking rings to function, as they take advantage of the high migration flows to recruit victims and submit them to cruel forms of exploitation. It is worth emphasizing that Central America and Mexico are places where trafficking victims are captured, moved and exploited. This crime is committed in almost every country in the region with a view to commercial sexual exploitation, labor exploitation and sex tourism.<sup>116</sup>

Women, boys and girls are particularly vulnerable to trafficking.<sup>117</sup> For this reason, the nation states that have signed and ratified the Palermo Protocol<sup>118</sup> have committed to creating special protection mechanisms for victims of this crime, which is an assault on human dignity. Measures include non-deportation, immediate protection and access to justice, among others.<sup>119</sup> In this context transit and destination countries need to implement international instruments for the protection of human rights in cases of trafficking. Likewise, civil society organizations should demand that these instruments be applied, exercising social oversight, and that the UN agencies in charge of these matters guarantee international protection, as per their mandates.<sup>120</sup>

In the face of this high degree of vulnerability, the IVM considers that effective protection measures need to be established at the place of origin as well as in transit, at the destination and upon return. The measures and actions to be adopted should include a gender perspective and consider women as rights bearers, protecting the most vulnerable in particular, which means that states should seek alternatives to the detention of pregnant migrant women.

112. As concluded by the IACHR in their report *Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico*, December 2013.

113. Figures cited by Amnesty International in the report *Invisible Victims, Migrants on the Move in Mexico*, 2010.  
See: <https://www.amnesty.org/en/documents/AMR41/014/2010/en/>

114. Hivos data in its report *Los derechos humanos en Centroamérica en el siglo XXI: del Golpe de Estado en Honduras (2009) al juzgamiento de Ríos Montt en Guatemala (2013)*.  
See: <http://www.corteidh.or.cr/tablas/r33833.pdf>

115. Figures gathered by the Inter-American Commission on Human Rights-IACHR in *Preliminary Observations concerning the Human Rights Situation in Honduras*, December 5, 2014.  
See: [http://www.oas.org/en/iachr/media\\_center/PReleases/2014/146A.asp](http://www.oas.org/en/iachr/media_center/PReleases/2014/146A.asp)

116. See: <http://www.avina.net/esp/13218/incontext-63/>

117. According to various international bodies it is estimated that 33 per cent of known victims of trafficking are children and adolescents. Girls (two out of three child victims) and women account for 70 per cent of human trafficking victims worldwide.

118. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children complements the United Nations Convention against Transnational Organized Crime, which entered into force more than a decade ago, and represents a major step forward in the struggle against this crime. This international instrument calls for all acts of human trafficking to be criminalized, including trafficking for sexual exploitation, forced labor, extraction of organs, domestic servitude and other similar practices.  
See: [www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-s.pdf](http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-s.pdf)

119. See: [http://www.ohchr.org/Documents/Publications/Commentary\\_Human\\_Trafficking\\_sp.pdf](http://www.ohchr.org/Documents/Publications/Commentary_Human_Trafficking_sp.pdf)

120. UNODC, IOM, ILO, UN Women, UNDP, UNFPA, among others.

Likewise, states must be called upon to comply with the obligations acquired through ratification of the various regional and international instruments they have signed, such as the Convention on the Elimination of All Forms of Discrimination Against Women and the Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women, to which Honduras, Mexico and other states in the region belong (although the U.S. has not ratified the former and does not belong to the latter). The aim is to address the factors that expose women to situations of vulnerability to violence by building policies that provide guarantees in the face of the discrimination, exploitation and abuse of which they are victims.

### **c. Migrants Maimed along the Route and Victims of Violence**

In the opinion of the IVM, migrants who have suffered injuries or who have been victims of violence along the migration route need suitable attention according to their particular situation of vulnerability. Since they have already suffered injury, actions to be taken on their behalf should focus on care and compensation, avoiding revictimization, and providing due international or complementary protection. In this regard, the committees of migrant family members expressed to the IVM their demands for justice, compensation for migrants who are victims of crimes and punishment of those responsible for the San Fernando and Cadereyta massacres. Here it is important to underline that the committees presented complaints to the Attorney General of the Republic of Mexico, but to date there has been no follow-up. Therefore, they have indicated that they will continue to exert pressure for their demands for justice and truth to be heard, since it is the Mexican state which must guarantee a response to their complaints.

With regard to migrants who suffer accidents, it is urgent to address their situation and their needs in transit, at their destination and upon return. Accidents along the migration route are a common problem in Mexico and are closely linked to the journey by train, known as La Bestia (“The Beast”). Migrants are harassed by organized crime or delinquents who throw them off the moving train, causing irreversible injury. Sometimes the migrants themselves, under pressure from police and migration authorities, jump off the train by themselves and are injured. In the case of accidents in the destination country it is imperative that access to health services is guaranteed. In addition, suitable protocols for medical services need to be put in place, as well as measures to ensure follow-up and oversight of operations, and also upon return. Some organizations reported that they had detected health personnel tending to accident victims with out-of-date medical materials.

Once deported, disabled migrants need urgent measures to be taken because of their highly vulnerable situation. One of the organizations representing them stated that they have helped 450 injured migrants who are due to return to Honduras. They therefore believe that development efforts for maimed migrants need to be promoted in their municipalities of origin. Likewise, they stated that the state is aware of this situation but that there is no will to deal with the problem with resources and programs. Injured migrants feel that they are being used by the institutions and the government.

The IVM was able to observe that there is a lack of adequate care services provided by Honduran institutions to disabled and maimed people, as well as a total lack of physical and psychological accompaniment. One of the demands of disabled migrants is the construction of a shelter in Choluteca that could provide support and services upon their return, since currently no center of this sort exists. Family members of disabled migrants also report that they receive incomplete information from the Ministry of Foreign Affairs some time after injured people arrive, so that it is not possible for families to organize their arrival and reception in suitable fashion. Among the accident cases, the most vulnerable are those who have suffered spinal injuries since they will require lifelong support: medicine and physical and emotional rehabilitation as well as greater care and services.

For these reasons, the organizations appealed to the Honduran authorities and to the governments of the countries along the migration route to ask for economic and emotional assistance for the reinsertion of returning disabled migrants and to demand an urgent response. Currently Mexico covers the cost of repatriating maimed migrants, which since 2013 has been by air, and the Red Cross covers the cost of medical treatment and prostheses. The problem pointed out by family members is that this support only lasts until they arrive in Honduras and afterwards they do not receive further help and attention.

#### **d. Family Members of Disappeared and/or Murdered Migrants along the Route**

The IVN acknowledges the work of family committees as it is thanks to their efforts and commitment that the problem of disappeared migrants along the route has become better known and they have managed to document more than 400 cases of disappeared migrants. As defenders of the human rights of migrants they are also another group that needs special protection measures. The committees underlined that the issue of disappeared migrants should be addressed as a right to the truth and to compensation for damages, and as an obligation of the state to provide a response to family members. The latter should not have to travel to countries along the migration route, particularly Mexico, in order to find out about the disappeared. Therefore importance should be given to the proposal of the committees of family members recommending that the Mexican embassies in each country of the region should assign an official to liaise with family members of disappeared migrants.

The committees also presented their main demand to the IVM that a transnational search mechanism for disappeared migrants be established and activated to investigate the whereabouts of migrant people in shelters, detention centers, psychiatric hospitals, graves, and public hospitals, in both Mexico and the United States. As a complement to the search mechanism, they insisted on the need to sign agreements for the exchange of forensic information between countries along the migration route. There is a forensic database on family members of disappeared migrants with genetic information on 160 cases to support the search and identification but specific officials need to be assigned in each country to provide follow-up to family members in the search and location of disappeared migrants in order to repatriate them. Some progress has been made in Honduras following advocacy on the part of the committees, who managed to persuade the Ministry of Foreign Affairs to sign an agreement to identify remains gathered by the forensic database.

Based on the statements of the committees, the IVM considers it necessary for the Honduran Foreign Affairs Ministry to apply the protocols proposed by civil society to provide suitable treatment by reporting the death of a migrant. The IVM is concerned that the notification of death is not carried out in a professional manner and with psychological support, so that the suffering of family members is even deeper. In this regard one of the committees of family members reported the lack of economic support on the part of Honduran institutions to repatriate remains. The state only takes care of the cost of bringing them to Honduras. Once there, family members must pay the cost of transporting them the rest of the way to the place of origin of the migrant.

There are also cases where the family members have presented complaints and the Foreign Affairs Ministry has informally offered support of 3,000 lempiras,<sup>121</sup> which is insufficient to cover the whole cost of the final stage of repatriation, and which family members took as an offense. On top of this there are cases in which the remains of the migrant were not actually repatriated and sand or a dummy were found inside the coffin. Therefore family members do not trust institutions to hand over complete corpses. The committees also reported that illegal charges were made by Foreign Ministry officials, who requested up to 300 dollars to repatriate migrants.

121. A little under 140 dollars.

Family members of victims of the Cadereyta massacre reported that they have been ill treated by authorities from both countries and they have not been dealt with humanely, which has made their pain worse. A family member of a murdered migrant stated that their brother had been treated “*as if he were a dog*” and that the Mexican authorities had revictimized the massacred migrants by associating them with organized crime, criminalizing them. Likewise, the families pointed out that they had approached the Foreign Affairs Ministry for help but “*they didn’t give us a response and archived the request*” and did not support them in the search. It was only through the Committee of Family Members of Migrants from El Progreso (COFAMIPRO), who helped with gathering DNA samples and sending them to Mexico, and the complaint in Mexico to the Attorney General’s Office, that they were later to learn about those who disappeared in the massacre.

The lack of protection and helplessness of the committees of family members observed by the IVM has meant that the committees have had to support each other and the families themselves, providing legal and psychosocial accompaniment since the search for disappeared migrants takes great toil emotionally and psychologically (depression, anxiety), physically (increasing severity of illnesses) and financially (national and international travel). The committees have therefore demanded that the governments commit to providing real solutions and that investigation into migrant disappearances be a real and serious commitment.

The IVM acknowledges the immense courage of the committees of disappeared family members, who have traveled in caravans along the migration route in search of their loved ones and in search of justice.

#### **e. Repatriated and Deported Migrants**

In the situation of deportation and repatriation of Honduran migrants, it should be noted that with respect to their right to international protection international instruments concerning refugees and displaced and stateless persons prohibit returning them to their country of origin, deporting them, turning them away at the border or detaining them, even in the absence of a recognized legal refugee status.

The basis for this is that the Honduran migrant population has been forced to leave their country for reasons of generalized violence, human rights violations, public order disturbances, and in very specific cases for reasons of discrimination and sexual and gender violence, for being victims or potential victims of human trafficking, or for being part of a highly vulnerable population of children, adolescents, the LGBTTI community, or ethnic groups for which the principle of higher interest and non-discrimination would apply, as subjects of rights and special protection. To this respect, the return or rejection at the border of the Honduran migrant population, in a highly vulnerable situation, most of whom are potential asylum seekers with the right to international protection in the category of refugee or for the pro homine principle, constitutes a new violation of their rights and heightens the risks to their lives and integrity.

In addition, what is occurring with the Southern Border Plan in Mexico, with a significant increase in detention and later involuntary deportation of the Honduran forced migrant population, is a public policy not only far removed from an understanding of the Mexican Declaration and 2004 Action Plan’s “borders of solidarity”, but also far removed from a human rights approach in protection and human security policy.

Detention of migrants with regular or irregular status is prohibited by Article 16 of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 22 of which also prohibits collective expulsion, in line with the 1951 Convention relating to the Status of Refugees, Articles 31, 32 and 33 of which prohibit expulsion or return (“refoulement”) if this would threaten the life or liberty of anyone subject to international protection.

The recent Brazil Declaration and its Plan of Action reiterate that given the new humanitarian and international protection challenges, particularly in the Northern Triangle of Central America, there is an urgent need to maintain the achievements of the 1984 Cartagena Declaration in protection of the region’s refugees, based on the complementarity of international human rights law and international law on refugees and displaced and stateless persons in Latin America and the Caribbean. Thus special attention is emphasized for the “Quality Asylum”, “Borders of Solidarity and Safety” and “Dignified and Safe Transit” programs in the face of “*the increase in mixed migration movements, which may include people who are in need of international protection*”, while highlighting with concern the increase in groups and populations in a “*vulnerable situation ... who may [also] be in need of international protection*” (children, adolescents, victims or potential victims of trafficking, ethnic groups, and others).<sup>122</sup>

Due to all of the foregoing, collective detentions and deportations by land and air, primarily in the U.S. and Mexico, urgently need to be suspended because they violate the international protection framework for migrants, with or without a legal recognition of their refugee status, and this is increasing the threat to the lives and integrity of vulnerable migrants being returned to Honduras, without there being any changes in the circumstances and events that led to their displacement or forced migration in the first place.

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122. Brazil Declaration and Plan of Action.

See: <http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/BDL/2014/9867>



Members of the International Verification Mission watching lists of deported migrants in the Honduran National Migration Institute checkpoint in Corinto.

International Verification Mission meeting with Committees of Family Members of Migrants and the National Commission to Support Returned Migrants with Disabilities (CONAMIREDIS).



International Verification Mission meeting with Red Cross in Corinto border.

## CHAPTER III

### -Conclusions and Recommendations

#### Conclusions

- The Honduran government's discourse revolves around a view of the problem of forced displacement and migratory event as a matter of humanitarian aid; there is no rights perspective or approach that sees migrants as having rights and that institutionalizes a comprehensive public policy for addressing the issue as a structural question. There are only interventions that react to situations, such as that of the "child migrant crisis", and a humanitarian and welfare-based view of the problem. The government admits that it cannot handle the problem alone, and that civil society organizations have to become involved. The human rights approach is therefore absent, as is the vision for understanding that the state has the obligation to guarantee protection.
- Violence is a core component of the Honduran reality, and it also accompanies Honduran migrants throughout their migratory travels. At the origin it acts as one of the primary motives forcing human displacement. The groups affected by violence include Honduran children and adolescents, women, ethnic groups, the LGBTTI community, human rights defenders, justice operators, and journalists. At the same time, violence persists in migratory transit through serious human rights violations committed primarily by organized crime groups but also by state players such as police and immigration agents. Likewise, violence continues at the destination and is manifested in the return to Honduras by the absence of social reintegration policies.
- Central America, Mexico and the U.S. lack effective international protection mechanisms adapted to the current challenges and needs of the Honduran migrant reality. This translates into difficulty in accessing asylum, a dearth of protection mechanisms in the transit countries, a lack of adequate reception conditions for asylum applicants and refugees, and violence and re-victimization throughout the route. The right to international protection is not guaranteed because having a limited response capacity has become a policy for states and international organizations. Moreover, governments in the region lack any political will to recognize violence as one of the causes of forced displacement, along with a shortage of financial and human resources.
- The response of the region's states and the U.S. to forced displacement and migration is security-based policies that fail to respect the human rights of Honduran migrants. They are leading to a criminalization of migrants and the enforcement of migrant detention and deportation without addressing the migrants' needs for protection and refuge. One of the clearest expressions of this is border militarization and increased controls on the migratory routes. The so-called solutions offered by strategic plans such as the Southern Border Plan or the Alliance for Prosperity Plan are not aimed at providing real solutions to the causes and conditions of Honduran migration in particular and the region's migration in general.



## Recommendations

### To the Government of Honduras

- Cease to manage migration through political discourse and address the causes of forced migration.
- Create conditions for integrated development based on the right not to migrate.
- In response to the causes of forced migration in Honduras, we recommend that the government implement policies from the municipal to the national level that address the conditions of poverty and extreme poverty in which substantial sectors of the population live, guaranteeing a life of dignity and respect for human rights, acknowledging, promoting and respecting the ancestral rights of Afro-Honduran and indigenous communities.
- In order to prevent displacement due to violence, the Honduran State needs to improve and broaden its strategies and programs targeting children, young people and other vulnerable populations. Likewise, security strategies need to enshrine respect for human rights and be implemented by civil security institutions.
- The Government of Honduras should set up, broaden and improve systems and mechanisms for providing services to people displaced by violence, including the creation of shelters and the establishment of social programs for the relocation and reinsertion in decent conditions of people and families forced to abandon their homes and communities.
- For those who find themselves forced to move beyond borders, the Government of Honduras should broaden and strengthen the consular network abroad, assigning financial resources according to the needs of the migrant population. More staff should be hired and receive professional training in human rights and consular services, so that they can provide timely and suitable services that include acknowledging and respecting the human rights of children, adolescents, women, young people and their families.
- The Ministry of Foreign Affairs should carry out the necessary planning and budgeting to implement the “Memorandum of Understanding for the Establishment of a Consular Protection and Humanitarian Assistance Network between the Countries of Central America, Panama, Dominican Republic and Mexico”.
- To provide services to Honduran migrants who return to the country, the government of Honduras should open as soon as possible a center for returning migrants on the border between Honduras and Guatemala where it guarantees that they will be decently received. Children and adolescents who return should be ensured comprehensive services that go beyond merely receiving them and handing them over to family members in reception centers.
- The Government of Honduras should strengthen mechanisms for monitoring, following up and providing services for children and adolescents who have been deported, especially those at risk of violence. These measures should be applied from the moment of their arrival through to family integration and reinsertion at their destination.

- It is urgent for the Government of Honduras to establish and broaden services through social reintegration programs for returning migrants, such as access to employment, access to grants for children and adolescents, opportunities for employment training, psychosocial accompaniment and care. Special attention should be paid to the conditions of vulnerability, lack of protection and security in their communities faced by those forced to migrate because of violence and who have been returned along the migration.
- The Government of Honduras should take a stand with the governments of other countries in the region along the migration route to defend and protect the human rights of the Honduran population who for structural reasons or because of violence or to reunite the family have migrated and whose rights have been violated.
- The Government of Honduras should establish regulations for the Honduran Migrant Solidarity Fund, FOSMIH, created under the Law for the Protection of the Honduran Migrant, and assign resources to facilitate linkages, networking and the coordinated work of the Committees of Family Members of Disappeared Migrants.
- The Government of Honduras should put into effect the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators through a mechanism for the protection of defenders, journalists, social communicators and justice operators which is effective and has its own budget, staff, and capacity and in which defenders, journalists and other sectors covered by the law participate fully.
- The Government of Honduras should design and implement a policy against bearing weapons and for the control of those who use them rather than just establishing a law which limits the number of weapons per person.

### **To the Honduras National Human Rights Commission (CONADEH)**

- Continue and strengthen work and joint actions with municipalities to follow up on the social and family reintegration of deported children in their places of origin.
- In fulfillment of its mandate, CONADEH's budget should be determined by the institution itself and it should be truly and budgetarily independent of the government, with sufficient resources to carry out its mission.
- CONADEH should draw up a protocol and mechanism designed to guide, support and facilitate evidence required by third countries where asylum is sought. The mechanism should be complemented by some level of case follow-up by CONADEH once those seeking asylum have departed to other countries.
- CONADEH should draw up and seek agreements to carry out joint work at the regional level with other ombudsmen and refugee institutions. Regional agreements should be established to coordinate and join forces interinstitutionally to deal with asylum cases.

### **To the Government of the United States**

- Increase the number of recognized applications for refugee states, given the emerging crisis facing the people of Honduras.

- In designing and implementing policies for the region, the government of the United States should bear in mind the structural causes and violence that are causing forced migration from Honduras. Therefore U.S. aid to the countries of the Northern Triangle should aim to improve the living conditions of the most vulnerable population and reduce impunity, ensuring that human rights are respected.
- The presence and cooperation of the U.S. with countries in the Northern Triangle and Mexico should be based on a broad vision of human security and not on the militarization of societies and borders. To this end the government of the United States and regional governments should put in place international mechanisms for all migrants whose rights have been violated, with a special focus on children and adolescents.
- U.S. aid to support countries of the Northern Triangle should be provided with clear indicators so that progress and results can be evaluated in terms of transparency, strengthening of democratic institutions and improvements to the taxation system. It should also involve organized civil society in consultation processes to define its development programs.
- The government of the United States should ensure that children and adolescent migrants who are involved in legal migration processes in the country have access to effective and timely legal advice in their own language. The factors which pushed them to migrate should be taken into account and decent conditions ensured for adult migrants who are detained in migrant detention centers.
- U.S. Customs and Border Protection (CBP) along with other migration authorities should ensure that the cases of all migrants who apply for asylum are assessed with a view to ensuring and protecting their right to international protection. Humanitarian assistance should be provided for urgent needs and for the protection of migrants.
- The government of the United States should put an immediate end to the detention of migrant families.
- The government of the United States should show the political will necessary to achieve a fair reform of migration policy.

### **To the Government of Mexico**

- Increase the number of recognized applications for refugee status, given the emerging crisis facing the people of Honduras.
- Cease to apply the Southern Border Program which contradicts its discourse of respect for and protection of human rights, since it has only served to increase security on the border and within the country to the detriment of migrant human rights.
- When Honduran migrants being returned to Honduras by the Mexican government are detained and transferred, every necessary measure should be taken to ensure that they are transferred and repatriated in decent and secure conditions, duly complying with the signed Memorandum of Understanding.
- The IVM recommends that pregnant women and infants being returned overland with journeys of between 12 and 30 hours should be returned by air and that the buses in which migrants are returned are in suitable condition and have the necessary basic services for the journey which they are undertaking.

- The government of Mexico should implement public policies that aim to prevent, protect and punish serious human rights violations perpetrated against Honduran and Central American migrants within their territory. Suitable attention should be provided to victims and their families, and their right to suitable compensation for damages acknowledged.
- The government of Mexico should monitor implementation of the Forensic Commission for access to justice by victims and family members along the migration route on the part of the Office of the Attorney General.
- The government of Mexico should guarantee protection for migrant human rights defenders. This should include protection measures in addition to investigation into and punishment of threats and/or assaults on defenders as well as acknowledgement of and respect for the work that they carry out.
- The Mexican Commission for Assistance to Refugees (COMAR) should abide by the law and appropriately inform all migrants detained in immigration posts about their right to request asylum, carry out in-depth interviews and receive support from civil society. Current reports that assess levels of violence in the countries of origin should acknowledge the work of the United Nations on displacement due to violence in the countries of origin. Solutions for complementary protection and programs for integration into the country should be created.
- Mexican immigration authorities should provide accurate information to explain to migrants requesting asylum that during their application process they are not required to remain in detention centers and can carry out the process from migrant homes.
- In the case of efforts to search for and locate migrants, the government of Mexico should guarantee access to migrant reception and detention centers on the part of human rights organizations.

### **To the Governments of the Region**

- Policies should be established to promote development and the right not to migrate.
- Governments in the region should listen to and heed demands made by mothers and family members of migrants who have disappeared or cannot be located along the migration route. A regional and transnational mechanism needs urgently to be created and put in place to search for, locate, return and repatriate disappeared migrants. This transnational mechanism should be established in every country and be coordinated with committees of family members.
- In order to make progress on establishing the transnational search mechanisms for disappeared migrants, it is imperative that the government of Mexico implements as soon as possible the agreement signed by the Office of the Attorney (PGR) that allows for consular attachés to be appointed in Central America who can respond to demands by family members of disappeared migrants in their countries of origin.
- It is urgent for the government of Honduras, with the support of the governments of Mexico and the United States, to provide broad and comprehensive services to returning migrants who have been maimed and disabled on their journey along the migration route.
- It is urgent that the governments of the region comprehensively carry out the Memorandum of Understanding for a Dignified, Orderly, Timely and Safe Return of Central American Citizens Over Land.

- States need to develop alternative policies to the detention of migrants which guarantee the integrity and dignity of migrants, bearing in mind their specific conditions, guarantee their human rights and acknowledge that detained migrants are not criminals but rather asylum seekers, victims of human trafficking, children, young people, men, women, families, and senior citizens who are forced to migrate.

### **To the United Nations**

- The serious humanitarian situation in the Northern Triangle of Central America should be acknowledged and the region's states should be asked to receive migrants on the basis of the international protection of human rights.
- An Office of the United Nations High Commissioner for Human Rights (OHCHR) should be established as soon as possible in Honduras and should include in its annual work plan the issue of forced migration and displacement so that paradigmatic cases can be monitored and technical assistance provided to the respective government body.
- The UNHCR should strengthen its presence in Honduras, develop mechanisms for receiving, registering and identifying cases that require international protection, build capacity for follow-up and identify alternatives for children and adolescents.
- Regionally the UNHCR should encourage the exchange of experiences between its various offices, strengthen coordination with and between NGOs, and incorporate a regional perspective along with mechanisms to adopt regional priorities, including Mexico in the process.

### **To civil society organizations**

- Civil society organizations in Central America, Mexico and the U.S. should establish networks and strengthen those that already exist in order to work in a coordinated manner, joining efforts to address the issue of migration regionally.
- Civil society organizations supported by civil society in the U.S. should strengthen their advocacy agendas in the U.S. in order to influence U.S. policy on immigration and foreign policy in the region.
- Civil society organizations and development agencies in Honduras should strengthen themselves internally and programmatically so that they can address the issue of migration in a way that is not merely ad hoc and incorporates an international protection approach to migration in their internal plans and programs as a permanent area of work.

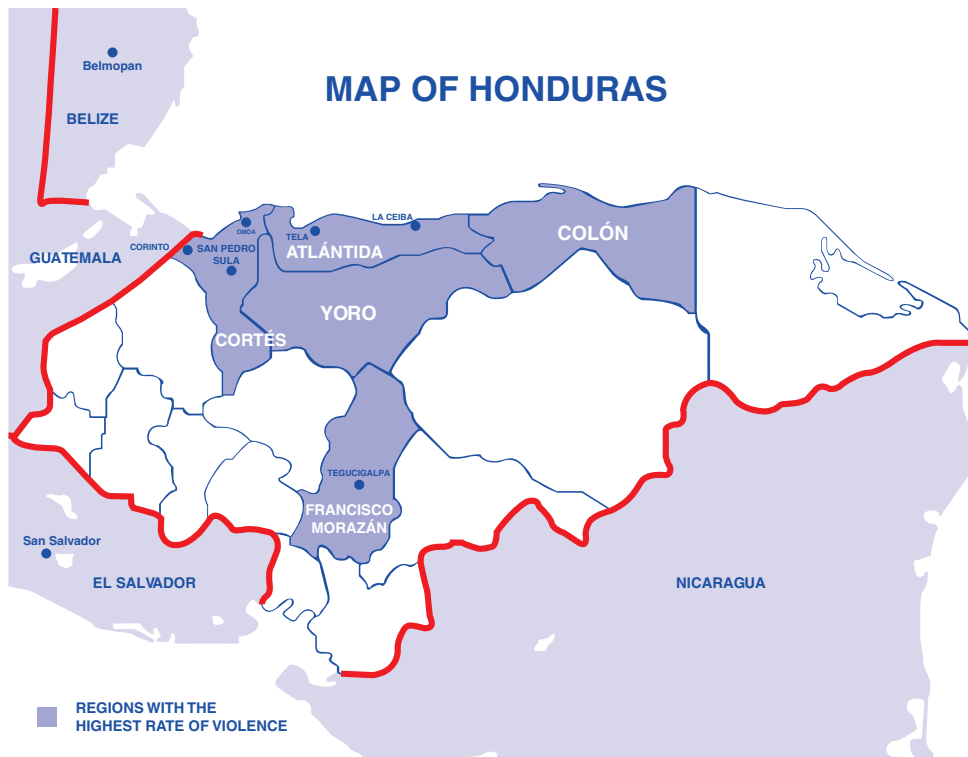
# ANNEX

## Maps

MAP OF MEXICO



MAP OF HONDURAS





International Verification Mission meeting with organizations that defend and promote the human rights of migrants.

International Verification Mission meeting in El Eden with the Deputy Foreign Minister of Honduras, with representatives of the Joint Task Force of the Child Migrants and civil society organizations working in El Eden.



International Verification Mission meeting with Afro-Honduran organizations.

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