



May 17, 2021

Vice President Kamala Harris  
White House  
1600 Pennsylvania Avenue, NW  
Washington DC 20500

**Re: Amnesty International urges Vice President Harris to raise human rights concerns on upcoming trip to Guatemala and Mexico**

Dear Vice President Harris:

On behalf of Amnesty International and our more than ten million members, supporters, and activists worldwide, we are writing to urge you to raise the following human rights issues during your upcoming visit to Guatemala and Mexico. We also invite you to meet with leaders of Amnesty International during your visit to Mexico City.

Amnesty International's regional office for the Americas is headquartered in Mexico City. Amnesty International's staff includes researchers and campaigners with deep expertise in Mexico and Guatemala, Honduras, and El Salvador. Tania Reneaum, Executive Director of Amnesty Mexico, will assume the position of [Executive Secretary](#) at the Inter-American Commission on Human Rights (IACHR) in June 2021. During the [fall 2018 caravan](#) from Guatemala to the U.S., Amnesty staff [accompanied and interviewed](#) migrants and asylum-seekers traveling through Mexico and briefed U.S. Congressional staff.

**Addressing Roots Causes: Refugee and Migrant Rights**

As the U.S develops a strategy to address root causes of displacement and migration, including climate change, it must draw up plans based on human rights and humanitarian protection. Efforts to address root causes cannot and should not be a pretext for increased border control.

No one wants to leave home without a choice, and every effort should be made to ensure people can live with dignity, safety, and security in their home countries. But when they cannot and are forced to leave, their right to seek asylum must be upheld and other safe and orderly pathways to protection must be ensured.

Levels of violence in El Salvador, Honduras, and Guatemala remain very high. Amnesty International has long [documented](#) why people are forced to flee: they are escaping gender-based violence, including against [LGBTI individuals](#); forced recruitment and targeted violence from gangs; and violence and lack of protection from police and security forces, amongst other factors. Weak institutions and rampant corruption underlie the inability or unwillingness of authorities to protect people from persecution and rampant violence or to provide justice.

The impacts of the climate crisis are another significant driver of human mobility from the northern Central American countries. The devastation wrought by the unprecedented back-to-back hurricanes Eta and Iota in 2020 aggravated poverty and inequalities in the affected areas and exacerbated the [precarious conditions](#) for people living in the "Dry Corridor" of southern Mexico and Central America, already severely impacted by climate change. COVID-19 further strained already stretched social systems and means of support. Economic challenges, inequality, and poverty can also drive people to migrate.

In fact, people who experience displacement because of climate can be refugees. According to the UN Refugee Agency, under some circumstances protection claims made in the context of climate change or a disaster can qualify for [refugee status](#). This is especially true for people who are already marginalized or at risk of human rights abuse.

Because there are mixed drivers of forced displacement and irregular migration, the U.S. must respond with a variety of tools at its disposal, starting with ensuring the right to seek asylum. The U.S. must immediately stop the unlawful use of Title 42 of U.S. Code Section 265 ("Title 42") to effectively shut down access at the U.S.-Mexico Border for asylum-seekers and migrants. Disregarding the [objections of its own experts](#), the U.S. Centers for Disease Control and Prevention ("CDC") issued an order under Title 42 in March 2020, allegedly as a public health measure responding to COVID-19. The U.S. Department of Homeland Security ("DHS") subsequently used the Title 42 order to close U.S. borders to migrants and asylum-seekers. The unlawful use of Title 42 has resulted in the summary expulsion of over 500,000 families and individuals, and particularly affected [Black migrants and asylum-seekers](#).

All of this was entirely preventable, endangered lives, and is in violation of the U.S.'s obligations under international and domestic law to uphold the right to seek asylum and not forcibly return individuals to a place where they would be at risk of serious human rights harm – the principle of non-refoulement. U.S. authorities must immediately stop the misuse of Title 42 and halt these unlawful expulsions, which further exacerbate the most grave human rights violations initiated by the Trump administration in its treatment of migrants and asylum-seekers at the U.S.-Mexico border.

Additionally, the U.S. should expand access to resettlement, including establishing a multilateral resettlement initiative for Central Americans. This should include the improvement and expansion of the U.S. Protection Transfer Arrangement and Central American Minors programs. The U.S. should expand the use of other pathways, such as humanitarian parole and visas, to meet climate displacement needs.

The U.S. should support measures to help Central American governments develop and implement programs to uphold the rights and safety of internally displaced persons (“IDP”), who make up the majority of people displaced by climate change.

The U.S. should also invest in evidence-based programs addressing poverty alleviation, climate change adaptation and resilience, and community-based violence prevention (including preventing gender-based violence and anti-LGBTI violence). Funding should not be spent on programs, activities, or institutions engaged in human rights violations and should be closely tied to continued efforts to combat corruption. Affected populations must be actively and effectively involved in decision-making processes, including Indigenous Peoples and those who defend the environment.

A regional solution addressing root causes must look not only at the northern countries of Central America but also transit countries such as Mexico. In their journey to ask for safety, migrants and asylum-seekers regularly face [excessive use of force and arbitrary detention](#) by authorities in Mexico, as well as abductions, assaults, and killings by non-state actors. On January 22, in the municipality of Camargo, Tamaulipas, 19 people – among them at least 13 Guatemalans – were found burned in two pickup trucks in a gruesome incident in which [state security forces](#) were involved. On March 27, [four municipal police officers](#) caused the death of Victoria Salazar, a Salvadoran refugee, by using excessive force in Tulum, an event that was captured and disseminated through a video on social networks and media. Despite the pandemic, Mexican authorities

continue to [detain migrants and asylum-seekers](#) often in conditions that [do not comply with sanitary measures](#). Mexico also continued to deport people during the pandemic, the [vast majority](#) of whom in 2020 were from Central America. To date, Mexico has neither published a plan to allow vaccine access to migrants and asylum-seekers, nor does the national vaccine allocation plan provide for immunization in migration detention centers.

Immigration deterrence and enforcement should not masquerade in the guise of addressing root causes, including climate change. The reported [bilateral agreements](#) with Mexico, Guatemala, and Honduras to increase border security, and the reported proposal to help [train](#) Guatemala's border protection force, should not be efforts to hinder the ability to migrate or seek safety. Similarly, the [reported U.S. policy memo](#) urging Mexico to implement measures to decrease the number of migrants and asylum-seekers trying to cross the U.S.-Mexico, including by facilitating the U.S.'s expulsions of families and individuals under Title 42, should be fully repudiated. This memo further exposes that the U.S. is using Title 42 for border control – not public health – purposes. The U.S. must halt such measures to prevent people from seeking safety.

### **Additional Human Rights Concerns: Mexico and Guatemala**

#### ***Human Rights Defenders***

Amnesty International is concerned about high levels of violence against human rights defenders (“HRDs”) in Mexico and Guatemala, particularly those who defend land, territory, and the environment.

Guatemala: The Unit for the Protection of Human Rights Defenders in Guatemala (“UDEFEQUA”) recorded an increase of attacks against HRDs in 2020 compared to previous years, with a total of [1,004 attacks](#) recorded as of December 15, 2020. [Frontline Defenders](#) registered 15 killings of HRDs in Guatemala in 2020, making Guatemala the seventh highest country in the world with respect to killings of HRDs. Importantly, the government has yet to adopt measures ordered by the [Inter-American Court of Human Rights](#) in 2014 to protect Guatemalan HRDs. The landmark case concerned [Guatemala's failure](#) to adequately investigate and address the 2004 killing of human rights defender Florentín Gudiel Ramos. Guatemala is also one of the most dangerous countries in the world for defenders of land, territory, and the environment, according to the latest

[Global Witness](#) report. In 2019, 12 defenders were killed, the fourth highest rate of killings of land and environmental defenders per capita.

The sentence against Bernardo Caal Xol is emblematic of this worrying trend. A Mayan Q'eqchi' teacher, Bernardo Caal Xol has been unjustly deprived of his liberty since 2018 for defending the rights to free, prior, and informed consent of Indigenous Peoples affected by the construction of the OXEC hydroelectric dam project. In July 2020, Amnesty International declared him a [prisoner of conscience](#) and started campaigning for him to be freed. In this context, the recently adopted [Decree 4-2020](#) poses serious risks for the rights to freedom of expression and association in Guatemala and threatens the work of human rights defenders and NGOs. In addition, Guatemala has yet to ratify the [Escazú Agreement](#), the first environmental human rights treaty in Latin America and the Caribbean, which requires state parties to protect environmental defenders.

**Mexico:** According to [Front Line Defenders](#), Mexico has the fourth highest number of killings of HRDs: 19 were killed in 2020. The [Mexican Center for Environmental Law](#) (“CEMDA”) recorded 18 killings of environmental and land defenders in 2020. Julián Carrillo, an environmental and land defender from Chihuahua, was killed in 2018 despite having protection measures granted by the Protection Mechanism for Human Rights Defenders and Journalists. Instead of improving the implementation of this program, Mexico’s Congress [eliminated](#) the independent public trust funding supporting it in October, along with all public trust funds for other issues, on the grounds the funds were too independent, which was their purpose – to be flexible and apolitical. The program is now dependent on the Interior Ministry for funding, which remains uncertain. In addition, Mexico remains the world’s deadliest country for journalists outside of a war zone, according to the Committee to Protect Journalists. At least 19 journalists were killed during the year, [according](#) to official data from November 2020.

### ***Arbitrary Detention, Torture, and Enforced Disappearances***

In Mexico, [arbitrary detention, torture and other ill-treatment continue to be a major concern, as well as enforced disappearances](#) carried out by state agents and by non-state actors. Official numbers reported 6,957 cases of disappeared persons in the country in 2020 alone. The Under-Secretary for Human Rights, Migration and Population reported that from 2006 to April 7, 2021, a total of 85,006 people were registered as disappeared in Mexico. Those suspected of criminal responsibility enjoyed near total impunity.

### ***Gender-Based Violence***

Mexico recorded 3,752 killings of women in 2020, of which 967 were investigated as femicides. Despite the disturbing trend of violence against women, local security forces repressed protests by women's groups against gender-based violence or did not allow these to proceed in at least five different Mexican states in 2020. Amnesty International documented how [authorities stigmatized protesters and employed excessive force, arbitrary detention, criminalization, and sexual violence to silence protesters](#), based on discriminatory gender norms regarding the role of women in society, and the perception that women should remain in the private sphere and not undertake public demonstrations.

### ***Disproportionate and Unlawful Use of Force***

Amnesty International is concerned about the recent increase in disproportionate and unlawful use of force. An alleged extrajudicial execution at the hands of the police in Guatemala City was reported on June 17, 2020, during the curfew implemented in response to the pandemic. Amnesty International also [documented](#) that the National Civil Police indiscriminately used tear gas and water cannons against protesters and bystanders, and violently arrested dozens of people including journalists, during protests on November 21, 2020 in Guatemala city and other cities. Two months later, in January 2021, Guatemalan security forces severely [repressed](#) migrants and asylum-seekers who tried to enter the country, with sticks and tear gas, with the excuse of implementing COVID-19 protocols.

In Guatemala, the future of the fight against impunity in cases of corruption and human rights violations is at great risk, particularly since the end of the International Commission Against Impunity in Guatemala's ("CICIG") mandate in September 2018. Judges and magistrates who have worked on emblematic cases of the fight against impunity are targeted with criminal complaints and intense media smear campaigns aimed at discrediting them, as a way to obstruct their activities. Human rights defenders and activists and the Ombudsperson (*Procurador de los Derechos Humanos*) are similarly targeted.

### ***Weapons Trade***

Weapons supplied by the United States are implicated in human rights violations by government officials as well as non-state actors. The 12 state police officers arrested in

conjunction with the January Camargo massacre, for example, are from a Special Operations Group (“GOPES”) that are [armed with U.S.-exported assault rifles](#) produced by Sig Sauer, Inc. There is reason to be concerned that U.S. commercial exports are [re-transferred](#) in a manner that is not consistent with U.S.-issued export licenses.

## **RECOMMENDATIONS**

### **To the U.S. Government:**

- Meet with Erika Guevara Rosas, Americas Director at Amnesty International, during Vice President Harris’s trip to Mexico.
- Immediately stop expelling individuals and families under Title 42, and withdraw the CDC order and rescind the accompanying Health and Human Services final rule.
- Ensure a fair and meaningful opportunity to ask for safety at the U.S.-Mexico border, and reject any form of expedited processing of claims for asylum and other protection and arbitrary use of detention.
- Expand access to regional protection for those displaced by violence and persecution, including by establishing a multilateral resettlement initiative for Central Americans, which should include the improvement and expansion of the U.S. Protection Transfer Arrangement and Central American Minors programs, and evacuation mechanisms for individuals at risk of imminent harm.
- Do not provide financial assistance, training or equipment, or pursue bilateral diplomatic agreements or other policy measures, to effect migration control measures which undermine the right to seek asylum or result in refoulement.
- Support measures, including through technical assistance and funding, to help national governments develop and implement protection programs to uphold the rights of internally displaced persons.
- Fund evidence-based programs addressing poverty alleviation, climate change adaptation and resilience, community-based violence prevention (including preventing gender-based violence and anti-LGBTI violence) and anti-corruption efforts, while halting arms exports and security assistance to forces engaged in human rights violations. Funding for bilateral and multilateral efforts to address root causes should not be spent on programs, activities, or institutions engaged in human rights violations.

- Renew U.S. support for anti-corruption mechanisms led by regional and international actors, including the United Nations and the Organization of American States.
- Ensure the meaningful, effective, and informed participation of all persons impacted by the climate crisis, including migrants, refugees, asylum-seekers, IDPs, Indigenous Peoples, and those who defend the environment.
- Regularly meet with human rights defenders; publicly recognize the importance of their work; fund and staff programs that support and protect human rights defenders; publicly denounce attacks against them; and call on the governments of Guatemala and Mexico to protect human rights defenders and to hold those responsible for attacks against them accountable.
- End the federally licensed export of firearms from U.S. companies to Mexican security force units, including police and military units, that are implicated in grave human rights violations or known to collude with organized crime, and implement measures to stem the smuggling of firearms purchased in the U.S. to Mexico.
- Strengthen oversight of licensing for firearm exports and report on the new interagency process between the Department of Commerce and Department of State for reviewing such license applications.

**To the Mexican Government:**

- Do not implement bilateral agreements or policy measures to effect border control measures which undermine the right to seek asylum or result in refoulement or facilitate the human rights violations of the U.S. government under Title 42, and refrain from closing border crossings.
- Properly inform people about their right to seek asylum and ensure that they have access to asylum procedures with all due process guarantees.
- Guarantee the safety and integrity of persons in transit and investigate all abuses and violations of the human rights of migrants and asylum-seekers.
- Ensure that no individual is placed in immigration detention solely on the basis of their immigration status, and particularly in the context of COVID-19, ensure that all migrants and asylum-seekers have access – without discrimination – to basic services, such as adequate healthcare and access to vaccination regardless of their immigration status.



- Ensure the meaningful, effective, and informed participation of all persons impacted by the climate crisis, including migrants, refugees, asylum-seekers, IDPs, Indigenous Peoples, and those who defend the environment.
- Publicly recognize the important role of all human rights defenders and journalists; adopt measures to protect them; and ensure thorough, prompt, impartial and independent investigations into all attacks against them, including holding those responsible for attacks against them accountable.
- Develop and implement public policies aimed at preventing gender-based killings of women (femicides) and improve investigations of this crime throughout the country.
- Recognize the legitimacy of feminist demonstrations and protests against gender-based violence against women and ensure that law enforcement officials fulfil their obligation to guarantee the right to freedom of expression and peaceful assembly by women and girls.
- Ensure prompt, impartial, independent and effective investigations into all cases of unnecessary or excessive use of force.

**To the Guatemalan Government:**

- Do not implement bilateral agreements or use financial assistance, training or equipment to effect border control measures which undermine the right to seek asylum or result in refoulement, and refrain from closing border crossings.
- Ensure the meaningful, effective, and informed participation of all persons impacted by the climate crisis, including migrants, refugees, asylum-seekers, IDPs, Indigenous Peoples, and those who defend the environment.
- Publicly recognize the important role of all human rights defenders; adopt measures to protect them; and ensure thorough, prompt, impartial and independent investigations into all attacks against them, including holding those responsible for attacks against them accountable.
- Refrain from misusing the justice system to intimidate and harass human rights defenders, and in particular, immediately release prisoner of conscience Bernardo Caal Xol and investigate those who handled his case leading to his unjust arrest.
- Adopt without delay a Public Policy for the Protection of Human Rights Defenders, and refrain from implementing Decree 04-2020 (currently suspended due to a pending legal action).
- Ratify the Escazú Agreement.

- Ensure prompt, impartial, independent and effective investigations into all cases of unnecessary or excessive use of force, in particular those perpetrated on November 21, 2020.

Thank you for your consideration of these pressing human rights issues. For more information or any questions you may have, please contact Joanne Lin, National Director for Advocacy and Government Affairs at 202-509-8151 or [jlin@aiusa.org](mailto:jlin@aiusa.org), or Philippe Nassif, Advocacy Director for the Middle East, North Africa, and Americas at 202-768-5547 or [pnassif@aiusa.org](mailto:pnassif@aiusa.org).



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