

Unidentified migrant

Who knows how long it takes but others have cross to United States and have found jobs, they even send money to their families. I am not the only one crossing, I am the 57th of 72, but we did not walk together, the 72. We would call the attention too much. We walk at good pace, each of us with his own thoughts, we walk from sunrise to sunset, we walk without any stop, others have done it. For certain, the hardest had happened. Tamaulipas sounds like a flower, a tulip, a good shadow. In spite of the huizaches, you can walk, of course it is hard to arrive but you arrive. I don't know the others but I can easily talk to the women, especially at night with a hot cup in your hand chatting for a while. Not much, only the indispensable. There are fourteen women but barely looks up. They keep their strength for the journey. They are anonymous. It's convenient to be anonymous the whole life. It's better not to have a name, I will have one there, far away from El Salvador and Honduras, far away from Ecuador and Brazil, far away from the favela and the flood, from the sewage and the fallen ceiling, far away from the outdoors and the firearms, the rifles, the carabines, the cartridge y and the magazines, far away from the police and the cartels. There our colonies go up the mountain without electricity or water, there where life is under construction, there they wait for news: I arrived. I left Martina and the five children, I left Angel with three years old. He eats by himself, whatever there is but he do it by himself. They are waiting for me. When I arrive y let you know. Monday 23st August, 72 men an women are massacred. Tamaulipas doesn't know anything. Only one, the only survivor, the murders thought he was dead, Luis Freddy LalaPomavilla, Ecuadorian. They tied them up, some of them had given the coup de grace, the face against the ground. We need to save the survivor from now on. Save him from Mexico, save him from himself, save him from the shoot he didn't receive, save him from our continent, save him to make him possible to se Martina and his 5 children and explain the inexplicable (Poniatowska, 2011: 153)

Kidnapping of Migrants in Transit through Mexico and the Transnational Advocacy Networks for Their Human Rights: Scope and Strategies

By Mónica Salmón Gómez

The human rights crisis in Mexico and particularly the one with migrants in transit through Mexico is not coincidental. The increased securitization of migration has transformed it into a security issue, causing it to be a threat to the national security. The mechanisms and strategies to fight against this crisis has led to terrible consequences to the thousand of migrants that pass through Mexico every year.

As stated by David Harvey, the conceptualization of the *irregular migration* as a threat to the Nation-States has occurred as a consequence of the “global unequal capitalist integration”. This is a structural process that promotes global inequality in a parallel way, creating the *undocumented* as the *others unwanted* (Álvarez and Guillot, 2012:24). We then have migration as

a phenomenon characterized by the economic globalization and the predominance of the logic of social exclusion, that it reveals itself as a feature for nations and families in their need to seek, among other things, improved living conditions in places that are different from their place of origin (Hernández and Salmón, 2014: 15).

As a result of the seriousness of the human rights crisis of migrants in transit through Mexico, a process of interaction among national and international actors has emerged, who collect and disseminate information about abuses committed against the physical integrity of migrants, such as in relation to acts of kidnapping and extortion perpetrated by organized crime (Anaya and Díaz, 2012: 133).

The most direct antecedent movement on human rights for migrants took place during the eighties and nineties with the support networks of refugees and displaced people from Guatemala and other Central American countries (Interview FabienneVennet, 2014). Since then, the studies of human rights for migrants have highlighted this as a category for an analysis framework so that concrete solutions can be offered for public demands.

The main objective was to endorse those claims against impunity and to show a set of experiences that evidence the vulnerability of this type of population versus the authorities. Besides, nowadays those kinds of research have worked on the process analysis where the State responsibility is presented indirectly. The increased migrant mortality is an impunity outcome, which makes acts of criminality possible and at the same time, protects trafficking and criminal bands (Calderón, 2012: 33).

As I am particularly interested in this area of study, I have proposed to study the defense on human rights for migrants in transit throughout the Transnational Advocacy Networks (“TAN”). As per the literature of non-governmental actors, the TAN’s has been studied for their capacity to have an impact on national and international politics.

The TAN’s, according to Margaret Keck and Kathryn Sikkink, have organized models of communication and mutual and horizontal interchange of information between its members.

They emphasize in direct and effortless relationships amongst those who are committed and other specialized actors involved. Amongst the principal actors of TAN's, there may be international and national NGO's, research and defense organizations, local social movements, foundations, media communication organizations, churches, regional and international intergovernmental organizations and others from the executive and the legislative power of the government (Keck and Sikkink, 2000: 27).

Further, TAN's are a force of resistance from below and against the adverse effects of globalization, as they are continuously challenging the authorities and the practices of the States. The non-governmental actors involved have been largely ignored because they lack the power and influence as per the terms of the classical concept. TAN's have the influence over generating capacity for transnational interactions and this influence is becoming increasingly visible. Further, TAN's have increased interactions across the borders with their counterparts around the world. These interactions are performed in accordance with norms based on values and principles that the Nation-States, via the international normative structure, is engaged to promote and fulfill. Through these interactions, TAN's spread the word on human rights violations, release their recommendations and pressure the governments to make their speech coherent along with their behavior. TAN's initiative on human rights in relation to migrants in transit, gave valuable information to international agencies that had been collected and systematized in order to prove the constant aggression, increasing number of kidnappings, murders and disappeared migrants in transit through Mexico (Ibid.).

The TAN's have developed a set of strategies and tactics to pressure and make known the unfulfilled of the norm by the Nation-States. Keck and Sikkink focus on four ways on which the TAN's strategies can be analyzed. The first is the *information politics* in which the TAN's highlight the collection of and spreading of credible information, but also dramatize the facts by using testimonies of the concerned people to evocate the commitment and a better understanding of each situation. *Symbolic politics* is the second strategy. Under this strategy, TAN's use conferences or symbolic events to create publicity and build political and social capital. The third strategy is *leverage politics*. Besides persuading thorough information and symbolic politics, the

TAN's try to pressure Nation-States by threatening the use of implicit or explicit sanctions in order to close the gap between the norm and the practice. And finally the last strategy, *accountability politics*, achievement moral changes that are provoked by international scrutiny and these changes ensure that the States are held responsible for their duties (Keck and Sikkink, 2000:269).

Moreover, it is important to point it out that the TAN's interactions with external actors also create external pressure *from outside*, causing a *boomerang effect*. This spiral model consists of several boomerang shootings, and depending on the level of pressure, the government will or will not improve a variety of human rights situations (Risse and Sikkink, 1999: 18). Along the same line, the spiral model looks for ways to understand the conditions of international regimes on human rights, the norms and the principles by which rules are internalized and implemented within the domestic level, as well as, how they affect the processes on political transformation (Ibid., 3).

The purpose of this article is to reveal the achievements and goals of the TAN in relation to human rights for migrants in transit and how they have taken the relevant information that had been collected and systematized to an international level; how they have made evident the continuous aggression, the growth of kidnappings, murderers, disappearances of migrant populations, and highlighted the effects on Mexico's migration policy.

The research questions that lead the development of this work are the following:

What did detonate the rise of the TAN's on human rights in relation to the migrants in transit? How did the TAN's consolidate? Which strategies they used to pressure the Mexican government? What were the outcomes they have achieved? This manuscript is divided into three sections. The first section aims to develop an analysis of how Mexico could produce one of the most violent crisis of human rights in relation to migrants in transit. The second section helps to put into context the emergence of the TAN's on human rights in relation to migrants in transit, as well as their consolidation and strategies in relation to the same. Finally, the third section describes the pressure effects made by the TAN to the Mexican State. This manuscript tries to

operationalize the theoretical model of Keck and Sikkink about the TAN, the four strategies as stated above and the spiral model as a mechanism to pressure to Mexican State.

Human rights crisis of migrants in transit through Mexico

To understand the context of the situation of migrants while they transit Mexico, it is necessary to recognize that the restrictive policies that have been used and are currently being used to restrict migration flows from Central America to the United States promote patterns of irregular migration. This means that migrants are risking to travel and transit across Mexico without any official documentation that proves their migration status. These types of conditions encourage irregular migration that result in facilitation and development of criminal behavior, such as the business of trafficking and smuggling of humans, which subsequently may also trigger other kinds of violence against the migrant population, who is already in a vulnerable position (Herrera-Laso, Artola 2011, 11; Álvarez, 2008, 2).

The bellicose approach embraced by the ex president of Mexico, Felipe Calderón (2006-2012) caused a wave of generalized wave. The strategies implemented by the federal government to combat the different cartels in the country were characterized for drugs, arms and confiscation of equipment, the blockage of cash flow and major control of territory. The direct consequences of the above were the diversification of criminal activities in order to obtain more income (Estévez 2012, 22). Some cartels included the extortion of legal or illegal business and piracy within their activities and the matter of the most concern in relation to this research is these criminal groups began to smuggle, traffic and kidnap migrants in transit (Astorga 2009, 105).

In 2008, after two years of war against organized crime run by the ex president, Calderón, the “Zetas” (a criminal organization created by a group of elite military commandos coopted by the Gulf Cartel), became independent and fought against their old allies for drug routes and other illegal activities. Their base was in the region of Nuevo Laredo, Tamaulipas and they extended this base across the Gulf of Mexico, route from where most of the migrants in transit run to get to United States. The Zetas cartel was the one that was the most attacked by Felipe Calderon, so they chose to diversify their activities, which include kidnapping of migrants in transit while they

were traveling with the freight train. The Zetas also coopted small criminal bands with whom they allied to charge a quote to the *coyotes* (traffickers) to kidnap migrants that were traveling by themselves. Besides, they had *security houses* and access to apocryphal migration papers, which facilitated their criminal activities (Estéves 2012, 37).

It is important to note that at first, the role of the State might not seem as a perpetrator. By way of a strict interpretation, kidnapping might not be a human rights violation if it is perpetrated by a private actor as an organized crime. Nevertheless, in cases such as these, the State is indeed the perpetrator for two simple reasons: a) failing in its responsibility in relation to protection of the integrity of migrants. This failure of protection has resulted in cases of torture, mutilation, sexual assault, removal of organs, trafficking, slavery and murder; b) because on several occasions, different tiers of government actors were involved in the crimes that have been committed by the actors of the organized crime (Ibid, 34).

The National Commission on Human Rights (CNDH in Spanish), with the support and information from the shelters administered by the civil society, published a special report on “Kidnappings of Migrants”. In six months, they counted 9,758 kidnappings with an average of 33 such events and 1,600 victims per month. The amount required for the purposes of rescue was on average 2500 dollars, with variations between 1500 and 5000 dollars. The benefit derived from the organized crime is estimated along 25 million dollars as per the 9,758 victims interviewed for this report (CNDH, 2009).

This humanitarian and human rights crisis in Mexico became worldwide after the massacre in San Fernando, Tamaulipas, where mass murders of 72 undocumented migrants by the Zetas cartel took place in August 2010. As a result of this event, 72 corps were found, from which 58 were men and 14 were women, including a heavily pregnant woman. The only survivor was a young man named Luis Freddy, an 18 years old Ecuadorian. He could escape and reach a navy checkpoint by pretending to be dead. The Zetas intercepted a group of migrants and took them to a place called “Ejido del Huizachal”, where they asked their families for a sum of 2,500 dollars for a release. They also offered the option of *sicariato* instead, which means to join the Zetas as a

“hitman”. They were murdered by the Zeta for the reason that they were not able to gather the money to pay for the release and neither did they want to get involved in the cartel (Zarate, 2010; Aranda, 2010).

The severe situation of the discovery of the ongoing murders did not come to an end there. In April 2011, in some other localities in the same municipality, clandestine graves with 193 bodies were found (CNN, 2011). In May 2012, 49 mutilated bodies in Cadereyta, Nuevo León were found. In this case 43 of them were men and 6 of them were women with naked torsos (with no head or extremities) (El Universal, 2012).

Strategies of the TAN’s for Human Rights of Migrants in Transit.From Humanitarian Assistance to Human Rights Defense

The hunger, the thirst, the exhaustion, the blistered feet, the use of the freight train, the need of crossing deserts and jungles, the isolation, the dehydration, the burglaries, the extortion, the physical, sexual aggressions, such as kidnapping and death have been the basic premises on the way of thousand of migrants that want to cross Mexico. Most of the shelters and other support groups across the route emerged not only because of their closeness to the railroad, but also due to the genuine preoccupation from the humanitarian emergency that was evident in relation to the migration population who were on their way through this country.

This emergence of humanitarian and human rights organizations in Mexico was taking place in the late 1980. The first of the above organizations initiated their activities in northern Mexican border cities. They responded to mix flows of immigrants, such as, immigrants that wanted to cross to get to the United States (Mexicans, Guatemalans, Salvadorans, Hondurans and Nicaraguans mostly); these immigrants waited in those cities until they were able to acquire the resources to get them cross to the United States. These organizations also support people who were deported and needed a place to stay. The humanitarian initiatives, since then, contemplated the consequences of the restrictive policies that lead to the immigrants having to use dangerous roads, including walking many kilometers into to hot and dry desert areas or crossing rivers, providing them with opportunities to die for the reason of dehydration, starvation or drowning in

the rivers. Moreover, they anticipated that with the physical closure of the borders (installation of fences, border patrols and technological equipment to avoid people crossing illegally), the immigrants would have to wait for longer periods to obtain an adequate time to cross.

On the other hand, at the same time, there was a growing concern about the Central American population after the end of the armed conflict in their countries as they went off to other countries looking for social and economic opportunities. This situation motivated the emergence of many civil society initiatives to counteract the humanitarian crisis that was becoming evident in Southern Mexico. In Mexico City, some other projects were established in which, (although they did not offer humanitarian aid) they specialized in promoting and defending human rights in relation to immigrants and also local, national and international advocacy processes.

By the year 2000, the political agenda in Mexico included the situation at the southern border, which was connected to the interest of the United States in extending their perimeter of security. The terrorist incidents on September 11, 2001 led to the implementation of more aggressive public policies for migration control, which were extended to the whole region. As a result of this, during the first decade of the new millennium, many initiatives to protect immigrants and their human rights started to emerge within Mexico. This highlights the quantity and diversity of the social agents that are interested in defending the human rights in relation to immigrants. Even though, these organizations were created without a budget, much experience, political support or social capital, the coordination and support mechanisms within the organizations have enabled them to increase their capability and advocacy powers at a national, regional and international level.

Table of the civil organizations and support groups of migrants in transit through Mexico		
Name	Year of Incorporation	Location
Centro de Derechos Humanos Miguel Agustín Pro Juárez	1988	Mexico City

Casa del Migrante Tijuana	1987	Tijuana, Baja California
Albergue del Desierto	1989	Mexicali, Baja California
Casa del Migrante Betania	1990	Mexicali, Baja California
Albergue de Jesús el Buen Pastor del Pobre y el Migrante	1990	Tapachula, Chiapas
Centro de Derechos Humanos Fray Matías de Córdova	1994	Tapachula, Chiapas
Sin Fronteras	1995	Mexico City
Mujeres de La Patrona	1995	Amatlán de los Reyes, Veracruz
Albergue Belén	1997	Tapachula, Chiapas
Casa del Migrante de San Luis Potosí	2000	San Luis Potosí, San Luis Potosí
Albergue Decanal Guadalupano	2000	Tierra Blanca, Veracruz
Servicio Jesuita a Migrantes-México	2001	Mexico City
Belén, Posada del Migrante	2003	Saltillo, Coahuila
Hogar de la Misericordia	2004	Arriaga, Chiapas
Iniciativa Kino para la Frontera Norte	2006	Nogales, Sonora y Nogales, Arizona
Hermanos en el Camino	2007	Ixtepec, Oaxaca
FM4 Paso Libre	2007	Guadalajara, Jalisco
La 72: Hogar-Refugio para personas migrantes	2011	Tenosique, Tabasco

Source: Own elaboration.

*This table represents only 30% of the 66 shelters and organizations that provide food that are registered within the “Dimensión Pastoral de Movilidad Humana de la Conferencia del Episcopado Mexicano” in 2013 (Interview Leticia Gutiérrez, 2014).

Transnational Strategies

Based on the four strategies proposed by Keck and Sikkink (2000:269) above, I have analyzed a set of tactics that the TAN's have implemented on human rights for migrants in transit to create pressure and make known the unfulfilled norm by the Mexican State.

Information politics

In 2000, the Migration Forum (the MF) published a first report titled as "*Mexico between its two borders*". This document showed the outcome of an investigation in the southern border of Mexico, describing the principal migration flows, the conditions of migrants in transit as being vulnerable, poor and generally of undocumented immigrants, and further, it also offered an analysis of human right violations suffered by these migrants (MF, 1999). In that year, MF used the above publication to provide information to the Special Rapporteurs from the United Nations and the Inter-American system in order to offer some background in relation to the situation in Mexico before their visit to the country. Some of the Special Rapporteurs were Juan Méndez, the special reporter on human rights of migrants and members of their families from the Inter-American Commission of Human Rights (IACHR) and Gabriela Rodríguez Pizarro, special reporter on human rights of migrants from the United Nations, both in the year of 2002.

In 2005, MF worked on an alternative report to present to the Committee of the "Rights of All Migrants Workers and Members their Families", which benefited another special reporter on human rights of migrants named Jorge Bustamantes in March 2006. In the above document, MF made comments about the article in the 'International Convention on the Protection of the Rights of All Migrants and their Families' which is related to the situation of human rights of migrants in Mexico. MF had the knowledge and experience of working directly with migrants all around the country (MF, 2005). Furthermore, MF was deeply involved with the visit of Bustamantesto Mexico on March 2006. Also, Bustamantes was a co-fonder of MF and he had a close relationship with the other members. MF continuously participated *in loco* visits, specially the ones that were related to migrants and also in a special meeting organized by the office of the United Nations High Commissioner for Human Rights to speak about migrants in Oaxaca on

July 2011. Moreover, MF was participating on the Special Rapporteur for the Right of Migrants during the IACHR's visit to Mexico on that same date (Interview Karina Arias and Fabienne Vennet 2014).

The organizations part of TAN on human rights related to migrants in transit continuously document a systematic violation on human rights. In 2008, they started registering the practice of kidnapping conducted by the organized crime. The seriousness of the testimonies of those that survived the kidnappings demanded the introduction of new strategies that go beyond basic humanitarian assistance. The CNDH Special Report on Kidnappings of Migrants (CNDH, 2009) was the first confirmation of TAN's strategy on this matter.

The above report accomplished to generate a methodology that offered an estimate of the number of people that were involved in the kidnappings (20,000 kidnappings on average per year). The above report also resulted in the CNDH, an institution that large political power, to sign and publish the atrocities against the concerned migrants. Nevertheless, in relation to the efforts of ten shelters that participated in this report, most of the cases were provided by "Casa del Migrante Saltillo" and "Albergue Hermanos en el Camino" as they were more capable and had the resources to do this laborious job. There were more people and organizations involved in this endeavor, although they were not public figures, they worked hard and consistently to make it possible. We have María Canchola, who worked for the Jesuit Service for Migrants in Mexico and dedicated a lot of her intellectual work to systematize and write the above document. Further, another important fact that is worth mentioning is that Siria Yuritzi Olivia was an ally of the civil society and she was working for the CNDH at that time. She as well provided an immense help to make the rapport possible (Interview Leticia Gutiérrez, 2014).

This first document on this matter, which highlighted the context of the violence detonated a series of articles that were published by international organizations. As was the case of the publication in the year 2010 about the "*Invisible Victims, Migrants on the move in Mexico*" by International Amnesty (IA 2010). This meant that one of the most prominent organizations in relation to defending human rights had decided to take the matter to the international arena. Also

in the year of 2010, the Washington Office on Latin America (WOLA), started conducting research about the happenings to migrants in transit through Mexico and published the following report in relation to this: Centro ProDH “*A dangerous journey through Mexico: Human Rights Violations against Migrants in Transit*”(Mayer and Brewer 2010).

Symbolic politics

In 2005, a group of documentary filmmakers walked along the railroad in order to provide an account of the systematic human rights violations against migrants. The documentary “No One”, by Tim Dirdamal (2005) turned out to be one of the first audiovisual products that spoke about the tortuous journey of the migrants whilst they crossed Mexico and also in relation to the different social actors that provide humanitarian aid on this journey. As a result of this film, the work of a group of women in a rural community in Mexico that was created to help migrants began to be internationally known. Headlines such as the following can be found all over the world: “*Women in La Patrona, hope for Central American migrants*” (Molina 2007); or narratives like: “*Every year 400,000 Central American migrants are intended to reach United States by crossing Mexico. They travel as flies, over the freight trains: there are no flights for the illegal, no future... At one point in Veracruz, they find hope: “Las Patronas”, the brave women that wait for them at the end of their tracks to give them water and food*” (López and Prieto 2011). To provide a more specific presentment of the work of this group in the last 15 years, it has been summarized into a short documentary film named as “La Patrona” (García 2009). This film has reached the audience of countries like Spain, France, Canada, Poland and of course, Mexico.

Another documentary created by IA named as, “*The invisible*” is becoming known around the world. This documentary was created to complement its 2010 report (IA 2010). It consists of four short films that portray stories of migrants during their journey (Nuñez 2010). A great way to highlight this work was to include a famous figure, Gael García, who is known for his contribution in the artistic and cinematographic world. Furthermore, the participation and

testimony of the priest, Alejandro Solalindemake a great effort to emphasize the work of the civil society to the assistance and defense provided in relation human rights.

In addition to the above, some important strategies were gathered from the Global Forum on Migration and Development (GFMD) which took place in Puerto Vallarta, Mexico, in November 2010 three months after the massacre of the 72 migrants in San Fernando, Tamaulipas. In the above event, the president, Felipe Calderón had to include the following in his speech: “We deplore the facts, and precisely, since we knew about them, we have been acting firmly and with determination” (Calderón, 2010). Moreover, the civil society, as the TAN’s, included the following in the final declaration through the Executive Committee of the Civil Society Days of the GFMD: “Over 400 delegates and observants from about 80 different countries, representing migrants, a range of civil society actors, international organizations and 33 governments gathered during the Civil Society Days. Our deliberations took place during the times where the global economic crisis continued to threaten the economic welfare of millions of people; the climate change remained a potential cause for displacement of people in a large scale among countries and throughout international borders; further, the criminalization of migration, the militarization of the borders and the attacks against migrants, particularly, the massacre of 72 Central and South Americans in Tamaulipas, threatened the human and physical security of migrants” (2010).

Leverage politics

Based on the seriousness of the testimonies of the migrants that had suffered, The TAN’s had to implement support strategies for their settlement. In order to achieve the above, it was necessary for the TAN’s to approach organizations with transnational experience in relation to Thematic Hearing on Kidnapping at the Inter American Commission for Human Rights (IACHR) in the year of 2010. This type of hearing is a clear example of a negotiation process because it goes through the mechanism of social construction as regards to the arguments. According to Thomas Risse (2000, 28), the approach to conduct arguments helps to clarify how the actors develop

common knowledge about the definitions of concepts in the negotiation strategy, such as in this case, as kidnappings of persons as a serious migrants human right violation.

The hearing was held on March 22nd, 2010, in Washington D.C. It was presided by Felipe González, a Special Rapporteur on Human Rights of Migrants. The petitioners were as follows: Pedro Pantoja and Sandra Albicker from “Casa del Migrante de Saltillo”; el Obispo Raúl Vera from “Centro de Derechos Humanos Fray Juan de Larios”; Stephanie Erin Brewer from “Centro de Derechos Humanos Agustín Pro Juárez”; Saúl Sánchez from “Centro de Derechos Humanos Fray Matías de Córdoba”; and Alejandro Solalinde from “Albergue Hermanos en el Camino”. Other organizations such as the Jesuit Service for Migrants in Mexico, Albergue Decanal Guadalupano and the DPMH signed the above petition as well. The presentations of the above petitioner’s were convincing well presented and coordinated. The petitioners made use of data, numbers and testimonies in order to provide evidence in relation to the seriousness of the situation. By applying the international normative and the values enshrined in international treaties of human rights they were able to clarify the relationship between the commission of a crime and the State responsibility in relation to it. Meanwhile, the State used only one voice, Oliver Bush was in charge of the Inter-institutional relations within the INM, who within 20 minutes, numbered the actions that were acknowledged at the Special Rapport, leaving aside the recommendations to the Public Security of National System (CIDH 2010).

After organization and Mexican State presentations, the response of the Commissioner consisted of a lot concern. The Special Rapporteur, Felipe González, described the situation as being “*truly frightening and seriously bad*”. The Rapporteur for Mexico, Rodrigo Escobar, did not hesitate on calling it a “*humanitarian tragedy*”. As a result of this, a new international debate was starting to form, whereby (Cruz Martínez, 2010).

Accountability politics

Since the Thematic Hearing and the following massacre of the 72 migrants in San Fernando, Tamaulipas, the international community had their eyes on the Mexican government. There was a moral pressure in relation to the speech on human as regards to guaranteeing the integrity and

the life of the migrants in transit. However, the conditions of violence and their vulnerability have not changed for migrants in transit. The seriousness of the human rights violations continue.

Nevertheless, the situation improved as a result of the terms on which civil society as TAN's negotiated with the Mexican government about the subject.

Spiral Model-The Effect of the TAN on the Mexican Government

Some of the relevant events on defending human rights of migrants will be linked with the following stages to establish a relationship with the TAN, their advocacy strategies and the change the behavior of the State.

Stage of Tactics Concessions: Special Rapport on Kidnapping Migrants

The sister, Leticia Gutiérrez mentioned the countless attempts to get an appointment with the president of CNDH, José Luis Soberanes, until one day, she was able to arrange an appointment with the fifth visitor of the same institution. One immediate antecedent of the Special Rapport (CNDH 2009) was those meetings where the organizations talked to the public servants and delivered the data and testimonies that they collected in the shelter of migrants. Therefore, the number revealed through the National Migrants Aggression Register included 200 testimonies from migrants that had been kidnapped and tortured by the organized crime (with the acquisition of the State) (Interview Leticia Gutiérrez 2014).

The purpose of this document was to spread the word in relation to the frequent and systematic kidnappings of migrants in transit; to make known the growing tendency and the disregard of the authorities in charge, who failed to prevent and investigate such kidnappings; to promote the immediate, integral and coordinated actuation of security to prevent kidnappings and implement justice management corps to prevent the continuation of this type of crime and protect the lives of migrants in transit; and finally, to raise awareness in relation to the cruelty and inhuman nature of this situation owing to the authorities and generally, society (CNDH 2009, 4-5). It is important to highlight the frequency of acts and the many territories where this was happening.

The Special Rapporteur included testimonies from the regions of Tenosique, Tabasco; Bocas, San Luis Potosí; Coahuila, Orizaba, Tierra Blanca, Veracruz; and Nuevo Laredo, Reynosa, Tamaulipas. The conditions of captivity were particularly inhumane and in most cases included cruel and degrading treatment:

“...they hit me in the head, the hip and the arms with a table called “the remembrance”, they also hit me with a bat, with their fists and feet...” (Ibid, 36). “... they hit me with a bat until my head opened. They hit me in the arm and my nose with a 9mm gun. Whilst they were hitting me, they were filming it all with six cameras and three computers...” (Ibid, 47).

There was evidence of participation of authorities from different tiers of the government:

“I did not denounce those that were involved because I saw that the police was involved. There were police dressed in white t-shirt and pants that came four or five times. Two of them always got there and the others were different. Every time the police arrived, they drank alcohol and inhaled cocaine... (Ibid, 38); the migrants are afraid to denounce them because they fear the retaliation against them or their families and therefore, they stayed unpunished “they constantly threatened us with guns in our heads... they told us that they were going to kill us and take us to the river” (Ibid, 48).

In same document, twelve recommendations were issued, seven to the Public Security National System and five directly to the Immigration National Institute (INM-initials in Spanish). The federal government’s answer was to reiterate its commitments to combat corruption and broaden its capabilities on human rights matters.

Nevertheless, the Special Rapporteur (CNDH 2009) did not have produce the results that were expected. The government’s speech was definitely in favor of respecting human rights, but it was only guided in order to pacify the international critiques; there was no evidence of a real intention to design an integral migration policy that could encourage the prevention of violence and also guarantee the life and integrity of migrants in transit through Mexico. In spite of not succeeding on that, the great effort of the civil society for coordinating and articulating to push the CNDH to write and sign this document gave more power to the TAN’s human rights in relation to migrants in transit. Those that gained power through their demands were able to legitimize them through a truthful and trustworthy document covered by a decentralized public institution. The last elements presented here are appointed for the Concessions Tactics in stage three of the spiral model.

Stage of Negation: Thematic Hearing on Kidnapping Migrants at the IAHRC

When the above mentioned a group of organizations was able to have the Thematic Hearing at the IAHRC, the Mexican State was not prepared at all to respond to such a crisis. It did not expect that the organizations of migrant defenders, much less the shelters, would be able to get their voices heard on an international level. During the Hearing, the Mexican government rejected adjectives like *serious* violations of human rights or *humanitarian tragedy* and they made assurances of plans to deliver an official report of the situation (Thematic Hearing 2010; Cruz 2010).

By July 16th, 2010, the presidency released a press statement titled as: “*Mexico reiterates their commitment to the protection of human rights of migrants and in particular, to those in vulnerability conditions*” (Foreign Affairs Secretary 2010). In that statement the government announced the delivery of the report that was promised to the IAHRC. The structure of this report included a chapter named: “*Observations in relation to the Special Rapport on the Kidnappings of Migrants by the Human Rights National Commission (CNDH)*”, in which the Mexican government criticized and questioned the veracity and the accuracy of the collected data. It mentioned that the testimonies provided as a starting point in a research can only provide the number of kidnappings occurred but due to the lack of statistic methodology and diverse sources, as well as, the divergences on the estimations, the possibility of formalizing conclusions about the amount of victims was difficult (Federal Government 2010). The report appears to have an answer for the negation stage, where the Mexican State was overwhelmed because they had not made the institutional effort to document the crisis, and therefore, they had no solutions to the crisis. The answer for them was to deny the magnitude of the human rights crisis and the violence against migrants.

Despite the answer of the Federal Government, the Thematic Hearing on kidnappings of migrants meant that there was a turning point in relation to the history of defenders of human rights of migrants in transit. According to Alberto Xicotencatl (2014), the director of Saltillo’s Migrants Shelter, other organizations, such as, WOLA approached them for help with their job.

Once, the WOLA sent a letter to the governor of the state of Coahuila in relation to asking for support in relation to the work of the Shelter. This letter made a real impact on the local authorities who were surprised about receiving a direct communication from Washington D.C. Since then, Xicontenatl and their team also developed a close relationship with Amnesty International in London. This meant having more influence and power to dialogue with first level public servants (locally and nationally). An example of this was the association with the office of the sub-attorney that specialized in investigations of organized crime (SIEDO -initial in Spanish) to coordinate the denouncing of trafficked victims. As a result of this, Saltillo's Migrants Shelter has now become one of the most important organizations related to the matter of migrants in transit through Mexico.

Stage of Concessions Tactics: Massacre in San Fernando, Tamaulipas

A month after the Report from the Mexican government that supposedly explained the crisis of human rights to the IAHRC (on August 23rd, 2010) was made public, the massacre in San Fernando, Tamaulipas occurred. The news of this massacre was known worldwide. Press notes, reviews and reports with headlines appeared as follows: "*Victims of Massacre in Mexico are believed to be Migrants*" in New York Times (Archibold 2010); "*The 72 murdered persons in Mexico were immigrants without papers*" in El País (Camarena 2010); "*Mexico: undocumented massacre*" in BBC Mundo (Najar 2010); "*Bodies dumped on Mexico/US Border*" in Al Jazeera Net (Al Jazeera 2010). Even the newspapers in the countries of the victims published: "*There are Salvadorians amongst the bodies found in Mexico*" at the Salvador.com (Reuters 2010); "*Ecuadorian survived the massacre at Mexico/ US Border*" in El Comercio (El Comercio 2010). This situation was so severe that it became news of a high concern within the national and international media and therefore, the Mexican State could no longer hide it. The stage at the spiral model that describes this situation is the Concession Tactics stage, where the State is able to control the domestic situation and on the other hand, the TAN uses methods of shaming as a communicative tool to obtain the support of the State.

During the Hearing, the Special Rapporteur on migrant workers presented the possibility of an *in loco* visit during the year of 2010 to review conditions of the migrants in transit. The response of the State to his petition was as follows: “*You know that the only procedure is to organize an appointment and we think that during this year, it is complicated because of our agenda; but this does not mean that our doors are closed in relation to your request, in the contrary, the doors are always open, it is only a matter of organizing of a time if you agree with it*” (José Antonio Guevara, director of the Promotion and Defense of Human Rights in Government Secretary during the Thematic Hearing). This visit was not provided a date until after the occurrence in San Fernando. The *in loco* visit was scheduled for July 2011.

However, the IAHRC did not wait until the visit to release their point of view on the events in San Fernando. Through the media release No. 86/10 on August 27th, 2010, the massacre of immigrants in Mexico was condemned. It reiterated the Commissioners concern about the situation and repeated what was said during the Hearing in March 2010: “*The situation of migrants in transit through Mexico is of a high concern within the IAHRC*”. Therefore, the IAHRC used the numbers given by civil organizations (contained in the Special Report) again:

“The IAHRC received information about the high number of migrants being kidnapped, that according to the organization as per the Hearing, would ascend to 18,000 persons during 2009. In the Hearing, it will be indicated that these persons were victims of torture and that the kidnappings occurred to ask for something in exchange for a release” (IAHRC 2009, 1).

It was through the above declaration that the arguments presented by the Mexican government to invalidate the data and numbers offered by the organizations were dismissed. Additionally, the Hearing was a major turning point for the civil society organizations as the massacre in San Fernando in 2010 and the other in 2011 were enough evidence of the tragedy and the fact that the State was not doing anything to prevent it. This event was known by the international community and especially, by the international media, which required getting information from primary sources. At that moment the actors who had the information became emblematic figures, such as

the priest in Saltillo, Pedro PantojaArreola¹, Priest Alejandro Solalinde² from Ixtepec, Oaxaca and Fray Tomás Castillo González³ who baptized the Shelter in Tenosique, Tabasco “La 72” in memorial of the 72 tortured and dead migrants in San Fernando. The above three figures had received human rights awards by the Mexican government, which only proves the favorable speech by this government on human rights to pacify the international critiques. This is a feature of the Concession Tactics stage.

¿Prescriptive Status stage? Migration Law in 2011

The last migration law that Mexico had dated back from 1936. For over thirty years, the Population General Law (from 1974) provided guidance in relation to all migration matters. Ernesto Rodríguez Chávez, who was in charge of the Migration Studies Center confirmed that the modality for approval of this new law as *fast track* method due to the events in San Fernando, Tamaulipas. Rodríguez thought that it would take longer to promulgate the law because at the time the massacre occurred, the law was still incomplete; it still required the chapter on Mexican immigrants. As a result of urgency to demonstrate that the State was involved in resolving the humanitarian tragedy, the law was approved very quickly, however, with a lot of deficiencies (Interview Ernesto Rodríguez and Gabriela Morales, 2014).

With the promulgation of the Migration Law in 2011, and its regulation in 2012, before Felipe Calderón finished his period as president, the Mexican State appeared to pass the fourth stage in the spiral model, the Prescriptive Status. In spite of obtaining power by the TAN to pressure the State to emit the Law, the amount of violations of human rights and the imperative vision on national security instead of human security, makes the law to be only an esthetic change that enforces the discursive commitment to human rights, and less to substantially change the reality of violence that migrants in transit must endure every day.

Conclusions

¹ He was rewarded with the International Human Rights Letelier-Moffitt from the Institute for Policy Studies in Washington.

² Winner of the National Award on Human Right in 2012 for his trajectory on promoting and defending migrants in transit human rights.

³ Winner of the Statal Award on Human Rights 2013 for his trajectory on promoting and defending migrants in transit human rights. Also Winner of the French-German Award “Gilberto Bosques”.

The systematic violations of the human rights of migrants in transit through Mexico were not coincidental. It responded to a national problem of a State that is weak with high levels of impunity and corruption and an emerging powerful structure of criminal organizations. Those criminal organizations decided to diversify their activities targeting the migrant population as a source of their activities without caring about the brutality and the violence inflicted against them. Therefore, there is this scenario with numerous victims of kidnappings, torture and murder. All of this happened with the complicity of the Mexican State who has the primary obligation to guarantee the life and integrity of the migrants in transit through its country.

In the very beginning, the humanitarian aid organizations that were faced with this violent reality did not have the political support or the capabilities to put a hold onto the structural violence. Their emergence was in most cases, for the solidarity and empathy with the migrants. In Mexico, in most of the shelters, organizations and support groups have been transforming their vision from being merely of assistance to a much wider perspective, which would include the promoting and defense of human rights. Amongst their new mechanisms and strategies there were strategies to specialize and promote the due process, migration regularization, deprivation of liberty, forced disappearances and access to justice, besides using the domestic and international judicial framework to fight for the dignity of migrants. This process was not easy as it required not only the professionalization and technical capacity but also resources, collaborative work and specific leadership skills that were able to build a political support system through different alliances and trust bonds with international organizations, such as the IAHR and others such as Amnesty International or the WOLA. This was necessary to counterpart the violations on human rights committed by the State.

The specialists who have implemented theories about international relations have analyzed national and international interactions as a source of change in the international system. According to the literature the TAN's must be a transnational organization and they must share speeches and values. In the case of kidnappings of migrants there was not a substantial difference in the speech of some actors within the TAN. All of them adhered to the international norm in order to evidence the State not fulfilling its obligations to guarantee the security and integrity of

the migrant population; they quoted reports and data, which added substance to their declarations; they highlighted the terror, the torture and the murder and they denounced the abandonment of values for human dignity. The seriousness of the situation gave an antecedent to create conditions of trust that were necessary as a matter of urgency for working together. They made it possible to form defenders of human rights network in relation to migrants in transit.

On the other hand, the TAN on human rights in relation to migrants in transit identified the political cost for the Mexican State and they drove the pressure there. That was the reason for the Special Hearing at the IAHR and before that, the massacre in San Fernando creating a worldwide media coverage. The spiral model helped to categorize events that the State was held responsible for according to its answers. In my conclusion I feel that there is a reactive State after it has been exhibited and pressured by the international community as being incapable of guaranteeing the life and integrity of the people in its territory. Subsequently, the government of Mexico promulgated the Migration Law to assure that its image was promoted (and recognized internationally) to one that was able to fulfill the role of a country that was able to protect its citizens.

Furthermore, I conclude that the State of Mexico belongs to stage three in the spiral model, which means the Concessions Tactics. The government only made esthetic changes to make a human rights speech visible and to pacify the international critiques. When the State does not control the situation, this becomes another feature of this stage. As what happened with Mexico, it was only able to implement strategies to cease the fire, such as short-term solutions with no vision on preventing or constructing long-term solutions. Likewise, at this stage the TAN were able to get stronger, become empowered and legitimize their demands, which gives the defenders overall, a better structure to offer protection to the integrity of migrants. What is really unfortunate is that the violent situation against migrants in transit has not change at all.

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