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Central American Migrants in Transit through Mexico Women and Gender Violence; Challenges for the Mexican State.

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Abstract

The purpose of this study is to show the legal and institutional mechanisms for the protection of human rights of Central American migrants women in transit through Mexico, who are victims of violence, vulnerability, marginalization and responsibility of the Mexican government to deal with mechanisms legal protection under international standards as well as the progress in the protection and the eradication of all forms of discrimination and violence against them and the gaps and omissions finally an assessment of the impact of legislative actions and reflections on the flaws and inconsistencies in the current system to this population.

Keywords: Gender; vulnerability; violence; female migration.

1. Introduction

This study has its origins when the newspaper “El país” published an article called: The path you will be raped (Salinas, 2011); note highlighted sex as the only option for survival for women in Central American migrants passing through Mexico. However, sexual violence is only one edge of the atrocities they face; femicide seems the worst case scenario, not be a reason to stop the migration flow. Migration refers to “the movement of people which are intended change of residence from one country of origin to another destination, through a geographical limit generally is a political-administrative division” (Ruiz, 2002:13). Migration is a phenomenon that has enveloped the course of history; has been present in every corner of the world, this event is due to human mobility nature of the human being

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is a condition inherent to men and women that allowed them to respond to a survival instinct, we were learned to be sedentary. In that sense they are migrants:

People who are outside the territory of the State of which they are nationals or citizens, and are in the territory of another State; People who do not enjoy the legal recognition of the rights inherent in the granting by the host of refugee status, permanent resident or a similar status, State or People who do not enjoy the legal protection of their fundamental rights (…) under diplomatic agreements, visas or other special arrangements. This definition applies to individuals who meet any of the above criteria, regardless of how they crossed the border, or if staying in transit or in the destination country is legal (International Council on Human Rights Policy, 2010).

This means that migration flows as historical constant have been a key element in the transformation of global society, today we are the product of individual migration or collectively caused by tradition, disease, war, famine, poverty or simply to improve living conditions; currently adds that resulting from internal political problems, devaluations, security, drug trafficking, corruption and finding jobs; so that, we might consider the migration phenomenon, as the great builder of multiculturalism; there is no homogeneous state, is unquestionably heterogeneous.

2. Literature Review

Migration theories conceived it as a phenomenon of men, under the influence of neoclassical theories and historical-structural paradigms (Massey et al., 2000). It should be noted that the theoretical production has a historical bias determined by the androcentric dominance, resulting in the underestimation of female migration experience or as mirror or reflection of men and despite the diversity and volume of the migration literature questionable feature is the absence of analysis of the role they have played and played by women in migration flows.

The neglect of women in migration theories is the reflection of the historical oblivion. Women have been ignored and set aside the role of economic, political, social, cultural and scientific development; not be considered within the mass immigration economic or employment impact in the different explanatory models of migration is not surprising. Women have been ignored or seen as liabilities subject forever, companions of men even in neoclassical theories that explain migration from individual and rational decisions. In historical or structural dependency model, either expressed particular concern at the displacement of women: since migration is conceived as a process of social macro (Castells, 1998).

Obviously, in these models the perspective of gender relations as fundamental to the understanding of migration element is absent. Authors like Thadani and Todaro (see Parella, 2003: 89-90), participants in the micro-economic mainstream managed observed the different motivations of women on the decision to migrate, including fleeing repressive contexts, which allowed conclude that these social variables prevailed contrary to prevailing economic reasons alleged in men. However, the study focused on identifying the causes of mobilization or reasons that cause displacement; not determining the impact of gender in the process, starting, journey, arrival and insertion into the destination. What this means, is relegated to the social subject, the impact suffering and their environment; global dynamics are improperly represented by men and where women play a neutral role are unknown and little information scenarios. Through analysis of this category of an approach to the forms and features of the participation of women as well as the processes of cultural continuity and change at the individual, household and community level that originate migration is possible.

Gender relations affect all areas of social and human activity is important to remember that gender is a social, cultural and historical beyond physical construction and therefore constitutive of the basic forms of power. Marta Lamas (1997) argues “gender is a kind of lens through which we see the world, but at the same time is a kind of sieve through which instructs each society includes and excludes certain rules and representations.” Means that gender should be treated according to what throughout history has meaning and function that represents the absence in the context of any phenomenon.

The genre is "a first-order structural variable that affects all social processes and organizes the whole socioeconomic system, conditional dynamics at the micro and macro" Pérez et al. (2008:19); This means that to understand a social process is important to an approach from the qualitative composition of the phenomenon. The inclusion of this variable allows measure, analyze, and identify differences and differences which exist in the
mobilization of women and how they can determine the trajectory, the experiences and perceptions of their own experience. Recognition with the active participation in international population movements also strengthens, what demographers have called feminization of migration from the increase in numbers; a term that evokes greater role and different dynamic poses.

3. The big challenge

However, the approach is necessary from a perspective that involves, expand and transform the linking of women in the migration process. We now know that women are increasingly migrating independently assuming the role of economic provider; as migrant workers, a growing reality that will define the profile of the companies in the coming decades; They are no longer just social variables; are recognized as structurally travelers, and not just as companions or associational migrants, both result of globalization of migration, as well as, economic inequality between countries of origin and destination, taking a life horizon; should also address social, political, and psychological, cultural and emotional are also critical; influence the phenomenon itself and / or links to other socio-demographic variables, it involved cultural, economic, social and family considerations, and personal development, which led to the decision to move.

An estimated 3 percent of world's population is migrants in Latin America and the Caribbean, according to the International Organization for Migration about 26.6 million people live outside their countries of origin. This region contributes about 15 percent of total international migration and has less than 9 percent of the world population; also the most unequal region in the world whose social exclusion is one of the determining factors ejectors and was the first region in the world to achieve parity in the number of male and female migrants (IOM, 2010:121-159).

Mexico is a country of origin, transit, destination and return of persons, each edge implies a different problem. While the exact volume of undocumented migration is unknown, it is estimated according to the National Institute of Migration (2011) to 140,000 illegal aliens enter the country way; mostly from Central America.

The feminization of migration is present in Central America through figures or approaches that reveal the increase of women in migrant quotas and, in fact migrate in the first person, the main reasons: security, natural disasters and economic problems. The few opportunities, economic circumstances, political and social structures of a country along with the limitations arising from them, hindering development and boost mobility; other elements that characterize and encourage the phenomenon are the complaint and the conquest of rights that allow them to them to decide autonomously on their lives; study, work, marry, divorce, or may not even postpone childbearing mother; be multiplied heads of family responsibilities or suppliers, and gender violence in their regions of origin which are intended to flee influences the decision to migrate, how to do it and where.

The territorial space that traffic is between the region of origin and destination to arrive aspirational; migrants often face unfamiliar paths you do not have support networks or are unreliable, irregular or forced traffic increases the risk and dangers. Central America is a nebulous cluster of unpunished violence where the path from country to country is highly hostile to both men and women; Mexico in recent decades through a gap inhospitable insecurity, which makes the territory in hell of migrants is exacerbated for women's case; carrying out the process almost always transit to the United States, is a defining moment in the process of mobilizing international migrants.

In Mexico thousands of people are trapped from various elements impeding arrival at destination is not always possible to get or stay in it. This reveals underappreciated elements and highlights the impact of human movements both in demographic and economic indicators, as well as the dynamics in the daily life of complex families, communities and countries. The process itself reconfigures social and cultural relations since, in mobilizing the being moves and being in the world as man or woman, which means an impact from traditional gender relations in which the rights of women are exposed to transgression with particularly dangerous implications.

There high complexity in obtaining reliable data on gender-based violence; are lacking full validity or reliability of the figures and sources, obviously this translates those migrants in their role. This allows an aura of secrecy that hides before the public the magnitude of the attacks which are suffered by Central American migrants, evidence an oppressive patriarchal order and causes widespread ignorance of society; which leads to tolerance of a distorted reality, the anonymity of the crimes and certainly impunity.
However, from the efforts of civil society, social movements, advocacy groups; mostly comprised of women who have worked to make public the rawness of the phenomenon and displayed as crimes against migrants and the fury against them are developed; the Mexican State has forced the creation and strengthening of legal instruments to respond to a phenomenon of immense brutality.

In the fight violence against women the Mexican state ratified the treaty of the Convention on the Prevention, Punishment and Eradication of Violence against Women, Convention of Belém do Pará (1994), which states that violence against women is any offense against human dignity and a manifestation of the historically unequal power relations between women and men. Violence against women are all expressions of violence product status discrimination against them, is a specific form of violence, structural, directional and asymmetric nature, exercised by men or women against patriarchal order. The manifestations of this violence can include physical, emotional, sexual, material or symbolic what the essence is submitted or has control over individual lives of others as well as to keep the female dominated group (Carcedo, 2010).

According to the "Invisible Victims Report Migrants on the Move in Mexico", prepared by Amnesty International and in accordance with, 6 out of 10 migrant women suffered sexual violence in 2010 (Chandomí,2012). Migrants have various forms of violence, manifested in an asymmetric context migration between men and women ranging from abuse, sexual violence, trafficking, sexual harassment, to death (femicide) and develop within a context and gender.

Meanwhile the Institute for Women in Migration notes that the routes and strategies for reaching the final destination are varied and depend on several factors; aspects such as economic resources available for travel or support networks in destination and origin, determine the way and the means to be employed for the same. Furthermore, the perception of migrants on the risks faced in different routes affects the choice of one or the other, so they vary in time (IMUMI, 2012). The Central American migration flows in transit through Mexico are scattered in his actions do not behave the same way or use the same strategies or routes, or share the same risk at the same time; dispersal of movement in the struggle to achieve the objective allows a number of vicissitudes or different for everyone atrocities on their own experience.

The main route of those who migrate irregularly is initiated in Mexico in Soconusco (Chiapas) and goes to Oaxaca and Veracruz by the train tracks. The Central American migrants and come to Mexico from Tecum Uman in Guatemala, crossing the river on rafts Suchiate (...) Between 2005 and the end of 2011 because of the damage caused by Hurricane Stan the route of the trains moved his home to Arriaga. Consequently, those who migrated by this route had to travel 259 miles to Arriaga another public road or on foot. Once on the train, you pass Ixtepec in Oaxaca and Medias Aguas in Veracruz cross Tlaxcala and Puebla and reach stations Xalostoc in Ecatepec, or Dairy in Tultitlan, in the State of Mexico (IMUMI , 2012 cited by Lexartza, Carcedo and Chavez 2011:37 ).

Interestingly the low presence of women in the migrant hostels or houses that are in the most common path; the main male route is too dangerous for women, Arriaga director of the Casa del Migrante Home of Mercy in Heyman Vazquez Medina stated: The data that we have at the shelter, is that since women are 10% or 12% compared to men (...) of migrants who enter the house. Now, certainly, we see on the tracks when the train will come out, for example, many women more than we can see in the house. So all these women are supposed to coyotes, go with guides (Institute of Women of Chiapas, 2008 cited by Lexartza et al, 2011:37).

Being an irregular migrant subject is potentially vulnerable; likely to be at a disadvantage compared to the rest of the population; "those who by their nature they are denied the right to have a dignified life" (Garcia and González, 2009:40). In migration gender conditions influence a number of discriminatory practices that limit their opportunities for economic and human development work, such as double and triple shifts, transgressions to their sexual and reproductive rights, lack of access to health related to their reproductive function, and the constant violation of their rights as women and migrant workers and even more if they are located in contexts of high social marginalization and poverty, their ethnicity, or immigration status. What "increases the possibility that migrant women being undocumented, a situation in which there are very exposed to systematic violence, abuse and discrimination" (Geddie and Levoy, 2012:10).

However, the vulnerability does not mean weakness, represents a situation of powerlessness (Rodríguez, 2000) further, the focus of the United Nations assumed the duties are essentially an enabling capability, meaning both vulnerability as a condition imposed a person by the power structure of a country. The Mexican State is home to the
recognition of every human being to enjoy the privileges that you are inherently; Everyone has the right to life, liberty and legal certainty, that everyone has the right to social security and get the satisfaction of economic, social and cultural rights and as people have a right to development which ensures a life worthy. These considerations are recognized in the Constitution Article First says: “In the United Mexican States shall enjoy all human rights recognized in the Constitution and international treaties to which the Mexican State is a party, as well as guarantees for their protection, the exercise cannot be restricted or suspended except cases and under the conditions established by this Constitution”. (CPEUM, 2014:1)

In Mexico migration has become a very important socio-demographic phenomenon for academic and government level and the organizations of civil society, leading to the creation of research, programs, institutions and agencies responsible for regulating migration and to promote and protect the human rights of the migrants to the new conditions presented by the phenomenon of globalization, acceleration, differentiation and feminization. However, as Pillay (2010) points out, migrants often live in a nebulous and unprotected in the host country legal limbo, allowing the migrants vulnerable to human rights violations and crimes among other reasons as women, young poor, uneducated or unlikely to confront the system and claim their rights in the state. Which is then the responsibility falls to the Mexican State about this phenomenon? If the State's obligation to guarantee rights, it requires it to ensure effective observance of human rights by all means in their power.

4. Instead of conclusions

However despite public policies aimed at protecting the human rights of migrant women from international and national instruments has not been possible to realize their full observation, or that they know and exercise their rights these instruments refer to eliminate discrimination and violence they face.

In migration policies is essential to take gender specificities of migrant populations and mechanisms to ensure the protection and promotion of sexual and reproductive health of thousands of women who see migration the idea of a possible improvement in living conditions and an escape from poverty. Must abandon the current trend to criminalize irregular migration as a reflection of growing intolerance, xenophobia and racism against them and against their communities, a worrying trend. The phenomenon requires special attention to women and children extremely vulnerable to falling prey to trafficking; trafficking has roots in economic, social and demographic imbalances and the few opportunities that exist for legal migration and preventing insertion in clandestine activities, such as housework or enslaving or degrading sexual labor, the sale of organs or exploitation of bellies with the consequences they pose to sexual and reproductive health of victims, among others, exposure and spread of sexually transmitted diseases (STDs), including HIV/AIDS, and for women and adolescents, the risk unwanted pregnancies, forced abortions, early childbearing, lack of perinatal care.

We need to recognize that hiding is a situation that migrants arrive as a result of poor information, lack of documentation, blackmail or deception; in which they are forced to hide their cultural identity and other expressions of basic identity, for fear of being reported or discovered; underground also translates into not inform their families facing the situation, which affects psychologically and physically to the victim, who is intimidated or forced to deny his own identity. This situation is an urgent public policy, plus more ethical imperative that transcends the borders of the countries of origin of victims. The challenge is for the international community as a whole and therefore requires a comprehensive and multidisciplinary approach as well as the full implementation of existing international legal instruments.

References


