



**Mapping of Social Agents Involved in Migration Issues in Mesoamerica:
Organizational Challenges and Opportunities for Advocacy**
Updated Edition
Guatemala City, July 2011

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*This publication has been produced thanks to the Ford Foundation, the
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1- EXECUTIVE SUMMARY

The office of the Project Counselling Service for Central America and Mexico (PCS/CAMEX) has an **important stake in the strengthening of social organizations and networks involved in migration issues** in the region; for which an in-depth understanding of the challenges and opportunities within the political and organizational context is indispensable. At the same time, PCS aims to generate synergies with donor agencies and other international organizations that also accompany the promotion of actions to offset the systematic violation of migrants' rights, in the most strategic way possible; whether in the country of origin, in transit, in the receiving country or during the return process.

With this objective, a team composed of the PCS's Forced Displacement Program and consultants in the region's different countries produced a **first edition of this document in September 2010. In July 2011 this document was updated**, adding important events that took place after the first edition had been published.

PCS supervised the work as a whole, both for the original and the updated editions, and directly implemented the identification activities in Guatemala, El Salvador and central Mexico, where it has a historic and permanent presence. Coverage of Mexico was divided into three areas, between the PCS team and consultants, due to its geographical size. The research team agreed upon mechanisms for compiling information and maintained constant communication to ensure consistency.

The document's first section provides a synthesized description of the **migratory context in each country and the regional commonalities**. This initial appraisal is indispensable to understanding the policy and organizational dynamics described in the subsequent sections, which often condition the success or failure of actions undertaken.

Within this context the **common elements** are striking. The violence and lack of security in the region's countries trigger continual forced migration, which compels the population to focus first on its survival before taking political action. The way in which organized crime operates with impunity throughout the entire migratory route is notorious. At the public level, the institutional framework is fragile and compromised by corruption and impunity. All of these circumstances create a perilous situation for migrants and for the organizations that defend their rights. Migrants do not have support in host or transit countries and authorities often tend to mistreat them. The countries of origin also fail to provide services to this population. Instead, they evade their responsibility for the structural causes which lead people to forcibly migrate.

One of the widespread and underlying factors of this reality is the lack of public policies to fully address these problems. Often, these much-needed public measures cannot be created or implemented satisfactorily, due to constant pressure exercised by powerful groups whose interests are divergent with the common good. This obstruction of the democratic process translates, among other things, into the existence of obsolete or inadequate legal frameworks that respond to a "security" focus, rather than a human rights perspective.

These regional tendencies are manifested in a specific way in each country due to its own particular context. In the case of El Salvador, the current government appears to be interested in promoting new public policy in which civil society has a space to present its opinions and proposals. On the opposite end of the spectrum, Honduras has a government largely managed by the military that holds key positions of power in State institutions, including those related to migration issues, that limits public

participation. In Mexico, in-transit migration has achieved importance on the policy agenda and in the media, in the aftermath of the unfortunate Tamaulipas massacre. This event contributed to motivating political will and to the adoption of new measures and policies, whose effectiveness will have to be evaluated over time.

Following a discussion of the principle negative and positive elements of the context, a **synthesized description of the current regional and country-specific difficulties and challenges faced by migration organizations and entities** is provided. This description is followed by the **opportunities which migration motivates** in different spheres. The information which the organizations provided in interviews as well as other inputs related to the political context and organizational dynamics have been analyzed with this objective.

Major **challenges**, clearly laid out in this section, include an increase in intra-regional migration and the invisibility and discrimination connected to these flows. At the organizational level, coordination between groups is fragile due to preponderant fragmentation and competition, often leading to each group working on short-term projects rather than collaborating on longer-term processes. The majority of social agents or activists, in comparison with other fields of human rights, lack a policy perspective. State social institutions need increased resources and improved skills in order to reinforce their actions and promote complementary work which harmonizes efforts, rather than duplicating them. International cooperation organisms that work from a solidarity perspective, could potentially accompany these processes more actively in order to reinforce positive results.

Within the political and organizational context, the most significant **opportunities** include the existence and growth of new social agents, like migrant organizations and family member committees, who strengthen a transnational perspective and the migrant population's potential to function as a true political force. With regards to organizational dynamics: the growth of new leadership, the migrations organizations' communication with other human rights groups who can share their skills and political reflections, and the growing opportunities to set in motion advocacy work at the national and international levels and participate in bi-national and regional experience exchanges, all permit the expansion of complementary strategies to monitor the States' actions.

The description of contexts, particularities and common elements, alongside the analysis of existing challenges and opportunities in the migration field; have been made possible thanks to inputs via interviews provided by social activists who confront these difficulties on a daily basis. Although it was not possible to include everyone involved in the issue, mainly due to time constraints, a significant and representative number of people were interviewed and contributed to this study.

The **description of relevant social or political agents** closes with a commentary that denotes the fruitfulness of the exercise. Despite the need for more in-depth study around certain aspects, this document provides a baseline for the current situation and indicates where activists, and those who accompany them, might support stronger and more strategic advocacy and rights defense in the area of migrations.

Lastly, the annexes include a **directory of organizations and networks** dedicated in one way or another to migration issues in the region. The directory was produced concurrently with the mapping process. In the future this reference material might be useful for conducting more exhaustive research on particular contexts or individual organizations, and to taking steps in favor of the greater defense of migrants' human rights and dignity.

2- INTRODUCTION

With more than 30 years of presence in the region, PCS has a great deal of experience carrying out accompaniment, coordination and advocacy actions in favor of populations affected by internal armed conflicts, political violence, human rights violations and displacement in Latin America. With this institutional strength, and following the consolidation in 2009 of its Forced Displacement Program in Central America and Mexico, PCS carried out this new initiative for the identification and analysis of the migratory situation in Mesoamerica.

Via this exercise, PCS's principle aim is to strengthen social organizations and networks that work on migration issues in the region, promoting increased knowledge among them and in other key players in relation to the context in which they operate; in a way that helps counteract the systematic violation of migrants' human rights, whether in countries of origin, in transit or in receiving countries. All of this is done within the framework of PCS's general strategy to support and accompany the human rights movement in its capacity-building processes, and contribute to its effectiveness for coordination at the regional level.

PCS published a regional organizational diagnosis in 2008.¹ Subsequently, and employing the Forced Migration Program's continual monitoring and accompaniment of social organizations and initiatives, PCS has identified and supported: communities in solidarity with migrants that are located in transit and host countries; the growing strength of committees of family members of disappeared migrants, and; national and regional organizations and networks engaged in important ongoing efforts. Now, with this new initiative, PCS aims to present the strengths,

challenges, viewpoints and strategies of organizations and networks working to support the migrant population in Central America and Mexico, based on this continued research.

All of its accompaniment actions have allowed PCS first of all to reaffirm the adverse and criminalizing situation in relation to migrants' rights and secondly to identify positive elements or opportunities that need to be strengthened in order to reinforce their potential impact. Among these are: the current intensity, cross-cutting nature and complexity of migration; the emerging character of certain social movements in defense of migrants' rights; and the efforts of social institutions and cooperation agencies that have been working in other fields to better understand this issue due to its interconnectedness with other social, economic and political realities.

This document presents a complete baseline study of these factors, identifying agents who influence them and indicating possible ways to reinforce advocacy work, coordination and communication; whether it is already underway or remains to be carried out. PCS believes that with the identification of these elements and their appropriate assessment, based on the context in which migrants and migration organizations operate, it will be possible to reinforce processes currently underway and to advance strategic interests leading to migrants' full participation, recognition and exercise of their rights.

Lastly, it cannot go without mention that the actions taken by PCS thus far, like this mapping process, have been made possible thanks to the support of donor agencies with whom PCS hopes to continue supporting the international agenda of migrant rights and the empowerment of organized civil society.

¹ Available on our web page: www.pcslatin.org

3- OBJECTIVES AND METHODOLOGY

This mapping study includes: an overview of the context in which social agents implement their strategies and actions; a description of their major challenges, and; proposals in relation to the opportunities identified in the organizational dynamics and in the current framework of each State's public policy on immigration, as well as those found in region-wide policies and practices.

With this in mind, the first analysis to be carried out involved the socio-political context affecting migration issues in each country and as a region. An exhaustive effort was conducted simultaneously in each country in order to identify actors whose skill, experience and political and/or geographic locations, are presently essential or might become key in the near future to advancing public policy and renovating social leadership. Finally, an analysis of existing tendencies, impasses and opportunities was undertaken. Throughout this exercise, PCS employed a comprehensive rights, gender and ethnic-cultural diversity approach.

"Agent mapping" - the methodology employed - is a technique tied to social networks based on the premise that the social context is only properly understood when analyzed in accordance with the relations in which social agents and institutions participate and interact, and when differentiated roles and power relations are identified.

Due to this, this study is not a simple list of agents who are active around a particular issue. Instead an analytical reading of the context in which they work was carried out, based on their actions, objectives, viewpoints, experience, levels of coordination, and communication. In this way, the mapping study endeavors to represent the social reality in which diverse players intervene; understand their

complexity; and contribute to the design of strategies for intervention that provide new elements and creative and pertinent proposals for the future.

In order to do this successfully, the PCS Forced Displacement Program formed a team with a number of consultants² located in the countries covered by this mapping study, and specifically in areas of important migration flows.³ This team interviewed social and migrant organizations and other key players. They met before starting the work and during the final stage to share and evaluate the results obtained, incorporate them into one document and edit the final report. Based on its continual monitoring of the situation of regional migration, the PCS Forced Displacement Program updated this report in mid-2011.

Thanks to this coordinated action, the report contains an analysis of the principle challenges and opportunities identified throughout the region. Those who work on this issue are included in the directory which is annexed to this report, indicating participants and representatives in each country and at the regional level.

This document ends with final reflections for a comprehensive and comparative analysis of the existing regional tendencies and challenges in the area of migration, while shedding light on the possible ways forward for political and social advocacy in favor of migrants' rights.

² Recruitment was carried out with people knowledgeable about the local and regional migration context having direct contact with the region's organizations and networks.

³ The PCS team worked in Guatemala, Central Mexico, Soconusco-Chiapas and El Salvador. The consultants focused on Northern Mexico, Highland Chiapas and Tabasco, Nicaragua, Honduras and Costa Rica.

4- OVERVIEW OF THE GENERAL CONTEXT AND THE REGION'S SOCIAL MOVEMENT

a. México⁴

Clearly, Mexico presents multiple realities, situations and contexts for migration as a country of origin, transit, reception and return for migrants. Mexico demonstrates high numbers of people on the move in several of these flows. Added to this complexity, is its size as a country and its cultural and political diversity. Despite experiencing this extremely intense phenomenon, there is a constant debate around migration as a problem to be eradicated versus the human rights of migrants, a dichotomy which fluctuates according to the country's social, economic and political state of affairs.

The terrible and regrettable event in August 2010 in San Fernando, Tamaulipas in which 72 Central American migrants were assassinated, presumably at the hands of organized crime, revealed to the entire society the situation of extortion and death experienced by those who travel through Mexico in search of the "American dream". This harsh reality has placed in-transit migration through Mexico, and the need to adopt effective measures in relation to it, among the top issues on the political agenda and in the national media. The international pressure following this event, including a previously unobserved union between Central American governments and that of Ecuador to denounce the Mexican government's responsibility, has also somewhat modified the attention that had been given to this situation in the past. In spite of this, the level of real political will to make in-depth changes remains unclear. Among other factors, there are discrepancies between the majority of the migration legislation currently in force and the present migration phenomena. At the same time, discretionary and arbitrary application of the law abounds.

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As the latter was identified as one of the causes of the humanitarian tragedy which migrants passing through Mexico face daily, in early 2011 a proposed migration law was presented and discussed in the Mexican Congress. Both chambers recently approved it and the President of the Republic of Mexico enacted the law on May 24th, 2011. Legislators and the federal Executive Branch intended to present this initiative as a solution to the emergency.

Although organized civil society, due to its weak level of coordination, took time to react to the law, it has recognized the advancement implied in having a migration law. The previous law, from 1974, regulated other issues besides migration and was obsolete. Nonetheless, numerous deficiencies have been identified in the approved law, which demonstrates the continuation of a perspective that links migration to national security and reinforces the discretionary treatment of migrants by the National Institute for Migration –INM– and other security forces. This approach might give the impression that despite wanting to "sell" the law as a measure to decrease the rights violations, the situation could potentially remain

the same with or without the law, given the lack of institutional coordination as well as corruption and impunity in public institutions that ought to be addressing this matter.

⁴ Blanca Navarrete, Saúl Sanchez, Melissa Vertiz and Diego Lorente wrote this context section.

The push for the migration law has not been the only relevant change in migration public policy posterior to the Tamaulipas massacre. This crime also led to the dismissal of the previous INM Commissioner, Cecilia Romero, who was replaced by Salvador Beltran del Rio. Although the changes in INM have not been immediate, there seems to be a “housecleaning” of migration officials and delegates in some states. It appears that there is also a disposition to talk with social organizations. However, there is doubt as to whether these changes are caused by a real willingness to improve the situation or if they are merely the result of momentarily buckling under the pressure of national and international community’s current political attention to the issue.

There is a permanent tension in Mexican migration public policy between Mexico’s sovereign right to control and regulate the entry, permanence and transit of foreigners throughout its territory and the need for worker mobility caused by existing conditions in communities of origin and the host countries’ unquestionable demand and employment offered. This tension makes it difficult to affirm that a public policy, as such, exists on the issue. Isolated actions lacking coordination, often of a sanctioning nature, abound. Discrepancies between the country’s triple administration (local, state and federal) and its numerous security forces, which lack adequate inter-institutional coordination, complicate the promotion and implementation of initiatives for widespread protection of migrants. Furthermore, the current separation between the national and local levels, and the fact that local activists rarely participate in the formulation of national policies, explains to a great extent the failure of many of these initiatives.

With the prevalence of a security discourse, the restriction of freedoms and rights felt by citizens in general affects the migration issue in a particular way. This reality intersects with the discussion of immigration reform in the United States, which is also affected by that country’s discourses and concepts related to sovereignty and national security. Over the last two decades, US-Mexico bi-national relations and the relationship of these two with other countries in the region have been permeated with the concept of national security, particularly around the issues of drug trafficking, organized crime and migration. After September 11th, 2001, the United States included any potential threat to its security within its global strategy to fight terrorism, and the Mexican borders became a major concern in national security matters. This pressure exercised by the United States affects the level of freedom with which Mexico might address the issue of migration and its regulation.

Due to these circumstances and the current federal government’s scant operating capacity, there has been a considerable decrease in the frequency and quality of dialogue between governmental and social agents. The government alludes to the need to limit the agenda for discussion and situate it at a more technical level, which tends to exclude or considerably delimit the issue of migrants’ human rights and leads to the presence of select organizations with a more technical profile in dialogue and negotiations with the government. In consequence, the governmental forums generate increasingly fewer concrete policy or program initiatives, thus making evident the lack of credit which the Executive branch at the federal, state and local levels gives to organized civil society proposals. If the aim is to implement realistic policies which respect human rights, this situation should be reverted, and dialogue and more effective coordination with the competent authorities should be strengthened.

As far as the concrete context of each border, it is important to briefly mention the situation of the country’s Northern border for immigration. First of all, Mexico and the United States share a 3,152.9 kilometer border, which covers four states on the US side (California, Arizona, New Mexico and Texas) and five states on the Mexican side (Baja California, Sonora, Chihuahua, Coahuila and Tamaulipas). All of these states

share common traits: 1. They are transit areas for migrants who aim to cross over into the United States; 2. They constitute geographic locations where repatriation actions take place and; 3. They are also areas of origin for migrants. Nevertheless, and despite the commonalities, two specificities due to the states' location are noticeable: the North-western region (Baja California, Sonora and Chihuahua) concentrates approximately 89% of the total number of deportations from the United States, and; the North-eastern region (Coahuila and Tamaulipas) shares the common characteristic of being a passage point for undocumented migrants, mainly from Central America.

In terms of numbers, the deportations of Mexicans from the United States are most significant. The annual repatriation figures for Mexicans (deportations from the United States) come to more than 400 thousand.⁵ People detained for being undocumented in the USA face serious violations of their rights, as much for the conditions that they have to endure in detention (inadequate or limited food, excessively hot water for bathing, heat during warm weather and air conditioning in autumn and winter) as for the recurring lack of guarantees for due process (not having an assigned lawyer and interpreter, being forced to sign papers without prior translation, pressure to admit guilt). Based on the documented cases, organizations on the Northern border estimate that one out of every three people repatriated experiences some violation of their human rights during detention.

Coupled with this reality, in-transit migration in the North has produced critical incidents due to the generalized violence of organized crime that has permeated some border states. This crime finds the ideal victims for its aggressions in the migration flows. The Migrant Shelters and other shelters in the Northeast region are under constant surveillance by the "hawks": lookouts for the organized crime group known as the Zetas. The collaborators of these migrant shelters are exposed to serious risks, thus turning what initially was considered as charity work or humanitarian support into a perilous task.

In certain communities along the border, such as Saltillo, migrants have become scapegoats for the crime that exists in the local border region. The organizations that attend to migrants have been criminalized by local authorities, certain social sectors and the media alike, thus fostering a discriminatory and xenophobic discourse in relation to these organizations and their beneficiaries.

Regarding the challenges and situations observable at the Southern border, the states of Chiapas and Tabasco are the main passageway for migrants. Despite its abundant natural resources, which are exploited without much control by large national and transnational companies, Chiapas is one of the Mexican states with the greatest deficiency in human development. The spread of underemployment and the increase in unemployment have resulted in increased poverty and social exclusion. The lack of opportunities for overcoming adverse life conditions has led to an increase in migration of the local population, including young professionals, either going North or towards Southeastern areas of the country.

The Chiapas government has tried to promote an image of itself to its citizens as maintaining a position "in favor of migration and their rights", by supporting certain media campaigns, legal reforms, and public policy, such as the creation of a specialized public prosecutor's office for crimes against migrants. In reality, however, this government is one of the principle driving forces behind ecotourism and projects to

⁵ According to the INM statistics, in 2010, a total of 392,863 people were deported from the United States, of which 71% were Mexican nationals. This number reflects the 23,000 more people who were deported in 2009.

extract natural resources in the region that provoke the displacement of indigenous populations or their concentration in so-called sustainable rural cities. On a daily basis, international migrants, whether with irregular or regular migratory status, continue to suffer the denial of their basic rights like health, education and the registry of their Mexican-born children, in addition to facing abuses and extortions by public authorities in the three levels of government, as well as by sectors within the local population.

Moreover, the crimes against this group, most notably in human trafficking and kidnapping for extortion, have increased dramatically throughout the country, and especially in the Southern region. Authorities' scarce action and political will to ensure the application of justice aggravates this situation. The lack of a comprehensive and efficient system in favor of migrants, particularly those with irregular migratory status, generates corruption and impunity. For example, Tabasco is an unusual destination for migration; yet it suffers a complex situation of the violation of in-transit migrants' rights. The migration route crosses a large portion of the state where organized crime acts with impunity.

In the same vein, there is little public awareness about forced migration, particularly to the Chiapas region of Soconusco, close to the Southern border. Authorities and establishments which offer goods and services (banks, pawn shops, civil registry, etc.) have scarce knowledge about migration legislation. Discriminatory acts by certain sectors of the population contribute to the normalization and invisibility of the exploitation and labor abuses against migrants, which is most common among workers in agriculture, the sex trade, construction, and private homes that have this location as their destination.

In juxtaposition to this reality, military presence has increased in the region, with troops who exercise undue control and migration verification duties, under the auspices of the "war against drug-trafficking" and "national security". As the violence against migrants continues, this militarization appears to be inefficient in combating organized crime present on the migratory routes. All of this occurs along the Southern border within the framework of a generalized culture of abuse and the lack of effective mechanisms in the region to combat the violations of rights and freedoms suffered by international migrants.

A review of the mass media's attitude towards the issue does not allow for a more positive outlook. Authorities or power groups at the national or local level finance many of the media outlets. Sensationalism prevails in dealing with the issue, and there is a generalized lack of meaningful reflection. The media is frequently used to feign apparently positive, but unreal, measures taken by authorities, or in the worst case scenario, to criminalize the migrant population in their host location. However, the seriousness of recent violations against the rights of migrants, particularly those who are in transit, has made it impossible for the media or authorities to conceal this reality, as key migrations issues have been placed at the top of the media and political agenda.

Lastly, focusing on the situation of the groups made most vulnerable in this context, the specific causes of most violations of migrants' rights are identifiable. For example, it is apparent that unaccompanied children undergo detention, in violation of established international norms ratified by Mexico.⁶ The continued structural violence against in-transit women migrants is extremely serious, yet invisible within the traditional discourse, which apparently only takes into account male migration, despite the fact

⁶ On this issue, it is especially necessary to take into account the United Nations Convention on the Rights of the Child 1989.

that it no longer dominates the migratory dynamic.⁷ At the same time, there is scant analysis, as there are very few actions, to specifically address the causes and effects that forced migration causes on indigenous people.

The existence throughout the country of entities with a long trajectory and experience in the field of migration, and in formal coordination spaces like the Migrations Forum, is the first reference needed to understand the organizational context within the country. However, individualistic initiatives, mistrust and limited shared and complementary work tend to prevail. There is insufficient political perspective and reflection, and a lack of all-inclusive work strategies, while the collective creation of political positioning around policy work on the issue of migration in analytical forums is nearly non-existent.

The ties between organizations and the academy are sparse and hardly ever manifested in shared or complementary work. Organizations rarely train new politically critical defenders of migrants' rights. This situation is worrying since it provokes an obvious lack of coordination, particularly in the context of political debate to approve new migration and asylum laws. Up until now, these weaknesses in communication and public awareness-raising activities, in the definition of comprehensive strategies and in follow-up to lobbying, have generated scarce opportunities for effective advocacy work, resulting in limited pressure exerted by grassroots organizations, NGOs and networks.

The organizations in the field directly working to defend migrants and refugee applicants detained in different regions of the country face similar problems. They feel isolated and lack knowledge about national-level discussions and dynamics. They also conduct their work in unfavorable conditions. Both government agents and organized crime take measures to criticize their work, threaten them and engage in harassment, violence and the imprisonment of defenders. The risks implied in working within this context and against increasingly sophisticated criminal structures that penetrate the State, together with the social institutions' lack of training in this sphere, complicate the development of adequate strategies by organizations dedicated to the defense of those affected.

There also have been restrictions to entering migration stations and existing holding centers on the migration route, particularly in the South of the country; for example in the largest migrant detention center in Latin America which is located in Tapachula. This affects the work of the organizations, but also the rights of the detained migrant population.

In having to facing this situation, the entire social movement on behalf of migrants has reached a significant point after years of work. Systematic human rights violations, crimes perpetrated by organized crime, and persistent impunity have led them to reflect, especially in the North in the country, on the potential effectiveness and positive repercussions of developing medium and long-term processes. They realize that it is no longer enough to distribute food to people in need, but rather that it is necessary to accompany this social work with more sustainable political action. Thus, some organizations are considering the urgent need to deploy actions for human rights defense and advocacy through increased communication with international networks and more structured work plans and security measures that allow them to go beyond

⁷ Exact figures on female migration do not exist. Upon reviewing the detention data it is estimated that 20% of the 400,000 people calculated to transit yearly through Mexico are women, which is the percentage of women detained relative to the total. However, the figures in the host country are not consistent because in 2006 it was calculated that women migrants made up 50.2% of the total migrants in the United States.

aid or relief-focused actions and engage in decisive advocacy work, in as coordinated as possible a manner, provided trust is generated among all those involved.

The incorporation of the issue of migration by national or international organizations with ample experience in other human rights issues is a positive element for further development of the work, and an opportunity for social organizations focusing exclusively on migration. Although some entities with a broader base of work have placed their focus on migration to obtain financial resources, others have done so building upon existing relations with sending communities or upon request by migration organizations. In many cases this joining of forces has been positive, while in others the relation with specific migration organizations has taken a toll. The newer actors to the migrations scene believe that this has occurred because the specialized entities are overwhelmed, are exclusively focused on their daily work, or feel somewhat invaded by bigger human rights NGOs, in their historic work in the migrations field. This joining of forces has not taken place in the more local corridors for migration, however, where it might be of great help; for instance the Southern border continues without a single organization specifically dedicated to migrant rights, except for one in Tapachula that is overburdened in carrying out daily humanitarian action.

It is important to emphasize that the limitation of human and financial resources at the local level does not allow for the growth of new organizations or defenders in these strategic locations. International cooperation, especially from the United States, has placed its eyes on migration issues, but not all of the organizations involved have the experience, technical skills and contacts needed to obtain financing through this route. Even if they do, they tend to be short-term projects that do not allow for undertaking processes to reinforce skills and perspectives, as is required to address such a complex issue.

b. **Guatemala**⁸

Guatemala is an important destination and transit country for migratory flows coming from the neighboring countries of El Salvador, Nicaragua and Honduras, and to a lesser extent from other parts of Latin America (Colombia, Ecuador), some Asian countries (South Korea and Taiwan), Europe (Spain, Germany, Italy, Belgium), North America (USA and Mexico) and other regions (Libya, Arab countries, and China). According to different estimates, there are currently 250 thousand immigrants who reside in this country and around 250 to 300 thousand people who travel through this country yearly. Based on these figures, Guatemala is the Central American country with the second highest level of immigration, after Costa Rica.

Migrants commonly live in the country without legal documents and because of this have wound up victims to a series of abuses perpetrated by immigration and police authorities and others who take advantage of their condition. The main abuses consist in paying lower wages and compensation for their work or trapping them into forced labor in any type of undignified job, especially the children and women who are tricked and fall into human trafficking networks. The increase in Honduran migration, whether travelling through Guatemalan territory or because Guatemala or El Salvador is their destination, is a new development stemming from the political crisis affecting Honduras, which has even led to some Hondurans soliciting refuge and asylum in Guatemala.

⁸ Information primarily drawn from a recent *Informe de seguimiento hemerográfico* [Hemographic Monitoring Report], published by the National Roundtable on Migrations in Guatemala (August 2010) and edited by Diego Lorente.

Due to the pervasiveness of abuses committed by a number of authorities, it is clear that the situation of migrants' human rights in Guatemala represents a constant violation of their rights. These abuses are not only committed by immigration agents, who do not respect due process and maintain migrants for indefinite periods in so-called shelters, or holding centers; this population also is victim to a series of bans from public services, which contributes to generating a deficient standard of living for them. The violence which continues with impunity and the lack of security also affect them, as it does all of Guatemalan society where the need for survival generally prevails over political action.

The migration law in force and its regulations lack a human rights focus for the administration of migratory movements. It employs language which criminalizes undocumented migration (i.e. "illegal") and -by omission or collusion- permits abuses of immigrants' and in-transit migrants' human rights. For example, the law permits the National Civilian Police to conduct immigration operations, which allows dishonest agents to commit abuses. They commonly extort migrants before allowing them to continue their travels. At the same time, the law does not permit or make it easier for low-income migrant workers who provide "unskilled" manual labor to regularize their migratory status.

There are other pressing issues with regards to migration alongside the circumstances of migrants who live in and/or travel through Guatemala. In the case of the deportations of Guatemalans from the North, Guatemala has become the country with the third highest level of deportations after Mexico and Honduras. Since 2004, deportations have increased by 400% and have gone from 7,029 deportees in 2004 to a worrisome figure of 27,222 in 2009 and 29,095 in 2010. The tendency to deport remains the same, in spite of a governmental change in the United States. It is even projected to be higher this year. At the time this report was written, deportees arrive in a weekly average of four flights⁹, an increase from last year's two flights a week. Deportees are made up of two groups: people who have lived for years in the United States, and those who were intercepted en route.¹⁰

Upon returning to their country, deportees arrive either empty-handed or -if they were detained during their attempted entry into the US- often in debt to smugglers. People who return after a long absence experience serious difficulties for reincorporation, both as workers and culturally. However, many of those who speak English are hired by call centers located in the country where salaries are low and working conditions are deficient. As with the issue of remittances, no State policy has been implemented that develops comprehensive programs for social and labor services for deportees. As several of the interviewed organizations can attest to: "*when they leave the airport, they are left to their own luck...*"¹¹

It should not be overlooked that deportations also start from other countries, like Mexico, in numbers that at times surpass those from the United States. The overland deportations, however, have diminished in official figures, which might be an indicator of the general decrease in migration flows due to the increase since 2006 in control mechanisms at Mexico's Northern and Southern borders. This might also be due to the dangers faced by migrants in Mexican territory like kidnappings and different kinds of abuses perpetrated by authorities, although it's possible that the Mexican government

⁹ According to the Migrant Shelter in Guatemala City, which serves these people in the La Aurora airport.

¹⁰ Based on the available data, it can be inferred that more than 60% were captured as they attempted to enter US territory (MENAMIG, June 2010).

¹¹ Interview with Father Francisco Pellizzari, Director of the Migrant Shelter in Guatemala City.

also has manipulated the statistics. Groups of land deportees tend to arrive unnoticed by Guatemalan society, when they also need and should be provided with governmental institutions' attention and support.

Faced with the difficulties involved in being in a foreign country, including surviving without a salary, family, money and support, the crisis is also causing thousands of immigrants to choose to return on their own accord. It is impossible to quantify the number of people returning from the United States due to the economic crisis and the anti-immigration atmosphere. However, it is common in daily interactions to find people who have returned voluntarily. Another challenge for the Guatemalan State is to define policies -until now nonexistent- to facilitate reintegration processes.

Regarding the quantity and impact of remittances in the country, it is important to mention that the bonanza caused by those who sent funds in recent years was reduced in 2009. For the first time in 12 years of continual growth, the remittances sent by Guatemalan immigrants decreased by 9.3% to US\$3,912,200 versus the US\$ 4,313,000 received in 2008. In 2010 the situation has reverted back with remittances having reached almost US\$4,100,000. Yet this variation is a concern as it has considerable impact on the standard of living of hundreds of thousands of Guatemalan families. Until now, no public policy has been implemented which proposes a social or sustainable use of this income.

Lastly, internal forced displacement caused by social and political violence or development activities related to extractive industries or mega-projects supported by transnational companies and foreign investment -generally in rural areas with a high percentage of indigenous peoples, previously affected by the internal armed conflict- has created an alarming social situation. To a certain degree, this displacement is tied to migration, but has not yet been studied sufficiently. The same organizations that warn of its increase mention that they do not have statistics and have not conducted specific work to systematically combat actions such as these which violate individual and collective rights. However, they are in daily contact with affected people and populations and complain that few organizations or entities are paying attention to this situation.

Given this context, and evaluating the current public policies in Guatemala, the creation and progressive institutionalization of the Guatemalan National Council for Attention to Migrants -CONAMIGUA- is perhaps the most significant. The implementation process of this institution occurred during 2009 and 2010, which different social groups in Guatemala considered indicated important progress, as well as constituting the most outstanding public policy decision regarding migration in the last decade. Like all first attempts to establish something, there have been serious difficulties in the process. Yet, several organizations see this space as an opportunity to "*move from protest to proposals*". However, the country's electoral atmosphere¹² could affect the implementation of these policies, as might the change in government after the elections.

The attempt by social organizations and networks to push for an initiative to reform the country's migration law so it includes a human rights perspective and sets out the regularization of thousands of immigrant families in the country is another important public policy action. The lobbying process is progressing, although it has not resulted in the reform's approval due to the prevalence of political and party interests contrary to the proposal. Like the majority of the country's public policy, the proposal does not

¹² The first round of the presidential elections are programmed for 11 September 2011.

provide support to specific social groups or contemplate differentiated focuses that permits addressing special needs, like those of women or indigenous people.

Regarding the level of civil society organization on these issues and policies, one of the most important points to emphasize, that has not been able to be duly evaluated in this mapping process, is the action of the Guatemalan immigrant organizations in the United States (CONGUATE, MIGUA, RPDG, among others). Promoting the right to vote of Guatemalans abroad is among their principal demands and actions. The immigrant communities in the United States -not only Guatemalans- are shaping new transnational realities which could cause a rupture in the traditional meanings of the Nation-State, citizenry and law, and the emergence of new transnational political subjects. Meetings have taken place and contacts have been shared between organizations that work on migration issues in Guatemala and organizations located abroad. But other sectors concerned about the issue (civil society, Catholic Church, organizations of people affected by deportations, among others) need to be involved. This joint work, based on a broad approach and the multiple levels on which the dynamic of demands are made, makes it easier to gain a wider perspective and a deeper understanding of the issues.

Lastly, the work of entities with a more academic perspective and research-based information support, like INCEDES, merit mention; these institutions engage in advocacy processes with a wider and more long-term outlook. Equally, the daily actions of the highly-committed pastoral entities in the different points along the migration route throughout the country, mainly in social service and advocacy, as well as local efforts to evaluate the impact of migration on communities and in areas of mainly indigenous populations (i.e. Huehuetenango, Quetzaltenango, K'iche') are also noteworthy.

c. **El Salvador**¹³

The population's standard of living in El Salvador has continued to worsen in recent years. At the national level, 34.6% of households live in poverty; of these, 10.8% live in extreme poverty and 23.8% in relative poverty.¹⁴ Working conditions have also deteriorated. According to the UNDP Report on Human Development 2007-2008, 81% of the economically active population in El Salvador does not have a dignified salary and two out of every three youth are unemployed or underemployed.

Migration, for this reason, is one of the great escape valves by which people hope to obtain real options for development. Consequently, the migration phenomenon in El Salvador has taken on enormous dimensions. It is one of the largest sending countries in the region, and proportionally in the world, due to economic, structural and social violence. In 2008, the Vice-Ministry of Salvadorans Abroad identified 1.1 million Salvadorans living in the United States. Other sources calculate that due to the majority's lack of documentation for residency, there could be up to 2.5 million migrants of this nationality, second to Mexico.

In the framework of this social situation, the political environment has been marked by the 2009 elections in which the Farabundo Marti Front for National Liberation –FMLN-, won the presidential elections for the first time. Its candidate, Mauricio Funes, a

¹³ The PCS CAMEX Migration Program wrote this context section based on interviews conducted.

¹⁴ In the urban area, 29.8% of households live in poverty, 7.9% in extreme poverty, and 21.9% in relative poverty. In the rural area, 43.8% of households live in poverty, of which 16.3% are in extreme poverty and 27.5% are in relative poverty.

journalist critical of the governments of the National Republican Alliance –ARENA-party, become the new president of the republic.

Despite the very important political and ideological change in the authorities responsible for creating public policy, two years on it is difficult to speak of real changes, not only in migration issues but in general, due to the situation of violence faced by the country. An average of 14 to 16 deaths due to violence, are tallied daily. Massacres even take place and in the case of women, femicide is increasing. At times the Army is used for security operations, which have not been effective, as delinquents move to areas where operatives do not take place.

As a result, people's main concern is how to protect their integrity and security. This situation of vulnerability is what causes individuals and families to want to leave the country. Economic improvement is not felt on the street, making migration an important option. The need to create dignified employment and guarantee families' basic dietary needs remain unresolved. At the same time, upon the irreparable decline in many people's social and economic standard of living, natural disasters also constitute a motive for taking the definitive decision to migrate.

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The continuity in the implementation of the mega-projects also causes violence and displacement. For example, the Northern Longitudinal highway, connected to the Northern Transversal Strip in Guatemala, is going to be built in the Northern region and coincides with the poorest municipalities in the area, which also are locations where the armed conflict was centered. El Salvador also has three dam projects: Chaparral, Tigre and Cimarrón. However, in general, the regions have had more of a circular dynamic, in which people often migrate to be able to purchase their home and then return to live.

Detailing the impact of migration by region, following the end of the war until 2003-2005, the rural Eastern region was the main sending area, as the State lacked interest in rural development. Migration from the urban region began in 2005. Initially, it was a continuation of migration from the rural area, but noticeably in 2008 and 2009 the urban area received more remittances. There was, however, a serious decrease in remittances in 2009 with an 8.5% decrease for a total of US\$3,465 million dollars sent. Even so, recuperation took place in 2010, as it did in Guatemala, reaching US\$ 3,539 dollars.

Together with this migration of origin, which continues to be of great importance and whose structural causes have not changed, the country has other realities related to migration. The impact of the forced returns of migrants from the United States should be mentioned first. The number of deported people has remained the same, or at some points has even increased¹⁵. Often the affected person is in a worse condition upon arriving in the country than when they departed. In the case of people deported with criminal records or who have committed administrative infractions, they are criminalized upon returning which makes their social and labor reinsertion even more

¹⁵ In 2010, there were 28,693 deportees, of these 10,187 were deported from Mexico and 18,340 from the United States.

difficult.¹⁶ Also, due to the levels of violence at the local level, the Salvadoran government has requested that US authorities not deport them, thus also criminalizing them.

The new government is trying to re-establish programs which serve deportees¹⁷ and provide better services and more comprehensive attention. The Ministry of Foreign Affairs has designed a proposal for a new program, but there is disagreement between this institution and the General Directorate for Migration and Foreign Services. Both institutions want to have authority over the program to receive deportees, which is currently controlled by the latter institution through its Repatriation Unit. Faced with this dispute, the social organizations consider that the main issue is to attain the reinsertion of the population upon returning, something that neither General Directorate for Migration or Foreign Relations can seem to manage, and therefore suggest that this situation merits an autonomous secretariat that would be capable of linking different ministries for more comprehensive services.

El Salvador is also a receiving country, although this is barely visible due to the magnitude of migration and deportation of its citizens. There is increasing migration of Hondurans and Nicaraguans who immigrate to El Salvador for the differential US dollar exchange rate which allows them to earn slightly more than they can in their own countries. This population settles primarily in the commercial sector, in domestic work (for women) and in agricultural activities. Since the majority is undocumented -including those who have lived in the country for more than 20 years- they suffer a variety of forms of discrimination, such as the violation of their labor rights, in which they receive lower compensation and salaries without being able to demand better conditions. They have limited mobility due to raids and controls when they lack the Central American identity document (CA-4). They also face difficulties in ensuring their children's education if they do not have papers and do not want them to be registered in school. They even have problems using banking services given their lack of documents.

Organizations like Caritas San Miguel and IDHUCA, along with the General Directorate for Migration and Foreign Services, have developed a joint agenda to obtain the regularization of the migratory status of these migrant communities. The change in government has helped to improve awareness and communication surrounding this issue, but there continue to be problems and delays. It is particularly complicated for these migrant populations to complete the normally obligatory requirements to receive residency and have the necessary funds for the procedure.¹⁸ There are, however, attempts to negotiate with the new authorities for the exemption of some of the requirements and the reduction of the migration fees.

Lastly, as an issue related to migration, it is important not to disregard the situations generated in families where some of its members migrate. An overload of family and work responsibilities is produced for those who stay, particularly women. Family disintegration ensues and the children that stay behind after their parents' departure are left without role models and risk falling into criminal behavior. Disappearance on the migration route has an equally serious impact on those who stay behind. For this reason, committees are being organized in different parts of the country, mainly by women family members who have stayed behind; however, they lack resources and institutional stability and their psychological needs are not properly attended to.

¹⁶ In 2009, there was a 13% increase from 32% to 45% of repatriatees who had criminal records.

¹⁷ Welcome Home Program [*Programa Bienvenido a Casa*].

¹⁸ With the current costs of migration fees, each person who aims to regularize their situation pays between US \$130 and US \$150 dollars.

After having described the most problematic aspects of this context, it merits mentioning that the current government has offered civil society organizations the possibility to generate proposals. It has facilitated working groups, something that previous administrations did not consider. There is a progressive discourse, although in some cases it is also re-victimizing. There has even been discussion of the need for a new migration law. El Salvador is interested in leading the Central American process to improve public policies on migration issues and is bringing these important topics up for discussion in regional integration bodies like SICA.¹⁹

Another interesting dynamic which is slowly taking form is the strengthening of the consulates of El Salvador abroad, mainly in Southern Mexico. There is an effort to reinforce the consular work in this location that is important in migrant travel. Alliances are being explored, and there is interest in creating a human rights observatory in the region and designing training initiatives for consular officers.

Another noteworthy point is that the governmental change has affected existing social organizations and networks, since several of their key members left to hold public office, which caused the disappearance of some long-functioning organizations like CARECEN and the need to renew leadership in others. IDHUCA's²⁰ intense analytical work continues to respond to the problem of deportees, asylum seekers and migrants who live in the country. COFAMIDE, an organization which unites the Committees of Family Members of Disappeared Migrants, continues to progress in its institutional consolidation. There are other initiatives underway like ASEFIN, related to factors linked to migration like remittances. Lastly, it is worth mentioning the grassroots work in cities like San Miguel where Caritas is trying to organize Nicaraguan migrants to defend their labor and social rights.

MIGRES Network, the existing social network on the issue, was founded based on an invitation from the Human Rights Ombudsman's office in 2003. The Ombudsman's office at this time had started working groups to involve civil society in various issues, one of which was migration which gave way to the network's formation. Due to the lack of autonomy in their actions, however, the organizations in this working group decided to organize parallel spaces. Since 2008, they began to call themselves the Network on Migration and started the procedures to obtain the legal status that would allow for independent work and for its members to engage in research and advocacy.

d. Honduras²¹

Honduras has become a country with important migratory flows. The motivations for migrating are constantly changing and the population groups participating in migratory processes have varied. The feminization of migration is increasing as is the migration of minors, adolescents and youth, who are the main participants in these processes. These groups particularly travel towards the United States. Honduras has approximately eight million inhabitants. According to FONAMIH figures, some 100 thousand Hondurans travel yearly to the United States; this is an average of 12 Hondurans per hour. Of these, 71% are between the ages of 18 and 32; 50% have completed primary education while 19.5% have not.²² The massive movements in recent years have weakened many communities.

¹⁹ System of Central American Integration.

²⁰ Human Rights Institute of the José Simeón Cañas Central American University.

²¹ Edith Zavala wrote this context section.

²² Honduras is in 117th place, compared with the entire world's countries, in the Human Development Index. In Central America, it is only above Nicaragua and Guatemala. 40% of all the country's

Added to this situation, Honduras is currently enmeshed in a democratic governance crisis, within an atmosphere of uncertainty and polarization. The coup of June 28th, 2009 deepened the serious decades-long structural crisis, revealing the social fragility, poverty and inequality in the country, and its institutional deficiency, made evident in the absence of social and political consensus around the country's most fundamental issues.²³

Some of the economic and legal reforms of recent years have led to an increase in the violence, inequality and exclusion. The economic model that was adopted has facilitated the consolidation of privileges and interests of groups holding political and economic power; destroying the role of the State in favor of social cohesion, affecting national sovereignty, and deteriorating the majority of Hondurans' standard of living.

A crisis like the one faced by Honduras marks a "before and after" in migration. For the moment, its impact on the migration phenomenon cannot be measured in statistics. However, there are many signals that indicate that current and potential Honduran migrants live in conditions of increased precariousness and vulnerability, compounded by economic factors, lack of safety and the impact of natural disasters. These are uncertain and desperate realities, creating situations that are bound to lead to an increase in migratory movements.

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Honduran emigration suffers from restrictive policies aimed at slowing migration. These cause migrants to face migratory processes in adverse conditions in which violations of their human rights, like physical mistreatment, sexual exploitation, forced labor, kidnapping, and abuse by authorities appears to be the rule rather than the exception.

Deportations are another aspect of the migration issues faced daily by Hondurans. In 2010, according to the statistics from the Service Center for Returning Migrants –CAMR–, almost 46,000 Hondurans were deported; 22,520 from the USA and 23,172 from Mexico and Guatemala. The vast majority are young people between the ages of 18 and 32 years old, who upon returning once again face routine job precariousness, oftentimes with the added undertone of social stigma.

There are migrant service programs in the Tegucigalpa and San Pedro Sula airports, but not a governmental program which offers support for labor and social reinsertion for these people. The case of land deportations is more serious since there are no reception programs at the border, which adds to prolonging this group's situation of vulnerability.

municipalities have a level of human poverty over 30%. Source: UNDP, *Human Development Report for Honduras, 2008-2009*.

²³ Mejía, Joaquín and Fernández, Víctor. *El golpe de Estado en Honduras desde una perspectiva de los Derechos Humanos*. [The Coup in Honduras from a Human Rights Perspective], ERIC-SJ and MADJ. Guaymuras. Honduras 2010. p. 48.

Within this context, there is an increase of primarily unaccompanied, migrant children and adolescents. National organizations, like FONAMIH and *Casa Alianza* (Covenant House), report the following, among others: an inefficient system of protection, mainly in reference to the reception at the border and the absence of this population's social and family reinsertion; deficient intra- and inter-institutional coordination; the lack of skilled staff and financial resources assigned to this effect. Additionally, complaints about the deficient consular protection system continue: labeled as indifferent, deficient and limited; lacking competent staff; demonstrating negligence in providing identity documents; and accused on occasion for the excessive cost for consular services. Consular appointments continue to be based on political affinity, rather than efficiency and professionalism.

On a more positive note, different organizations achieved the approval of the *Solidarity Fund for the Honduran Migrant in Vulnerable Conditions- FOSHOMI*, via Legal Decree 179-2007. The decree establishes 15 million lempiras in the national budget exclusively assigned to: the costs of repatriation of Honduran citizens who have died or find themselves in vulnerable conditions due to wounds, amputations or sickness; support and assistance to survivors of human trafficking or kidnapping; search for Hondurans disappeared on the migratory route and, lastly; immediate assistance to migrants deported via air or land. This decree also created the FOSHOMI Consulting Council, in which social organizations participate,²⁴ including the Committees of Family Members of Disappeared Migrants also present in Honduras, the first of their kind to organize in the region.

In this context, the central role of remittances is significant. Remittances constitute part of the emerging strategy to decrease the social burden, as they represent the main support for the government to gain macroeconomic stabilization. Thus, the capital received in this manner over the past ten years -2,407.8 million dollars only in 2009 and almost the same quantity in 2010, for example- has become the family wage that for many households serves as their main source of income, at the same time that it represents more than 10% of the country's GDP.

Despite the influence of remittances, the coup and its consequences largely condition the political and social agenda in Honduras. Under this premise, social and political events take place within the context of "national security" in which military presence makes itself known, and military personnel hold important positions in the current government and within entities responsible for migration. The Executive, for its part, centers its strategies on achieving international recognition.

There has not been a public policy on the migration issue until now. This has motivated two efforts -one from Foreign Relations with several sectors and another from the Ministry of the Interior- to create proposals with minimum content for a policy framework for migration issues in Honduras. There has been little governmental interest in following through with these and investing part of the budget in them. In general, the government appears to be absent, failing to present inclusive protection initiatives for this population. On this basis, a proposed law to protect Honduran migrants has been drafted, which the Legislature has yet to approve.

²⁴ This decree, creating the FOSHOMI Consulting Council as an aid organism within the Foreign Relations Secretariat, has the objective of monitoring and guaranteeing the use and distribution of the fund in agreement with the rules to be issued by the council. The council is composed of five members, the Foreign Relations Secretariat (with two representatives, one of which presides over the Council), the National Forum for Migrations in Honduras- FONAMIH that has the position of Secretary, the National Human Rights Commissioner-CONADEH and the Association of Committees of Migrants and Family Members Network of Honduras (article 3).

The absence of a policy, however, has triggered increased interest from organizations working on the issue to carry out political lobbying in this context, which plays on the Executive and Legislature's need to legitimize themselves, since due to its widespread humanitarian content the issue of migration ought to be seen as a priority on their agendas. With this objective, a priority for organizations might be to emphasize strengthening skills, producing proposals, and coordinating for advocacy actions, thus improving their level of organization and dialogue.

Faced with this complex scenario, rethinking the approach to migration in Honduras is indispensable. There is a great need to reinforce coordination and complementarily between organizations, as they still have serious weaknesses, as there is to promote and implement a common work agenda and advocacy strategy. It would be fitting to emphasize a political perspective and an analytic reading of migration's structural causes, currently buried beneath the victimizing and dramatic discourse on migration, and to reinforce human rights, gender and development perspectives.

Lastly, the lack of coherency at the level of the State has been clearly demonstrated, particularly regarding the rights of in-transit migrants and migrants who have the country as their destination. There is a need for improvement of mechanisms that permit and make flexible the migratory regularization of the migrant population in an irregular situation in Honduras, as well as those that guarantees due process for people under detention.

Within this same idea, the empowerment of migrants themselves is a crucial part of a sustainable development strategy in countries like Honduras. This would allow for the creation of a more inclusive, just and supportive society, taking into account the protection and promotion of migrants' rights, as well as gender and cultural diversity perspectives. It is important to not overlook the fact that the migration phenomenon in Honduras is generating important social, economic, political and cultural consequences, thus making the strengthening of its policy for protection and support of the migrant population and their families both urgent and necessary.

e. Nicaragua²⁵

Nicaragua is a country of origin and a transit location for migrants. The Nicaraguan population's foremost destinations for migration are Costa Rica (South-South flow) and the United States (South-North flow). It is estimated that 335 thousand Nicaraguans reside in Costa Rica and 281 thousand live in the United States. A total of 76% of Costa Rican's total of foreign residents are Nicaraguan.²⁶ Despite Costa Rica being the most important destination, the Nicaraguan migrant population has diversified its destinations for migration in the region. At least 20 thousand Nicaraguans live in El Salvador and 31 thousand in Guatemala.²⁷ Spain is another destination for Nicaraguan migration, especially for women from the North of the country. Data shows that there are at least 6 thousand Nicaraguan residents in Spain.

The main cause for Nicaraguan emigration is economic. Departure is motivated by the search for better salaries, although this does not mean improved labor or social conditions in the receiving country. Nicaragua has 6.1% open unemployment. Of the

²⁵ Heydi González wrote this context section.

²⁶ E. Baumeister, E. Fernández, G. Acuña. (2008). *Sobre las migraciones regionales de los nicaragüenses.*[On Nicaraguans' Regional Migration] Guatemala.

²⁷ E. Baumeister, E. Fernández, G. Acuña. (2008). *Sobre las migraciones regionales de los nicaragüenses.* .[On Nicaraguans' Regional Migration] Guatemala.

total number of working people, 36.4% are located in the formal sector and the vast majority, 63.5%, are in the informal sector, which implies income lower than the minimum wage, lack of occupational insurance, and exclusion from the social security system.²⁸

The Nicaraguan population's lack of documentation in Costa Rica is one of the most pressing concerns. It is estimated that 111,000 people in Costa Rica have irregular status. Their fundamental need is to be able to request and obtain residency and permission to work. The new General Law for Migration and Foreign Services in Costa Rica entered into effect on 1 March 2010. It establishes only three possibilities for the migrant population to regularize its status. According to organizations²⁹, however, the lack of documents issued in the country of origin (birth certificate, national identity card, passport and/or police record), is one of the main obstacles in taking advantage of the possibilities for regularization. The Nicaraguan population faces the same situation in other countries in the region (Guatemala and El Salvador). Although the CA-4 facilitates the flow of people, its scope is limited and it does not allow Nicaraguan citizens to reside and work elsewhere. They are obliged to request work and residency permits in these countries, and this is not possible without their country of origin's documents.

In these conditions, the population is also vulnerable and at risk of falling into the snare of networks engaged in human trafficking for sexual or labor exploitation. Nicaragua is both a source and transit country for victims of human trafficking, as identified by the US Department of State Report on Trafficking in Persons in 2009. Despite the efforts to combat this crime, there has not been a reduction in the number of victims. Women, boys, girls and adolescents are especially vulnerable to these networks. El Salvador and Guatemala are the region's major destinations.

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Given its geographic position, Nicaragua is also a transit area for extra-regional flows like migrant and refugee populations from South America, Africa and Asia. During 2009, immigration authorities intercepted 129 people who entered the country in an irregular manner, the majority of African origin: Ethiopia, Eritrea, Somalia and Ghana; or from Nepal. The authorities have detected that these people arrived in Central America by way of illicit human trafficking networks.

Nicaragua, although in smaller numbers to other countries in the region, also experiences the drama of repatriated people. It is estimated that an average of 25 people are deported weekly from the United States, Mexico or Costa Rica. The figure from the Northern countries decreased in 2009 because of the coup in Honduras, and deportations were put on hold in June 2009.

The characteristics of the country's migration require a response and commitment from government and civil society on matters related to the defense and promotion of migrants' human rights. Fortunately, the migration phenomenon cannot be characterized as invisible in Nicaragua. Thanks to some social agents' efforts, the topic

²⁸ CENIDH. (2010.) *Derechos Humanos en Nicaragua* [Human Rights in Nicaragua] 2009. Managua.

²⁹ The Nicaraguan Civil Society Network identified this obstacle after a consultation with 200 family members of migrants in Costa Rica.

is in the media and on the agenda of some decision makers and politicians. However, up to now, no public policy in accordance with the reality of the migration phenomenon has been created.

Although migration is one of the main alternatives for the population to combat the lack of opportunities and inequalities, the government in Nicaragua does not include it as one of its priorities. The issue even continues to be absent from some social agents' agendas since they have not identified a way to address the phenomenon's consequences or take advantage of its potential. Making this topic a priority "competes" with other issues in a country in permanent political crisis and political party disputes for power and institutional control. This crisis has paralyzed public powers periodically.

The High Electoral Council –CSE– is a central player in the promotion of migrant rights as it issues national identity cards and birth certificates. Due to President Ortega's aspiration for re-election, the government party controls the CSE. This institutional crisis also affects the local governments, which were elected in 2008. At least four mayors (Ciudad Sandino, Boaco, Tipitapa and Managua) have been removed from office or substituted. Since the incorporation of the Citizen Power Councils –CPC– is one of the changes which have taken place under the current government; organizations should take it and other bodies into account for their advocacy and awareness-raising activities.

In this context, the struggle for migrants' rights not only gets moved to the bottom of the agenda, but there is also a limited possibility of developing a project for the country that aims to reduce inequalities and increase opportunities. This creates a situation in which migration simply grows. The frictions and tensions between agendas make the work difficult even for some organizations seen as having established political affinities. In this polarized context, for example, the Nicaraguan Network of Civil Society's demand for a documented migration, understanding documentation as a human rights issue, becomes complicated since documentation has become politicized.

On the scale of importance, the national identity card is at the top since it is the most crucial document for migrants. It is indispensable to have it in order to apply for a passport, solicit police records or carry out any other procedure. The problem is that this document is also an instrument used to vote, which for successive governments implies votes in their favor or against them by the Nicaraguan population abroad who requests this document. Thus all the governments, including the current one, have not taken any steps to provide national identity documents to its citizens abroad. The authorities claim that they do not have the authority to do so under the territorial principle.

There is no question that over a long period of time, the Nicaraguan government immigration policy has been one of omission, to the point that religious and social organizations have taken on Nicaraguan, as well as Costa Rican, governmental responsibilities. It should be recognized, however, that this type of work has permitted collaborative frameworks between government institutions and these organizations.

In the current context, some initiatives are underway that might contribute to the establishment of a public policy on migration. While these are perfectible from the human rights perspective, this is still a step in the right direction. Nicaragua has implemented some programs and projects aimed at the migrant population, like the Protocol for Repatriation of Victims of Human Trafficking, which focuses especially on women and children. In 2008, the National Assembly approved the Refugee Law (number 655) and the General Law on Migration and Foreign Services. A proposed law related to services for Nicaraguan migrants abroad also is in progress.

The issue of a consular card, as a measure to document the Nicaraguan population abroad, is one of the current government's other initiatives. To date, it has only been applied in Costa Rica. However, some civil society organizations in Nicaragua, as well as in Costa Rica, have adverted that this document does not resolve the situation of a lack of documentation since it is one more requirement amidst the long list of documents which the General Directorate of Migration and Foreign Services of Costa Rica solicits. Furthermore, to obtain the consular card, at least one identity document (national identity card, passport and/or birth certificate) must be presented, thus having to tackle the same previously mentioned problems. This consular card has caused debate, confusion and even tensions between organizations that defend or criticize this measure.

With regards to the social movement, the majority of actors interviewed emerged after the change of government in 1990. Some of them transformed into new entities or changed names in accordance to the changing era, and others arose as new actors to be observers and guarantors of the revolution's struggles and achievements. In the current context, paradigm changes and diverse forms of struggle are demanded. In some cases this organizational history specifically impacts the migrant rights movement. Some organizations, like the Nicaraguan Civil Society Network for Migration (1998-2002), CARITAS' Human Mobility Pastoral, the Network of Jesuit Service for Migrants (2004), local networks and family members of migrants, emerged due to migration itself. Other actors that have prioritized migration as a cross-cutting issue in their actions are CENIDH, CEPS and AMNLAE.

The Nicaraguan Civil Society Network for Migration is a body that groups together several organizations; it has won prestige and has gained a space for advocacy in the country's current political reality. It has continued under different governments and communicates and interacts with all major social and political players. The authorities consider it a reference point on the issue of migration. It has propelled important processes like the strengthening and participation of migrants' family members, so that they might play a more central role. The network members CEPAD and CENIDH participate in the National Council of Refugees. Member institutions that work at the local level have pushed for municipal regulations to support migrants, like a municipal ordinance issued in Estelí. In 2005 the network's organizations developed a legislative reform that decriminalized irregular migration.

The Network of Jesuit Services for Migrants recently started a campaign for migrant rights. It is a good initiative but due to its reduced level of coordination, it could duplicate efforts. New actors have emerged (CONFER and FETRABACH) that are interested in advocacy and networking efforts, providing an opportunity to strengthen the country's existing social networks.

The current social movement's generalized lack of coordination and the overriding mistrust between organizations, however, cannot be ignored. This situation is partially due to: power relations around leadership roles; changes at the levels of the directorate and staff of some institutions or lack of conviction; as well as partly to organizations' interest in strengthening themselves and forging their own spaces, their fundraising needs, or their dearth of skills to dedicate time and personnel to participate in the network. Confronted with this context, cooperation agencies cannot identify the actors with whom they might work on the issue. Many are simply eliminating this topic from their agendas.

f. Costa Rica³⁰

The region's historic and current political and economic conditions compel large groups of impoverished, unemployed and persecuted people to move within and outside the region in search of a better standard of living. Thus, the roots of the migratory phenomenon are located in the structural characteristics of the region's economic, social and political system. Costa Rica is not free from this situation.

The geographic position of Costa Rica and its social, economic and political conditions make it a country of origin, an in-transit location and a receiving country for regional and extra-regional migration. According to data from 2000, taken from the most recent population census, close to 10% of the population living in the country was born elsewhere. Of these, approximately 76.4% come from Nicaragua and 50.1% are women (INEC, 2001 as quoted in OIM-UNFPA, 2008).³¹

In relation to this scenario, the Costa Rican State views and presents itself as rights-based and compliant with the Rule of Law. Over several decades it has approved and ratified a long list of international conventions that commit it to promote, defend and guarantee citizens' rights. On paper, these international commitments clearly include the protection of the rights of the migrant population in the country. The mechanisms to ensure compliance, however, are not always so clear. For example, with the ratification of the Convention on Children's Rights, and the approval of the Code for Children and Adolescents, all minors who live in the country (independent of their nationality or migratory status), are guaranteed the right to have rights. This includes free access to health, education, scholarships, and so on. However, in common practice, parents' irregular migratory status limits the possibility for children and adolescents to exercise their rights.

In keeping with this need to implement measures to ensure the protection of rights in such a way that they are not later left unattended, in March 2009 the *General Law of Migration and Foreign Services* (Law 8764) came into effect. This instrument aims to promote the incorporation of migrants into the country's economic, social and cultural life and opens up possibilities for migrants' regularization based on the labor contributions they provide in certain occupations. However, the high costs to obtain or even renew the residency card, has become one of the most important limitations to regularizing migratory status. It is estimated that the costs are 100% higher than in the previous law. At the same time, the difficulties that Nicaraguans have to obtain documents (national identity card and passport) in their country also complicate this situation, as said documents are indispensable in order to obtain a work permit in Costa Rica or any other country.

The obligatory return to their country of origin to obtain a visa and start the regularization procedure are not necessarily obstacles for people from foreign countries who are planning to enter Costa Rica. But for the nearly 175,000 Nicaraguans who live in Costa Rica without immigration papers, this in itself entails a risk since they have to leave the country and return, avoiding immigration controls, which also implies a financial cost. For women with children in Costa Rica, this situation becomes more complicated since they either have to work out the issues of childcare without having family or support networks in place, or assume the cost of travelling back and forth with their children.

³⁰ María José Chaves and Juan Carlos Zamora wrote this context section.

³¹ OIM-UNFPA. 2008. *Estudio binacional (Nicaragua - Costa Rica) sobre la incidencia de la migración en las mujeres: Una lectura desde la perspectiva de las mujeres*. [Bi-national Study (Nicaragua- Costa Rica) on the impact of migration on women: a reading from the women's perspective] First edition. San José, Costa Rica.

It is important to mention that although this law came into effect in March 2009, it has yet to establish its respective regulation. This has created a great deal of confusion in institutions and social organizations that receive and support migrants, resulting in wrongful payments and abuses of all types at the State level, to the detriment of these people's rights. Given this situation, it is hoped that this regulation soon becomes public knowledge and is approved within the next few months.

The above-mentioned elements depict a complex context for the defense and promotion of migrant rights in the country. On the one hand, the State and government authorities maintain a discourse consistent with human rights, but on the other, they promote, contribute to or conceal the real obstacles for access to and compliance with migrants' rights.

That said, civil society has great expectations for the possible contributions from certain individuals who have taken posts in the General Directorate of Migration and Foreign Services, as well as other public institutions, due to their knowledge about the country's migration situation and their commitment to human rights. Moreover, the National Council on Migration is to be formed within the framework of changes promoted and based on the new migration law. This council represents authorities from several institutions and ministries, as well as two civil society representatives elected from the Permanent Forum on Migrants and Refugees. Among its main tasks, this council will formulate migration policy recommendations to present to the Executive Branch. The Jesuit Service for Migrants, represented by Karin Fonseca, and the Center for Migrants' Social Rights-CENDEROS, represented by Adilia Solís, currently represents civil society on the council.

In addition to the Permanent Forum on Migrants and Refugees, the social organizations have other forums for coordination:

- The National Network of Civil Society Organizations on Immigration, which is concurrently part of the Regional Network of Civil Society Organizations on Immigration-RROCM, and in 2010 served as the network's technical secretary.
- The Working Group on Women Migrants and Refugees, which is a forum that focuses on analysis and political advocacy to respond to the specific problems confronted by women migrants and refugees in the country.

Organizations' tendencies to coordinate on different issues and conditions cross-cutting the situation of migration bear mention. There are organizations that focus on migration issues by participating in coordination forums on violence against women, like the Feminist Network on Violence against Women, as well as organizations whose different work areas include the defense of other specific populations' rights that participate in coordination groups on migration.

Finally, it is important to mention that the organizational panorama is quite diverse: not simply due to its characteristics, but also to the migratory movements which it represents. There are organizations of Nicaraguan migrants with a strong public presence that -beyond providing aid or relief- engage in critical political advocacy; while other organizations that represent different migrant collectives, like the Haitians, choose to focus more on aid and community work, at least for the moment, as they grow and fortify their institutions.

g. Common Political and Organizational Dynamics at the Regional Level

Until the seventies, the dynamic of Central American migration was characterized by intra-regional movement. Due to political, social and economic crises, as well as the armed conflicts, the population movement increased and diversified after 1980, moving towards the United States and other parts of the world. Presently, intra- and extra-regional migration is determined more by economic factors than political ones, although the same structural causes that provoked previous movements continue to exist. In this context and with its diverse flows and destinations, the Central American population in movement represents approximately one million people.

As highlighted in previous sections, the Central American countries whose main flow is to the United States with transit through Mexico are Guatemala, El Salvador and Honduras. Nicaragua has a less significant flow since most of the forced migration of its poorest and most excluded population is directed towards Costa Rica. This section analyzes the contextual factors that are common to these four countries, without ignoring their special characteristics and particular issues and concerns, as identified in the previous section.

In spite of the country-specific peculiarities, a glance at the regional context as a whole shows the social, political and economic conditions that caused existing inequality in these countries -and that have favored discrimination, exclusion and in consequence, forced migrations- are common and persistent in all of the Central American countries. In many aspects they are even common to Mexico.

The first common factor observable is that almost all of the governments in the region, mainly responsible for expelling their population, attempt to give the image of being concerned about the topic; but in essence, via their decisions, they do not demonstrate true political will to deal comprehensively with the migratory question. At the same time, they use forced migration as a way to avoid their social and economic responsibilities. Only the remittances³² appear to interest them due to its importance in the GDP of each country. This lack of political will is also seen in the deficiency of consular protection in the transit and destination countries, where political favoritism and corruption predominates in appointing authorities. To counteract this, there have been some recent changes, including positive transformations in El Salvador.

Nevertheless, these circumstances generate two common situations that are fully inadequate for validating migrants' rights. The first is the enormous gap between discourse and the daily reality of discrimination that migrants suffer, including obsolete regulatory frameworks with reforms that lack both approval³³ and a human rights perspective. Second, social organizations and networks face difficulties to raise awareness about the real situation and the structural causes of forced migration and to critically influence public opinion.

³² According to the data consulted, obtained from the Central Banks of Guatemala, El Salvador and Honduras, the remittances represent an average of 10% of the GDP of each country. There are countries where it even represents a higher percentage, between 10% and 13% in Guatemala, and 16.1% in El Salvador (in 2010).

³³ The Migration Act of El Salvador, promulgated in 1958, and the Migration Act of Guatemala are examples of this lack of adjusting the regulatory frameworks to the present migratory reality.. The Guatemalan act dates from 1998 and despite of the fact that the organizations and some legislators have been trying for two and a half years to push for a law reform, the project remains stalled in Congress.

This lack of comprehensive attention to the migratory issue was made clear following the incident in Tamaulipas in August 2010, where the Central American governments - after their initial inadequate response, yet due to the incident's importance - had no alternative but to take a more protective stance in favor of their co-nationals and strengthen their lodging of complaints with Mexico. For the first time there was even unity between Central American countries in demanding that the Mexican State assume responsibilities, which demonstrated that greater political will can be mobilized in both destination and in-transit countries when there is a joint demand.

The scarce attention given to the migratory issue and its structural causes in the countries of origin are compounded when the receiving countries take advantage of this deficiency, in detriment to the migrant population. The countries with high levels of undocumented Central American and Mexican migration are those in which the current economic model requires the presence of these people as cheap labor to work in certain sectors, which normally are those starting out with the most precarious living and labor conditions. They neglect and try to conceal or ignore existing demands for respecting these communities' rights, not just in the USA and Costa Rica, but also in the countries of origin that also repeat dynamics of discrimination towards those who arrive in their territory (e.g. El Salvador with Nicaraguans or Mexico with Guatemalan workers). Most of these governments tend to use migrants as scapegoats for other social problems.

This neglect signifies near total abandonment when dealing with extra-regional migratory flows (African and Asian, for example) that have increased in recent years and include people who merit protection and asylum. The authorities demonstrate a limited capacity for dealing with these groups, often criminalizing them for being different, and place them under suspicion of abusing refugee status.

The lack of policies also affects those who are most vulnerable to abuse as migrants due their condition as women, children or indigenous peoples. There currently are no public policies in the region's countries to specifically deal with violence against female migrants whether in countries of origin, in-transit, or receiving countries. The motive of their forced migration often is the violence suffered at home or in their own country. Scarce political will is demonstrated to comprehensively address this widespread phenomenon or to adequately address the specific needs of migrant women.

The neglect towards indigenous peoples and their specific issues when migrating also has been observed. The levels of vulnerability are even higher in the case of indigenous women. Though still not well documented, ongoing structural violence and discrimination of women and indigenous peoples have been observed throughout the region, as is paradigmatic in the case of Guatemala where historical dynamics repeat themselves and culprits benefit from impunity.

This unpunished violence and lack of safety observed in the Central American countries seriously affects their societies, particularly affecting the poorest and most excluded populations, where the need to survive prevails over social or political activism. Particularly in Guatemala, El Salvador and Honduras, people's primary concern is to safeguard their integrity and safety.³⁴ This situation of vulnerability makes many people, often accompanied by their families, want to migrate. The need to create dignified jobs and to cover basic family food expenses remains unresolved. Public

³⁴ According to data from the National Police of each Central American country, in 2010 in Guatemala there was an average of 16 violent deaths a day. In El Salvador in 2010, the average was from 14 to 16 violent deaths a day and in Honduras the average for 2010 was of 16,27 deaths a day with a total of 36,000 violent deaths between the years 2000 and 2010 (Source: National Human Rights Commission).

institutions are extremely fragile and are often co-opted by the interests of minority groups wielding enormous political and economic power, some of which are linked to criminal networks. At the same time, recurring natural disasters influenced by climate change, which have increased in the region in recent years and aggravate the already worsening social and economic conditions of excluded populations, also have compelled people to take the definite decision to migrate.

The structural causes that lead to the forced migration to the North of tens of thousands of Central Americans annually give rise to other realities in the region that are common to all these countries and related to migration. One of these is the South-South migration between countries such as Guatemala and El Salvador. Migrants who compose these groups tend to lack documents and thus wind up becoming victims to a series of abuses perpetrated by migratory and police authorities, as well as others who take advantage of their condition. In general, the human rights situation of these migrants is one of a constant violation of their rights, partly because abuses committed by different authorities prevail and also because they are denied access to public services, which in turn adds to their deficient standard of living in the host countries.

The legal framework to regulate migrations is obsolete in Central America and Mexico. Political polarization and slow and weak institutions do not help in this sense. In general, the current migration laws and their regulations for the administration of migratory movements lack a human rights focus. They even use a language that criminalizes undocumented migration (e.g. "illegal", in the case of Guatemala) and –by omission or collusion– allow human rights abuses to be carried out against immigrants and in-transit migrants. This leads to the perception of contradictory policies at the State level, principally regarding the rights of trans-migrants and migrants who choose that particular country as their destination. In most countries, mechanisms do not exist which permit the migratory regularization of those in irregular situations, as is the case of Honduras, nor are there due process guarantees for those detained.

The deportation of Central Americans from the United States or from Mexico, the latter of which often deports migrants in even greater numbers than its Northern neighbor, occurs alongside the situation of migrants who live in or travel through the region. The deportees, upon returning to their country of origin, often arrive empty-handed, while many have pending debts if they were detained in the attempt to get to their Northern destination. Those who return after a lengthy absence have serious problems with labor and cultural re-integration; although many of those who speak perfect English are contracted in North American service companies, where salaries are low and labor conditions are not very good. Like the issue of remittances, State policies that move beyond urgent aid and develop comprehensive programs for social and labor attention have yet to be implemented.

As mentioned in the context section for each country, due to the amount of income generated, the impact of remittances in these countries holds great importance. It is important to point out that the wealth generated by remittances sent in recent years was affected by the economic crisis that spanned the US. For the first time after years of continuous growth, remittances sent by Central American immigrants decreased in 2009.³⁵ While in 2010 income improved, this fragility is worrisome as it considerably impacts thousands of families' standard of living.. To date, a public policy that proposes a social, sustainable use of this income has yet to be implemented. The central role of remittances is perceptible as it forms a part of an emerging strategy for diminishing the

³⁵ In 2009, the IDB calculated that remittances decreased 15% in all of Latin America and the Caribbean compared to 2009 . However, in 2010 the amount increased some 3.1% in all of Central America. For example, in the first three months of 2011, growth has been of a 12.4% in Honduras.

social burden, and represents an essential element for Central American governments' macroeconomic stabilization.

As another reality associated with migration, the situation of families left behind when one of its members migrates should not be overlooked. When this occurs, family and work responsibilities increase for those who stay behind, especially for women. There are cases of families' disintegration, while some children left behind after their parents departure lack adequate role models and are at risk of falling into criminal activities. The family that has stayed behind suffers the consequences when migrants disappear or are killed in-transit. Family member committees, mainly composed of women, have been organized in different locations in the region (particularly Honduras and El Salvador. While important emerging social and political agents, they lack resources and institutional stability and their psychological needs are not always adequately met.

The involvement of organized crime and criminal networks in the migratory flow is another common element in the regional context, particularly in the case of Mexico. Organized crime considers migration as a source of profit. Since illegal entities and clandestine apparatus are in evident collusion with authorities at different levels of government, this is a reality that it is not seen in its true magnitude due to the danger entailed in confronting it and the confusion generated about the responsibility of public powers and their inter-relation with "hidden powers." This incursion clearly, as has been documented, has meant a quantitative and qualitative worsening of the rights violations suffered by migrants and the increase of phenomenon such as human trafficking, which particularly affects the region's women and girls.

Another particularity common to Mexico and countries like Guatemala and Honduras is the development of temporary worker programs³⁶ between their governments and the destination countries such as the United States and Canada. This initiative usually is presented as an appropriate, legal alternative to irregular migration. However, due to the lack of State control in the operation of programs and the way certain intermediaries take advantage of the needy situation of potential temporary workers, particularly in Guatemala, constant labor and social abuses have been reported, both during the hiring process within the country of origin and in the destination countries.

Lastly, these countries' internal forced displacement, often a prelude to external migration is a worrisome social reality related to forced migration. This is an issue that has yet to be studied in an in-depth manner or adequately addressed. Internal forced displacement caused by social and political violence or development activities related to extractive industries or mega-projects supported by transnational companies and foreign investment -generally in rural areas with a high percentage of indigenous peoples, previously affected by the internal armed conflict- has created an alarming social situation. Human Rights organizations and researchers and academics in Central America have warned about the increase in forced displacement, but do not have exact statistics. There have not been specific and systematic efforts to combat these violations of individual and collective rights or to raise awareness about such actions that affect particular populations.

It is important to scrutinize the region's common aspects of organizational dynamics in order to understand their stages, their challenges, their mode of work, their priorities related to social organizations and networks, and their level of impact. While studying each of them, clear differences are noticeable between one country and the other; some particularities already have been identified. Guatemala and El Salvador, due to

³⁶ This information is according to reports and testimonies collected in Guatemala by the Workers Global Network and the Association of Guatemalans United for Our Rights- AGUND.).

the impact of the wars and changes in the post-war period, have suffered the destruction of their social fabric and the serious dismantling of social movements, which often leads to a sense of hopelessness or lack of faith in political processes. After the coup, Honduras has undergone increased polarization within its organizations, between those that believe work should not be conducted with the present government due to its illegitimacy and those having a less radical position. Yet, in spite of obvious differences, similar elements are identifiable in Mexican social networks, as well as others throughout the region.

The inexistence of a realistic and comprehensive public migratory policy generates negative dynamics. Aside from affecting migrants' rights, civil society, or social organizations, has assumed States' obligations. This results in saturating their agendas, leads them to undertaking more activities for aid relief, affects their development, provokes voluntarism, results in their giving little attention to generating new leaderships, and does not allow them to implement decisive advocacy actions. Mistrust of the entire public sector, due to corruption and impunity, coupled with the vulnerability of the population in movement, makes it even harder to respond adequately to the serious rights violations documented. Since public powers do not seem to understand the role of organized civil society, often devoting energies to delegitimizing it as well as closing effective spaces for dialogue, their attitude has not been helpful.,

Thus, they are affected by the lack of valid public policies to protect and promote migrants' rights, which in itself has its causes —as has been mentioned—in the institutional weakness, instability and high levels of violence suffered in Central American countries, as well as the lack of space for the participation of social organizations in preparing, monitoring and evaluating public policies. Given this reality, as demonstrated in the weak and fragmented social fabric and the lack of generating an effective response in terms of political advocacy by social organizations in these Central American societies, there is greater concern for daily survival than for citizen participation.

Most people belonging to the migration organizations did not participate in the political processes of the 1980s and 1990s, and thus are affected less by the social fragmentation which ensued. However, this also means that they tend to have less of a political perspective or analysis. In many cases, this situation prevents them from having a consolidated discourse about the structural causes of forced migration, leading them to prioritize humanitarian aid actions, and attend more to immediate concerns rather than long-term transformations.

The policies of bilateral and multilateral cooperation of destination countries (mainly the US, Canada and the European Union) help little to improve this organizational reality. The economic interests of these countries (e.g. mega-projects, mining, free trade agreements, and militarization) in areas of expulsion of migrants influence them to support certain issues and areas to the detriment of others or to work in a broader manner. At other times, Due to ignorance regarding regional dynamics, at other times provided support, instead of helping, hinders the pursuit of fair and effective solutions (e.g. Spanish cooperation's investment in migrant detention centers in Mexico and Honduras). Furthermore, the reduction of private and public funding in recent years due to the global economic crisis has caused greater competition for resources and wider support for short-term projects rather than long term processes.

The severity of recent violations of migrants' rights has made it impossible for the media or authorities to ignore this reality. This has meant the already mentioned increase of interest of funding agencies towards the issue, but also that other

organizations and networks that work on general human rights defense issues also include this issue. The latter is a positive effect, since these organizations offer enhanced skills for this work and a more inclusive general political analysis, both in Central America and Mexico.

However, in several countries in the region, this joining of forces has not been adequate due to the scope, dynamic and cross-cutting aspects of migration, as well as due to the overlapping of organizations that have worked on the topic for years and the situational and isolated interest of entities involved in other matters. In many cases, the latter has prevented the strengthening and consolidation of coordination and unified language and proposals.

The panorama for action and proposal development on regional migratory issues within the area of human rights is marked by the above mentioned factors throughout the region and by the affected population's limited participation. The absence of migrants' social and political participation, due to their vulnerability and the majority of society's primary interest in survival within an atmosphere of violence and lack of safety, influence the organizations' responses and explain some of the aforementioned dynamics. That said, although much more remains to be done so that their proposals complement one another and so that they might coordinate with the organizations that also put forward proposals to defend their rights, it is important to acknowledge the growing social agency of migrant organizations in the US, and in the family members' committees in the countries of origin.

5- CHALLENGES AND OPPORTUNITIES AT NATIONAL AND REGIONAL LEVELS:

g. Introduction

Analyses of the main challenges and opportunities for civil society organizations presented in this section have been obtained from: (a) in-depth interviews with key social agents and activists in each country, carried out during the mapping process; (b) the consultants' appreciations, and; (c) PCS's observations based on its monitoring efforts throughout the region. This analysis refers to the socio-political context of migrations and how this affects the organizations' work; the dynamics within and between migrations organizations; their interaction and coordination with other entities, and; their capacity to influence public powers.

In this section, a summary of the main challenges identified by the social entities is followed by the observed opportunities in each country and lastly at the regional level. These perspectives are valuable precisely because they come from those who encounter the positive and negative effects of the migratory and socio-political contexts on a daily basis. For greater clarity, the information is summarized, and the main opportunities are highlighted, while avoiding categorical classifications and priorities, as they were not made explicit by the social organizations.

It is important that the process of prioritization originate in the social entities carrying out the work on the ground, in keeping with their institutional interests and their interpretation of contextual information which is altered by particular events; so that they can strengthen their skills and improve coordination in order to better face these challenges.

The idea is to promote and contribute to a scenario that, despite its complexity and the prevalence of human rights violations, also offers opportunities for action and advocacy. The hope is that these actions might lead to a reversal of the current situation, thus contributing to greater access to justice in favor of the rights of the migrant and refugee population.

h. The Opinions of Social Organizations and Networks: Challenges and Strategic Opportunities

i. Mexico

1. CHALLENGES

Given Mexico's diversity and enormity compared with other countries in the region, the information in this section is presented schematically for easier reading. The specific needs of both of its borders, North and South, are presented first, and then followed by the difficulties and challenges at the national level regarding the migration situation.

The **Northern Border** has the following characteristics:

- The pressure from the U.S. government regarding security issues along the northern border, although not unique, is more intensified in this region. The region's criminality and violence aggravates this perspective, which in turn has negative repercussions on migrants, particularly for those in transit to the North. Due to the corruption and the collusion of many authorities with these illegal groups, they often are affected and trapped in the structure of impunity in which organized crime operates in the region. . . At the same time, the US government's migratory control actions are an impediment when trying to cross the border.
- Organizationally, as the majority of cooperation agencies in this country are concentrated in the South, Northern region's organizations and networks are impacted.. In the North, most agencies apparently do not take into account the type of poverty that exists. Thus, humanitarian aid and religious organizations, as opposed to human rights centers, predominate. Although this situation has been gradually changing in recent years, and more incisive and inclusive projects have been developed, there are no visible results as of yet; for example, joint publications might contribute to generating more detailed information and analysis and have a wider impact.

Some of the characteristics of the **Southern Border**, with regards to migratory issues, include the following:

- The authorities involved in migratory issues, in addition to establishments that offer goods or services, are not n' familiar with the legal framework or with issues such as human rights and multiculturalism. The ingrained practice of abuse, and lack of response and complaint mechanisms in many communities is more widespread than in other parts of the country; this creates a fertile ground for impunity by allowing violations against in transit migrants and to remain unpunished.
- Authorities at the three levels of government, as well as by members of organized crime with authorities' consent, engage in threats, harassment, physical aggression, persecution and even imprisonment of migrants and their

defenders.

- The population of migrant workers who have the Soconusco region in Chiapas as their destination face problems related to this particular type of migratory flow, which differs from in transit migrants and includes ethnic and xenophobic discrimination and violations of their basic rights, particularly labor rights.
- The border state authorities' attitude toward migration is understood as a manner to improve their public image, thus attempting to counteract the violation of rights against local excluded populations committed in other parts of the State.
- Despite being the main migrant border-crossing location, the presence of organized civil society with independent and all-inclusive right-based work is scarce in Tabasco and in the Soconusco area of Chiapas.

After having defined the particular characteristics of Mexico's two borders and principal migratory areas, the following section explores the country's common challenges and difficulties regarding migration.

The organizations emphasize the following aspects of the **socio-political context**:

- Discretionary application of migratory regulations is compounded by a policy of simulated defense of human rights by a variety of public institutions that –while having many programs to this end – produce few real results.
- Border state governments, such as Chiapas, understand the attention to migration issues as a possibility to improve their public image and counteract negative reactions to rights violations committed against other groups in other parts of the state.
- Mexico is under pressure from the US to control its shared border. This pressure could make the Mexican government restrict their migration policies in the future to obtain other benefits. During the US discussion on migration reform, European cooperation has increased. However, in many cases this is a result of political and commercial interests, and does not establish an effective human rights approach.
- Organized crime, in collusion with authorities, has begun considering in-transit migrants as a source of economic profit. Human rights violations have increased. Impunity for criminals and corrupt authorities places the security of civil society organizations at risk; they are criminalized and migratory routes are militarized.
- The government maintains the existence of certain dialogue spaces with Civil Society. These, however, do not respond to the real issues proposed in social organizations' advocacy initiatives or demonstrate real political will and ensure transparency, monitoring and evaluation of agreements.
- The formal spaces that exist among governments at a regional level do not contribute to concrete results or effective actions. The more developed countries (U.S., Mexico) predominate in these spaces. Mexico only participates as an observer in the Mesoamerican integration processes (PARLACEN, SICA). In general, Mexico generally does not look towards Central America on migratory issues, and only looks north; the Central American countries' institutional weaknesses cause them to lose important opportunities to influence and pressure the Mexican government.
- A true and consolidated public policy on migration is lacking. There overflow of isolated actions, promoted with the focus of managing the migratory flow, lacks a human rights perspective. Migration oftentimes is only seen from the perspective of Mexican migration in the U.S. and remittances. The absence of necessary coordination between local, state and federal authorities prevents the practical effectiveness of the few public policies being promoted.
- Migration in reception countries is concealed and ignored. There is a lack of interest and sensitivity towards dealing with the particular issues faced by migrants in their place of destination.
- The existing asylum and migration laws in Mexico have not been put into effect; their norms for implementation have yet to be approved. Given this, discretion continues to prevail when applying the legal framework. New rules are not yet daily enforced. Progress is limited. Not every authority and official responsible for law enforcement fully comprehends them or is knowledgeable enough to ensure its proper application.
- Although women suffer more human rights violations than men in the migratory route, effective measures to draw attention to this situation, the manner in which women are affected by structural violence and discrimination, and contributions to prevent these abuses are scarce.

With regards to the social entities' **organizational dynamics**, the following comments reflect these agents' self-critical perspective as expressed during the interviews:

- Due to the limitations and the lack of results, organizations are weary and frustrated by conversations with authorities. In this sense, the federal government and some state governments (e.g. Chiapas) present an image of being open to dialogue, yet do not want to be held accountable.
- As the official cooperation institutions do not consider Mexico a priority, there is greater cooperation between states than with social or non-governmental organizations. Additionally, the possibility of requesting and obtaining funds is centralized in Mexico City (DF). Due to the economic crisis, there is greater competition for resources due to the decrease in available funds and notwithstanding certain agencies' increased attention to migration issues. The organizations that receive most of the funding are located in the DF and have a low political profile.
- On the other hand, the prevailing criminalization of social protest in parts of the country has employed a security approach which restricts freedoms. It appears as if government authorities at different levels allow organizations to express their views, but then endeavor to counteract them with false arguments and attempts to discredit them, affecting their safety and limiting their work.
- The country's size and diversity and particular problems generate a diversity of agendas within international accompaniment, thus often leading to reducing communication between stakeholders. As official cooperation agencies consider the country, with the exception of certain regions like Oaxaca or Chiapas, a low priority, it is more difficult to receive funding or international solidarity. This is coupled with the complexity of political relations between key players that often prevents agencies from understanding the strategic potential of their cooperation to promote long-term processes and to establish a single agenda for accompaniment. It also unknowingly contributes to the individualization by region of responses to migratory issues.
- Some of the historic migration organizations demonstrate mistrust about entities that deal with other human rights issues and recently have become interested or involved in migration topics. Some organizations have taken up the migratory issue because there are greater funds available, often in an isolated manner, and have not generated processes or articulations with specialized organizations. This situation causes duplicity in projects and efforts and reduces the possible impact and effectiveness of initiatives already underway.
- On the other hand, some historic organizations demonstrate internal and external mistrust. Some of these organizations lack a strong political perspective, skills to promote and prepare new leadership, and sufficient space for political analysis.
- The networks of already existing social organizations (such as Migrations Forum), are currently paralyzed by the lack of a complementary vision in relation to shared initiatives.
- While there is a Mexican presence in regional coordinating spaces between organizations, it is thwarted by the lack of a real impact in official forums for regional integration (e.g.the CRM).

2. OPPORTUNITIES

Like the challenges, due to the country's diversity and the two borders' characteristics opportunities demonstrate some differences, as well as shared possibilities, to improve the national situation.

On the **northern border** the following specific opportunities were observed by those interviewed:

There are more humanitarian aid organizations in the northern area, whose support comes mostly from the local community. Today, with the intensification of the problem, international cooperation agencies support six organizations.

Several entities from the network of Migrant Houses, Attention Centers and human rights organizations in the northern zone have been coordinating for years and hold at least one annual meeting. This is a process that is being strengthened in order to build a more plural and competent network of more than 20 Migrant Houses and organizations. Throughout 2010 and 2011, several collective training meetings in different aspects are being held. Also, five collective proposals to generate impact around common issues have been created and are being implemented at the local and national levels.

For the **southern border**, the agents present in the area identify specific opportunities for action and work:

Certain public policies, like that of the Chiapas state government, attempt to implement differentiated approaches to attend to migratory problems. Although much remains to be completed, the measures have yet to become public knowledge or to be applied on a daily basis. In this sense, the Chiapas state's

earmarked financial resources for the issue are important. Although it is also important to allocate not only monetary resources but also technical support for the design, implementation, monitoring and evaluation of public policies and to establish a clear set of norms for accountability with regards to results. Local organizations should attempt to contribute to these proposals.

Migration organizations present in this area should aim to organize their work based on political agreements, so that their actions will be increasingly all-inclusive, and can generate authentic pressure for structural changes. **To that end, it would be important to strengthen these organizations' links with other entities that work on other issues (development, peasant or indigenous rights, among others), particularly in the Chiapas highlands.** The majority of networks comprised of the latter type of organizations have a wider political perspective and analysis and more horizontal decision-making processes. These participation and decision-making mechanisms could be applied in the networks that address migration issues.

The presence of an important nucleus of immigrants with Chiapas as their destination, affected by discrimination, labor abuses and lack of access to basic rights, is a differentiating element but **allow for actions that are not feasible** in other parts of the country due to the transitory condition of the migrant population. **This is the case with strategic litigation, psycho-social accompaniment, advocacy** against racism and the promotion of **social integration and self-organization policies.**

The following opportunities exist in the **federal/national arena**:

With regards to **the socio-political context:**

The implementation of the Federal Immigration Act, the Refugee Act and state laws (e.g. in the DF) on migration is an opportunity. Notwithstanding their strengths and weaknesses, the political climate -in which the issue of international migration has gained prominence on political agendas and in the media- might potentially open up spaces for social organizations' more effective advocacy regarding the application of these laws. This favorable political climate, although created by misfortune, **can open up advocacy channels. The process of approval of the regulations for implementing those laws, for example,** are very important for ensuring their daily effectiveness in favor of the rights of the affected persons.

The **opening up of spaces for effective dialogue and advocacy work with the federal authorities, taking advantage of the already confirmed visit of the OAS Rapporteur on Migrant Rights**, from July 25th until August 3rd 2011 is another opportunity. Potentially strengthened dialogue, have been: The results and impact of the hearings on this issue in the OAS³⁷, carried out by different organizations have contributed to potentially strengthening dialogue, as well as the participation in the study of the situation of Mexico, presented to the U.N., within the framework of the 1990 Convention on Migratory Workers and their families. The round table talks between the federal government and migration

organizations, formed as a result of the last hearing carried out in the IACH, also has contributed to dialogue strengthening.

International human rights organizations' increased attention to the situation of migration in the region, particularly regarding the rights violations faced by in transit migrants, **is likely to pressure the federal government to produce results.** In this manner, the manner in which organizations use accountability and access to public information mechanisms can favor this process and contribute to improvements.

Taking advantage of existing common ground, such as the CRM and the bi-national agreements for repatriation, in order to promote a region-wide human rights focus in these negotiations and agreements is another potentially positive element in political relations between Mexico and neighboring Central American governments.

Another key strategy might be to **take advantage of greater political will and specific attention to the problem of the unaccompanied children.** Although by continuing to detain them, the government is not respecting the 1989 United Nations Convention on the Rights of Children. On this and other particular issues, making use of the authorities identified who have greater disposition to dialogue could be a step in the right direction.

Due to their violation of their rights in such a serious and specific manner, **the gender perspective and specific attention to the problems of women migrants need to be strengthened.** There have been previous efforts around this issue in the region and some women's organizations have shown interest in approaching this problem

³⁷ The Center PRODH, the Posada Belén de Saltillo, the Albergue Hermanos en el Camino and the Centro de Derechos Humanos Fray Matías de Córdova requested and coordinated the first hearing in March of 2010. Idheas Litigio Estrategico en Derechos Humanos promoted the second hearing, which took place in March 2011.

comprehensively, with advocacy proposals and the creation of gender-specific shelters.

As U.S. private funding also is paying more attention to the migratory issue, **there are greater options for financing projects with an advocacy perspective, rather**

than simply focusing on aid or relief work. This allows social organizations and networks to increase their capacities for political advocacy and have increased impact on public opinion, as well as provide attention to migrants and defend their rights.

The following **opportunities** were identified in the **context of the social organizations and networks**, and their coordination and relationships:

Despite differences regarding outlooks and political stances, **the lobbying process around the Migration Act has strengthened communication and the need for coordination among organizations.** This improvement may prove essential during the negotiation of the regulations so trust is built and broader proposals are created by consensus. This opportunity can be enhanced by the working group created following the IACHR hearing.

With the visit of the OAS Rapporteur for Migrant Rights, organizations have an opportunity to develop a coordinated advocacy and communications strategy, which is broad and comprehensive and also could help to strengthen trust and coordination among organizations.

Taking into account and **promoting the renovation of leadership in some organizations** and networks that address migratory issues is another proposal. This focuses on people who demonstrate a strong commitment to the issues and considerable willingness to coordinate efforts, while also being **located in distinct strategic points along the migratory route.**

Similarly, interest exists in **organizing different on-going initiatives to systematize, in a more methodical manner, the documentation of violations of migrant rights.** As long as there is coordination and not overlap, the creation of social observatories could improve the social organizations and networks' capacity for developing advocacy proposals and strategies.

Historic and specialized organizations are re-thinking their strategies and alliances due to the seriousness of the situation. Similarly, aid organizations that also want to evolve and seek allies in the light of this new context, now understand the need for advocacy and consider humanitarian aid as insufficient.

Taking advantage of the fact that other types of human rights organizations are addressing the migratory situation, through ongoing processes, is another opportunity. These processes can strengthen capacities and lead to the development of more effective tools to improve migration organizations' attention to the context, their advocacy work and strategy building, as well as reinforcing a broader concept of security and psycho-social accompaniment, strengthening the systematization of human rights violations, improving communication skills and increasing public awareness.

Promoting the coordination of social networks based on clear political agreements, so that via their actions, once they become more all-inclusive, is another proposal. In this manner, they might be able to generate real pressure to obtain structural changes. To that end, it would be important to reinforce the ties between these organizations, and entities that work on other issues (development, indigenous rights, among others), since the majority have a broader political outlook and analysis, and often also carry out more horizontal decision-making processes that could be replicated in the networks working on migration issues.

Finally, **re-establishing the operational capacity of existing social organization networks that address migrations** (such as the Migrations Forum), by developing a complementary vision of work, would be essential.

ii. Guatemala

1. CHALLENGES

In terms of the **political situation** in Guatemala, the following challenges were detected:

- Due to violence and insecurity, most of society is more concerned with daily survival than political aspects, and doesn't pay special attention to the migratory issue, in spite of its numeric importance, unless dealing with isolated and dramatic events.
- Organized crime has infiltrated the State, particularly the security forces and migration apparatus. Military and paramilitary structures of the past have been reconfigured and continue to wield a significant amount of power.
- There is no capacity to negotiate with the U.S., which imposes its security policy on its own terms, and even violates maritime sovereignty without any reaction on the part of the Guatemalan State.
- The country is in a pre-electoral phase, awaiting the September 2011 elections, and political and personal interests in Congress prevail that are often far removed from generating improvements and serving the public.
- There is a lack of government continuity. Since 1986 no government has been re-elected, which means that every four years the main authorities are changed, and bring new policies into place, thus weakening the State structure and paralyzing the advancements in public policy.
- There is no asylum law, per se; but rather only an ad-hoc process that is slow and discretionary.
- The migratory law in force is obsolete and lacks a rights-focus. This means that migratory procedures are slow and bureaucratic, and there are signs of corruption and impunity among the majority of authorities from Migration, who do not adequately fulfill their functions.
- There is an Immigration bill in Congress that has been paralyzed due to the prevailing of other political interests and the country's elections. The weakness of institutions, lack of coordination and corruption in the country, prevent the public policy proposals from progressing.
- Measures are adopted in an isolated manner, without continuity or in-depth reflection on migratory issues and its structural causes. The authorities from diverse public powers evade the debate on the responsibility for the origin of forced migration.

- The policies on attending to deportees require provisions of immediate aid for particular need, without an inclusive perspective. They don't include the implementation of programs for long-term job provision and social reinsertion.
- In the temporary work programs promoting travel to the United States and Canada, there is a lack of adequate information provided, and no labor protection in dealing with the abuses that are committed, either in the original contracting country or in the receiving country.
- Among the scarce migratory policies there are no differentiated focuses. No public plan is contemplated to deal with the specific ways in which migration affects indigenous peoples, there is no serious gender policy, and HIV-positive deportees are abandoned.
- There is no integral attention for victims of human trafficking and the inoperativeness and slowness of the justice system re-victimizes them, particularly in the case of foreign sex workers, most of whom are from other parts of Central America.
- In practical terms, the CA-4 is no guarantee for migrants, and Guatemalan authorities continue to detain and deport Central Americans, particularly in the case of sex workers.

In dealing with this context, the following difficulties are found within **the dynamic and action of the organizations and social networks**:

- The incapacity and lack of will of the authorities to push forward public policies is something that frustrates the organizations which also haven't developed an adequate capacity or clear strategy for advocacy. Social action is more dedicated to confrontation than to proposals.
- There are human rights organizations with experience and resources but that don't deal with the migratory issue, since its dynamism makes it hard to work on it. When some new entities approach and communicate with the specialized actors, they barely create consortiums, nor joint, complementary efforts with the migration networks already established.
- There are human rights organizations with experience and resources whose activism around a wide range of issues impedes them from taking on work on migrations. When these experienced entities that are new to the work on migrations do approach and communicate with the specialized groups, there are often difficulties in creating consortiums, as these groups have yet to develop sufficient capacities and clear strategies for advocacy to push forward new proposals on public policy or confront the authorities' lack of political will; which in turn becomes frustrating for all those involved. Social activism on the part of migration organizations, therefore, remains more dedicated to confrontation than to proposals, and the gap between them and the more politically savvy human rights organizations persists.
- The present division between migrations organizations and traditional human rights work limits coordination and prevents a greater understanding of all of the possibilities for common action.
- On occasion, national networks for social activism are affected by the prevalence of some organization's interests over the shared interests, and internal power struggles abound.
- Adequate communication skills for influencing the media and key public

players and for positioning proposals are lacking.

- The mobility of the organizations' most experienced members doesn't help in the consolidation of said organizations, since there is an absence of good processes of leadership renewal and the State sometimes tries to co-opt the more experienced leaders.
- The Catholic Church dedicates specific attention to migrants, but this work is not officially recognized or institutionalized. The work carried out is predominantly aid-related and at the local level; thus bypassing key human rights issues at and between all levels.
- Regarding State or international aid to the organizations focusing on migrations:
 - Cooperation is centered on other issues. There are few donor agencies interested in migration, and organizations are sometimes dependent on one particular source of funding.
 - Corruption does not allow for there to be funding from the public sector to finance this issue.
 - The financial crisis has affected the sector and generated more competition for funds between organizations.
 - Organizations complain about the lack of uniformity in the agencies' procedures to obtain their funds, which provokes duplicity of efforts and takes away time from advocacy.
 - There is a strong presence of the UE in funding projects on migrations, whose strict requirements and rigorous procedures lead to limiting the action of the entities involved.

2. OPPORTUNITIES

In spite of the complicated institutional context described above, the following **opportunities in the social and political reality** are observed:

In Congress there is a proposal for a new Migrations Law, driven by social networks, both at the national level and those made up of Guatemalan migrant organizations abroad (in the USA). This is a good opportunity, due to the influence and advocacy of these migrant organizations in the USA, especially while Guatemala awaits the study of the situation by the Committee of the Convention of 1990, which might also be used for advocacy in relation to the draft law.

This influence of the migrant organizations in the US might contribute to a transnational perspective in public policies. The potential impact of the

proposals should be studied in depth, with greater detail than that used in this study.

The new draft law on migration includes the creation of an autonomous Guatemalan Migration Institute, which would contribute to improved coordination and transparency. The revision of the situation in Guatemala by the U.N. could also strengthen the development of more realistic proposals with a human rights focus, reiterating the need for the implementation of effective policies, while also demonstrating the State's inconsistencies in its discourse.

CONAMIGUA is consolidating itself as a inter-institutional entity that promotes

migratory public policies. The influence of the migrant organizations from USA is also important in this organism. At a local level there are also greater opportunities for advocacy and possibilities for achieving results, since there is a closer dialogue between organizations and authorities (for example, in Huehuetenango).

Some public and social entities have broad experience on issues related to indigenous peoples, children, human trafficking and gender equality that could be transferred to the migratory sphere, if duly adapted to that reality.

Inter-regional migration has increased and it is easier to demonstrate the abuses suffered and the inconsistencies in practices between State institutions when dealing with protection, with regard to the discourse promoted with migrants in the U.S. and Canada.

Some interesting proposals have been put forth by experienced social entities with the capacity to carry them out in such a way that they might cause greater impact on the migrations policies in Guatemala, so that public powers can be pressured in a more adequate manner to change their present lack of political will:

- The organizations (MENAMIG-PMH-INCEDES) wrote the alternative report to the 1990 Convention jointly, and it was presented at the same time as the government's proposal before the U.N. Follow-up is now required.
- There is an effort to improve the documentation of rights violations (by the Migrant Shelter in Guatemala City), with a method to gather testimonies and time in which to do so, since the donor supporting the work is not imposing too many technical requirements.

- The installment of an independent module for attention of deportees in the international airport is already underway, thanks to a proposal from the Migrant Shelter in Guatemala City.
- ASI aims to write a well documented report about the situation in the migrants' detention center to demonstrate human rights violations carried out within the center.

Similarly, ***processes of coordination and advocacy have begun with middle-level authorities, from different specialties, where there can often be more effective results*** since there is less public and political attention.

- On a local level, in Huehuetenango, there is coordination between government and civil society, which is more effective than similar spaces at the national level, especially as there is greater political will on the part of public servants (for example: on implementing a proposal to create a trans-border working group between Mexico and Guatemala).
- The INCEDES project with the Mineduc³⁸, with the commitment of authorities, is promoting the introduction of issues related to migrations in the national curriculum to be used by all schools nationwide.

The presence of the OACNUDH can also help strengthen processes at the national level, as well as enhancing security protocols and mechanisms for the actions to be carried out by the organizations, and promoting greater coordination around key issues; as already done with the alternative report to the 1990 Convention.

³⁸ Ministerio de Educación de Guatemala – Guatemalan Ministry of Education.

Regarding **organizational dynamics and coordination between social organizations**, opportunities include:

The social sector has an increased interest in working on the issue of migrations but is finds its complexity and the institutional weakness a challenge. ***There are new actors in the country with interesting, more strategic proposals that go beyond aid or relief-based activities.*** However, in order to structure this, it is necessary to promote horizontality, minimize power relations, and avoid the prevalence of some issues over others within networks.

There are networks on issues such as human trafficking, litigation, and children's rights, where there is coordination between migrant organizations and other human rights organizations. It would be interesting to encourage these processes.

CONAMIGUA incorporates civil-society organizations in its work, and there is also inter-institutional coordination on the matter of human trafficking. There are even regional inter-institutional integration organisms for dialogue and coordination, largely composed of social organizations; however, they haven't yet demonstrated effective results. Between national level entities that encountered difficulties for coordinating in the past (for example, MENAMIG-PMH-INCEDES), there is now coordination around particular issues.

There is good communication between national networks and migration organizations in the U.S.

Among the important migrant organizations, there is an important level of respect for each others' differentiated roles and functions, despite some competing leadership and power struggles.

There are some international organizations, such as Trocaire, CRS and PCS, that share information and procedures, and are coordinating to promote, monitor and accompany certain processes, in order to minimize the risk of divisions or duplications. Greater aid from U.S. donor agencies could potentially constitute a decisive act by breaking with the imbalance currently existing in the attention given to the matter in Central America as opposed to México.

New actors, such as the Migrant Shelter in Guatemala City, are interested in having a greater political role. The strengthening of ecclesiastic action can be very important, due to the weight and influence the Church has with authorities. Migrant organizations and networks in the U.S. also pull a lot of weight, even when there are tensions among them due to questions that have nothing to do with migration issues.

iii. El Salvador

1. CHALLENGES

The **political and social context of the country** offers the following challenges and difficulties:

- There are high levels of violence that condition the entire social and political agenda. Society is more concerned about survival than about social or political disputes.
- Military structures from the past persist and affect the dynamic of the public institutions. Mega-projects are affecting communities and provoking forced migration.
- Migratory law and its secondary regulation are obsolete, and do not respond to present needs. For example, the established procedures for regularization are slow, costly and provoke a high level of un-documentation of migrants, particularly among Nicaraguans and Hondurans.
- The current legislation doesn't adequately regulate the issue of asylum because the premise is that the person who requests it uses the process just as a way to continue their migratory route and not be deported.
- The previous government had no political will regarding the migratory issue, avoiding its responsibility, while its economic model worsened the conditions that provoke forced migrations, particularly in the agricultural sector.
- In spite of the change of government, these conditions persist, although society as a whole, including social organizations, has some positive expectations. To date, however, the new government hasn't made proposals that have brought about visible results. There have been conflicts and a lack of coordination between authorities on the proposal of new programs (for example, attention to deportees). Within the new government, there are power struggles that prevent a greater inter-institutional coordination and prevent the success of new proposals.
- Some organizations consider that the new government centers its migratory focus on what is happening outside of the country with its co-nationals, and neglects the situation of immigrants within the country.
- In the migratory sphere there is no differentiated gender policy. The indigenous question is not taken into account, because unlike other countries in the region, this population is minimal in El Salvador.
- The spaces for coordination between civil society and the government have been created recently, and it's hard to tell if they will bring about effective results. Should there be a lack of fulfillment of commitments during the next two years, ruptures and frustrations will likely about, complicating the dynamic of the social movement, since many current government authorities come from that sector originally.
- Some authorities from the new government employ similar methods to that of the social movement, which causes a confusion of roles and closes spaces for organizational activity.
- The political position of the new government produces tension with other governments of the region (for example, with Mexico) and there is no real and balanced capacity to negotiate with the U.S. in relation to their persisting influence around the security perspective.
- The criminalization of deportees continues, whose arrival is tied to the country's situation of insecurity, according to public opinion.

Regarding the situation and the **dynamics in which organizations work**, the following warning signals were identified:

- Due to the political situation described, the organizations consider that the next two years are key, in order to be able to evaluate whether or not the new government changes certain dynamics and public policies.
- The cooptation of members of civil society into public power closes spaces for

- financing to organizations and transfers these efforts into the public sector.
- Those organizations with greater structure and experience draw together most of the information and contacts, which impedes a collaborative effort with other organizations.
 - There is an unequal relationship between some of the more specialized and experienced actors, and the newly formed social agents, such as COFAMIDE. This might provoke frictions if the latter entities start to consolidate their work and gain greater political space.
 - The national network of organizations has been dominated by public powers and doesn't have autonomy, even during the most recent years. Thus, they have not developed adequate capacities for advocacy, political pressure and monitoring of the implementation of public policy. In addition, the fact that very representatives of the organizations have become part of the government has weakened the networks and their leadership.
 - In evaluating the presence and impact of cooperation, the following issues have been brought up:
 - The financial crisis has affected cooperation, and in addition, migration is not considered to be a priority issue. The entities that work on immigration (with migrants whose destination is El Salvador), since it is not a highly visible issue, have suffered the reduction of funding for their actions and projects.
 - The crisis also has provoked greater competition for resources, and has moved entities dedicated to other issues to open up work around migration in order to secure funding, where indeed there is availability of funds for working on this issue.
 - What little aid there is for migratory issues, is mostly designated to the public sector, due to the faith in the new government and because those who traditionally maintained contact with the financial backers are now in government posts.
 - There is little presence of international non-governmental organizations that carry out close accompaniment of migrations organizations. This kind of support is limited in the migratory sphere, as its discourse and practice differs from past political projects supported by international cooperation and solidarity efforts, and by the classic human rights organizations.

2. OPPORTUNITIES

Opportunities linked to migration in the **social and political context** include:

The new political situation, with the change of government, opens up the possibility of renovation of the legal framework, with a broader, more progressive perspective than the previous one. In that sense, a Law to attend Salvadoran migrants abroad has been passed, and there is already a proposed Migration Law that has been sent to civil society for opinions.

The new government seems to have a much greater political disposition than the previous one, since many of its members come from civil society. They have opened spaces for dialogue with organizations and want to reinforce the attention to deportees and consular protection.

Special attention is being given to the problems faced by migrant children, and there is specific work being done by the Consulates abroad. On these issues, the government ***is listening to the organizations, supporting their forms of action and reinforcing the attention given to nationals who live abroad.*** A good practice in this last area is the recent inauguration of bi-national consulates (Guatemala-El Salvador) in Veracruz and Chiapas, Mexico.

The new government's greater political will might promote greater attention to immigration in the country. Those who have been attracted to the El Salvador due to the dollarization but have been forgotten up to now, commonly suffer violations of their labor rights and chronic un-documentation. Some have been in the country more than twenty years. New policies to attend to this population are expected.

The new government of El Salvador promotes proposals that are more respectful

of human rights in regional spaces (for example: SICA), and puts pressure on the Mexican government through their strengthened consular protection. They show a more ethical perspective, and are closer to social organizations than the previous government. They are putting into practice capacity-building processes to strengthen the skills and commitment of authorities in defense of migrants' rights.

International cooperation is also expectant of the actions to be taken by the new government, which gives hope for a more socially oriented action than its neighboring governments.

There are high hopes for the effectiveness of this cooperation between government and civil society.

Several of the present authorities came from the social movement, they understand it and apply many of its outlooks, and are open to social consultation and proposals from civil society. The new government wants to be a reference point for this joint action with civil society, on a regional level. Thus, there is a real capacity to influence the new government, both formally and informally.

The following **opportunities** are presented in relation to **organizations and social networks**:

There is a lot of hope for real advocacy in public powers due to the new situation and in this sense, the coming 2 years are key. At this time, the social sector is patient, but if there aren't effective results, that trust may not last.

The national network MIGRES already has autonomy and has renovated leadership after its historic leadership left to work with the government. *The greater sympathy toward the issue and the links between public positions and civil society opens up spaces for dialogue and true channels to influence and make proposals.* However, there is a need for strengthening management and advocacy capacities of this new leadership, so that these processes can prosper.

In order to consolidate their work, *new organizations like COFAMIDE, or the work of Caritas San Miguel that focuses on less visible migrations,* receive support from other entities with greater experience. The processes of self-organization of immigrants, mostly Nicaraguan, that occur in places like

San Miguel, in which they demand their rights, with the active participation of women, could achieve *interesting results in the future*, if they manage to consolidate themselves institutionally.

Some international organizations, such as CRS and PCS, accompany these processes and support the emergence of new social agents or entities that work with historically ignored sectors of migrants. With these new social agents, *it is important to strengthen support with psycho-social accompaniment and sharing tools for defense work*, for activities such as litigation and the systematizing of information on human rights abuses.

Greater trust in the new government, due to its more socially oriented character, could attract greater cooperation, even if mostly destined to the public sector. At the same time, the organizations and networks with greater structure and experience have the capacity to formulate projects since they are used to looking for international cooperation funds.

iv. Honduras

1. CHALLENGES

The **social and political context** has created difficulties, including the following:

- The June 2009 coup has led to an important reverse in terms of democracy, with members of the military filling key government posts, including those related to migratory issues. In that sense, it is a priority to promote structural and democratic reform to the present system, with a human rights agenda which can create a framework for the transformation of the present social order.
- Since there isn't a defined political framework regarding migrations, the work is carried out through isolated actions, without a broad, inclusive vision and with

little or no positive impact on migrant populations. Thus, there continues to be a need to strengthen the coordination between states, and at inter- and intra-secretarial levels and within State powers.

- Programs for temporary workers in Canada and the USA are starting through the promulgation of a Congressional law decree which was promoted by individuals and entities with dubious ethics. Within the communities of origin, much misinformation exists, which can lead to labor abuse in the receiving countries.
- A gender perspective has not been institutionalized in the plans and programs of the governmental offices that work with the migrant population.
- There are spaces for dialogue between different public and social actors, but the participants have little negotiating capacity, which means that these spaces tend not to be fruitful. Thus, it is still necessary to establish mechanisms for more structured inter-institutional coordination that includes the participation of diverse sectors, in order to define and make agreements on migratory policies.
- The FOSHOMI Consultative Council has demonstrated few results, with an excessively prominent role of the Ministry of Foreign Affairs, and the limited participation of some other of its members. During the last years, five draft laws have been presented in the legislature for the creation and institutionalization of a similar council, to advance on necessary reforms, but there has been little political will to make it possible.

Regarding the **dynamics and actions of the social organizations**, their particular difficulties include:

- The coup and its consequences have polarized the social movement, between those who don't want to work with the new authorities for considering them illegitimate, and those who try to continue to maintain dialogue with public powers in spite of what occurred.
- Many of these entities don't have strategies for institutional sustainability, such as strategic actions to attract human and financial resources. In this sense, it is necessary that they develop practices of strategic planning, impact evaluations, identification of best practices, among others.
- The State does not provide resources to organizations that work on migratory issues.
- Large consortiums for joint work have not been created, nor are good practices replicated, nor are creative and innovative processes being designed. Nor do organizations have communication or funding strategies in order to achieve greater visibility and awareness-raising.
- Political analysis of the structural causes of migration need to be strengthened in the social organizations, which often fall into a victimizing and dramatic discourse on migration. On this point, there have not yet been alliances between organizations that work on migrations with others that work on other issues, such as development, that could jointly strengthen a more political vision of the matter, carry out acts of denouncement, etc.

2. OPPORTUNITIES

Within the **social and political context** of the country, there is evidence of the following opportunities:

There have been advances in promoting initiatives to update the legal framework for migrations: there are two interesting proposals in the legislature, one to pass a law to protect Honduran migrants and their families and another to reform the Migration and Immigration Law from 2004.

In 2007 a law decree was passed to create a Solidarity Fund with Honduran Migrants in vulnerable conditions (FOSHOMI) which establishes an inter-institutional work group to design a policy framework for migrations issues; and there are two documents (one by the Foreign Office and one by the government) to carry out a proposal for Honduran migratory policy.

The creation of a space of inter-institutional work to attend the migratory issue (the National Migrations Council), with the participation of several sectors, ***is being considered in these law proposals.*** This could be an interesting initiative, if it really generates effective results in defending migrants' rights and thus it would be convenient to evaluate the work of these kinds of organizations in other countries where work has already begun (for example, in Guatemala).

There may be opportunities to successfully influence in the Executive and Legislative branches of government, as they want to legitimize themselves after the coup and can take on the issue of migrations, which is a priority in the country, since it is less politically controversial than others.

The level of proposal-making and negotiations by the Honduran government should be strengthened with regard to other Central American countries, Mexico, the U.S. and even

Canada and Spain. In this sense it is necessary that inter-regional spaces be taken advantage of strategically, such as SICA, PARLACEN, and CRM among others.

An important area of work lies in promoting the human security focus in Honduran migratory public policies.

In the public policy proposals to be designed, the insertion of differentiated focuses should be promoted, such as those related to gender, ethnicity and minors. In this sense, and specifically on gender and issues related to children's rights, it would be important to make up for the lack of research and develop quantitative and qualitative information that contributes to dealing with current tendencies for discrimination or rights violations, and their specific impacts on the women and unaccompanied child migrants.

One idea is ***to promote strategies to hold the corresponding authorities accountable for migratory issues,*** in order to guarantee transparency in the use of resources and the application of policies, as well as evaluating the suitability of actions undertaken.

Another idea is to ***implement a system of social auditing by civil organizations, mostly to monitor the system of consular protection.***

There is also a push to encourage social communication campaigns that inform the public of the risks of migration and emphasize the human rights of those who migrate.

At the same time, there is a push for the ***promotion of social programs to afford legal status to migrants that are in irregular, unauthorized conditions in Honduras, and to support the regularization of***

Honduran nationals abroad, particularly in Central American countries, the United States, Spain and other countries where there is an important Honduran presence.

There is seen to be an opportunity in encouraging and setting up inter-institutional coordination to design, manage and implement labor migration agreements with third countries, and to create the respective mechanisms for monitoring and evaluation.

Another proposal is to involve local institutions (municipalities and municipal councils) to a greater extent in the development, promotion and strengthening of action plans on the migratory issue.

There are hopes for being able to **stimulate foreign cooperation for the implementation of programs and projects in the communities that expel migrants**. This could include designing programs and projects for increasing production in rural areas.

At the same time, the development of social and labor insertion or re-insertion

at the municipal level might be promoted, for migrants who have been deported and repatriated.

A further idea is to **establish data bases to register information on human rights violations and identification of current tendencies within the migrations phenomenon**, specifically of patterns that are discriminatory and lead to human rights violations.

With the previous objectives and with the intent of establishing better institutional **coordination, there is a proposal for the creation of an authority specialized in public matters which will be in charge of attention to migratory issues**.

In the case of the recently established temporary work programs, there is also the option of anticipating possible risks and abuses, with information and training on labor rights given to those who sign up.

The organizations and social networks that operate within this context, visualize the following opportunities:

Organized civil society is contributing to the mentioned legal opening. **Social networks have designed documents that gather the principal actions that should be considered for a public policy framework in migratory matters**, which are documents that need to be discussed with different sectors and harmonized with Honduran migratory reality.

It is necessary to improve the quality of the proposals by the organizations and that jointly all of the organizations promote them, without any in particular group

taking an overly prominent role. In that sense, **the participation of the migrant population and their families in these spaces needs to be encouraged**. There are more than twenty of these family committees in the country, and despite institutional deficiencies they are already an important political player.

One opportunity that has been detected is for designing and putting into action strategies for institutional sustainability that include strategic actions to strengthen organizations' and networks' human and financial resources. In order

to strengthen their capacities it will be important to develop improved practices for planning, impact evaluations and the identification of best practices, among others.

Another interesting idea is to ***promote and create a coordination space for the organizations' initiatives*** in order to present a program of joint action to a variety of agencies, with an optimal balance between individual and collective actions on the part of all those involved in migrations issues on behalf of civil society.

There is also the proposal to ***support the conformation of groups of***

experts to analyze and point out proposals regarding the migratory phenomenon, at the national and regional levels; and to take the national proposals onto a regional dimension, in order to strengthen the processes of exchange of experience, information and lessons learned.

At the same time, organizations propose identifying regional and international spaces for advocacy on migratory matters within, for example, the UN, OAS, European Union, and others.

v. Nicaragua

1. CHALLENGES

The challenges faced in regards to the **general and specific political and social context in migrations** is observed by social entities in the following manner:

- In terms of migratory policies, the Nicaraguan State has many unresolved issues, particularly regarding granting identification and travel documents to the Nicaraguan population living abroad.
- The modernization of legislation on migratory issues is urgent, which should include introducing a human rights focus that is in accordance with the migratory reality of the country.
- The proposals and initiatives that are formulated to best attend this migratory reality, encounter obstacles, a lack of political will, and the prevalence of political and electoral interests; for example, regarding the possibility of getting identity cards when abroad.
- The Supreme Electoral Council, the institution in charge of issuing birth certificates and identity cards, doesn't have enough political will to unite efforts with other key authorities in the process of documentation, such as the General Migration Authority, the authority on Immigration Matters, the General Consular Authority, and the National Police, among others.
- Nicaragua is considered a country of origin and a transit country of victims of human trafficking. The Department of Security of the United States 2009 report ranked Nicaragua second in the region; which means that the country faces a serious situation as a source and transit country for victims of human trafficking. Although there are some efforts to combat this crime, authorities have been unable to reduce the number of victims. Women, children and adolescents are particularly vulnerable in these networks, and the principal destinations within the region are El Salvador and Guatemala.
- Due to its geographical location, Nicaragua is a transit zone for the flows from outside of the region: migrant and refugee population from South America, Africa and Asia. Authorities have detected that these people get to the Central

American region through the networks of illicit human trafficking. This creates a dilemma for authorities of fighting illicit trafficking of migrants without allowing them to “abuse” refugee status, since the majority of this population, once granted refugee status, ends up leaving the country.

- There has not been adequate attention given to the bilateral agreements on the insertion of temporary migrant workers and the respect of their labor rights in other countries, nor formal evaluations carried out in relation to these; which would be particularly important in the case of Costa Rica. The Nicaraguan State needs to be stronger in the negotiation processes with other countries in the region, particularly with Costa Rica, El Salvador, Guatemala and the United States.
- There are barely any programs that deal with the families of migrants abroad.
- In many cases the spaces for dialogue between government and organized civil society on a national and local level are not effective. Mutual trust needs to be recovered. On this issue, the authorities tend to acknowledge the work done by organizations that have humanitarian or assistance work, but not those that work on human rights defense, the denouncement of violations and the demand on the State to fulfill its obligations. Often, this leads to a practice of explicitly or implicitly censuring these organizations’ actions.

Regarding **dynamics and coordination between organizations**, the following difficulties have been noted:

- Due to the State’s lack of action and political will on migratory issues, particularly with their co-nationals abroad, some organizations invest almost 100% of their resources and personnel to make up for that absence, particularly regarding the documentation of Nicaraguan migrants in Costa Rica.
- There is a worrisome dismantlement of efforts among the social organizations dedicated to the issue, and mistrust, partially due to power relations within the coordination spaces.
- Due to this situation, the organizations that consider themselves excluded from the networks have been more interested in strengthening themselves and opening their own spaces, and many organizations are unwilling to dedicate time and personnel to the coordination work.
- Some of the spaces for advocacy have split up, due to internal dynamics and changes of the leadership and participants.
- Faced with this context, the cooperation agencies are unable to identify the actors they want to work with on the issue, since they don’t want to be in the middle of these conflicts.
- What coordinated advocacy work exists, does so within a dynamic of tensions due to the organizations’ different interests, which provokes the weakening of some organizations and wears down the people who lead the processes, generating mistrust and antagonism over the struggle for leadership roles. This is complicating the process of generating a genuine renovation of leadership.
- The present conditions of the National Network of civil organizations on migrations, which functions through small projects, does not allow for approaching and incorporating new players into the work.
- Other actors, such as the SJM has advanced on some advocacy and awareness-raising actions on their own but hasn’t yet been able to coordinate efforts with other social actors.

2. OPPORTUNITIES

Regarding **the social and political context of the country**, the following can be seen as opportunities:

Everything possible needs to be done to encourage the government to abandon the criminalization of irregular migration, and examine in greater detail the structural causes of the phenomenon.

There needs to be more political willingness to favor inter-institutional coordination in order to carry out the proposals and apply the existing laws.

It is imperative to ***promote the incorporation of a human rights focus in public migratory policy***, by revising and adapting legislation to human rights, and fomenting programs in accordance with the human rights instruments ratified by Nicaragua. It is particularly fitting to bear in mind the United Nations Convention on the Protection of the Rights of all Migratory Workers and their Families (1990).

There have been recent advances on legislative issues: The Law on Refuge went into effect in 2008 and in CONAR³⁹, organization created by the law, they are presently discussing the protocol to regulate it. In the same manner ***there are at least two recent legislative initiatives under discussion in Congress:*** a proposed General Law of Migration and Immigration, (there is already consensus on this); and the Law for the treatment of Nicaraguan Migrants abroad. There are initiatives to reform the Law for the Civil Registration of Persons, which would hopefully expedite the registry of the population in order to assure that birth certificates are issued. Follow-up on all of these is important.

These initiatives include a proposal to create the Council for Attending

the Migrant Population abroad; and a proposal so that via consulates, Nicaraguans abroad can be registered and given ID cards.

Now is the time to create mechanisms that can be used to evaluate the implementation of these new laws, their progress and setbacks, or to promote the best advocacy possible in order to include the vision of organizations and social networks in these legislative proposals. ***Sharing experiences with other countries would be very important, because several of the draft laws are similar to legal initiatives that are already in effect in other countries.***

Some legislative commissions are interested in listening to the opinions of organizations. The Commission on Population and Development and the Commission on Government, Peace and Development show interest in the subject matter.

The recent implementation of the Consular ID card is something to make the most of. The organizations believe that the resources and efforts employed in issuing this document ***can also be used to give ID cards to Nicaraguans who live abroad,*** as is established in the Law of Citizen Identity.

There have been some agreements within the CRM framework seeking to combat organized crime and expedite the repatriation processes of the in-transit migrant population in Mexican territory. ***There should be special efforts to supervise these accords, in order to verify that they include special considerations for women, children and adolescents.***

There are some bi-national agreements underway about ***the registration of temporary workers*** such as the protocol for recruiting labor

³⁹ Comisión Nacional para los Refugiados – National Refugee Commission.

signed between **Nicaragua y Costa Rica**. This one is valid for three years. It is yet **another** important **agreement which needs to be monitored and evaluated**, since it will have impact in protecting the rights of the Nicaraguan population.

Regional coordination should also be strengthened in order to fight organized crime, particularly human trafficking and illicit trafficking of migrants. Mechanisms to protect the victims of human trafficking should be established. On this issue there are some projects underway that could be of interest: the Pilot Project for the re-insertion of Victims of Human Trafficking in Chinandega that was

initiated by the OIM; and the inter-institutional coordination to repatriate the migrant population by land.

There is Bi-national coordination already underway between some organizations dealing with the violation of human rights violations of the migrant population and the management and processing of documents, and it would be interesting to reinforce this coordination, particularly for the Nicaraguan migrant population in Costa Rica.

Promote programs for economic and social reinsertion for the migrant and refugee population.

In spite of the difficult and largely dismantled **organizational context that exists in the country**, the following **opportunities** are evidenced:

To encourage the joint elaboration and presentation of an alternative report for the United Nations Committee on Migrant Workers, since the government's report has been pending for years now. **Carrying out processes in a coordinated and complementary manner would help to overcome the discouragement and mistrust** that presently exists between organizations.

To strengthen the organizations' and networks' capacity to react and to advocate for getting laws passed. This should include reinforcing the capacity to solicit funds, so that they can monitor the implementation of the new laws.

To improve communication channels and mechanisms for dialogue between organizations and those who make decisions. To that end, it would be **opportune to renovate the leadership of the interlocutors that deal with authorities**.

It would also be important for the organizations to formulate long term,

well coordinated proposals for action, and open up channels to receiving funds from cooperation agencies. Also to this end, social entities should set up communication strategies so that donors can identify them as the key agents on the topic.

On this point, it is essential that the organizations have a clear, coordinated plan of action, which can be discussed with and perhaps supported by the agencies. These proposals might go beyond specific projects, which tend to be financed via organizations with built-in capacities for implementation and accountability, thus contributing to efforts to reinforce coordinated actions at a political level and support key aspects of coordination.

Regaining confidence in coordinated processes and in the networks requires different actions, such as:

- Leadership renovation
- Strategies to improve internal communication and promote greater political analysis, in

- order to balance capacities among its members and avoid that one or another member have an overly prominent role.
 - Better labor conditions for the staff from the organizations.
 - Acknowledgement of the role of each and every organization.
 - Prioritize results that are attainable via coordination between organizations, rather than individualistic endeavors.
 - Create spaces for transparent dialogue between organizations.
 - Dedicate human and financial resources to coordinating these efforts.
 - Promote leaderships that create trust among all involved.
- Elaborate an agenda for each organization, in addition to common agendas for coordinated spaces.
- And lastly, thinking of the regional aspect, there need to be concrete proposals that are adequate for the region, so that the intensity of migrant flow to the north not conceal the exodus of Nicaraguans to Costa Rica or to other destinations (such as Europe, El Salvador). To that end, the common agenda in these regional spaces should be constructed from the national agendas and in accordance with each context.

vi. Costa Rica

1. CHALLENGES

Regarding the **social and political context of the country**, the following are difficulties and challenges that need to be taken into account:

- New legislation has been approved: the Migration Law in March 2010; but the regulations required to achieve its effective implementation have yet to be developed.
- Due to their business interests, the economic elite take advantage of the migrant workforce, particularly undocumented migrants in the agro-export sector.
- The authorities have little political will or disposition to listen to social organizations on the migrations issue, as other political and business interests prevail.
- In part of Costa Rican society there is prejudice and stigmatization against the migrant population, particularly towards Nicaraguans. Most Nicaraguan migrants come from rural areas, which are looked down upon in part of Costa Rican society. Those prejudices affect other national communities present in the country but for other reasons (Colombians being labeled as drug dealers, for example). This reality generates recurring episodes of social and institutional discrimination.
- There is inadequate coordination and a lack of complementarities between Nicaraguan and Costa Rican governments and social organizations, due to different interpretations of the phenomenon. In Nicaragua, greater advances are also impeded by the politicization of migrations by political parties.
- Since migrations to Costa Rica are different from the transit flow going to the U.S.A., the particular issues related to this kind of migration tend to be obscured in regional spaces.

- Academia has greater weight than the organizations and there is inadequate coordination between both sectors, which limits collective and complementary actions in the promotion of public policies.

The **dynamics of organization and social articulation** are carried out with the following difficulties:

- Mistrust and divergent perspectives prevail among organizations, particularly between migrations organizations and groups that deal with other human rights issues; leading to a certain level of disorganization in some networks.
- Organizations and networks lack a global analysis of the structural causes of migrations and their effects on the general political context.
- Different organizations and actors from Nicaragua and Costa Rica interpret the laws in a different manner, even when both are Nicaraguan organizations, and this impedes a greater coordination between them to defend the rights of their nationals.
- Recently, there have been frictions between organizations due to political party interests. These tend to be differences regarding the positioning and criticism that should be made towards the Costa Rican government. This gives rise to a gap between different social networks, little collaboration between them, and thus their limited impact.
- The greater attention given to the migratory flow to the North affects the actions of the Costa Rican and Nicaraguan organizations in the regional sphere, as these particularities are ignored within the spaces for coordination.
- International cooperation has a limited presence in Costa Rica, as it is generally considered to have a higher economic and developmental level than other countries in the region. Thus, there is scarce funding for migrant organizations and the defense of their rights.

2. OPPORTUNITIES

Regarding the reality of migrations, the following would be considered as opportunities in the **political and social context of the country**:

The Migration Law was approved recently and came into force in March 2010, but its regulations still need to be set, in particular those that refer to its operational capacity. ***Here there is a good opportunity for advocacy and the development of proposals***, so that their implementation and shortcomings can be analyzed and proposals can be made regarding the approval of these secondary regulations, which in practice are more important than the law for upholding the rights of the migrant population.

It would be important to encourage that the new Law and its regulations be in accordance with international conventions, in the Costa Rican

context that is sensitive to human rights.

The opportunities to regularize the new law need to be taken advantage of, with information and bi-national coordination with Nicaragua, in order to facilitate the identity documentation process for migrants from that country, and the attaining of that documentation in Costa Rica without obstacles.

Through debate and creative interactions, it is important to be able to demonstrate the true interests of Costa Rican migration policies, and compare them with international law and human rights.

With the new law, spaces for inter-institutional dialogue with civil society have been legalized. How they evolve and whether or not that proposal is possible and effective remains to be seen, and will be largely dependent on coordinating the different social networks and making room for all interests.

There have been law reforms, although not in relation to migrant labor. While this that can be beneficial for part of the migrant population, such as domestic workers; the information needs to

reach those people who might potentially benefit from it.

Advocacy is possible on a bi-national, coordinated level, in Nicaragua and Costa Rica, to shift political will in both governments. Due to the close proximity, there is a constant flow of information and an important and empowered presence of Nicaraguan migrant organizations in Costa Rica, with connections and political contacts in their sending country.

The **organizational dynamic in Costa Rica**, particularly marked by the presence of migrant and refugee organizations, which don't exist in the rest of the region, presents the following opportunities:

There are organizations focused on women and other human rights issues that are also involved in the migratory question, through coordinated and continuous processes and projects, and not in an isolated manner. They have been incorporated into the migration networks and can contribute a greater perspective and different skills that are not yet well-developed in the migratory sector.

The migrant and refugee organizations are particularly important, especially the Nicaraguan and Colombian groups. ***Particularly, they are formed by women and some of them are well structured and have consolidated their capacities to carry out advocacy work, above all at the bi-national level.***

There are also migrant organizations from other countries that are being formed. These are weaker institutionally, since they are newer, but that are very motivated. Many face greater problems of exclusion than the Nicaraguans and Colombians, due to language and cultural issues and thus have serious difficulties in participating in the labor market. An example is the Haitians.

This existence of consolidated migrant organizations and networks can serve as an example for the entire region as part of "good practices" that might be promoted and organized in other countries, in particular where there is Nicaraguan presence, such as El Salvador.

vii. Common Regional Challenges and Opportunities

1. COMMON CHALLENGES

In accordance with the political and social realities presented for each country, and after an exercise of comparative analysis, the following **coincidences** are observed in regard to **common challenges**:

- The majority of the countries in the region evade their responsibility in the migrations issue, since most are expelling countries for the lack of opportunities and unequal economic and social systems. They even use migration as an escape valve, thus not dealing with the needed structural reforms that would avoid forced migration. Due to this, they do not show true political will to advance in policies and legal frameworks that respect human rights and the social, economic and cultural rights of those who leave, are in transit, reside in the country as migrants or return to it as deportees.
- There are abundant migratory policies that simulate respect for human rights, yet operate in an isolated, un-coordinated way, without an in depth analysis of the migratory issue and without addressing the structural causes that provoke migration. Other political interests and those of the business elite dominate the scene. Therefore, the policies that bind migration to development tend not to be effective; and nor do they bring about profound and lasting results.
- Most of the countries' legal frameworks are obsolete, due to apathy, and many political differences stand in the way of their reform. Existing laws are influenced by the focus on security, mostly due to the pressures and policies of the U.S., and lack a human rights perspective. The dominating political discourse is incompatible with migrants' needs, and processes of developing public policy are drawn out and frustrating, both for the authorities with greater political will and for the social and academic actors that promote said policies.
- The same thing occurs with the bilateral agreements between countries on matters such as repatriation and deportation. These agreements are merely operative; negotiated and signed without a vision of respecting people's rights. In this arena, negotiations aren't balanced, due to the influence of the USA and disparity between this country and Mexico and Central America.
- There is a large gap between formal policies and actual practice in the application of migratory regulations in almost all the region. While governments simulate a policy of protection, abuses predominate and the deeper issues are not dealt with.
- Public institutionalism is weak and generally corrupt in Central America, and does not attend to nor bring attention to migratory realities, as in the case of intra- and extra-regional destination migration.
- There are no comprehensive policies that contemplate the issues of forced migration. There is no interest in developing a focus on gender and ethnic diversity in migratory policies. Nor is there pressure on the latter issues by the majority of the organizations, as few carry out specific work or analysis to show the particularities of the migration of women or indigenous peoples.
- Discretionary applications of these regulations predominate, as do high costs, bureaucracy and lack of due process in the procedures of regularization and renewal of documents and permits, which migrants face.
- There is a lack of adequate information about the risks of the temporary work programs, leading to the violation of social and labor rights of the participants.
- When dealing with the migrations issue, the media focuses on the morbid aspects and contributes to victimization of the affected population, without looking to generate in-depth reflection on the phenomenon.
- There are formal spaces of dialogue between authorities and organized civil society (CRM, RROCM) that maintain their work; yet there are few effective results on behalf of migrants' rights, and the focus on security issues predominates. The participating authorities from each country do not have real power and when it comes to decision making, other interests and pressure from wealthier governments end up prevailing.
- Organized crime is involved in the migratory route all over the region, since these groups consider migrants as a source of business and profit. On a similar note, the human trafficking networks have expanded and are increasingly more visible.

Common difficulties have also been seen, when **the social movements that defend migrant rights in the region are analyzed as a whole:**

- Some social organizations that deal with migrations issues focus on humanitarian aid. Many did not participate in the previous political processes in the region. In a number cases, this means scarce political perspective in their actions and limited global analysis of the migratory phenomenon and its root causes.
- National and regional networks lack a good operative dynamic, generally due to existing mistrust among members, because a complementary vision of interests and strategies has not been coordinated. Renovation of leadership is needed.
- Historical differences and power disputes among members influence regional networks, and this generates the prevalence of personal interests and self-centered attitudes, rather than attention to the common good. As we mentioned earlier, these problems lead to distrust when developing a joint strategy or action, vertical decision making processes, and a lack of motivation for complying with the agreements taken.
- Many of these organizations are already aware that they need to evolve towards a more global effort for the defense of human rights, but they don't always know how to achieve that, due to limited political experience and the intensity of the circumstances and humanitarian attention needed.
- In many cases there is no coordination between academia and the social movement around issues of common concern; and a complementary route to action has yet to be found.
- Due to their physical mobility, and to their vulnerability, migrants rarely create their own organizations in most of the countries of the region – with the exception of Nicaraguans in Costa Rica. In this sense, the voice of the political subject is missing, which reduces capacities in terms of action and advocacy.
- European cooperation isn't very widespread in Mexico, but it does have a strong presence in Central America. However, it veils the political and economic interests that provoke forced migration, and does not acknowledge regional political dynamics. Contrary to this situation, both public and mostly private financing from the United States does have a large impact and presence in Mexico, but less so in Central America.
- Private United States cooperation lacks a more permanent presence in Central America, and likewise European cooperation in Mexico. The financial crisis has affected and reduced their aid. Public support by the Central American States is almost nonexistent, due to corruption and State abandonment.

2. COMMON OPPORTUNITIES

The same comparative analysis allows us to mention the following **common and complementary opportunities in the social and political context shared by the countries of the region. These, at the same time, become proposals for action and support:**

One suggestion is to make the most of the political situation that followed on the heels of the unfortunate incident in Tamaulipas, where ***Central American authorities and legislators alike seem to be more willing to treat the issue with new measures of***

protection and ensure accountability and justice.

Another is to promote the ***systematization of the rights of migrants in quantitative and qualitative terms, coordinated***

between the countries of the region (in national or regional observatories). This would allow for developing more strategic communications when dealing with authorities and the media, so as to be able to request changes in public policies.

It would also be strategic to make the most of the concern that regional authorities have for unaccompanied migrant children by formulating **proposals for the comprehensive attention to the rights of children and full respect of related international agreements**, in order to prevent the detention and deportation that presently occur in the majority of countries in the region.

An important idea put forth, is to encourage organizations to **share experiences and make comparative analysis of realities, policies and migratory legal frameworks in the region and in other parts of the world, to learn about the good and bad practices that exist, and in that manner obtain useful elements for advocacy**; and to support the authorities with the greatest political will. This opportunity has gained urgency recently, as some hegemonic countries (Mexico, USA) are interested in influencing the rest of the countries in the region, and transferring practices and projects that have either resulted in abuses (e.g. detention centers) or haven't been effective (e.g. child protection officers).

To provide more in-depth documentation of human trafficking on a regional level; and make known the causes and effects of the phenomenon, both in countries of origin and receiving countries, and;

To carry out processes of **preparation and identification of middle level authorities from the different governments, and within the regional integration bodies, with the objective of raising awareness around the issues**; so that their greater political will might help to raise the level of protection for migrants.

In the **common areas for organizations and social networks** that deal with the migratory issue in the region, the opportunities seen are to:

There is also a suggestion to **encourage comprehensive public policies that contemplate all of the issues that overlap with forced migration. Specific work and analysis** of migratory policies **developed by organizations should include a gender focus and respect for ethnic diversity** so as to visualize and attend to the specific needs of women and indigenous peoples who migrate.

Another idea is to **present the social and labor situation of people participating in temporary work programs in Canada and the U.S.A.**, to the Central American Governments **with the objective of bi-national and regional monitoring, litigation and advocacy** and demanding the full respect for their rights.

Also seen as key to contributing to positive change in the region, is promoting **an in depth debate and analysis between authorities and organizations, about the structural causes of forced migration, in order to** create a proposal for common action among different social and public sectors on the relationship between migration and development.

Other proposals are:

Encourage and coordinate the sharing of well systematized information on a bi-national or regional level between organizations and other key actors (academia, decision makers, etc.) on a wide array of common migratory issues. This might include using migrations observatories in order to have more accurate information and proposals, which could then be used to help increase political pressure, improve advocacy actions, gain commitment from key players and ensure real accountability on behalf of authorities.

Promote and consolidate new migrant social subjects (e.g. migrant organizations in the USA, or committees of families of migrants in the Mesoamerican region) that can lead to processes and actions that generate greater impact, due to their legitimacy as affected peoples.

Develop joint analysis and coordinated practices around the **issues perceived as being common to the region**, which could be: serious human rights violations; labor abuses (e.g. in temporary work programs); the encouragement of a lack of documentation with the consequences entailed; unaccompanied children; the violation of women's rights; detention and deportation; due process; among others.

Take advantage of the current closeness of organizations that don't specifically work on the migrations issue, but that for defending the human rights of the migrant population, **possesses developed abilities**. For example:

- A **strategic lawsuit**, involving an all-encompassing legal action that would use methods that allow for adequate documentation of human rights violations.

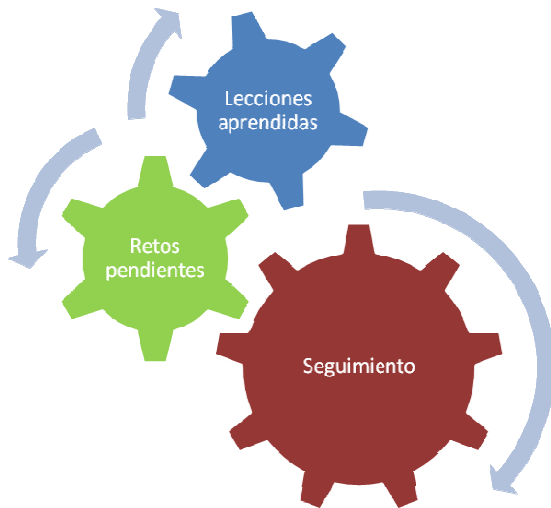
- Joint legal action and **psycho-social accompaniment**, for both the migrant population and the staff of the organizations.
- The use of creative **communication** materials that raise awareness about migrants' reality.
- Strengthen the capacity to analyze and promote **organizational processes for organizations involved in development issues who are** interested in being involved in the topic.

If these approaches **generate long term processes** of dialogue and coordination instead of duplication of efforts, then they are bound to contribute positively to the much-needed transformations.

With the main social agents, it is necessary to reinforce their analytical, monitoring and advocacy abilities, so that they can identify the particular responsibilities of different public officials, promote accountability and exert authentic political pressure, with global strategies that contemplate differentiated perspectives and approaches. The complementarity between organizations, networks, and other essential players needs to be recognized in order to be able to further these strategies.

5- FINAL REFLECTIONS

The process of elaborating and updating this mapping study has left important lessons for PCS and the research team, most of which are positive. We share some of those lessons here, with the hope that they might be useful not only for evaluating this particular experience, but also to contribute to similar efforts in the future.



First of all, it is important to point out that clearly there was not enough time for a deeper analysis, particularly, when facing a general organizational context marked by mistrust and competition between groups, which in some cases has meant resistance to sharing information or analysis with the researchers. In spite of that, we are confident in asserting that the main social actors from the region have been able to express themselves and share their experiences through this study. The final results,

therefore, can be considered valid, relevant and consistent with the social and political context for migrations in Central America and Mexico.

Not only is the validity of the results positive, since it stems from activities carried out in the field with those most knowledgeable about the current issues related to migrations; but we are also convinced that these elements are relevant for future social action on the topic.

It is also important to note the effort to contact those who work directly on the issue, in diverse ways, along with others newer to the field but experienced with broader human rights issues. The recent involvement of these groups, which has undoubtedly stirred up the migrant organizations, was largely evaluated positively due to their contributions to reinforcing abilities and renovating leadership. However, we did acknowledge some other less constructive aspects, that were more isolated and less significant and don't affect overall capacities for furthering the work around migrations in the region.

We did identify a factor that influences migratory dynamics in a less positive way: weak coordination and little attention to complementarities between the activities, projects or processes underway by different organizations. In this aspect, the study was positive, as it allowed some of these entities to contact one another, thus beginning a process of avoiding the duplication of efforts and actions.

PCS considers this document to also allow for a regional reading of the political and organizational contexts that might help to promote or reinforce coordination processes. This coordination is important in a phenomenon like migrations, which is so dynamic and overlaps with other social issues. In the same manner, migratory realities unknown by some until now have been visualized through this study, including the situation of

discrimination that intra-regional migrants suffer, whether living in the region or in- transit to the North.

Another contribution coming out of this study is the updated directory of organizations that either deal directly with migrations or interact with the issue, which is attached to this document. We hope that it contributes to the communication between entities, and thus provides greater access to information on the rights of the migrant population amongst a variety of organizations.

Although with more time it might have been possible to obtain a greater depth of analysis, PCS believes that the key information presented here contributes to the defense of migrants' rights in each country and throughout the region. This base-line study should allow us to measure advances in the near future, as well as to evaluate the methodologies and effectiveness of actions being carried out, and the degree to which objectives and goals are achieved, as time passes; particularly in matters of advocacy regarding public policies. In this sense, the document might be read and re-read from all angles in order to form a complete vision and particular evaluation of national and regional political and organizational realities in relation to migrations.

