

Final report, International Verification Mission on the Human Rights Situation of Honduran Migrants & their Right to International Protection

September 2015

Executive Summary

An international verification mission to Honduras of Guatemalan, Mexican, U.S. and Colombian migration and human rights experts was conducted from July 13-17, 2015. The mission, organized by Project Counselling Service (PCS), had the following objectives:

- To understand the current causes of forced migration in Honduras;
- To identify patterns of violations of the migrant population's human rights during the departure, transit, and the repatriation processes;
- To provide recommendations to the government of Honduras, governments of the region, and the international community, as well as to civil society regarding problems identified by the mission.

The mission met with Honduran government officials, representatives of UN agencies, Honduran and international civil society organizations, and associations of families of disappeared migrants and migrants harmed on route, and visited migrant reception centers and the Honduran-Guatemalan border. The mission consisted of:

- Father Juan Luis Carbajal, executive secretary of the Migration Pastoral Program of the Guatemalan Bishops' Conference and director of the Guatemala city migrant shelter;
- Amalia Dolores Garcia Medina, secretary of labor and employment promotion of the Federal District of Mexico, formerly president of the commission on migration issues of the Mexican Chamber of Deputies;
- Sister Leticia Gutierrez Valderrama, technical secretary of the Collective of Defenders of Migrants and Refugees (CODEMIRE), formerly executive secretary of the Migration Pastoral Program for the Bishops' Conference of Mexico;
- Patricia Montes, executive director of Centro Presente, a member-driven, state-wide Latin American immigrant organization in Massachusetts, and board member of the National Alliance of Latino and Caribbean Communities (NALACC);
- Lisa Haugaard, executive director of the Latin America Working Group and human rights expert;
- Pilar Trujillo Uribe, executive director of Project Counselling Service, an educator and environmentalist.

Findings:

1. Causes of Internal Displacement and Forced Migration in Honduras & Lack of Adequate State Response

Internal displacement and forced migration of Hondurans, including children and adolescents, continues at an alarming pace. Many Honduran men, women and children are not reaching the U.S. border, but are being deported at an increasing rate from Mexico. Adults being deported from Mexico receive almost no attention and services.

Violence and impunity. Violence is one of the leading causes that operates as a push factor in Honduras.

Currently, Honduras has the highest homicide rate in the world;ⁱ the situation of generalized violence forces tens of thousands people to leave the country. Violence is caused by gangs and organized crime, as well as by other actors, including state actors. Extensive 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. No formal complaint is lodged in an estimated 80% of the crimes committed.ⁱⁱ Social protests are criminalized and strongly repressed. Militarization of the country and the Armed Forces taking on the functions of police forces are serious problems.

Human rights defenders, journalists, the LBGTI population, and Afro-Honduran communities are among the groups vulnerable to violence. According to Honduran human rights group COFADEH, there are 14 cases of human rights defenders who have been assassinated despite having had precautionary measures from the Inter-American Human Rights Commission.

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 labor conditions, including low wages, low levels of job security and social benefits, and a high under-employment rate.

Migration by children and adolescents

Violence is a major factor that forces children and adolescents to emigrate. In just the first half of 2014, there were 454 violent deaths of children and adolescents in Honduras.ⁱⁱⁱ Many emigrate to avoid gang recruitment. Young people are also affected by domestic violence. Girls and female adolescents suffer sexual abuse and are sexually coerced by gang members or even within their families.

Family reunification is the other major cause of child and adolescent migration, although it is sometimes linked with fear of violence. Parents who are already in the destination country decide to bring their children or parents who are in Honduras decide 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 of child labor, who are engaged in adult work. One quarter of adolescent girls are pregnant,^{iv} which makes it difficult for them to continue their education; 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. Importantly, the Honduran government has recognized the serious situation of migration and forced displacement. However, by themselves these do not constitute a public policy, and enormous gaps exist.

- The July 2014 Executive Decree 33-2014 declaring a state of emergency was Honduran government's legal reaction to the labeled "child migrant crisis." A prior 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, however, did not allocate more human or financial resources to the member institutions.
- The Law for the Protection of Honduran Migrants and their Family Members created the Honduran Migrant Solidarity Fund (FOSMIH), but there are no regulations yet to govern the implementation of its resources.
- 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 commission lacks legal regulations for its functioning and does not implement actions, but rather only focuses on the overall 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 is the main economic program that the government of Honduras proposes to implement to generate development and employment opportunities. The plan aims to boost the productive sector to attract private investment and promote select economic sectors that will be privileged such as textiles, agro-industry, light industry, and tourism. However, the mission heard strong concerns that the Plan of the Alliance for Prosperity will intensify the economic model that is forcing people to emigrate, thus creating the risk of increased displacement, especially if the goal is to implement megaprojects in, for example, tourism, mining 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 endure assaults, kidnappings, and physical attacks and they are victims of trafficking, as well as of assassinations, massacres, and forced disappearances. Women are victims of rape and sexual assault. Migrants also suffer from mutilations and spinal injuries when members of organized criminal groups throw them from the train known as "the beast." Migrants are subject to theft and fees are extorted from them for travel on 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, including migration agents, diverse police units, officials 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 mutilated or suffered 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 U.S. support through Pillar 3 of the Merida Initiative. Members of the Mexican Army and Marines, in addition to diverse police units, currently question and interrogate people regarding their migratory status, despite lacking authorization to do so, 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 current asylum mechanisms in 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. There are strong disincentives for soliciting refugee status. For example, in Mexico migrants are routinely not informed of their right to request asylum, and are not informed that it is possible to apply for asylum from a migrant shelter, rather than from detention centers. There are also serious shortcomings in the consular protection provided by the Honduran state to its citizens on the migration route.

The U.S. asylum system, as the primary destination country, presents a series of procedural obstacles that make it difficult to obtain refugee status. Customs and Border Protection agents often do not inform migrants of their right to request international protection, and migrants are often dissuaded from doing so. The mission is concerned about the number of filters applicants need to pass through before reaching the appropriate authorities to obtain access to protection. In addition, the new U.S. “in-country processing program” allowing parents with legal status in the United States to support the asylum process of their children at risk in Northern Triangle countries, while a positive step, will have a limited impact due to its small scale.

The international protection mechanisms at the regional level currently are inadequate to the considerable challenges presented by the situation in Honduras. It is urgent to address these international protection needs, above all caused by the violence from transnational organized crime, gangs, and lack of government will or capacity to protect its citizens.

3. Deportation and Return of Migrants and Lack of Access to Adequate Reception/Reintegration Programs

Deportation from the United States. Migrants arrive by air from the United States to Honduras. Adult migrants are received by the Attention Center for the Returned Migrant in San Pedro Sula which provides one-time attention, distributing clothes, a personal hygiene kit, medical service, printing out birth certificates and providing if needed a bus ticket so that people can return to their place of origin. The services provided are respectful and efficient but very limited.

Deportation from Mexico. The situation is very different for migrants deported from Mexico. Migrants are deported by non-stop bus that depending on the origin 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 arriving in Honduras, there is a complete absence of reception mechanisms on behalf of the Honduran government. The only humanitarian attention 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. No bathroom is available in the Red Cross station or nearby. Migrants have to return on their own to their places of origin. Buses come at all hours, and there is a lack of compliance with the *Memorandum of Understanding for dignified, orderly, swift, and safe repatriation of Central American migrants by land* signed by the governments of Mexico, Guatemala, Honduras, El Salvador and Nicaragua in 2006.

Deportation of children and adolescents. Children and adolescents and family units who are deported from the United States arrive by air to the U.S. 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 the protection officers from the Mexican National Migration Institute. Babies and pregnant women also travel in these conditions. Upon arriving in El Edén, children and adolescents are given shelter for 24 hours until a family member arrives to pick them up. While there is an effort to improve the reception process and screen children for protection needs, there is a complete lack of programs and facilities for children and adolescents who should not return to their communities and/or families due to violence. 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 attention, 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 victim of some crime or who return with any disability. Lack of effective jobs programs is also a grave problem. 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 focused on control over migration receive more emphasis than those focused on children's rights.

Women migrants. For many women, sexual violence against women has become a part of the migration route. It is estimated that six out of ten women and girl migrants suffer from sexual violence on the migration route. Victims of sexual abuse should be provided with immediate protection, access to justice and asylum or relief from deportation.

Mutilated migrants and victims of violence on the route. Migrants who have suffer from injuries or who have been victims of violence during the migration transit require protection and attention appropriate to their situation of vulnerability. Actions to be taken should focus on rehabilitation, reparations for damage, avoiding re-victimization, and granting protection measures.

Family members of disappeared migrants on the route. Committees of family members have made visible the problem of disappeared migrants and have documented more than 400 of these cases. The family members' rights to truth, justice and reparations should be addressed. A transnational search mechanism for disappeared migrants that operates at a regional level must 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 the legal status of refugee. This is applicable to Honduras as much of the Honduran migrant population has been forced to leave the country due to generalized violence and human rights violations, and due to discrimination, sexual violence, and gender-based violence.

Recommendations

To the government of Honduras:

- To prevent displacement by violence, improve attention and protection for children, adolescents and vulnerable populations. Public security strategies must be respectful of human rights and carried out by civilian institutions.
- Establish and expand attention to people internally displaced by violence, including safe houses and relocation programs.
- Fully implement, in direct consultation with beneficiaries, the Law for Protection of Human Rights Defenders, Journalist, Social Communicators and Justice Operators.
- Open as quickly as possible a center for reception of Honduran migrants on the Guatemalan/Honduran border with appropriate services.
- Establish and expand services for reintegration of returned migrants, including access to employment, training, education and psychosocial attention.
- Strengthen and provide more resources for consular services on behalf of migrants throughout the migrant route.
- Advocate with regional governments for the protection of migrant rights throughout the route.

To the United States government:

- Focus U.S. assistance on addressing root causes of migration—improving the living conditions of vulnerable populations, reducing impunity and increasing respect for human rights.
- Ensure that U.S. policy and assistance for the Northern Triangle and Mexico is based on a broad vision of human security and not on the militarization of societies and borders.
- Expand the number of asylum cases granted for Honduran refugees, given the crisis confronting the Honduran population.
- Ensure that children and adolescents who are in immigration processes in the United States have access to adequate legal advice in their language.
- Customs and Border Protection should ensure that all migrants who ask for asylum have access to adequate screening for their claims.
- End family detention and ensure that adult migrants in detention centers are held in humane conditions.
- Ensure comprehensive and just immigration reform.

To the Mexican government:

- Expand the number of asylum cases granted for Honduran refugees, given the crisis confronting the Honduran population.
- End the Southern Border Program, which has increased deportations and militarized borders to the detriment of respect for the rights of migrants.
- Ensure that deportations of migrants to Honduras are carried out with respect for human rights and in accordance with *Memorandum of Understanding for dignified, orderly, swift, and safe repatriation of Central American migrants by land*.

- Ensure that pregnant women and adults with babies can return via air and that buses deporting migrants are in working shape and provide adequate services.
- Implement policies to prevent, protect and punish grave human rights violations committed against migrants in Mexico.
- Ensure that the Mexican Commission for Support to Refugees (COMAR) informs migrants of their rights to asylum, including the right to apply for asylum from a migrant shelter rather than in detention.

To the governments of the region:

- To advance in establishing a transnational search mechanism for disappeared migrants, the Mexican government should implement the accord signed by Mexico's General Prosecutor of the Republic to place consular attachés in Mexican embassies in Central America to work with families of the disappeared.
- All the governments of the region should comply with the *Memorandum of Understanding for dignified, orderly, swift, and safe repatriation of Central American migrants by land.*

To the United Nations:

- The United Nations High Commissioner for Refugees Office (UNHCR) should expand its presence in Honduras, helping to identify cases that require international protection and providing training.
- The United Nations should open as quickly as possible the agreed-upon office in Honduras of the High Commissioner for Human Rights, and ensure that its annual work plan include addressing internal displacement and forced migration.

ⁱ 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.

ⁱⁱ According to a report by Honduras's Human Rights Commissioner (CONADEH), total of 80% of the victims of a crime 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 to extortion. See:

<http://www.elheraldo.hn/csp/mediapool/sites/ElHeraldo/AlFrente/story.csp?cid=566375&sid=300&fid=209>

ⁱⁱⁱ This is according to data gathered by the Inter-American Human Rights Commission 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>

^{iv} According to UNICEF, cited in <https://honduprensa.wordpress.com/tag/embarazos-adolescentes/>